



FREEDOM OF INFORMATION INDEX: Measuring Transparency of Public Institutions in Moldova

Edition 2022



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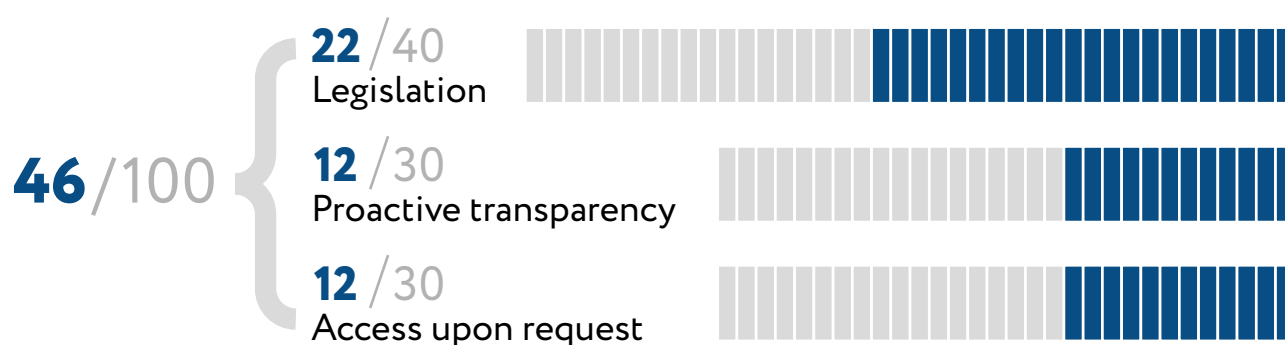
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EXECUTIVE SUMMARY

In 2021, we published the first report reviewing transparency of public institutions in the Republic of Moldova. Analysis focused both on the quality of legislation in this field and the practical application of requirements and standards stemming from the law. The overall assessment of the situation was rather pessimistic, demonstrating significant gaps in the legislation and even less positive news about the law's practical applications. The total score from the 2021 Freedom of Information Index did not exceed 50 percent of the available points, indicating the presence of systemic shortcomings in this field.

Freedom of Information Index 2021 – Results



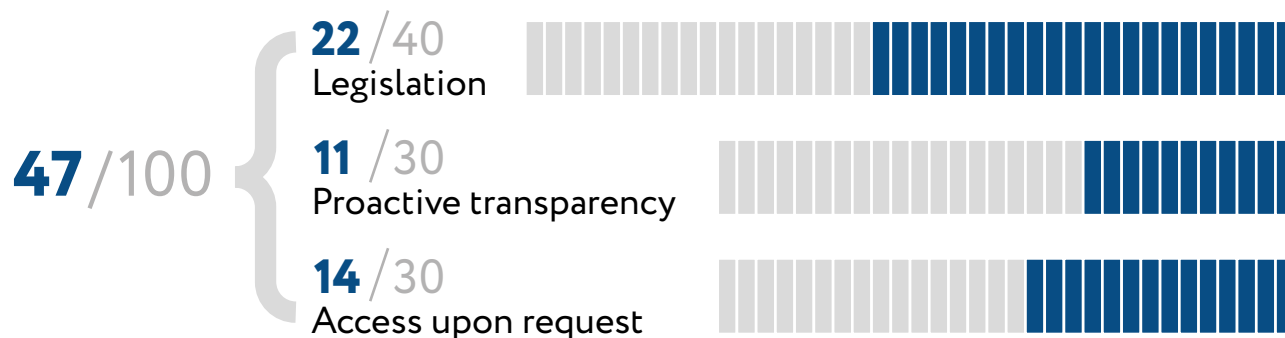
This year, relying on the same methodological approach, we measured the level of performance of public bodies in ensuring the effective right to information. Considering the legislative framework remained unchanged, we focused particularly on two elements of the assessment concentrating on practice, i.e.:

- Performance of public institutions with regard to proactive transparency, i.e., quality and comprehensiveness of public information published on the websites of public institutions. This element was measured via review of websites of public bodies.
- Performance of public bodies in handling public information requests. Practice in this field was tested via distribution of standardized public information requests to public institutions and analysis of their responses.

Our review was based on a slightly extended sample of public institutions (73 entities compared with 65 in 2021), with minor adjustments to our methodology for reviewing the practice of processing public information requests.

The final result is very similar to what was recorded in the baseline 2021 measurement, with a small decrease in the total score in the area of proactive transparency that is compensated by a slightly larger improvement in the responsiveness of public information requests. However, these changes are too small to draw any far-reaching conclusions. It is clear that the current situation remains very similar to that of 2021, and that systemic shortcomings and deficits continue to be present.

Freedom of Information Index 2022 – Results



The catalogue of major problems identified in this year's assessment remains largely the same as in 2021, leading us to call for similar categories of interventions from the Government:

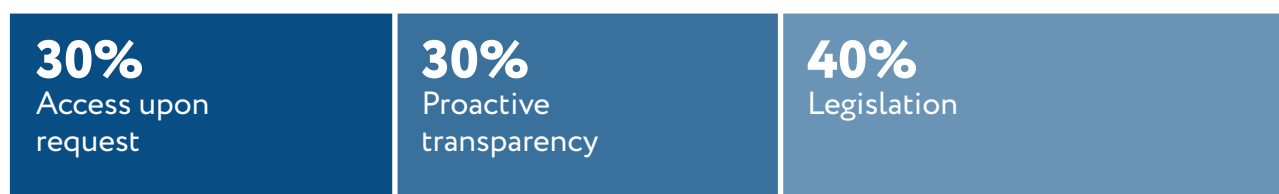
- Promote greater availability of information on the websites of public institutions. In the first place, this requires significantly extending the scope and variety of information that is disclosed proactively;
- Ensure that the private interests of public officials, especially relating to personal data protection and confidentiality of salary information, are not a priori given priority over public interests relating to transparency. Clarifying this issue requires better harmonization of the relevant legislation as well as heightened awareness among state institutions of the need to interpret legislation in accordance with the highest transparency standards;
- Enhance external compliance controls through inspections, monitoring websites and imposing sanctions on authorities and officials who violate the right to information. This report identifies basic deficits in the implementation of the current legislation on access to information and a low level of compliance with transparency standards among public bodies. This problem cannot be tackled effectively without an adequate institutional framework for compliance controls. Regardless of whether this task will be performed by an independent information commissioner (as in many countries) or distributed among existing bodies, it is crucially important that considerable efforts be made in the area of enforcement of the right to information.

