

Role of Parliament in European Integration

ABSTRACT

This report carries out an assessment of the role of the Parliament of Moldova in the process of European integration – a political goal for all parliamentary political parties in a country whose present governing coalition came to power with an ambitious pro-integration agenda. European integration is a broad and sophisticated process that implies profound and comprehensive reforms, which should change the society forever. In order to be successful, the process should involve all segments of the society from an early stage. Given Parliament’s representative and executive oversight functions that significantly add to its legislative function, this major institution of democracy should play a significant role in the European integration process. This can fundamentally increase the transparency and inclusiveness of the process by offering an excellent platform for informed and informative policy discussions, public debates and public outreach.

The first aim of the report is to identify, and raise stakeholders’ awareness of, Parliament’s major hindrances in playing a meaningful role for European integration. The second aim is to suggest possible remedies to some of the identified hindrances.

The first part of the report describes the political and legal framework governing European Union’s relationship with Moldova – a country covered by the European Neighborhood Policy and the Eastern Partnership but with far reaching aspirations – in order to highlight specific obligations and opportunities on which the Members of Parliament should permanently focus their attention. The second part of the report analyzes the present institutional framework and capacities for European integration, including for the indispensable process of harmonization of Moldova’s legislation with the law of the European Union. It discusses the role that Parliament currently plays in these processes, highlighting in particular a largely unused potential. The third part of the report discusses in detail the need for setting up of a parliamentary Committee on European Integration, suggesting a practical manner for its establishment and focusing on Committee’s responsibilities.

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Methodology

The consultant was tasked to “*carry out a comprehensive assessment of the tasks and duties of the existing legal framework and practical working arrangements of the Parliamentary Committee on Foreign Affairs and European Integration; to assess the cooperation between the Parliament (and the parliamentary committees) and the Government of Moldova during the European integration process*”. It was required that “*assessment should include areas of improvement and recommendations based on European best practices*”.

This report was developed based on a detailed examination of the European Union (EU)’s policy and legal framework within which Moldova has developed her relationship with the EU; a review of the existing political commitments and legal obligations of the Republic of Moldova toward the European Union and of the available EU instruments for cooperation and assistance; an analysis of the institutional framework for country’s bilateral cooperation with the EU and of the inter-institutional arrangements and practical cooperation between Parliament and the executive branch of government in the process of European integration. A particular attention was given to examining of the legal framework and working arrangements surrounding the legal approximation process.

In addition to a two-week facts-finding mission to Chisinau, a comprehensive desk review of political documents, normative acts, draft legal/regulatory acts, reform strategies and proposals, previous UNDP reports, relevant Moldovan and international studies and other materials was conducted. The two-week visit to Chisinau allowed for setting up, with the precious assistance of a locally recruited consultant Mr. Eugeniu Revenco, of a broad agenda of informative meetings and interviews with Members of Parliament, parliamentary administrative leadership, committee staff, senior parliamentary civil servants, senior civil servants at the level of the executive authority, international advisors, and representatives of the civil society and of other donor community. Furthermore, the facts-finding mission gave the consultant the opportunity to witness two meetings of the Committee on Foreign Policy and European Integration, have many informal discussions, get useful insights from the media and take the pulse of the society – yet, without reaching out of the capital.

¹ The list of interviewee is presented at Annex 3.

The findings and conclusions of the report were based on a review of the current regulatory and institutional framework; a careful assessment of parliamentary capacities, internal working procedures and relations; an analysis of current patterns and of concrete outcomes of the existing arrangements; a review of the already planned changes and adjustments; as well as on a comparison with the situation and experience of other parliaments. In particular, the experience of the Parliaments of the following EU member, candidate and aspiring states have been studied in order to identify good practices possibly relevant to Moldova: Lithuania, Portugal, Romania, Slovenia, Croatia, Macedonia, Bosnia and Herzegovina and Albania.

Main Findings and Recommendations

Main Findings

The first aim of this report is to determine what are Parliament's major hindrances in playing a meaningful role for European integration.

It has been found that a variety of factors are responsible for the present situation in which the Parliament has *de facto* a very limited role in the European integration processes of the Republic of Moldova. The limiting factors can be grouped as follows:

- > *Specific cultural-psychological factors* (traditions, behavioral patterns, etc)

- > *Political factors with social-psychological implications:*
 - Existing political circumstances and their social-psychological impact
 - Inadequate perception of the role of Parliament in society, in general, and in relation to other institutions of government, in particular
 - Inadequate perception of the European integration process, its scope and implications
 - Politicization of institutions and of the entire society
 - Unstable equilibrium/arrangements of power and sharp internal competition □ which are in mutually re-enforcing relationship with insufficient objectivity and trust

- > *Institutional factors* (related to present institutional set up, capacities and culture):
 - European integration efforts coordinated (and in practice led) from the Ministry of Foreign Affairs and European Integration (MFAEI) and the absence of a dedicated parliamentary committee on European integration □ which both strengthen the wrong perception that European integration would be essentially a “diplomatic” action, i.e. an effort directed more to the *outside* rather than to the *inside* of the country (and therefore what the society could do toward this aim would be rather limited)
 - Absence of a specialized parliamentary Committee on European Integration

- Weak institutional capacities and not (always) clear regulatory framework for legal approximation; moreover, related laws and regulations are poorly implemented.
- Unclearity of roles between parliamentary structures (committee structure and Secretariat's units) regarding legal approximation
- No legislative research and policy analysis capacities available in Parliament; moreover, MPs are not aware that they should be able to rely on research and policy support provided by the Secretariat

> *Communication factors:*

- Weak internal communication in Parliament
- Very poor communication of Parliament's structures and staff (at both working level and Secretary General's level) with governmental/executive structures including the State Chancellery – which fosters mutual lack of confidence and favors duplication
 - Insufficient use of information technology to foster transparency of parliamentary (including committee) works (for example, lack of interactive features on the parliamentary website, no user-friendly and efficient search feature to allow tracking of legislative initiatives, delay in uploading reports and other information of public interest on Parliament's website, etc)
 - Insufficient communication and superficial cooperation of the Parliament with the civil society. (For example, there is no systematic cooperation with the civil society at committee level; public hearings are rare; there are no itinerant public hearings/committee discussions with stakeholders outside the Parliament's building; the country beyond the capital is largely neglected, as are entire segments of the society). A consequence of this is that anti-EU attitude in the society has good conditions to develop (e.g. anti-EU discourses of priests in the church, public demonstrations against registration of religious cults and other forms of intolerance).

> *Other factors:*

- Members of Government, including the MFAEI's leadership appear not to fully recognize that because they are directly responsible to the Parliament they have to regularly report before parliamentary committees and MPs.
- Opposition feels not respected enough and not encouraged to develop a constructive contribution to the policy debate, which is generally weak and led almost entirely by the executive branch of government.

Main Recommendations

The second aim of this report is to assist stakeholders in facing these challenges and in identifying and using the related opportunities. Thus the report suggests possible remedies to some of the identified hindrances.

The following four recommendations are considered essential:

- I. Establishing of a standing parliamentary Committee on European Integration at the latest as of the beginning of the next legislature.
- II. Setting up in the immediate/near future of a *functional* Committee on European Integration (Functional Committee) on the skeleton/structure of the current Committee on Foreign Policy and European Integration but also including representatives from other standing committees □ desirably, MPs with a certain level of EU-relevant expertise should sit on the Functional Committee².
- III. Consider establishing of a protocol of cooperation between the Secretary General of the Parliament and the equivalent of a Secretary General to the Government (currently the Head of the State Chancellery) – despite the fact that the former is a senior civil servant while the latter has a political function³.
- IV. Consider options for persuading ministers to fully accept implications of parliamentary control – including keeping the Parliament in general, and the Functional Committee in particular, thoroughly briefed upon European integration-related matters and regularly coming before the parliamentary Committee to report (on negotiations, preparation and implementation of action plans, etc.).

The *first two* recommendations shall, on the one hand, affect the established balance of power at central level as little of possible to avoid further political tensions⁴, and even possible instability, at a time that is critical for the European future of the Republic of Moldova and, on the other hand, co-interest the opposition, which should also play a meaningful role in European integration.

It should be ensured that the Functional Committee (and later on the Standing Committee) on European Integration has adequate competencies and responsibilities;

² At present all standing committees are involved to a certain degree in reviewing all draft legislation that reach the Parliament, including European integration-related legislation

³ It is believed that this action could help initiate in the following period a useful discussion on the opportunity to depoliticize the administrative leadership of the State Chancellery via the introduction of the function of Secretary General to the Government.

⁴ The parliamentary elections of November 2010, the third in less than two years, resulted in a reconstitution of the Alliance for European Integration (AEI)'s parliamentary majority and coalition government, thus providing for political and policy continuity. A governmental reform programme entitled "Rethink Moldova" that envisages an austerity policy was presented in early 2011. However, there is no common position within the AEI on how to possibly resolve the presidential crisis (since the current parliamentary majority still lacks the necessary seats to elect the President of the Republic) and a downturn trend of relations between the coalition parties was obvious ahead of the June local election (the date of which has generated internal controversy itself).

resources (including staff); relations with relevant parliamentary and governmental/executive structures; and capacities⁵. It should further be ensured that the Functional Committee establishes adequate cooperation with the civil society, endeavors to reach out to various categories of citizens and social groups, and in general aims to achieving inclusiveness in the process of European integration.

In terms of **responsibilities**, the Functional Committee should:

- Play a leading role in reviewing all EU-related draft legislation/regulatory acts and proposals.

Thus, there would be two competent parliamentary committees for reviewing European integration-related draft legal acts, i.e. the 'sectoral' standing committee that is the committee specialized for the respective sector, and the Functional Committee on European Integration. Both competent committees shall prepare reports. (It should also be allowed in certain cases to prepare joint reports). Since it is envisaged to have (in principle) all parliamentary committees represented on the Functional Committee, and the members of the other standing committees who sit on the Functional Committee to play a liaison function between their standing committee and the Functional Committee it may no longer be necessary to have all EU-related draft legislative/regulatory acts and proposals discussed by, and issued an opinion upon, each standing committee separately. Simplification of the processing of some of the EU-related normative acts by the Parliament may prove all the more useful as the Republic of Moldova intensifies her ties with and becomes closer to, the EU. However, the option of sending a specific draft to a certain committee for discussion whenever this is deemed necessary should continue to exist.

- Play a significant role in providing policy guidance to the Government in European integration-related matters. (For example, periodically discusses the progress that Moldova makes in meeting the Copenhagen criteria, which have been designed to assist countries in their efforts to join the EU, and urge the government to develop, regularly update and implement a comprehensive EU Integration Strategy and corresponding action plans; prior to important rounds of negotiations on the future Association Agreement and other contractual relations/instruments with the EU review, comment upon and/or endorse Republic of Moldova's positions; be regularly informed upon the progress of negotiations with the EU and on the implementation of assumed obligations and be given the opportunity to provide comments and opinions thereon).
- Lead the effort of preparing European integration-related legislative plans.
- Ensure that the Government timely prepares work plans on legal approximation and observes the assumed commitments and action plans related to

⁵ UNDP Project could develop and support a dedicated capacity-development programme for the Functional Committee and its staff.