Addressing the above-listed shortcomings is particularly relevant, considering that in June 2022 Moldova obtained candidate status for accession to EU membership. The legal framework and practice of access to public information will be subject to assessment in the accession process as part of the EU's requirements relating to democratic governance and rule of law.

INTRODUCTION

The assessment presented in this report relies on the same methodological approach as the baseline evaluation conducted in 2021. Minor procedural changes related only to the content of public information requests distributed among public institutions; this was done in order to assess their responsiveness to transparency obligations. As previously, the weight of each evaluation category in the calculation of the final score reflects the necessity of securing both a high-quality legislative framework that sets a high standard for transparency, and effective implementation of this legislation in practice.

Freedom of Information Index – Composition



LEGISLATION: Measures compliance of legislative framework with international minimum transparency standards, including: The Council of Europe’s Convention on Access to Official Documents (Tromsø Convention);¹ OECD SIGMA’s Principles of Public Administration;² Global Open Data Index;³ Right to Information Rating managed by Access Info Europe (AIE) and the Centre for Law and Democracy (CLD).⁴

PROACTIVE TRANSPARENCY: Measures availability of key datasets and information on the websites of public institutions. The website of each institution is reviewed in order to assess whether the required information is: a) disclosed proactively; b) available in an open format; and c) up to date.

ACCESS UPON REQUEST: Measures the performance of public bodies in processing public information requests according to the following criteria: timeliness of response; type of response – approval, refusal, silence; completeness of information provided; form of disclosure of information; and fees applied for access to information.

Taking into account the lack of legislative developments in the field, the scoring for this pillar of the Index remains the same as in 2021. However, in the narrative sections of the report we present additional insights and observations related to the quality of legislation that may be particularly useful in the ongoing process of drafting the new Law on Access to Public Information. For the purposes of assessing practical application, we used a slightly extended sample of 58 (instead of 50) public institutions and 15 state-owned enterprises and joint-stock companies. This ensures comparability of results from 2021 and 2022, regardless of minor adjustments in the content of public information requests distributed among institutions.

1 <https://rm.coe.int/1680084826>

2 <http://www.sigmaxweb.org/publications/principles-public-administration.htm>

3 <https://index.okfn.org>

4 <https://www.rti-rating.org>

INTRODUCTION

The report concludes with recommendations for necessary changes in the legislative framework and the practices of public institutions. Legislative recommendations are of particular relevance, and may help to inform the ongoing process of drafting the new Law on Access to Public Information.

In Annex I, we provide an analysis of the compliance of Moldovan legislation with the Council of Europe's Convention on Access to Official Documents (Tromsø Convention),⁵ ratified by the Republic of Moldova on September 2, 2016. While this act formulates only basic and very minimum transparency requirements, it remains the only international treaty dedicated specifically to this issue.

5 <https://rm.coe.int/1680084826>

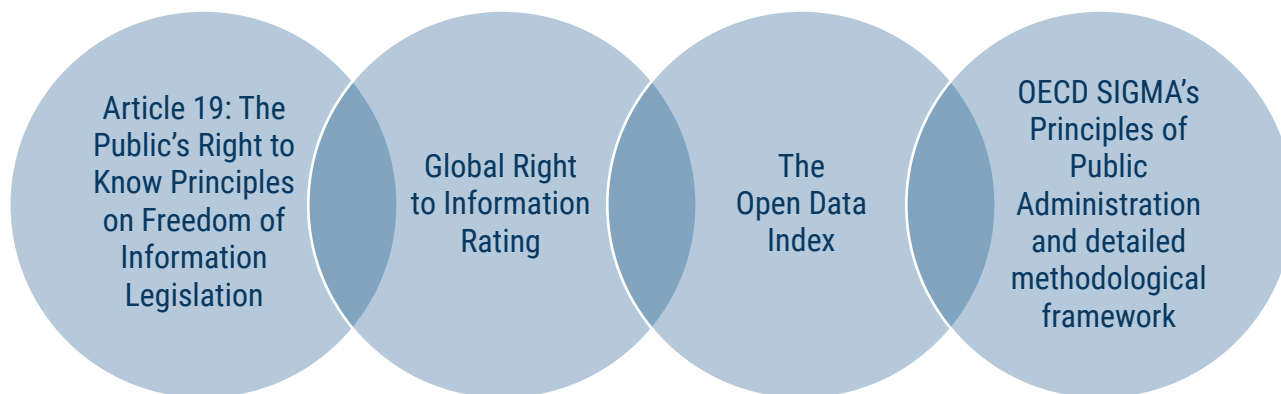
PILLAR ONE: LEGISLATION [40%]

	2021	2022
SCORE	22/40	22/40

METHODOLOGY

The Tromsø Convention remains the only international treaty that provides general standards for implementation of the right to information. However, as a result of the need for political compromise among various legal traditions and constitutional cultures, this act offers rather basic and minimalist standards of protection for the right to information. More progressive requirements in this regard were developed by international governmental and nongovernmental bodies. This includes e.g.:

- ‘The Public’s Right to Know Principles on Freedom of Information Legislation’ prepared by Article 19;
- The Global Right to Information Rating;
- The Open Data Index;
- OECD SIGMA’s Principles of Public Administration and detailed methodological framework.



Drawing from these sources, we developed an original methodological framework to assess compliance of Moldovan legislation with transparency standards and requirements that impact the realization of the citizens’ right to information. This methodology covers all major aspects of the legislative framework for access to public information, which are divided into four clusters:

- **General rules** – the constitutional status of the right to information; the institutional scope of transparency obligations; the access to the right to information and legitimate restrictions in access to public information;
- **Proactive transparency** – the obligations of public bodies and technical standards related to proactive disclosure of public information;
- **Access to information upon request** – the procedural conditions to obtain information upon individual request of the interested person;

PILLAR ONE: LEGISLATION [40%]

- **Enforcement** – how and by whom the compliance of public bodies with transparency obligations is monitored, reviewed and, if necessary, also sanctioned.