European integration.

- Ensure (both by getting directly involved and by involving other standing committees) appropriate parliamentary control over the implementation of EU-related laws and regulations; ensure that impact assessments regarding important new pieces of legislation are regularly conducted.

- Ensure that the Government establishes adequate mechanisms for utilization of available financial instruments and EU technical assistance and that appropriate parliamentary control over the use of funds and other benefits from the European Union is exercised.

- Promote European integration purposes and objectives into the society, aiming to help achieve consensus and a high degree of inclusiveness in European integration processes.

- Ensure coordination and harmonization of internal political stances regarding European integration in Parliament and aim to ensure that both Government and Parliament (including opposition representatives) “speak the same language” to EU institutions and member states.

- Ensure that the Government maintains close relations with European institutions and EU member states, and also strengthens relations and intensifies contacts with candidate countries, aiming to learn from their experience, acknowledge and follow their good practices and be able to progress toward the EU-integration goal.

- Coordinate Parliament’s efforts to maintain close relations with EU member states’ Parliaments and with structures of the European Parliament.

- Ensure that the undisputable national interest is respected in Parliament’s relations with the European Parliament and Parliaments of EU member states.

- By way of adequate parliamentary control over the executive ensure that the national interest is respected in Government’s relations with the EU institutions and member states.

- Ensure coordination and harmonization of internal stances in view of presenting abroad of a Republic of Moldova’s position that is harmonized with EU’s position on international matters.

- Maintain close contact with the Joint Parliamentary Committee EU-Republic of Moldova and ensure that agendas, draft resolutions and core messages to the European Parliament are discussed by the Moldovan Co-Chair of the Joint Parliamentary Committee with the Functional Committee prior to annual sessions, high level visits and other significant meetings of the Joint Parliamentary Committee and that the Functional

Committee is properly briefed following annual sessions and other significant events involving members of the Joint Parliamentary Committee⁶.

Regarding the *third* main recommendation, the suggested protocol of cooperation should among other help establish:

- an early warning system with regard to upcoming (including any urgent/not planned) draft legislation and legislative amendments;
- clear workflows between the State Chancellery and the Parliament;
- clarity and predictability regarding submission of complete and quality documentation to accompany the draft legal/normative acts to the Parliament, etc.

Exploratory discussions on the possibility of agreeing on such a protocol of cooperation could start immediately. Consultations could be initiated after sharing the present report with the State Chancellery. A meeting between the two parties may be facilitated by the UNDP Project, possibly in cooperation with the Chairperson and members of the CFPEI.

With regard to the *forth* main recommendation, given the absence of a solid democratic/parliamentary culture and the preference in this part of the world for having much of the expected action and behavior codified in specific pieces of legislation, Republic of Moldova could follow the experience of other countries, EU members or candidates (such as Portugal, Slovenia, Lithuania, Croatia or Albania), and regulate the relationship between the executive branch of government (Prime Minister/Council of Ministers, ministries and governmental agencies) and the Parliament (with specific reference to the Functional Committee and/or the future Committee on European Integration) via a specific normative act. A possible future law should clearly stipulate the specific rights and obligations of each party in the process of European integration, including with regard to harmonization of Moldova's legislative/normative acts to the EU *acquis*. Alternatively (or additionally), Parliament-Government relations in the process of European integration may (further) be regulated by way of coordinated amendments to the Rules of Procedure of these two institutions, by ensuring that there are fully compatible and coordinated internal procedures. In both cases, action would be taken following the setting up of the proposed Committee on European Integration. The Committee itself or Committee members could take the legislative initiative. If necessary, UNDP Project could provide expert support to a future working group that could possibly be established in order to prepare the future draft law and/or amendments to the Rules of Procedure⁷.

⁶ Options for possibly legalizing these responsibilities are discussed at Chapter 3. A related model Decision of the Parliament is presented at Annex 1.

⁷ Lithuania is an example easily accepted and often referred to as a point of reference in Moldova. Lithuanian example, which implies a detailed regulation of the relationship between the Government and the Parliament with regard to the management of European affairs, was specifically mentioned as a possible example for Moldova by members of the CFPEI. Relevant excerpts of *The Republic of Lithuania Law on the Government* have been included at Annex 2 for a possible future reference.

Additional recommendations, and suggestions for steps that could be taken for the implementation of above main recommendations, are presented at the following chapters. Some of the suggested steps could be taken in the immediate future while others could now be prepared for subsequent implementation (desirably not in a too distant future). Whether it is believed that a certain recommendation could be implemented immediately, or that a longer time may elapse before it is implemented, will be indicated whenever possible. An overview of the recommendations included in this report, including the parties expected to take action for recommendations' implementation, and also indicating the level of priority for each recommendation, is presented at page 30.

Chapter 1: Moldova's European Integration Goal and the Political and Legal Framework for EU-Moldova Relationship

All parliamentary political parties of the Republic of Moldova declare themselves in favor of the objective of gradually integrating European values and norms, including EU policies and rules, in Moldovan society with the final goal of joining the European Union. In turn, the EU is developing an increasingly close relationship with Moldova. Based on her geographical location and recent history Moldova is a partner country within the European Neighborhood Policy (ENP). However, at present, EU's relationship with Moldova goes beyond partnership and cooperation, aiming to gradual economic integration and a deepening of political cooperation.

As part of the ENP, a joint EU-Moldova ENP Action Plan was approved in 2005. The ENP Action Plan was based on the Partnership and Cooperation Agreement (PCA), signed in 1994 and entered into force in 1998, initially for a period of ten years, after which it has been automatically renewed by consent of the parties. The PCA established the legal and institutional framework for bilateral relations between the EU and Moldova, setting common objectives and calling for activities and dialogue in a number of policy areas⁸.

The EU-Moldova ENP Action Plan was a political document laying out several strategic objectives of the cooperation between Moldova and the EU, aiming to help fulfill the

⁸ Trade and economic co-operation; Co-operation in the fields of science and technology, energy, environment, transport, postal services and telecommunications and a range of other areas such as education and training; Political dialogue on domestic, regional and international issues of mutual concern such as observance of principles of democracy and human rights and political stability in the region (particularly related to the Transnistria region); Justice and Home Affairs, in which the PCA sets out specific areas for co-operation such as money laundering, measures to counter illicit production, and the fight against drugs

provisions in the PCA and contribute to advancing the approximation of Moldovan legislation, norms and standards to those of the European Union⁹. Covering an initial timeframe of three years, the EU-Moldova Action Plan was subsequently extended for another two years.

Moreover, EU-Republic of Moldova Visa Facilitation and Readmission Agreements entered into force in January 2008 and a wider Mobility Partnership was signed in June 2008. Also in 2008, EU Autonomous Trade Preferences were granted for Moldova. To provide further guidance for the implementation of the ENP Action Plan, a reform priorities matrix proposed by the EU in May 2010 and a yearly implementation tool was adopted at the EU-Republic of Moldova Implementation Council of June 2010. Previously, in January 2010, an informal “Group of EU Ministers for the European Action of the Republic of Moldova” was set up in Brussels¹⁰ as a ministerial forum to advise the Republic of Moldova on its EU integration path. Consequently, the country was able to secure an unprecedented level of assistance for the next period¹¹.

At present there is a significant openness within the EU toward intensifying and deepening Union’s relationships with Moldova, who is seen in pole position among the sixteen countries of the ENP, especially because maintaining strict macroeconomic policies and launching structural reforms, based on which a post-crisis return to the macro-economic objectives set out in the Action Plan was possible and allowed the EU to disburse significant macro-financial assistance to the country. The most recent strategy paper produced as a result of a joint review of the ENP made by the European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, entitled “A new response to a changing Neighborhood” and dated May 25, 2011, praises a few ENP countries starting with Moldova for the progress made.

⁹ The priorities identified in the Action Plan covered the strengthening of administrative and judicial capacity; ensuring respect for freedom of expression and freedom of the media cooperation on economic and regulatory issues with the aim of improving the business climate and enhancing the long-term sustainability of economic policy, and sustained efforts towards a viable solution to the Transnistria conflict. Further collaboration on a number of cross cutting issues related to border management, management of migration and the fight against trafficking, organized crime and money laundering were also identified as priority for EU-Moldova enhanced cooperation.

¹⁰ at the initiative of France and Romania

¹¹ A new National Indicative Programme (NIP) 2011-2013 for the Republic of Moldova was adopted in May 2010 with a budget of €273.1 million. The programme aims to supporting the achievement of key policy objectives as outlined in the EU-Republic of Moldova Action Plan and pursuing 3 priorities: (1) good governance, rule of law and fundamental freedoms; (2) social and human development; and (3) trade and sustainable development. In December 2010, Republic of Moldova signed a Financing Agreement with the European Commission for €90 million of macro-financial assistance in the form of grant money. Besides, EU assistance continues to be implemented through other aid modalities such as TAIEX, twinning, SIGMA and Technical Assistance. (For example, a high level advisory group of 10 experts recruited at the request of the government provide strategic advice in a number of areas).

The cited paper recalls that since its creation in 2004, the ENP has promoted important economic, trade and other initiatives, which allowed the development of relationships in many policy fields between the EU and ENP countries, as well as an increase and better focusing of EU assistance toward these countries. However, the identified need for greater flexibility and more tailored responses in dealing with rapidly evolving partners and reform needs have called for the recently developed EU's approach toward ENP countries based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law and involving a much higher level of differentiation between partners¹². As regards differentiation, the new approach envisages, on the one hand, the strengthening of the two regional dimensions of the ENP, i.e. Eastern Partnership and Southern Mediterranean, that should allow the EU to support consistent regional initiatives in areas such as trade, energy, transport or migration as well as differentiation between individual partners that should allow each country to develop its links with the EU according to its own aspirations, needs and capacities. In other words, those ENP countries showing determination for a greater degree of alignment with EU policies and rules (that should lead to progressive integration in the EU Internal Market) would be supported proportional to their own efforts according to the principle "more funds for more reform".

The Eastern Partnership, from which the Republic of Moldova has benefited since its inception in 2009, is to be strengthened as part of the renewed ENP through: conclusion and implementation of Association Agreements and Deep and Comprehensive Free Trade Areas (DCFTA), pursue of democratization, pursue of visa facilitation and liberalization processes, enhancing sectoral cooperation, notably in the area of rural development, promotion of benefits of the Eastern Partnership to citizens, and increased work with civil society and social partners. Association Agreements (AAs), most of which include DCFTAs, provide a sound political basis for advancing relations with the EU and offer each Eastern Partnership country the opportunity to choose the level of integration and reform that it wishes to pursue. Thus, with enhanced support by the EU, partner countries can use the Agreement for regulatory and institutional convergence.