Under each cluster we developed set of specific criteria to reflect the degree of significance of relevant conditions. The scoring process allows for the criteria to be met partially or fully. The total score is calculated as a sum of the point totals for each individual criterion. The table below specifies all criteria and explains the rules for point allocation.

General rules [13 points]		
Status of the right to information	0	Right to information is not recognized at the constitutional level
	2	Right to information has the status of a constitutional right
Institutional scope	0	A least two of the following bodies is not subject to obligations applicable to holders of public information: <ul style="list-style-type: none"> a) private bodies performing public powers (with regard to information pertaining to performance of public functions); b) bodies of private law established or controlled by public bodies (e.g., companies, foundations); c) beneficiaries of public funding (via subsidies or contracts) with regard to information pertaining to use of public funds
	1	One of the following bodies is not subject to obligations applicable to holders of public information: <ul style="list-style-type: none"> a) private bodies performing public powers (with regard to information pertaining to performance of public functions); b) bodies of private law established or controlled by public bodies (e.g., companies, foundations); c) beneficiaries of public funding (via subsidies or contracts) with regard to information pertaining to use of public funds
	3	All bodies executing public powers, established or controlled by public bodies, using public funds or property, or receiving subsidies are considered to be public information holders required to share all information recorded in any form (drawn up or received and held by them)
Access to right to information	0	Only citizens of the country have access to right to information
	1	Some restrictions in access to information exist based on nationality or applicant status (legal person, natural person)
	3	The right to information is accessible to every natural or legal person, regardless of their nationality
Legitimate restrictions	0	The catalogue of legitimate restrictions is more extensive than the Tromsø Convention envisages, and tests of harm and public interest are not mandatory when deciding to apply restrictions

PILLAR ONE: LEGISLATION [40%]

	2	The catalogue of legitimate restrictions is compatible with the Tromsø Convention, but there is no requirement to test harm or public interest when deciding to apply restrictions
	5	The catalogue of legitimate restrictions is compatible with the Tromsø Convention, and tests for harm and public interest are mandatory when deciding to apply restrictions

Proactive transparency [7 points]

Scope	0	Legislation does not contain a catalogue of information to be disclosed proactively on the websites of public bodies
	3	The catalogue of information to be disclosed proactively, which is established in the legislation, contains only basic organizational, function-related and financial data
	5	The catalogue of information to be disclosed proactively, which is established in the legislation, is extensive and includes most categories of public information

Technical standards	0	There is no regulation in the legislation regarding timing or technical standards for publishing data
	1	Basic standards are established in the legislation with regard to timing and technical standards for publishing data
	2	Standards established in the legislation provide for timely publication and updating of relevant information in an open format

Access to information upon request [10 points]

Submitting request	0	Applicant must provide justification to request specific information
	2	Applicant is not required to provide justification to request information

Format of request	0	The law does not explicitly envisage submission of requests via electronic mail or through other online channels; rather, only traditional forms of submission are accepted (e.g., in writing, orally, by phone, in person)
	2	Request can be submitted both through traditional channels and via electronic mail or other online channels

Form of access	0	Applicant has no right to determine the form of access to information – information holders independently decide how the information will be provided, or the law specifies the only available form of providing information
	2	Applicant is free to decide on the form of access to information, e.g., via onsite inspection of documents, receipt of documents by post or electronic mail

PILLAR ONE: LEGISLATION [40%]

Deadlines	0	There is no deadline for processing requests, or the statutory deadline is longer than 30 days (one month) and may be extended beyond 60 days (two months)
	1	Statutory deadline is no longer than 30 days (one month) and may be extended up to 60 days (two months) under clearly defined conditions
	2	Total deadline (including any legitimate extensions) is not longer than 30 days
Fees	0	Access to information is not free of charge (fees apply in every or vast majority of cases)
	1	In principle, access to information is free of charge; however, public bodies may independently decide to impose and determine the fees applicable in cases specified in legislation
	2	In principle, access to information is free of charge; fees may be imposed only according to centrally-established and publicly-available tariffs, and only if processing the request involves considerable financial/material burden on the relevant public body
Enforcement [10 points]		
Data collection	0	Statistical data on public information requests that are received and processed by public bodies are not aggregated by a central body
	1	Statistical data on public information requests that are received and processed by public bodies are aggregated and published by a central body
Promotion of the right to information	0	There is no institution that has a considerable record of implementing activities aimed at promotion of the right to information
	1	There is at least one institution that has a considerable record of implementing activities aimed at promotion of the right to information, which may include publication of guidelines for applicants and information holders, issuing recommendations on application of the right to information, organizing trainings, and cooperating with civil society organizations
Inspection/auditing	0	There are no institution(s) responsible for monitoring and inspecting compliance of information holders with obligations set by the legislation on access to public information
	1	An institution exists that performs extensive monitoring and inspections of compliance of information holders with obligations set by the legislation on access to public information; however, its powers are restricted to only selected aspects of right to information and/or it has no power to impose or request the court to impose sanctions for violations of the right to information
	2	An institution exists that performs extensive monitoring and inspections of compliance of information holders with obligations set by the legislation on access to public information and has a broad mandate and power to impose or request the court to impose sanctions for violations of the right to information

PILLAR ONE: LEGISLATION [40%]

<p>Appeal procedure – scope</p>	<p>0 1 3</p>	<p>There is no remedy available against violations of the right to information</p> <p>The right to appeal is restricted to specific categories of violations of the right to information</p> <p>All categories of violations of the right to information may be subject to appeal, including</p> <ul style="list-style-type: none"> a) refusing access to information; b) sharing incomplete or inadequate information; c) imposing excessive fees for accessing information; d) failing to respond to the request within the deadline prescribed by law
<p>Appeal procedure – appeal body</p>	<p>0 1 3</p>	<p>There is no independent review of alleged violations of the right to information</p> <p>Appeals are considered by the higher instance administrative body and subsequently by the court</p> <p>Appeals are considered by an independent body (information commissioner) and subsequently by the court</p>

ASSESSMENT

SCORE	Total score [%]	FOI Index
	55%	22/40

Using this methodology, we conducted an analysis of relevant Moldovan legislation – primarily, the May 11, 2000 Law on Access to Information (LAI). As has been already mentioned, this law has not been subject to any changes that would affect the assessment. However, it needs to be underlined that the process of developing a completely new law on access to public information was launched by the Ministry of Justice. Initially, the Government planned to present the first draft of the law by the end of first quarter of 2022. However, this deadline was not met. The drafting process is extended. Adoption of the new law is expected by the end of 2022. It should be also noted that the parliamentary committee responsible for media established a consultative group of media experts from civil society organizations, which will assist in the process of improving the relevant legislative framework.

General rules

Scoring	Criterion
2/2	Status of the right to information
0/3	Institutional scope
1/3	Access to right to information
5/5	Legitimate restrictions
8/13	TOTAL

A narrow institutional scope of transparency obligations, combined with a discriminatory formulation of the right to information, remain the key problems in the general rules of access to public information. In particular, the LAI does not ensure that private entities receiving public funds through subsidies or contracts are qualified as information holders that are subject to transparency rules.

Furthermore, despite the constitutional guarantee of a universal right of access to information of public interest, the LAI appears to secure this right only to the residents of Moldova. Legal persons, as well as foreigners who are not residents of Moldova, are not included among beneficiaries of the right to information.

The formulation of legitimate restrictions to access to information is less problematic. The catalogue of grounds justifying limitations to access to information is relatively narrow and specific. Importantly, its application requires the public interest / harm test, i.e., demonstrating in each individual case that restricting access to information is necessary in a democratic society for the defense of the rights and legitimate interests of the person or the protection of national security, and that the damage caused to these rights and interests by disclosure would be greater than the public interest in knowing the information. As the Supreme Court of Justice specified in the ruling of October 2, 2019 (file no. 3ra-755/19), application of any restrictions in access to information should be subject to the “triple test,” meaning that the limitation must 1) be provided by law, 2) protect a legal interest, and 3) be necessary in a democratic society; they wrongly came to the conclusion to reject the application as unfounded.

Legitimate restrictions on access to information – review of the judicial practice

The arbitrary interpretation of the provisions of Law on Access to Information No. 982 in force as of May 11, 2000 generates the violation of the right of access to information of public interest, as well as the deprivation of the rights to be informed and participate in public competitions under transparent and equal conditions.

This fact was the subject of the Supreme Court of Justice's ruling of July 20, 2022 ([file no. 3ra-639/22](#)). Thus, the Supreme Court of Justice emphasized that the hierarchically lower court (Balti Court of Appeal) ruled on the inadmissibility of the action brought by the Public Association "Association for Urban Safety and Mediation" against the Edinet District Council, regarding the finding of violation by the Edinet District Council of the selection procedure of a representative of a non-governmental association in the field of health for the position of member in the administrative councils of Public Health and Medical Institution "Edinet District Hospital" and Public Health and Medical Institution "Edinet Health Center" and of the principle of decision-making transparency in the selection procedure of a representative of an non-governmental organization in the field of health for the position of member in the administrative councils of Public Health and Medical Institution "Edinet District Hospital" and Public Health and Medical Institution "Edinet Health Center," because PA "Association for Urban Safety and Mediation" cannot claim the violation, through the administrative activity, of a right within the meaning of Art. 17 of the Administrative Code (The injured right is any right or freedom established by law which is affected by administrative activity). [...] Or, the procedure for conducting the competition in order to select a representative of a non-governmental association in the field of health for the position of member in the administrative councils of Public Health and Medical Institution "Edinet District Hospital" and Public Health and Medical Institution "Edinet Health Center," as well as the procedure for adopting the decisions within this competition, represent some administrative operations, which did not produce legal effects as such, since the respective actions were carried out for the purpose of conducting the competition for the selection of a representative of a non-governmental association in the field of health for the position of member in the administrative councils of Public Health and Medical Institution "Edinet District Hospital" and Public Health and Medical Institution "Edinet Health Center," being some preparatory documents, as the case may be, of the decision of the Edinet District Council No. 10/28 of December 14, 2020 "Regarding the approval of the composition of the Administrative Council of Public Health and Medical Institution" "Edinet District Hospital" (f.d.a.55) and the decision of the Edinet District Council No. 10/29 of December 14, 2020 "Regarding the approval of the composition of the Administrative Council of Public Health and Medical Institution" "Edinet Health Center" (f.d.a.57), decisions that are not the subject of examination in this litigation.

Thus, the plaintiff submitting a request contesting the administrative operation and not an administrative act cannot claim through this action the violation of its right within the meaning of Art. 17 of the Administrative Code. The law also enshrines the rule of notifying the court by any person who claims the violation of its right through the administrative activity of a public authority.

This decision of the Balti Court of Appeal was contested at the Supreme Court of Justice by both parties in the process, and the Panel specialized in examining dossiers in administrative

litigation of the Civil, Commercial and Administrative Litigation Board of the Supreme Court of Justice declared it inadmissible, noting that in order to pass the admissibility test, the appeal notice must contain a convincing and well-founded motivation.

In justifying the appeal, the PA "Association for Urban Safety and Mediation" argued that, through the solution adopted by the Balti Court of Appeal, it faced discrimination in relation to other public associations because it was deprived of the right to be informed and the possibility to participate in transparent and equal conditions in public competitions regarding the occupation of the position of member in the Board of Directors. This led to the Edinet District Council favoring/preferring other non-commercial associations from its closed circles and violating the legislation, which resulted in PA discrimination.

On the other hand, the Edinet District Council invoked that, according to Art. 5 Para. (3) letter b) of the Law on Access to Information No. 982 of May 11, 2000, citizens of other states, who have their domicile or residence on the territory of the Republic of Moldova, may request official information under the terms of this law. The founders/members of the applicant association are not entitled to request official information, because the founder of the PA "Association for Urban Safety and Mediation" is the Association for Urban Safety and Mediation, which does not have its domicile or residence on the territory of the Republic of Moldova.

To the claims of PA "Association for Urban Safety and Mediation" regarding the finding of violation by the Edinet District Council of the right of access to information and the obligation of the Edinet District Council to provide it with the requested information, the Balti Court of Appeal, invoking the provisions of Art. 4 Para. (1), (2), Art. 5 Para. (1)-(3) of the Law on Access to Information No. 982 of May 11, 2000, concluded that the "Association for Urban Safety and Mediation" falls under the category of subjects with the right to submit information according to Law No. 982 of May 11, 2000 regarding access to information, because the requested information is necessary in order to achieve the purpose for which the association was established. And the Edinet District Council is the provider of the information requested by the PA "Association for Urban Safety and Mediation," as it holds the obligation to ensure the access of applicants to the official information.