Moldova is one of the five partner countries that started negotiating Association Agreements. The negotiation process started in Chisinau on 12 January 2010 and thus far six negotiations rounds, the latest of which took place on 11 April 2011, have been conducted, alternatively in Brussels and Chisinau. The conclusion of the latest round of negotiations was that thanks to constructive engagement of both sides the process goes very smoothly and has already led to a joint understanding on the main part of the Agreement. The negotiating teams, headed by the Deputy Minister of Foreign Affairs and European Integration on Moldovan side and the European External Action Service's Managing Director for Europe and Central Asia on the EU side considered the completion of negotiations as a key mid-term objective for their relationship. Moldovan

¹² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A new response to a changing neighborhood", Brussels, May 25, 2011

diplomats anticipate the conclusion of the process by the end of 2012. The future Association Agreement (AA) will succeed the Partnership and Cooperation Agreement as the legal framework for bilateral cooperation between EU-Moldova. The Agreement that is presently under negotiation by Moldova and the EU is seen by both parties as providing the most advanced vision of association possible under the Eastern Partnership, including a Deep and Comprehensive Free Trade Area and a comprehensive programme of approximation to EU *acquis*.

With the aim to promote political association and economic integration between the parties based on common values, the AA will require Moldova to engage in considerable reforms within those institutions that will be responsible for implementing obligations under it as well as the upgrading of critical co-ordination functions as well as key horizontal competencies such as monitoring, human resource development and financial management. In order to help partner countries develop the administrative capacity required for in-depth reforms, the Eastern Partnership provides for a Comprehensive Institution-Building (CIB) programmes, which Moldova should make full use of in accordance with its specific needs.

In addition to the Preamble, Objectives and General Principles; Institutional; and General and Final Provisions, the AA will have five other sections, i.e. Political Dialogue and Reform; Cooperation in the field of Foreign and Security Policy; Economic and Sector Cooperation; People-to-People Cooperation; Justice, Freedom and Security. Negotiations on some entire sections have already been (provisionally) closed, while few chapters are yet to be negotiated under other. In March 2010 the Republic of Moldova and the EU initiated a structured dialogue on human rights. Moreover, in June 2010 a visa dialogue opened, examining conditions for visa-free travel of Moldovan citizens to the EU as a long-term goal. A related visa liberalization draft action plan¹³ was prepared by the EU and in January 2011 presented to Moldova, which approved and has started implementing the action plan¹⁴. In addition, since 2010, the Republic of Moldova is (along with Ukraine) a full member of the Energy Community Treaty (which includes commitments for gradual convergence with the EU's internal energy market rules).

Moldova is also scheduled to begin negotiations for a Deep and Comprehensive Free Trade Area (DCFTA) within the framework of the AA as soon as the key recommendations handed to the Government of Moldova in November 2010 will be addressed¹⁵, i.e. when the EU considers that Moldova is ready to take on and implement

¹³ The Action Plan contains two sets of benchmarks and identifies all the measures to be adopted and implemented as well as clear requirements to be achieved.

¹⁴ The European Commission had also adopted in October 2010 draft negotiating directives for the renegotiation of the Visa Facilitation Agreement in order to align it with the new Visa Code and to introduce further facilitations. The negotiating directives were approved by the Council (of the EU) in April 2011.

¹⁵ A month later Moldova adopted an action plan for implementing the key recommendations and in March 2011 presented its first quarterly implementation report to the Commission.

the commitments of a DCFTA and to sustain the effects of a far reaching liberalization of market access and regulatory approximation¹⁶. **Bilateral trade arrangements between EU and its partners seems to be the best illustration of the differentiation principle as it allows most advanced countries to move faster; therefore Moldova should show full determination for this aim and the associated “road map”.** (It is believed that the DCFTA will be concluded by the end of the next year).

The Country Report on the Implementation of the ENP in 2010 states that the Republic of Moldova, despite the unresolved political stalemate over the election of the next President made good progress overall in most areas of the Action Plan (both in the legislative field as well as at the implementation level). The Report recognizes that efforts were initiated to address the administrative capacity problems underlined in previous Progress Reports but also that the underlying political uncertainty and resource constraints prevented large-scale reform¹⁷.

Specifically, the latest Progress Report highlights that in 2011 further progress is needed to strengthen the mechanisms for preventing violations of human rights and fundamental freedoms, improve the functioning of the market economy and the business/investment climate, further reform the judiciary and ensure the rule of law, fight corruption, ensure the neutrality of the public media and promote a pluralistic media environment, deepen the fight against trafficking in human beings, and improve matching labor market needs with skills development¹⁸.

Under the renewed ENP, Pilot Regional Development Programmes will also be developed to assist partners in addressing economic, social and regional imbalances. The EU has also committed to continue to assist Ukraine and the Republic of Moldova in their efforts to implement visa liberalization action plans and to further tailor the so-called “flagship initiatives” in the areas of border management, SME development, energy cooperation, civil protection and environmental governance to better support

¹⁶ DCFTAs provide for the gradual dismantling of trade barriers and aim for regulatory convergence in areas that have an impact on trade □ such as sanitary and phytosanitary rules, animal welfare, customs and border procedures, competition and public procurement. For the most advanced partners, precisely the DCFTA shall lead to a progressive economic integration with the EU Internal Market. Therefore, through progressive approximation of EU rules and practices, DCFTA require a high degree of commitment to complex and broad reforms, which in turn require appropriate institutional capacity. As reforms are often politically challenging, a high degree of consensus in the society is necessary and the involvement of the business community and other stakeholders. In addition to addressing the key recommendations, to embark on negotiations for DCFTAs interested countries should also demonstrate compliance with previous commitments and sufficient progress towards common values and principles.

¹⁷ European Commission and High Representative of the EU for Foreign Affairs and Security’s Joint Staff Working Paper ‘Implementation of the ENP in 2010’, Country Report: Moldova, Released May 25, 2011

¹⁸ ENP Country Progress Report 2010 – Republic of Moldova, released May 25, 2011

bilateral partnership objectives.

In addition, policy dialogue is envisaged to continue in areas such as education, youth and culture; transport; energy, environment, climate change; knowledge sharing, research and information society; customs and law enforcement issues on the basis of Strategic Frameworks for Customs Cooperation with Ukraine, Republic of Moldova and Belarus as well as co-operation in the area of fight against smuggling; rural development measures (in line with the European Neighborhood Programme for Agriculture and Rural Development); employment and social policies; justice, freedom and security on the basis of the upcoming Justice and Home Affairs Eastern Partnership Action Plan; and Common Security and Defense Policy. All these policy areas are included as chapters in the Association Agreement that is presently being negotiated between the EU and Moldova. There is increased preoccupation to provide increased technical and financial resources to support the ENP initiatives. Thus, EU Member States, third countries and International Financial Institutions (IFIs) have shown interest in furthering the goals of the Eastern Partnership and supporting projects of strategic importance, while additional resources are being mobilized from the Neighborhood Investment Facility (NIF), bilateral partners and IFIs, in particular the EIB, the EBRD and the World Bank. Co-funding/co-operation is expected to build on the establishment of the SME Facility, the EIB's Eastern Partners Facility and its Eastern Partnership Technical Assistance Trust Fund to which the EU and Member States have been invited to contribute.

Finally, the renewed ENP aims for a simplified and coherent policy and programming framework and suggest partners to focus on a limited number of short and medium-term priorities from their ENP Action Plans, incorporating more precise benchmarks and a clearer sequencing of actions. (In turn, the EU shall also adapt the priorities for its financial assistance accordingly, allowing better linking of policy objectives and assistance programming). **Moldova will have to strike a balance, to follow the recommendation of focusing on a limited number of short and medium-term priorities and deliver results, while continuing to aim for the highest degree of political association and economic integration allowed by the ENP and preserving her pole position among ENP and Eastern Partnership countries so that she could, in a not distant future, be 'promoted' to a 'superior category', according to her aspirations.**

Chapter 2: Moldova's institutional framework and capacities for European integration (including legal approximation) and the role of Parliament

An EU-Moldova Cooperation Council, meeting once a year at Ministerial/Commissioner level (EU-Presidency, European Commission, High Representative, Government of Moldova) has been established with the overall responsibility for the running of the PCA¹⁹. A Co-operation Committee, whose meetings are chaired alternately by the European Commission and the Moldovan side has been established at senior civil servants level, while sub-committees of specialized experts have been created to support the work of the Cooperation Committee (Sub-Committee on Trade and Investment; Sub-Committee on Financial, Economic and Statistical issues; Sub-Committee on Customs and Cross-border Cooperation, and Justice, Freedom and Security; Sub-Committee on Energy, environment, networks, science and technology, training, education).

Within the Council of the European Union, the Council Working Group on Eastern Europe and Central Asia has responsibility for general oversight of relations with Moldova. As pointed out at the previous chapter, in January 2010, an informal advisory forum named the "Group of EU Ministers for the European Action of the Republic of Moldova" was set up in Brussels to advise Moldova on her EU integration path.

While the EU negotiate with (the executive branch of) the Government and holds the Government responsible for the implementation of the PCA, the ENP Action Plan and any other political and/or contractual obligations of the country²⁰, the PCA also provides for inter-parliamentary cooperation. The ENP as well recognizes the role of Parliaments in building links between societies of EU Member States and EU neighboring societies, in bringing a meaningful contribution to enhancing reform efforts and monitoring commitments included in each country's ENP Action Plan. Thus, the EuroNest Parliamentary Assembly has been created as a joint Assembly of the European Parliament and Eastern Partnership countries including Moldova, as well as Joint Parliamentary Committees between the European Parliament and partner countries'

¹⁹ The latest meeting of the Cooperation Council took place on May 5, 2011 and, among other, recalled the importance of creating an atmosphere of inclusiveness and finding a way out of the current political stand-off about the election of the next President; reviewed the progress towards the start of negotiations on a deep and comprehensive free trade area and the recent achievements in bilateral co-operation in the areas of aviation, research and energy; and expressed appreciation for the Moldovan Government's comprehensive reform programme and its pro-active consultations with the EU and other donors on how best to assist such reforms. (Council of the EU's Press Release of May 5, 2011) In addition, the Council announced its **intention to launch the preparatory steps for a second disbursement of EU macro-financial assistance.**

²⁰ Such as the EU-Moldova agreement on the protection of the geographical indicators that was negotiated (although not yet entered into force).

Parliaments as important fora for dialogue and increased mutual understanding between decision-makers.

Current legislature's composition of the Moldovan Delegation to the Joint Parliamentary Committee EU-Republic of Moldova²¹ and the Moldovan Co-Chair of the Joint Parliamentary Committee have been agreed upon in the middle of May 2011. The Joint Parliamentary Committee holds sessions in principle twice a year, in practice once a year, alternatively in Brussels or Strasbourg and Chisinau, respectively, on which occasions it issues recommendations to the EU-Moldova Cooperation Council, the European Commission and the Moldovan authorities. The first session of the Joint Committee at its present membership is scheduled for June 15-16, 2011 in Brussels, while a preparatory session took place on 8 June in Strasbourg. Discussions on political, economic and social reforms²² are on the agenda of the upcoming annual session along with regional cooperation issues²³. The Joint Parliamentary Committee also discusses how recommendations issued at the previous annual session have been followed-up on.