In this context, we must mention that, since the Supreme Court of Justice did not take into account and did not examine the aspects contained in this dossier setting a legal/judicial precedent/practice, the Edinet District Council continues to apply the same practice of refusing access to information of public interest citing the above-mentioned provisions. Thus, during the evaluation of the Freedom of Information Index, an information request was sent to Edinet District Council on behalf of a public association, and the public authority refused to provide the information of public interest requesting the Statute of the Public Association in order to identify the association's right of access to information under the terms of Art. 5 Para. (3) letter b) of the Law on Access to Information No. 982 of May 11, 2000.

Proactive transparency

Scoring	Criterion
3/5	Scope
0/2	Technical standards
3/7	TOTAL

Proactive transparency remains one of the key shortcomings of the legislative framework on access to public information in Moldova. According to the LAI, public institutions are only required to proactively publish the following basic information:

- A description of the structure of the institution and its address;
- A description of the functions, directions and forms of activity of the institution;
- A description of the subdivisions and their competencies, the work schedules of the officials responsible for providing the information (including indication of the days and hours of accepting information requests), official documents;
- The final decisions on the main issues examined.

The Government attempted to address the problem of insufficient transparency requirements in its 2012 decision on the official webpages of public administration authorities. While this document contains a much more extensive catalogue of information to be disclosed proactively (including technical standards), it applies only to bodies subordinated to the Government. Autonomous central institutions, local governments and any private bodies are not bound by standards established in this document. Moreover, there is no mechanism established for monitoring compliance with these standards. The State Chancellery is generally assigned responsibility to supervise execution of this decision, but no regular monitoring procedure was envisaged.

Interestingly, Moldovan legislation also establishes special requirements for proactive transparency for state-owned and municipal enterprises. The 2017 Law on State Enterprises and Municipal Enterprises requires such entities to publish information on their websites about the founder of the enterprise and an annual report containing key organizational, financial and performance data (see detailed catalogue in the box below). However, there is no mechanism established to monitor the compliance of enterprises with these transparency requirements.

Proactive transparency requirements applicable to state and municipal enterprises

According to the 2017 Law on State Enterprises and Municipal Enterprises, the annual report of the enterprise should be placed on the web page within four months of the end of the given year and should contain at least:

- a) Information about the number employees comprising the enterprise's staff, newly-created positions, and the average monthly salary per enterprise;
- b) Information on the members of the management and control bodies of the enterprise, the position held (president/member), the size of the allowance established by the founder, as

well as the name of the enterprises whereby they simultaneously represent the interests of the state/administrative-territorial unit;

- c) Annual financial statements;
- d) Information regarding the financial assistance from which the enterprise benefits; the guarantees offered by the Government/local public administration authorities/the Executive Committee of Gagauzia; the financial commitments and obligations assumed by the enterprise;
- e) The results of the assessments carried out by the assessment bodies;
- f) A management report, which will include:
 - Data on the achievement of the financial performance indicators established for the enterprise, including its subsidiaries, if they exist;
 - Data on the achievement of non-financial performance indicators relevant to the company's activity;
 - Description of basic activities, including research and development;
 - Description of the events that affected the company's activity, including transactions involving conflict of interest;
 - Description of the risks and uncertainties faced by the company and mitigating their impact;
 - Information regarding compliance with environmental protection requirements;
 - Information on the existence of the company's subsidiaries;
 - The development prospects of the company and the professional opportunities of the employees.

Source: Article 18 of the 2017 Law on State Enterprises and Municipal Enterprises, published: 22-12-2017 in Official Gazette No. 441-450

Access to information upon request

Scoring	Criterion
2/2	Submitting request
0/2	Format of request
2/2	Form of access
2/2	Deadlines
1/2	Fees
7/10	TOTAL

In terms of procedures for processing public information requests, the LAI generally meets basic international standards. In particular, the official deadline for responses to requests for information is relatively short (maximum of 20 working days). This deadline is shorter than general deadlines established for handling administrative matters. According to the Administrative Procedure Code, the general period within which an administrative procedure must be completed is 30 days. In complex cases, this deadline might be extended by 15 days. On the other hand, in some countries deadlines for processing public information requests are shorter than in Moldova, e.g.:

- Estonia – Five working days and if the identification of the information is time-consuming – up to 15 days in total;
- Latvia – 10 days, if the information is requested in electronic format and requires no further processing;
- Spain – 10 days.

It must be noted that the LAI does not explicitly provide the applicant with the right to submit public information requests through online channels of communication with public institutions. Even if public bodies generally accept requests sent in this format, lack of clear regulation of this matter puts applicants at risk of having their requests ignored or rejected.

The most problematic issue is in regard to regulations that govern the imposition of fees for access to information. In general, such fees could be set to cover the costs incurred during the search for and processing of the information or parts thereof, copying, sending it to the applicant and/or translating it from the state language. Although the LAI clarifies that any fees should not exceed justified costs, there is no standard “price list” established centrally. As a result, the applicants may be subject to arbitrary decisions of public institutions with regard to the level of fees.

Enforcement

Scoring	Criterion
0/1	Data collection
0/1	Promotion of the right to information
0/2	Inspection/auditing
3/3	Appeal procedure – scope
1/3	Appeal procedure – appeal body
4/10	TOTAL

Regulations governing enforcement continue to be a central area in need of improvement in Moldova's legislative framework for access to public information. In the first place, the appeal procedure in individual cases in which access to information was refused (or failed to illicit a response) is flawed due to an unresolved conflict between the LAI and the Administrative Code. Adoption of the latter act without proper harmonization with pre-existing legislation created confusion, including in judicial practice. According to the LAI, the applicants may choose either to go directly to court or first launch an internal administrative appeal (to the top management of information holder or superior body). However, the Administrative Code introduced the principle of mandatory internal administrative appeal in the form of "pre-judicial procedure." It requires the applicant intending to challenge an administrative act to request the body that issued the relevant act to review its legality before submitting any complaint to the court. Further, if the issuing public authority rejects the pre-judicial request for being inadmissible or unjustified in full or in part, it must send the administrative case with all the acts to the higher public authority that makes a final decision.

Due to the lack of explicit provisions clarifying the status of procedural provisions of the LAI after the Administrative Code entered into force, courts faced major problems in determining the legitimate procedural path for reviewing first instance decisions on access to public information. As was demonstrated in the 2021 edition of this report, this lack of clarity also resulted in conflicting decisions at the level of the Supreme Court of Justice.

Other enforcement-related provisions that suffer from serious shortcomings relate to sanctions for violations of the right to information. Moldovan legislation envisages two types of sanctions in this field:

- According to Article 71.1 of the Contravention Code, deliberate violation of the legal provisions regarding access to information shall be sanctioned with a fine from 9 to 15 conventional units (1 unit = 50 MDL) applied to the natural person, with a fine from 18 to 30 conventional units applied to the person in charge.
- According to Article 180 of the Criminal Code, an intentional violation of the right to information committed by a responsible official who caused considerable damage to the legally-protected rights and interests of the person who requested information, shall be punished with a fine from 500 to 650 conventional units with (or without) deprivation of the right to occupy certain positions or to exercise a certain activity for a period of up to three years.

Theoretically, both provisions enable the investigation and sanctioning of a wide range of potential violations of the right to information. However, such general formulations of the grounds for liability pose practical

challenges, especially considering that sanctions established in the Contravention Code are imposed based on investigations conducted by the Police, rather than a body specialized in the area of access to information. In other jurisdictions, legislation on access to information often contains catalogues of specific violations, with sanctions adjusted to the magnitude and type of violation. Having said that, it should be noted that there is some evidence of successful practical application of the sanctioning regime established by the Contravention Code. Annually, the Police resolves around 100 cases based on Article 71.1.

In contrast, the above-mentioned provision of the Criminal Code remains a dead letter. According to data obtained by the Ministry of Justice, no cases based on Article 180 of the Criminal Code have ever been recorded. To some extent, this could be explained by formulation of this provision, especially the requirement to prove “considerable damage to the rights and interests of the person who requested information.” This might be particularly difficult in practice, considering that restricting access to information usually causes damage to public interest rather than the individual interests of the requester.

Other mechanisms for enforcement of the right to information are also ineffective or absent. No system exists for regular inspections and transparency-related compliance auditing among public bodies. There is no institution that collects, aggregates and analyzes statistical data about the practice of processing public information requests by public institutions. Similarly, no institution performs the tasks of promoting the right to information, whether through trainings or producing guidelines and handbooks for information holders.

SUMMARY

Scoring	Cluster
8/13	General rules
3/7	Proactive transparency
7/10	Access to information upon request
4/10	Enforcement
22/40	TOTAL

The Moldovan Law on Access to Information was relatively modern at the time of its adoption in 2000. Two decades later, it fails to ensure that constitutional guarantees of the right to information are effectively implemented in practice. Weak requirements on proactive transparency, as well as a flawed enforcement regime, remain key challenges that should be addressed through the new law. Importantly, introducing strengthened proactive transparency and enforcement rules will not be sufficient without also establishing an adequate institutional framework. Even very extensive proactive transparency legislative requirements will not be implemented in practice unless one or more institutions monitor compliance in this matter. Enhancing enforcement mechanisms also requires improving capacity of institutions responsible for inspection, monitoring and reviewing the activities of the information holders. Without this, an ambitious and progressive legislative framework will only create the illusion of an effective transparency regime.

PILLAR TWO: PROACTIVE TRANSPARENCY [30%]

	2021	2022
SCORE	12/30	11/30

METHODOLOGY

Proactive transparency can be defined as sharing and updating public information on the websites of public institutions (or through Government information portals) without requiring a request or application from citizens. Proactive transparency may be seen as an exemplification of the positive obligations of the state institutions with regard to right to information. Public bodies are not only required to release information when it is requested, but also should actively and voluntarily share information with the public. Proactive transparency is advantageous not only from the perspective of citizens, who may obtain more information without facing burdensome procedures for requesting information. Public institutions benefit from proactive transparency as well. The more information public institutions release proactively, the less requests they will receive.

As was demonstrated in the 2021 edition of this report, international actors (OECD SIGMA, World Bank) have already developed basic standards for proactive transparency in the form of catalogues of information that should be published on the websites of public institutions. In addition to this, lessons may be drawn from the legislation of several countries where detailed standards of proactive transparency are established. Comprehensive regulation on this matter should include the following elements:

- A broad and specific catalogue of information to be disclosed proactively by public institutions;
- Technical standards for publication ensuring that information is available in open formats and accessible also to users with special needs;
- Communication standards focusing on the form of presentation of data, enabling quick and easy access or search for relevant information;
- Requirements relating to time of publication and updating of information;
- A mechanism for monitoring compliance of public institutions with proactive transparency standards.

Considering this standard, we conducted a review of websites of public bodies, searching for a standardized catalogue of basic organizational, financial and staff-related data:

- Organigram/list of all organizational units;
- Budget/financial plan for 2022;
- Financial report for 2021;
- Legal basis for operations;
- Functions/services available to citizens;
- Registry of property owned/managed by relevant institution;

PILLAR TWO: PROACTIVE TRANSPARENCY [30%]

- Contact information for submitting complaints/requests/petitions;
- Information on available vacancies;
- Information on completed recruitment procedures (at least for 2021 and 2022);
- Information on pending tenders;
- Notifications of results of tenders completed in 2021 and 2022;
- Information on the registers and databases held by the public body;
- Salaries of the heads/members of the managing bodies of institutions and heads of organizational units.

For the purposes of this 2022 review, we created an extended sample of 58 public institutions (compared to 50 bodies in 2021) from all levels of state apparatus. A full list of institutions and scoring of each body is attached in the Annex. The 58 institutions consisted of the following categories: a) 12 ministries; b) 12 bodies subordinated to the ministries; c) four bodies subordinated to the Government; d) 10 autonomous authorities; e) five central bodies that are not part of the Government administration; and f) 15 districts (rayonal councils).