Despite the fact that with the entry into force of the Lisbon Treaty, which greatly enhances the powers of the European Parliament, thus indirectly raising the profile of the EU-Moldova Parliamentary Cooperation Committee, this inter-parliamentary body meets once a year in a two-day session to discuss the situation in Moldova and country's progress on her path toward the EU. Therefore **the role of the Joint Committee cannot come close to the role that the national Parliament should play in supporting, overseeing and guiding country's progress toward European integration. Since at the core of parliamentary processes and procedures lays the committee system, strengthening of the committee system is fully relevant also from the perspective of European integration.**

Parliament's most visible function is to legislate; therefore **timely approval of quality legal acts and other regulations necessary for European integration, notably the gradual approximation of Moldova's legislation to the EU acquis, appears to be the primary role that the Parliament should play in fulfilling country's aspirations for European integration.** However, **European integration is a complex and comprehensive process (often requiring reform of deep-rooted patterns or negotiation of vested interests) that goes far beyond legal approximation,** same as Parliament's representative and oversight over the executive functions are as important as its legislative function.

Nevertheless, the process of legal approximation is a very essential component of the European integration process and deserves due attention. In Moldova, unlike in the most

²¹ The official name is: EU-Republic of Moldova Parliamentary Cooperation Committee

²² Legislative reforms, institutional reforms, status of implementation of the visa liberalization action plan, measures towards justice reform, plan for adoption of the anti-discrimination law, progress of negotiations for AA and DCFTA, as well as the prospect for a breakthrough in the Transnistrian conflict

²³ Moldova's relations with its neighbors and country's participation in the Eastern Partnership, respectively

EU new member and candidate countries, in which the coordination function was concentrated at the highest level of the executive branch of government while the Parliament played a strong monitoring and oversight function, the same institution, currently the Ministry of Justice (whose Deputy Minister was by the Order of the Prime Minister of the Republic of Moldova nr. 24 of March 2011 appointed as the national coordinator for the harmonization of legislation), which only recently took over this function from the Ministry of Foreign Affairs and European Integration, is responsible for both coordinating the development of programmes and (annual) plans for legal approximation and monitoring the execution of these programmes and plans.

The present Moldovan model of concentration of these two functions at the Ministry of Justice (MoJ) resembles Lithuania's arrangement after it joined the EU, which can partly be explained by the presence of Lithuanian experts in key advisory functions, notably within the MoJ. However, since the Prime Minister had already during his previous mandate designated the Minister of Foreign Affairs and European Integration as the National Coordinator of country's efforts at European integration and did not take back this function from the MFAEI during the current mandate, the delegation of the harmonization coordinator's function to the MoJ that occurred in 2011 (on the initiative of the MFAEI) is largely seen as a measure of "decentralization" of the EU integration coordination mechanism. This change is in fact part of the general delegation of the planning function (of which planning of legal approximation action is just a component) from the main hub and official coordinator of the national efforts at achieving Moldova's declared political goal of integration into the EU that still remains the MFAEI, to specialized/line ministries. Representatives of the MFAEI, a ministry that has fully committed staff but otherwise limited political authority to 'task' representatives of other ministries since ministries of the government are all equal, as well as not sufficient human and other resources, consider this change really beneficial and were able to point at clear progress/practical improvements as a result of it. However, as another UNDP-supported report, i.e. the report on developing of the concept for a new legal approximation mechanism for the Republic of Moldova²⁴ has identified, some line ministries appear to have serious difficulties with strategic planning and policy development. In addition, it has been noted in the cited report that since some line ministries appear not to perceive the current annual legal approximation plans seriously, Prime Minister's more decisive and frequent intervention would be necessary. For the purpose of this report it should also be noted that conducted interviews have revealed a low level of awareness amongst ministerial officials about the role of Parliament, in general, and the need to inform this institution properly, in particular.

Under the authority of the Prime Minister, a ministerial Committee on European Integration, whose secretariat is maintained by the Head of the European Integration General Directorate of the MFAEI, exists largely on paper and is convened on the request of the Minister of Foreign Affairs and European Integration, usually when he has difficulties in persuading his colleagues from other ministries to perform their legal

²⁴ Final Report: Concept of the New Legal Approximation Mechanism for the Republic of Moldova", produced in April 2011 as part of the UNDP Project "Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration", author **Juris Gromovs**

approximation or other European integration tasks in a timely manner. A more inclusive central Committee on European Integration, chaired by the Prime Minister but also including representatives of the Parliament and the civil society used to function during the Communists' Party's ruling and apparently proved to be a good practice, which the present government may usefully take into consideration.

In accordance with developments and requirements discussed at Chapter 1, the volume of legislative/normative acts that the Republic of Moldova will have to process in the upcoming period of time in order to approximate her legislation to the EU law²⁵ is expected to increase significantly. Therefore not only the mechanisms for planning the harmonization of Moldova's legislation to the EU law requirements and monitoring the execution of legal harmonization plans have to be streamlined in the upcoming period but also the mechanism for checking the compliance of draft national legislation with EU requirements; its practical functioning should be improved. The UNDP report cited above and other studies made specific recommendations for regulatory and institutional changes aimed at improving the coordination, monitoring and implementation of the process of legal approximation at the executive branch of government.

This report does not discuss, although the author supports most of the already proposed changes, specific normative acts and institutional arrangements at the level of the executive authority other than to the extent to which they have a direct and significant impact on the efficiency and effectiveness of parliamentary processes and procedures. The report rather focuses on the need to strengthen the role of Parliament for European integration purposes.

The role of Parliament in all the above-mentioned processes should indeed be strengthened and further clarified. For example, the Parliament should ensure that coordinated multi-annual²⁶ plans for legal approximation activities are developed in a timely manner and the plans are properly implemented. As regards the present mechanisms for checking the compliance of draft national legislation with EU requirements, there were several issues that came up recurrently during interviews conducted as part of this assignment. One such issue, which is a more general one, is the *lack of proper communication and exchange of information* between Parliament (at both political/MPs and staff level) and the Executive (both State Chancellery and ministries

²⁵ Following the entry into force of the Lisbon Treaty in December 2009, the term "EU law" prevails over the French term (taken over in many other languages of the EU) *acquis communautaire*, which is still accepted. EU law after the entry into force of the Lisbon Treaty encompass: EU founding treaties and other important treaties; general principles of the EU law; case law of the Court of Justice of the EU; and EU secondary legal acts, which upon entry into force of the Lisbon Treaty have been reduced from 15 to 5 types, i.e. regulations, directives, decisions, recommendations and opinions. The remaining old European Communities (EC) and European Union legal instruments (including the 15 types of secondary legal acts mentioned above) will remain in force until the respective legal acts are repealed, annulled or amended.

²⁶ The Action Plan of the Government for 2011-2014 apparently indicates a transition to multi-annual planning of legal approximation activities as of the forth quarter of 2014.

such as MFAEI and MoJ (including its Center for Legal Approximation). While staff shortages are partly responsible for the current situation (for example the significant time pressure under which some of MFAEI's staff have to perform) **clear communication and workflow procedures should be put in place** in Parliament, in the State Chancellery and in Ministries.

Under the UNDP Project "Support to Parliamentary Development in Moldova" an initiative to provide assistance for a broad reform of the Secretariat of the Parliament has been taken and a draft **Strategic Development Plan for the Period 2011-2013** has already been produced by a working group of the Parliament. Furthermore, a draft **Communication Strategy** was produced and will further be elaborated. The Communication Strategy targets (among other) internal communication and communication with bodies of the executive authority, providing guiding principles based on which detailed communication procedures can subsequently be developed. However, similar efforts are necessary at the Government. The suggested **Protocol of Cooperation between the Secretary General of the Parliament and his equivalent at the State Chancellery**, and even more so the regular direct communication between the heads of administrations of the two crucial state institutions that the Protocol would hopefully generate, should help **ensure full compatibility of the internal workflows and communication procedures and a clarification of inter-institutional workflows**²⁷. In addition, it could **facilitate the transfer of good practices and innovative ideas between Parliament and institutions of the executive authority**.

There is a detailed regulation of the procedural elements of the law approximation process in the Republic of Moldova, and to some extent, the legal provisions in force even exceed the formal requirements in some EU member states. However, some conflicting provisions and/or difficulties in the implementation of existing legal requirements called for amendments to the respective legislation aimed at improving the overall process²⁸. Thus, according to the Law on Legal Acts and the Law on Normative Acts, similar to the situation in a EU member state, in Moldova it should be ensured that no draft legal/normative act comes in contradiction to the EU law. If these legal provisions are interpreted literally, it means that every new draft normative act should comply with the *acquis communautaire* to the fullest degree. However, it is not clear to what extent this legal provision is applied in practice. Parliament, according to the interviewed committee and legislative/legal staff, does never receive the tables of concordance expected to accompany the draft legislation.

This attitude confirms ministerial officials' reluctance to share adequate information with the Parliament and could be motivated by the previously noted observation regarding

²⁷ **The proposed measures should not be understood as further complicating or rendering more bureaucratic the existing situation, but rather simplifying communication by providing for direct contact at staff level, use of modern means of communication, obligation to respond to received requests (even if they are at staff level), easier ways for clarification of potential misunderstandings, etc.**

²⁸ The respective amendments, as underlined by the interviewed EU advisor at the MoJ, were in final stage of preparation and expected to be passed relatively soon.

ministerial officials' inappropriate perception of the role of the Parliament. Efforts at promoting the (role of the) Parliament amongst officials of the executive authority, conducted in parallel with efforts at rendering the Parliament more professional and effective, could help alleviate this situation.

Moreover, Parliament does not always receive the required statement of compliance (with the EU law). If members of the Legal Department, which is responsible for issuing a legal opinion on each draft legal/normative act discussed by the Parliament are on a case by case basis contacting responsible staff at the State Chancellery, the responsible ministry that prepared the draft in question and/or the Center for Legal Approximation from the Ministry of Justice to ascertain whether a table of concordance has been prepared or not²⁹, the staff of the Committee on Foreign Policy and European Integration tried to resolve this issue in a general manner by asking the Committee Chair to send letters to the Minister of Foreign Affairs and the Minister of Justice, yet without any result. It appears that compliance with EU law is presently checked (by the specialized Center attached to the Ministry of Justice) only for the drafts envisaged by the 2011 Annual Plan for Legal Harmonization. It is not clear whether, for example legal acts pertaining to the implementation of the visa liberalization action plan, fall within this category. These and other confusions arising from the present legal framework for the legal drafting procedure are expected to be clarified via the adoption of the new regulatory package referred to above. The UNDP-funded study cited earlier also points at a number of flaws in the legal approximation process pertaining to the current normative framework for legal drafters and makes concrete recommendations for improvement³⁰.

Both Committee and Legal Department's staff ascertained that draft legislative proposals and legal acts are, as a norm, not undergoing another check by the Legal Department after they received amendments in the legislative procedure and before the Parliament takes the final vote. However, the Legal Department performs a second compatibility check whenever expressly solicited. Consequently, there is always a risk of having a legal act whose conformity with the EU law had previously been ascertained but which was subsequently amended in Parliament passed in a format that no longer comply with the EU law. The cited UNDP study recommends that the legal harmonization's quality could further be enhanced as a result of possibly performing of an expert compatibility assessment by the MoJ's Center for Legal Approximation (the Center) on all draft laws

²⁹ In case the answer is negative, the Parliament has no capacity (and is not bound) to conduct such a detailed assessment of compliance and prepare the said document. However, according to the Director General of the Legal Department, which has a dedicated small unit that might be strengthened when the new staff table of the Secretariat (developed with UNDP support) will be approved, all Department's legal staff was trained in legal approximation techniques and conduct brief revisions of *all* received drafts' compliance with the *acquis communautaire*.

³⁰ One such recommendation discusses precisely the table of concordance mentioned above, whose manner of filling is currently described in the Guidelines of the Center for Legal Approximation (a non-binding document). Noting that these tables are not only a legal necessity in the legal approximation process but also valuable sources of information on the progress made by Moldova in the field of legislative harmonization, the author recommends that the preparation of uniform and quality tables should be regulated by binding legal provisions.

before they undergo final reading in Parliament. However, Center's current lack of capacity for taking on this additional function is acknowledged. A pilot project (that envisages that only legislative drafts covered by national annual law approximation plans to be reviewed for a second time by the Center -- ahead of final reading) is recommended to be conducted in parallel with the strengthening of the capacity of the Center. The proposed manner of referring the draft laws to the Ministry of Justice, which should further coordinate the action with the Center for Legal Approximation, may further be discussed to ensure that the supremacy of the parliamentary institution is fully respected formally.

The study also noted another aspect that came up in our discussion with Committee staff, i.e. that Parliament is not always properly informed whether a particular draft law or normative act is a EU-related document. The study recommended the distinct marking of the EU-related drafts by the executive authority and obligatory submission of the table of concordance. The staff of the CFPEI, who often strive themselves to determine a possible EU-relevance for draft laws referred to the Committee, welcomed such an initiative and stressed the need to have the compatibility with the EU acquis verified after draft laws have been amended by MPs. However, based on previous and present experience, interviewed staff expressed pessimism over cooperation with the Center and were of the opinion that a certain level of EU law and compatibility assessment expertise should also be available at Parliament. We highlight that **all draft legal acts pertaining to the implementation of Moldova's various commitments to the EU and related action plans should be covered by the proposed pilot project, i.e. expert compatibility check on all amended drafts should be conducted before their final adoption.** It would be ideal to have a solid capacity for legal approximation and determination of (draft) regulatory acts' compliance with the EU law at Parliament. However, based on the present circumstances and mindful of the need to avoid duplication of resources and efforts, we believe that on short-term it would be more realistic to involve the Center for Legal Approximation in this new procedure. However, Center's capacity should indeed be strengthened and clear communication and workflow procedures should be agreed upon -- also in this particular case.

While continuing to build the capacities of Parliament's legal staff (who is currently attending along with ministry staff training on legal approximation funded by UNDP and English classes funded by the European Commission as part of a project implemented by the Council of Europe), we recommend **support for a clearer division of responsibilities, both between Parliament and the executive branch of government and between Parliament's structures**, particularly as regards provision of appropriate (legislative) staff support to MPs and developing the necessary, including the missing legislative research, capacities. (For example, Committee staff should be able to focus primarily on preparing legislative summaries and analyses of draft laws to help MPs better understand the aim and content of the legal acts that they are called to vote upon. A future Legislative Research Unit, envisaged to be created as part of the new

Systematization of posts for the Parliamentary Secretariat³¹ should be adequately staffed so as to provide MPs with quality legislative research products. The same unit is envisaged to assist MPs in conducting periodic impact assessments for selected laws³². It has been identified via interviews that MPs are not used to request and rely upon legislative staff support to help inform their parliamentary decisions. It has been admitted that the only expert services that they rely upon at present are provided by the political party staff. Therefore we believe that **it is an imperative for parliamentary development to start offering MPs neutral and quality legislative research services in Parliament.**

Chapter 3: Parliamentary Committee on European Integration

Since at the core of parliamentary processes and procedures lays the committee system, strengthening of the committee system is fully relevant also from the perspective of European integration. EU candidate and acceding countries, the same as new EU member states during their preparation for joining the EU, have dedicated parliamentary Committees on European Integration. Committees on European Integration usually become Committees on European Affairs as soon as the country becomes a EU member. Responsibilities of European Affairs Committees, created after accession, are different (although the general principles and elements of parliamentary control over the executive remain the same) and should satisfy the minimum standards defined by “Copenhagen Parliamentary Guidelines for relations between governments and Parliaments on Community issues” developed by the European Parliament in 2003. The level of national parliaments’ influence on the country’s European policy (and thereby on the common decisions made in the EU), in particular the level of scrutiny of national positions of the countries regarding proposals for new EU legal acts or policy documents vary from country to country.

A Conference of Community and European Affairs Committees of Parliaments of EU (COSAC) was established as early as May 1989 as a platform for regular exchange of views and experience on EU practices and procedures. An overview of the parliamentary structures dealing with European affairs in the Parliaments of EU member states and of the country-specific procedures for scrutinizing European matters in national Parliaments can be found at COSAC official website at www.cosac.eu.³³ COSAC holds bi-annual

³¹ The new ‘Systematization’ presently awaits comments/endorsement by the Speaker and will have to be submitted to the Standing Bureau for approval.

³² Given the novelty of this indispensable legislative support service in the Moldovan Parliament it is crucial to recruit staff with the necessary (basic) skills, personal resourcefulness, willingness and capacity to learn. Then, based on donor support, investment in building their capacities would be required.

³³ Please refer to Documents/Bi-annual Reports of COSAC/3rd Bi-annual Report on EU Practices and Procedures, May 2005

meetings, usually in the country holding the Presidency of the Council of the EU, at which six Members represent each Parliament. In addition to the Parliaments of the EU, the national Parliaments of the candidate and acceding countries are invited to participate with three observers each.

Although Moldova wishes to intensify her European integration efforts, and possibly qualify for candidate status herself, the current structure of the Parliament of Moldova sees the same parliamentary committee covering the portfolios of foreign policy and European integration, respectively. The current arrangement in Parliament reflects the existing arrangement at the executive branch of government, which, as it was discussed at the previous chapter, has the Ministry of Foreign Affairs and European Integration coordinating the national efforts at European integration (in addition to negotiating with the European Union and EU member states on behalf of the country/Government).

The Committee on Foreign Policy and European Integration is one of the ten standing committees³⁴ of the current legislature³⁵. The status and modus operandi of standing committees overall are regulated via parliamentary Rules of Procedure (RoP). The Rules of Procedure, however, do not define specific responsibilities for individual standing committees. The CFPEI has ten members who ensure a proportional representation of the four parliamentary fractions according to the number of seats held by each fraction in the 101-member Parliament. Three expert staff/parliamentary consultants and one assistant support the work of the CFPEI. Committee staff prepare, on behalf of the Committee member designated by the Committee Chairperson as the member responsible for assessing a particular draft legal act, opinions, advisory opinions³⁶ and reports. The Committee meets usually once a week to examine prepared opinions and reports on draft legislative acts referred to the Committee. Same as any other standing committee, the CFPEI is expected to issue an opinion on every legal act. The Committee is declared the competent committee (and has to prepare reports) on the draft laws on ratification of international agreements, conventions and protocols to which Moldova decides to adhere. Occasionally, the committee organizes public consultations on EU integration related matters at the seat of the Parliament. The Minister of Foreign Affairs and European Integration does not come before the Committee to report on the progress of negotiations with the EU or implementation of assumed obligations and approved action plans, not to speak about informing the Committee of the prepared governmental positions in advance of presenting them to the EU. The Deputy Minister, who is the Chief Negotiator of Moldova, also often uses to excuse herself when invited to brief the Committee. However, this situation is not peculiar to the MFAEI but appears to be the norm of the relationship between Members of Parliament and members of the Government in Moldova. Ministers are more inclined to report before Parliament in plenary sitting than before a parliamentary Committee. Also, unlike in other European parliaments, in Moldova **it became a practice that lower ranking governmental officials present**

³⁴ According to the Rules of Procedure of the Parliament of Moldova, the number of standing committees, their title and membership are established by Decision of the Parliament, based on the proposal of the Standing Bureau, for the entire duration on the legislature.

³⁵ The 19th legislature

³⁶ In Romanian “*aviz consultativ*”

draft laws before a parliamentary Committee and answer MPs' questions.

Based on a review of the current regulatory and institutional framework; an assessment of parliamentary capacities, internal working procedures and relations; an analysis of the current practices, patterns and outcome of the existing arrangements; a review of the already planned changes and adjustments; as well as a comparison with the experience of other parliaments, it can be concluded that the existing set up is not conducive to the best parliamentary results and is not supporting the development of a significant role for the Parliament in the European integration process. **In other words, if the Parliament wishes to assume a meaningful role and lead the country toward the European Union, it has to create an adequate structure and set it to work.**

Therefore this report strongly recommends setting up of a Committee on European Integration. The respective Committee could be established at the earliest convenience as a *functional* Committee on the skeleton/structure of the current Committee on Foreign Policy and European Integration but possibly also including representatives from other standing committees. It is desirable to have MPs with a certain level of EU-relevant expertise appointed to the Functional Committee on European Integration. Since the term 'functional committee' does not exist as such in the parliamentary RoP, the term 'special committee', which is a category provided by the RoP, could be used instead. In practice, it will be a functional committee consisting of all CFPEI members (or, alternatively, a sub-committee of the CFPEI) joined by at least two members of the Legislative-Legal Committee and one member of each of the other standing committees. Another option would be to have the CFPEI itself acting as a functional Committee on European Integration (in addition to covering the foreign policy portfolio) but each member of the CFPEI would have to act as liaison officer toward one of the other standing committees and will be responsible for maintaining a permanent relation with the respective committee with regard to European integration matters (including the aspects of the process of legal approximation).

The Functional Committee on European Integration (as well as its membership) could be established by a Decision of the Parliament at the earliest convenience. At the beginning of the next legislature the Committee on European Integration should become one of next Parliament's standing committees. Alternatively, the Parliament can decide to set up immediately a fully-fledged standing Committee on European Integration, as it appears that there are no legal obstacles to it.

At least in the next legislature, when a standing Committee on European Integration would hopefully/certainly be established, it would be useful to have most of the members of the Moldovan Delegation to the Joint Parliamentary Committee EU-Moldova designated from among the members of the Committee on European Integration of the Moldovan Parliament³⁷. (Currently only two members of the CFPEI are also members of

³⁷ Following the example of other countries (e.g. Romania), such a requirement could be included in the Decision of the Parliament by means of which the respective standing Committee would be established in the next legislature.

the Moldovan Parliament's Delegation to the Joint Parliamentary Committee while three additional CFPEI members are alternates in the Delegation).