The website of each institution was reviewed in July 2022 and the results of this review reflect the availability of information on the date of inspection. The availability of each category of information was assessed in 0-2 point scale:

0 points	Information not available
1 point	Information available partially
2 points	Information fully available

The maximum score per institution was 26 and the aggregated number of available points for all institutions equaled 1508. The total score of all institutions was used to calculate the Freedom of Information Index.

ASSESSMENT

SCORE	Total score [%]	FOI Index
	36%	11/30

At the aggregated level, all institutions managed to score 548 out of 1508 available points (36%). Unfortunately, this marks decrease from 41% last year. This slight regression is to some extent associated with the modification of the sample, especially the increase in the number of rayonal councils from 10 to 15. The table below presents this total score broken down to the level of individual categories of information, illustrating which categories were least and most proactively shared by public institutions.

PILLAR TWO: PROACTIVE TRANSPARENCY [30%]

Score (max. 100 points)	Criterion
94	Organigram/list of all organizational units;
22	Budget/financial plan for 2022;
21	Financial report for 2021;
100	Legal basis for operations;
31	Functions/services available to citizens;
1	Registry of property owned/managed by relevant institution;
73	Contact information for submitting complaints/requests/petitions;
85	Information on available vacancies;
53	Information on completed recruitment procedures (at least for 2021 and 2022);
36	Information on pending tenders;
19	Notifications of results of tenders completed in 2021 and 2022;
17	Information on the registers and databases held by the public body;
0	Salaries of the heads/members of the managing bodies of institutions and heads of organizational units.

We may conclude that only very basic organizational data (on organizational structure and the legal basis for operations) are widely available to citizens on the websites of public bodies. We can also conclude that most institutions proactively inform about job opportunities. However, citizens still face problems in gaining access to even basic information about services provided by relevant institutions. From the broader perspective of transparency and good governance, limited availability of financial data (budgets and financial reports, procurement data, property registers and salary information) is particularly concerning. These shortcomings are only somewhat mitigated by the cross-governmental transparency mechanisms, such as the MTender Public Portal for public procurement or the web portal of the National Integrity Authority containing declarations of assets and interests of public officials.

There was no institution that published all types of information covered by our review on its website. However, a small number of them met more than half of the assessment criteria:

- The Ministry of Justice (18 points) publishes all data except for information procurement and salaries;
- The Parliament of the Republic of Moldova (18 points) proactively discloses all information except for salary information and registries of property and databases;
- Relatively good results were achieved also by the Ministry of Health (16 points), Ministry of Finance (15 points), district councils of Cahul, Orhei and Straseni (14 points) and Customs Service (14 points).

PILLAR TWO: PROACTIVE TRANSPARENCY [30%]

Alarming, a large group of institutions at both central and regional levels fails to follow even basic proactive transparency obligations. Notable examples include the Ministry of Foreign Affairs and European Integration, the Ministry of Culture, the National Anti-Doping Agency, the Center for Prevention and Combating of Money Laundering, the Office of the Prosecutor General of the Republic of Moldova, and the Rayonal Council of Edinet.

In summary, no progress has been recorded in the area of proactive transparency since the 2021 assessment. The availability of basic organizational, financial, and staff-related data remains a challenge, requiring both the enhancement of legislative standards and greater efforts toward compliance monitoring and auditing among public institutions. Especially at the level of local authorities, this failure may be due less to a practice of ignoring the necessity of informing citizens proactively, than to a lack of organizational capacities to manage this task. As our review demonstrated, some central bodies, including ministries, do not see this is a serious obligation and task. Although some proactive transparency mechanisms are available at a horizontal level, the websites of public bodies across the whole public administration require major improvements in terms of both quantity and quality of available data (procurement portal and portal with declarations of assets and interests).

PILLAR THREE: ACCESS UPON REQUEST [30%]

	2021	2022
SCORE	12/30	14/30

METHODOLOGY

Considering the limited accessibility of public information on the websites of public institutions, the procedure for access to information upon request plays a crucial role in enhancing the transparency of public bodies. As our legal analysis demonstrated, the LAI generally remains in accordance with the minimum international standards relating to this procedure. However, effective and efficient access to information upon request cannot be guaranteed fully by the law alone. It also requires an adequate culture of transparency and commitment among public institutions.

For this reason, the third part of our assessment focuses on measuring to what extent the right to information is observed in practice by public bodies when processing public information requests. For this purpose, we distributed standardized public information requests to the 58 public bodies previously selected for website review. The content of the request related to three categories of information of high relevance for public transparency. We focused on data related to the financial operations of public bodies, as this area appears to be particularly problematic and controversial.

Standardized public information request distributed among 58 public bodies

1. Complete list of the heads /members of managing bodies and of the heads of sections, directorates and general directorates indicating, per each individual, in accordance with Art. 10 - 21/1 of the Law on the Unitary Salary System in the Budgetary Sector no. 270/2018, the basic salary; the monthly supplement for holding a professional degree; the monthly supplement for holding academic qualifications and/or a scientific-didactic title; the monthly supplement for holding an honorary title; performance bonuses; the compensation supplement for work performed in unfavourable conditions; supplements for overtime, night work and/or work performed on non-working holidays and/or rest days; supplement for participation in development projects financed from external sources; unique bonuses; the annual bonus for the year 2021.
2. List of contracts for the purchase of goods, services and works of low value, above 10,000 lei for goods, services and works, without value added tax, concluded in 2022, that were subject to the Regulation on Low Value Public Procurement, approved by Government Decision No. 655/2016. Please include the date of conclusion of the contract, parties, subject of purchase and value of the contract.
3. Information on subsidies/grants/donations granted to legal entities in the years 2021-2022, including information on the beneficiary, legal basis, legal status and date of signing/granting for each subsidy/grant/donation.

PILLAR THREE: ACCESS UPON REQUEST [30%]

As in 2021, we extended the scope of this review to assess the responsiveness of a special category of information holders, i.e. state-owned enterprises. While they are not classical public administration bodies, they should remain under public scrutiny, considering that they are under the control or dominant influence of the public authorities, provide important public services and benefit from subsidies and other forms of state aid. In particular, they should operate in a transparent manner with regard to procurement and handling any form of financial support from the state budget. Therefore, the following standardized request was distributed among fifteen public enterprises:

Standardized public information request distributed among 15 state-owned enterprises

1. List of contracts for purchase of goods, works and services, concluded in 2022, that are subject to procurement procedures established by the Government Decision for the approval of the Regulation on the Procurement of Goods, Works and Services at the state enterprise No. 351 of 10.06.2020. Please include the date of conclusion of the contract, parties, subject of purchase and value of the contract.
2. The total amount of salaries received for each member of management and the supervisory board of your institution in 2021 and 2022, broken down to basic salary, bonuses and allowances received by each person.