The UNDP-funded study on the concept of a new legal approximation mechanism also proposed the establishing of a parliamentary Committee on European Affairs/Integration - to deal primarily with legal approximation activities. The present report underlines that the new committee should have broader competencies and involve itself in many other activities besides legal approximation. However, as recommended by the quoted report, the Committee should indeed establish, as soon as possible, direct contact and cooperation with the Ministry of Justice's Center for Legal Approximation to maximize its efficiency in the field of legal approximation. The present report also fully endorses the suggestion regarding a possible regular participation of the representative of the Center for Legal Approximation in the meetings of the future parliamentary committee. However, in accordance with established parliamentary practice, not the representative of the Center should report to the Committee on the implementation of the (multi-) annual plans on legal approximation and other related issues, as advised by the previous report, but ministers and/or their deputies.

It may not be necessary to operate specific changes to the Rules of Procedure of the Parliament to introduce the above-mentioned requirement of performing Center for Legal Approximation's expert assessment on draft laws (if amended in Parliament) before their final reading and possible adoption. The future Functional Committee on European Integration proposed by this report could assume the responsibility of referring the amended draft laws to the Center for a (second) expert assessment. Cooperation between the Functional/Standing Committee and the Center for Legal Approximation could be detailed in the internal procedure of the future Committee and in an amended version of the Government Decision nr. 190 from February 2007 that regulates the work of the Center for Legal Approximation.

From a practical point of view, if the proposed Committee is to be established immediately, also given staff and space requirements, especially at a time when MPs and the parliamentary Secretariat face an acute lack of office space that act as a restrictive element to the process of advancing the planned institutional reform, and, unfortunately, funding for finalizing the reconstruction of the Parliament Building are not yet available, the easiest way to proceed would probably be the first option. In other words, creating the functional Committee on European Integration on the basis of the existing CFPEI (or on a subcommittee of it) and having the CFPEI committee staff, supplemented by at least one additional legislative staff³⁸, serving the new Committee.

Once the Committee is established, appropriate contacts, work relations and communication procedures related to Committee's role in legal approximation, in

³⁸ Legislative staff highly educated on European affairs and integration matters would certainly be very beneficial for the new Committee. PNUD Project's current plan to support the education of one or two parliamentary staff at the College of Europe could bring a significant contribution to building the required professional support to the future Committee.

reviewing and preparing reports on the EU integration-related draft legislation, should also be established. In addition, as discussed earlier in the report, Committee's relations with the executive authority (either the relations between this particular Committee and the Government or relations between parliamentary Committees in general and the Government) could be regulated by means of subsequent normative provisions. Establishing of a functional public consultation and citizen outreach mechanism, which the new Committee should fully employ, should be another priority.

UNDP Project that commissioned this report could further support the development of draft law/regulation (possibly in form of amendments to the existing regulatory norms) regarding the exercise of parliamentary control over the executive (including minister's obligations toward Committees in general or toward the future Committee on European Integration in particular). The implementation of such regulatory changes could start immediately.

UNDP Project could also support a thorough assessment of the existent legal/regulatory provisions on ensuring transparency to legislative processes, the current policy framework in this field, past and present experience and practices, and, taking into consideration both good practices and limiting factors, support development of a efficient and realistic mechanism for consultations and outreach for the new Committee as soon as it is established. However, the implementation of a proper, efficient and effective mechanism thereof is directly related to the institutional capacities and resources, including appropriate use of modern information and communication tools. For example, it would be extremely useful to create as soon as possible a computerized legal information system, which would provide the public with up-to-date information on Moldova's progress toward harmonization of country's legislation with the EU law (such as the model of Ukraine's Management Information System on Legal Approximation – UEPLAC³⁹, the Information System of the Seimas of the Republic of Lithuania, which includes a database of internal legislative acts and a database of EU law while logical links have been established between the two databases⁴⁰, etc). In the implementation of a possible future policy of intensive public consultations and outreach, the Parliament could also apply for assistance from the soon to be established EU's Civil Society Facility for the neighborhood⁴¹.

To help preserve pro-integration momentum and prevent further spreading of anti-European attitudes in the society it is imperative to reach out to and engage a crucially important segment of the society, the youth. To reach out to younger population the parliamentary Committee should indeed be ready to use modern technology and a language accessible to youth. The UNDP Project could assist the future Committee to

³⁹ <http://mis.ueplac.kiev.ua>

⁴⁰ http://www3.lrs.lt/docpaieska/forma_e.htm and www3.lrs.lt/pls/intr1/docpaieska/forma_e

⁴¹ The purpose of this Facility is to bring governments/parliaments and civil society together in a structured dialogue on key areas of cooperation between the EU and the respective ENP country.

create and maintain a dedicated website, which should be linked to, and subsequently integrated into, the general parliamentary website. The website should promote European integration goals and ideas and disseminate related information to the public in a regular and timely manner. It should have interactive features, providing opportunities for citizens to send electronically, directly to the Committee, their comments on draft legislation pertaining to the European integration agenda. Establishing of a functional electronic platform of Committee's communication with the public could contribute to consultative policy-making also by enabling expert NGOs to channel their expertise to the Committee on a permanent basis. Ahead of establishing the Committee on European Integration, the present CFPEI could prepare the creation of an electronic platform of effective and efficient communication with the public by taking the first steps such as, for example, posting electronic contacts of individual Committee members on Parliament's website, creating a distribution list of interested NGOs, academia and other representatives of civil society to which the Committee staff should regularly send meeting agendas, reports and other useful pieces of information, while in exchange inviting stakeholders to send their ideas and feed back to the Committee, etc.

The Committee could also start working on an initiative, possibly named "Citizens for Europe", aimed at bringing together expert civil society organizations, different levels of authorities, and the citizens, to discuss legislative proposals and key priorities that would speed up the European integration process. As part of this initiative special Committee sessions could be organized in various parts of the country to discuss particular themes of interest⁴².

A possible text for a **draft Decision of the Parliament on establishing a Committee on European Integration** is presented at Annex 1. The draft Decision features possible responsibilities for the proposed Committee. If established, the Committee should be supported to develop a more detailed procedure and start functioning accordingly. The UNDP Project could develop a capacity-development programme tailored upon the needs of the members and staff of the new Committee. The future Parliamentary Research and Impact Evaluation Section and other legislative support services should provide adequate assistance to the Committee. **Donor investment in a focused training programme should result in the creation of a core of politicians with increased EU expertise and of appropriate EU expert support within the Secretariat.**

Appropriate involvement of opposition representatives, who should be given adequate responsibilities in the new Committee⁴³ and opportunities to take active

⁴² For example, a thematic session could focus on the sector of agriculture and rural development and could help determine priorities, what everyone can do on their level, what instruments for assistance and funds could be employed, how modern and efficient institutional support for agriculture and rural development could be established, etc.

⁴³ For example, a Deputy Chairperson position, managing the relationship of the Committee on European Integration with the standing Committees chaired by opposition representatives, tasks on report preparation and presenting a larger number of draft legislation to Committee meetings, opportunities to speak at public debates on European integration organized by the Committee, etc.

part in the process of European integration, is expected to help bridge internal disagreements that hinder country's progress toward the EU.

Chapter 4: Parliament - NGO cooperation

There is a natural interest of NGOs to cooperate with legislative and it can be of joint use in building democracy and promoting the rule of law. European Integration is a cross-sector reform process, which requires a significant coordination effort, both vertical and horizontal. The debates on reforms should not degenerate into discussions among experts or only among politicians. European Integration process was politically linked in 2005-2009 mainly to one party/leader. Such monopolization should be avoided. Europeanizing Moldova has to become an all-nation process and can be successfully built through the involvement of civil society.

The civil society in Moldova is still weak and needs further consolidation efforts. Its financial support and trainings are generally supported by external donors. The legislative can use the already existing formats and support new ones in order to identify ways for strengthening the NGO capacities in Moldova and Parliament-NGO cooperation.

1. The Conference "Cooperation between the Parliament and Civil Society"

Cooperation between Parliament and Civil Society, promoted in line with the Council of Europe recommendations, started in 2005 with the adoption of Concept document by the legislative. The last event was held on 11 May 2011. It was attended, as usually, by the Speaker of Parliament and a number of other MPs. The Conference mentioned some of successful stories of partnership, mentioning the Volunteering Law, the Law on the Legal Status of Adoption, the Law on the Freedom of Expression, the Law on the Public-Private Partnership, the human rights Action Plan and few others. The conclusions of the Conference underlined a number of shortcomings and proposed some actions in order to remove drawbacks, particularly concerning:

- developing NGO capacities concerning national security, public order, foreign policy, agriculture and food safety etc.;
- involving NGOs to support quality of debates in permanent Committees;
- the cooperation should be regular, and not sporadic, using available and developing new forms;
- the Parliament and NGO relations should be strengthened by creating implementing rules for the Concept paper and involving the Secretariat in that process.

2. The NGO Forum held on 23-24 June 2011 was attended by the Speaker of the Parliament and the Head of Moldovan Delegation to EU-Moldova Parliament Cooperation Committee. In-between the sessions, the activities of the NGO Forum is coordinated by a National Council. The resolution adopted by the Forum address also the

legislative body, inter alia :

- to draft and approve a new Strategy for NGO development for 2012-2014;
- to review its current practice and mechanisms of public consultations and cooperation with civil society in the process of elaboration and monitoring of implementation of legislation;

3. The National Participation Council is a consultative format between the Government and NGO sector. It has a delegated representative at Government sessions and brings a voice from the civil society. This is the most organized format of NGOs, having a permanent secretariat and focal-points in the Government office. However, developing closer ties with specialized parliament committees, particularly Foreign Policy and European Integration Committee (FPEIC) and/or eventual EIC (Functional Committee or Standing Committee on European Integration), would be an asset in strengthening the monitoring capacities of the parliament and raising the understanding of NGO concerns on relevant matters.

4. National Convention on European Integration, a thematic platform for debates on matters related to Association Agreement negotiations and Visa Liberalization with EU was launched in November 2010. This platform was created with the support of the Parliament (Foreign Policy and European Integration Committee) and the Ministry of Foreign Affairs. It is implemented by 3 local NGOs (think tanks) : Foreign Policy Association (APE), IDIS “Viitorul” and Expert-Grup and the Slovak Foreign Policy Association, with the financial assistance of SlovakAid. It has 3 Working Groups on: Visa Liberalization; Economic and Trade Related Matters; and Agriculture and Regional Development. The 2011 thematic round-tables were developed with limited involvement of the FPEIC and less connected to the legislative agenda. It focused more on the executive branch activities, although it addressed the role and cooperation with Parliament in European Integration process. In the next phase, the project will try to involve more the legislative into debates and implementation of recommendations. The first round-table outside Chisinau was held in Balti on 27 of June 2011, with the participation of local elites.

This and similar policy forum debates should further develop regional approach and organize more debates outside Chisinau. The participation of the Chairman of the FPEIC and/or EIC as well as other MPs should be encouraged. Moreover, taking into consideration the social role of the church and its particular point on EU values, its representatives should be involved on a regular basis as well.

5. The research project for the support of the FPEIC recently launched by a think-tank “Expert-Grup”, with the support of the Council of Europe Office in Chisinau, elaborates expert studies on selected issues of interest. The first report concerning Moldovan borders was presented and debated in the FPEIC on 17 June this year. This and such similar research-based projects can be developed, in order to raise knowledge and understanding of European Integration policies and their implications at local level. This

will further require a planning and coordination effort, correlated to the legislative agenda.

6. Regional partnerships: In order to raise awareness of regions on European integration, there were created with foreign donors support Pro-Europa Centers in Balti, Cahul and Comrat. These are the most important cities that have universities. Eventually, organizing public hearings or policy debates with participation of MPs from FPEIC and/or eventual EIC outside Chisinau, it would be useful to involve the mentioned regional centers that will raise their visibility too.

7. Regular public hearings of Ministers on important matters might be more sound and unbiased if allowing alternative NGOs (monitoring) reports. This will require however an additional effort to ensure a transparent process and in due-time coordination of agenda. NGOs can thus provide strong impetus for required reforms and could step in where necessary. They can contribute to making reforms clear and in an open political profile. The main subjects of public interest in the second half of 2011 are : Visa liberalization (first phase evaluation); Geographical and Regional Indications; Launch of Deep and Comprehensive Free Trade Area (DCFTA); Launch of the Liberalization of Air Services; Eastern Partnership Summit (mandate and expectations); Progress on Association Agreement Negotiations; Reform of the Legal Approximation Mechanism; drafting of the European Integration Strategy etc.

8. Transparency in the decision-making process has to be enforced through the publication in due time and accordingly on the website of required documentation and information according to the law.

9. Universities research centers: A big gap, but with important potential, is the participation of academia circles in public processes, which unfortunately remain mostly at theoretical research and teaching activities.

10. Pool of experts: the creation of a pool of individual experts, NGOs and other research centers will help involve the available outside expertise, raise awareness and ensure the transparency of the works of the FPEIC and/or EIC.

Conclusions

Across parliamentary political spectrum, Moldovan political parties declare themselves unequivocally in favor of European integration. The present government came to power on a very strong pro-European agenda and presses forward an ambitious package of reforms that the EU duly acknowledges and supports by way of an unprecedented amount of financial and technical assistance. Negotiations on an Association Agreement are progressing well and such an agreement, which shall also include a Deep and Comprehensive Free Trade Area, could be concluded in less than two years. There is an unprecedented level of, yet not un-conditional, support from the EU and EU member states that Moldova should not waste.

Parliament as the supreme representative institution should strengthen its capacities and use its entire potential, residing in both majority and opposition, to steer Government's efforts at European integration, maintain the present pro-integration momentum, help tackle hindrances to the process and strive to reach out to, and indeed involve, the entire society and Moldovan citizenry.

By supporting the establishing of a dedicated Committee on European Integration, which shall assume broad and concrete responsibilities, as recommended in this report, all parliamentary forces would have the opportunity to reconfirm their commitment to European integration and willingness to take concrete action in order to bring the country closer to the European Union.

Overview of Recommendations

Recommendation	Responsible party	Priority level	Assumption
Establishing of a standing parliamentary Committee on European Integration	Parliament (Speaker, Standing Bureau, CFPEI, Parliamentary Fractions)	Beginning of the next legislature (the latest)	Internal political agreement is achieved.
Establishing of a functional parliamentary Committee on European Integration	Parliament (Speaker, CFPEI, standing Committees)	As soon as possible	Internal political agreement is achieved.
Establishing adequate competences to the parliamentary Committee on European Integration.	Parliament	High priority	There is agreement to establish the Committee.
Providing adequate staffing to the Committee on European Integration/adding new staff to the CFPEI	Parliament, Secretariat	High priority	The Committee is established.
Providing adequate training programme for members and staff of the new Committee	UNDP, Parliament, donors	As soon as necessary conditions are created.	The Committee is established.
Establishing of a functional public consultation and citizens outreach mechanism for the new Committee.	Parliament (Committee members and staff, Secretariat), NGOs, donors	First steps to start as soon as possible.	The Committee is established.
The new Committee engages	Parliament (Committee	First steps to	The Committee

the youth	members and staff, Secretariat), NGOs, donors	start as soon as possible.	is established.
The Committee establishes and regularly updates an interactive webpage.	Parliament (Committee members and staff, Secretariat), NGOs, donors	Medium term	The Committee is established.
Support creation of a computerized legal information system to provide up-to-date information on progress in harmonization with EU law	Parliament/Secretariat, Government, donors	As soon as possible	Parliament's ICT Strategy is further developed and implemented
CFPEI prepares grounds for creation of an electronic platform of communication with the public by posting members' contacts, compiling a list of stakeholders, providing regular information to and requesting input from stakeholders	CFPEI members and staff, ICT Department, NGOs	As soon as possible	An increased number of MPs use ICT.
Creating conditions for the Committee to undertake itinerant public hearings and special sessions and public debates in the country.	Parliament/Secretariat local government, NGOs	Medium term	The Committee is established.
Establishing appropriate contacts, work relations and communication procedures related to the role of the new Committee in legal approximation, including review of EU-integration related draft legislation.	Parliament (Committee, Secretariat, other Committees), MoJ	Short term	The Committee is established.
Committee should (via internal procedure and amendments to the normative act that regulates the work of the Center for Legal Approximation) establish direct contact and cooperation with the Center to maximize its efficiency in the field of legal	Parliament, Committee, MoJ, Center for Legal Approximation	Short term	The Committee is established.

approximation. Providing for regular participation of the representative of the Center for Legal Approximation (CLA) in the meetings of the future parliamentary committee.			
Regulating Committee's relations to the executive authority by means of normative provisions.	Parliament, Government, MFAEI	Medium term	The Committee is established.
Ensuring that parliamentary control over the executive branch of government is properly exercised – Consider options for persuading ministers to regularly report before Committees	Parliament, Government	Short term - start immediately	There is willingness to change attitudes.
Aim to have most of the members of the Moldovan Delegation to the Joint Parliamentary Committee EU-Moldova designated from among the members of the Committee on European Integration.	Parliament, parliamentary fractions	Medium term	The Committee is established.
Establish clearer division of responsibilities between Parliament and the executive branch of government and between Parliament's structures with regard to legal approximation.	Parliament, Committees, Secretariat, MoJ	Short term	
Start offering MPs neutral and quality legislative research services in Parliament: continue Secretariat's reform; develop legislative research capacities; provide adequate staffing and subsequent training to the future Legislative Research Unit.	Parliament, UNDP	Short term	There is willingness and support for the continuation of Secretariat's reform.
Mark all EU-related draft legal acts distinctly.	Government, State Chancellery	Immediately	

Ensure obligatory completion of tables of concordance for all draft legislation pertaining to European Integration.	Government, MoJ, CLA, line ministries	Start immediately	Ministries have adequate capacity.
Ensure obligatory submission of the tables of concordance to the Parliament.	State Chancellery	Start immediately	Tables are produced.
In parallel with efforts at rendering the Parliament more professional and effective conduct efforts at promoting the (role of the) Parliament amongst officials of the executive authority.	Parliament, UNDP	Short term	Cooperation between UNDP projects.
Introduce the obligation of checking compatibility of draft legislation to the EU law before final reading.	Parliament, CLA	As soon as necessary conditions are created.	CLA has adequate capacity.
Put in place clear communication and workflow procedures in Parliament, State Chancellery and ministries -- Ensure full compatibility of the internal workflows and communication procedures and a clarification of inter-institutional workflows.	Parliament, State Chancellery, ministries, possibly UNDP	Start as soon as possible	Cooperation between UNDP projects may facilitate the process.
Establish a protocol of cooperation between the Secretary General of the Parliament and his equivalent at the State Chancellery.	Secretary Generals of the two institutions	As soon as possible	Party lines can be transcended.
Facilitate the transfer of good practices and innovative ideas between Parliament and institutions of the executive authority.	Secretaries General, UNDP	Start as soon as possible	Regular communication at appropriate level is established.

List of Abbreviations

AA – Association Agreement

AEI – Alliance for European Integration

CFPEI – Committee on Foreign Policy and European Integration

CIB – Comprehensive Institution-Building

COSAC – Conference of Community and European Affairs Committees of
Parliaments of EU

DCFTA – Deep and Comprehensive Free Trade Areas

EBRD – European Bank for Reconstruction and Development

EC – European Communities

EIB – European Investment Bank

ENP – European Neighborhood Policy

EU – European Union

IFIs – International Financial Institutions

MFAEI – Ministry of Foreign Affairs and European Integration

MoJ – Ministry of Justice

MPs – Members of Parliament

NIF – Neighborhood Investment Facility

NIP – National Indicative Programme

PCA – Partnership and Cooperation Agreement

RoP – Rules of Procedure

SME – Small and Medium Size Enterprise

UEPLAC – Ukraine’s Management Information System on Legal Approximation

Annex 1 Draft Decision on setting up the Parliament of Moldova's Committee on European Integration

Draft

Decision nr. X from xx/xx/2011 on setting up the Parliament of Moldova's Committee on European Integration

Based on the provisions of Art. 64 Para (1) and Art 72 Para (3) letter c) of the Constitution, and on Art 16 and Art 17 of the Rules of Procedure of the Parliament adopted by means of the Law nr. 797 from April 2, 1996 with its subsequent amendments, the Parliament approves the present Decision.

Art 1

Hereby the Committee on European Integration of the Parliament of the Republic of Moldova is established.

Art 2

The Committee provided for at Art 1 is composed of 21 members: at the present 10 members of the Committee on Foreign Policy and European Integration three members of the Legislative-Legal Committee and one member of each of the other standing committees will be added. The membership of the Committee of European Integration is established taking into consideration the proportional representation of parliamentary fractions according to Art 17 Para (2) of the Rules of Procedure of the Parliament.

The members of the Committee are presented at the annex, which is an integral part of the present Decision.

Art 3

The Committee on European Integration will function based on its own regulation, which will be developed based on Art 4 of the present Decision and submitted to the Standing Bureau for approval. Provisions of Articles 16, 17, 19, 20, 21, 22, 23, 24, 25, 27, 30 and 31 of the Rules of Procedure of the Parliament duly apply to the Committee on European Integration.

Art 4

The Committee on European Integration has the following responsibilities:

- Reviews (along with other standing committees, which may be designated as competent committees) all EU-related draft legal/regulatory acts and proposals and prepared reports.
- Closely cooperates with other standing committees, which based on their area of expertise are the specialized committees for particular pieces of draft legislation related to European integration, in order to achieve a timely harmonization of Moldova's legislation

with the EU law, strengthening of the market economy in Moldova and reproaching EU structures and mechanisms.

- Takes the initiative of providing advisory opinions on legislative proposals in this field, with the agreement of at least one third of its members.
- Provides policy guidance to the Government in European integration-related matters.
- Urges the government to develop, regularly update and implement a comprehensive EU Integration Strategy and corresponding action plans.
- Prior to important rounds of negotiations on the Association Agreement and other contractual instruments between Moldova and the EU reviews Republic of Moldova's positions.
- Takes the lead in the effort of preparing European integration-related legislative plans.
- Ensures that the Government timely prepares work plans on legal approximation and observes the assumed commitments and action plans related to European integration.
- Ensures, both by getting directly involved and by facilitating other standing committees' involvement, appropriate parliamentary control over the implementation of EU-related laws and regulations.
- Supports conduction of impact assessments regarding new EU-related legislation.
- Ensures that the Government establishes adequate mechanisms for utilization of available financial instruments and EU technical assistance and that the financial and technical assistance is properly utilized.
- Promotes European integration purposes and objectives into the society, aiming to help achieve consensus and a high degree of inclusiveness in European integration processes.
- Ensures coordination and harmonization of internal political stances regarding European integration matters within Parliament.
- Coordinates Parliament's efforts to maintain close relations with EU Member States' Parliaments and with structures of the European Parliament.
- Ensures that the undisputable national interest is respected in Parliament's relations with the European Parliament and Parliaments of EU Member States.
- By way of adequate parliamentary control over the executive ensures that the national interest is respected in Government's relations with EU institutions and Member States.
- Ensures that the Government intensifies contacts with candidate countries, in order to learn from their experience, acknowledge and follow their good practices and be able to progress significantly toward the EU-integration goal.
- Ensures coordination and harmonization of internal stances in view of presenting abroad of a Republic of Moldova's position that is harmonized with EU's position on international matters.
- Maintains close contact with the Joint Parliamentary Committee EU-Republic of Moldova and ensures that agendas, draft resolutions and core messages to the European Parliament are discussed by the Moldovan Co-Chair of the Joint Parliamentary Committee with the Committee on European Integration prior to annual sessions, high level visits and other significant meetings of the Joint Parliamentary Committee and that the Committee on European Integration is properly briefed following annual sessions and other important events involving members of the Joint Parliamentary Committee.

Art 5

The Committee has the right to be regularly and thoroughly informed by members of the

Government on the progress of negotiations with the EU and on the implementation of assumed obligations, as well as to be given the opportunity to provide comments and opinions thereon.

The Committee further has the right to be duly informed by the Delegation of the Moldovan Parliament to the Joint Parliamentary Committee EU-Moldova as stipulated at Art 4.

Art 6

The meetings of the Committee on European Integration take place whenever it is necessary and at least once every second week. Members of Parliament designated as members of this Committee keep their membership on other parliamentary committees.

Art 7

On an annual basis the Committee presents to the Parliament an activity report.

This Decision has been adopted by the Parliament in plenary sitting on xx/xx/2011

PRESEDINTELE PARLAMENTULUI

ANEXA: THE MEMBERS of the Committee on European Integration

**Annex 2 Excerpts from Republic of Lithuania Law on the
Government**

Official translation
Excerpts

**THE REPUBLIC OF LITHUANIA
LAW
ON THE GOVERNMENT**

19 May 1994 No I-464
Vilnius

Revised version adopted on 28 April 1998 No VIII-717
(As amended by 12 May 2005 No X-198)

Article 41. Government Decisions and Resolutions

1. Government decisions and resolutions shall be passed at Government meeting by a majority vote of the Government members attending that meeting.

2. Government resolutions and decisions shall be signed by the Prime Minister in the manner prescribed by the rules of procedure of the Government.

3. When debating positions of the Republic of Lithuania on the proposals to adopt legislative acts of the European Union, the Government may adopt decisions, and on the proposals on other documents of the European Union - resolutions.

CHAPTER ELEVEN

DEBATE AND RESOLUTION OF EUROPEAN UNION MATTERS

Article 47. Preparation, Co-ordination and Presenting of a Position on a Proposal to Adopt a Legislative act of the European Union or on any other Document of the European Union

1. An institution authorised by the Government in the manner prescribed by it shall prepare a position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union, and, when necessary, shall prepare a position on any other document of the European Union.

2. When preparing, co-ordinating and presenting a position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union, the Government shall, in the manner prescribed in Article 49 of this Law, consult the Seimas, create conditions for other interested state institutions, public bodies and non-governmental organisations to deliver their opinions.

3. When preparing a position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union concerning foreign policy, national security, as well as relating to the subjects discussed in the European Council, the Government or an institution authorised by it shall co-ordinate the position under preparation with the President of the Republic.

4. A position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union or on any other document of the European Union shall be prepared, debated and presented in accordance with the procedure provided for in laws and other legislative acts.

Article 48. Obligation of the Government to Inform the Seimas and the President of the Republic about Proposals to Adopt Legislative Acts of the European Union and about other Documents of the European Union

1. The Government shall, in the manner prescribed by the Seimas Statute and laws, immediately inform the Seimas about the received proposals to adopt legislative acts of the European Union and about other documents of the European Union pertaining to the spheres which under the Constitution of the Republic of Lithuania fall within the competence of the Seimas or the President of the Republic.

2. Having decided to prepare a position on a proposal to adopt legislative acts of the European Union or on other documents of the European Union pertaining to the spheres which under the Constitution of the Republic of Lithuania fall within the competence of the Seimas or the President of the Republic, the Government shall immediately inform the Seimas or the President of the Republic by presenting the position of the Republic of Lithuania prepared by the Government.

Article 49. Obligation of Government to Consult the Seimas when Preparing, Co-ordinating and Presenting a Position of the Republic of Lithuania

1. The Government shall consult the Seimas about proposals to adopt legislative acts of the European Union or about other documents of the European Union pertaining to the spheres which under the Constitution of the Republic of Lithuania fall within the competence of the Seimas.

2. The Seimas may, in the manner prescribed by the Seimas Statute, recommend the Government a position on a proposal to adopt a legislative act of the European Union or on any other document of the European Union.

3. The Committee on European Affairs or the Committee on Foreign Affairs of the Seimas may, in the manner prescribed by the Seimas Statute, deliver an opinion of the Seimas regarding proposals to adopt legislative acts of the European Union or regarding other documents of the European Union.

4. A position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union or on any other document of the European Union shall be presented by the Prime Minister or an appropriate minister at a plenary sitting of the Seimas, in the Committee on European Affairs or the Committee on Foreign Affairs of the Seimas. In exceptional cases the minister may charge a vice-minister to present a position on a proposal to adopt a legislative act of the European Union or on any other document of the European Union.

5. The Government shall evaluate the recommendations or opinions submitted by the Seimas or its Committees and shall, in the manner prescribed by legislative acts, inform the Seimas about the implementation thereof.

Article 50. Opinion of the Government on Subsidiarity

When presenting a position of the Republic of Lithuania on a proposal to adopt a legislative act of the European Union or on any other document of the European Union, the Government shall deliver to the Seimas an opinion whether or not the legislative act conforms to the principle of subsidiarity.

Article 51. Transposition of European Union Law into National Law of the Republic of Lithuania and its Implementation

The Government shall within its competence be responsible for the transposition of European Union law into national law and its implementation. Legislative acts of the European Union shall be transposed into national law of the Republic of Lithuania in accordance with the procedure established by the Government.

Article 52. Presentation of Candidatures of Officers for the Positions in Institutions of the European Union who are Nominated by the Republic of Lithuania

1. The Government shall nominate candidates for the positions of highest-ranking officers of the European Union. Their appointment shall be provided for in the treaties establishing the European Union.

2. With the consent of the President of the Republic, the Government, nominating candidates for member of the European Commission and member of the Court of Auditors, shall consult the Seimas in the manner prescribed by the Seimas Statute.

3. With the consent of the President of the Republic, the Government, nominating candidates for judges of the Court of Justice of the European Communities and the Court of First Instance of the European Communities, shall consult the Seimas in the manner prescribed by the Seimas Statute.

4. The Government, nominating candidates to the Committee of the Regions of the European Union, shall consult the Association of Local Authorities in Lithuania in the manner prescribed by legislative acts.

5. The Government, nominating candidates to the Economic and Social Committee of the European Union, shall consult the Tripartite Council of the Republic of Lithuania in the manner prescribed by legislative acts.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

Annex 3 List of Interviewee

Mr. Igor Corman, MP (Democratic Party of Moldova), Chairperson of the Committee on Foreign Policy and European Integration

Mr. Sergiu Stati, MP, (Party of Communists), Deputy Chairman of the Committee on Foreign Policy and European Integration

Mr. Valeriu Streleț, MP, (Liberal-Democrat Party), member of the Committee on Foreign Policy and European Integration, Leader of the Parliamentary Fraction of the Liberal-Democrat Party

Mrs. Ana Guțu, MP (Liberal Party), member of the Committee on Foreign Policy and European Integration

Mr. Vlad Lupan, MP, (Liberal Party), member of the Committee on National Security, Defense and Public Order

Mrs. Mariana Zolotco, Counselor to the Acting President of the Republic, Advisor on European integration

Mr. Adrian Fetescu, Secretary General of the Parliament

Mr. Maxim Ganaciuc, Deputy Secretary General of the Parliament

Mr. Valeriu Gheorghiu, Head of European Integration Department, Ministry of Foreign Affairs and European Integration

Mr. Ion Creangă, Head of the Legal Department, Parliament

Mrs. Rodica Iovu, Head of Foreign Affairs Department, Parliament

Mr. Eugen Burdelnii, Head of Inter-parliamentary Relations Unit, Foreign Affairs Department, Parliament

Mrs. Oxana Gojan, Senior Advisor, Committee on Foreign Policy and European Integration

Mrs. Victoria Parfentiev, Senior Adviser, Committee on Foreign Policy and European Integration

Mrs. Stela Sîngaci, Senior Adviser, Committee on Foreign Policy and European Integration

Mrs. Elena Scripcaru, Referent, Committee on Foreign Policy and European Integration

Ms. Ausra Raulickyte, Senior Advisor, European Union High Level Policy Advisory Mission to the Ministry of Justice

Mr. Vasile Filatov, Parliamentary Assistance Program Officer, Council of Europe Office in the Republic of Moldova

Mrs. Antonia Fonari, Leader of the National Council of NGOs (Conference Parliament-NGO)

Mr. Sergiu Ostaf, Resource Center on Human Rights (CREDO);

Mr. Corneliu Gurin, Association for Participative Democracy (ADEPT), former Head of the Administration of the Parliament (2001-2005)

Mr. Johan Hommes, Chief Technical Advisor, UNDP Project “Support to Parliamentary Development in Moldova”

Mr. Sergiu Galitchi, Project Manager, UNDP Project “Support to Parliamentary Development in Moldova”