Requests for public information were sent to all bodies on June 14, 2022. Responses received were assessed in 0-2 point scale for each question:

0 points	Information not provided / lack of response
1 point	Information provided partially
2 points	Information provided fully

Considering this, the maximum number of available points for all 73 institutions was 408 (348 points for public institutions and 60 points for state-owned enterprises).

ASSESSMENT

SCORE	Total score [%]	FOI Index
	45%	0.12

The institutions included in our survey received a total of 184 out of 408 available points, i.e., 45% This demonstrates slight improvement compared with the baseline measurement (41% in 2021), but also the absence of any major progress. It should be noted that state-owned enterprises scored more poorly, earning only 40% of the available points. Public institutions managed to reach 46% of the maximum score.

As regards the availability of specific data, the analysis shows that the most information was provided related to subsidies/grants/donations granted to legal entities in the years 2021-2022. However, it should be noted that in most of the cases the institutions reported that they did not receive any subsidies, grants, or donations in this period. We do not have capacity to verify the accuracy of these claims.

Data on contracts was available for slightly more than half of the assessed public institutions. As expected, obtaining salary data regarding the management of public institutions and enterprises turned out to be very problematic in most cases. Refusal of access to information on management salaries was most commonly justified by referencing the protection of personal data and the principle of confidentiality of salaries under the Labour Code. The same justification was also used extensively by target institutions in the previous round of assessment, demonstrating a systemic failure in striking a proper balance between the protection of individual interests and transparency needs and interests of the public. In addition, the quality of justifications reveals the inability or unwillingness of public institutions to conduct proper public interest tests prior to refusing to disclose requested information.

Excerpt from the Electronic Government Agency's justification to refuse access to the institution's salary data

"Related to the request to provide information regarding the amounts of salaries of the director and deputy director of the General Assembly, we inform you that, in accordance with Art. 3 Paragraph (1) letter e) of Law no. 133/2016 on declaration of assets and personal interests, the director of the General Assembly and her deputy are subjects of the declaration of assets and personal interests. Thus, the declaration of assets and personal interests for the year 2021 of Mrs. Olga Tumuruc, Director of EGA, where the income accumulated from the salary is also reflected, can be viewed on the portal of the National Integrity Agency (<https://publicpdf-declaratii.ani.md/pdf/get/730272/3>), and the declaration of assets and personal interests for the year 2021 of Mr. Andrei Prisacar, Deputy Director of EGA, at <https://public-pdfdeclaratii.ani.md/pdf/get/737421/3>. Regarding the additional payments to the basic salary granted to EGA directors, we note that they can be granted within the limits of the planned and available salary fund, in compliance with the principles of non-discrimination, fairness and objectivity, in strict accordance with the provisions of the legislation in the field and point 3.19 of the Regulation Regarding the

Salary Conditions of the Employees of the Public Institution "Electronic Government Agency," adopted by the Institution's Council Decision No. 11 of 16.11.2021 (https://egov.md/sites/default/files/document/attachments/decizie_nr_11_from_16.11.2021_of_consiliului_i.p_age.semnat_signed.pdf), according to point 15 subsection 8) of the EGA Statute.

...

At the same time, according to Art. 128 Para. (3) of the Labour Code no. 154/2003, the salaries of EGA staff are confidential. Moreover, according to Point 3 Subsection 15) of Annex No. 1 to the Requirements for Ensuring the Security of Personal Data when processing them within the personal data information systems, approved by Government Decision No. 1123/2010, the data regarding the economic and financial situation, implicitly the data related to salary, fall into the category of personal data. Consequently, under the terms of Art. 92 letter a) of the Labour Code of the Republic of Moldova no. 154/2003, EGA is not entitled to communicate the respective data to you without the written consent of each employee. Therefore, taking into account that, according

to Art. 7 Para. (2) letter c) of Law No. 982/2000 on access to information, in conjunction with Art. 5 Para. (1) of Law No. 133/2011 regarding the protection of personal data, that data represents official information with limited accessibility and can only be provided to you if you have the consent of each individual EGA employee in this regard.

At the same time, to ensure the transparency of the EGA activity, we consider it appropriate to inform you that, according to Point 3.5 of the Regulation Regarding the Salary Conditions of the Employees of the Public Institution “Electronic Government Agency,” the salary of the employees is calculated in multiple quantum:

- the minimum wage in the real sector;
- with the application of the complexity coefficient, recommended according to Annex no. 3 of the Government Decision No. 743 of 11.06.2002 “Regarding the remuneration of employees in units with financial autonomy;”
- with the application of the multiplicity coefficient, recommended in accordance with Annex No. 4 of Government Decision No. 743 of 11.06.2002 “Regarding the remuneration of employees in institutions with financial autonomy.” Multiplicity coefficients applicable to PI staff of “Electronic Government Agency” are provided in Annex 1 to this Regulation.

In terms of these provisions, the application of the multiple amounts of the guaranteed minimum wage in the real sector, the complexity coefficient and the multiplicity coefficients applicable to the EGA staff, it is mentioned that the heads of the internal subdivisions of the institution can benefit from gross basic salaries between MDL 9100 and MDL 27300.”

Another example is the case of Ministry of Labour and Social Protection, which provided only a list with the names of the heads of sections, directorates and general directorates (20 persons); the code and name of the function; the salary class and the salary coefficient according to Law No. 270/2018; and the minimum amount of the basic salary – leaving us to do the respective calculations to find out the amount of the salary.

Excerpt from the Ministry of Labour and Social Protection answer

“Within the Ministry of Labour and Social Protection, the following persons hold management positions:

...

According to Law No. 270/2018 regarding the unitary salary system in the budget sector, the amount of the basic salary for these management positions is:

The code and name of the function	Salary class and salary coefficient, according to Law No. 270/2018	The minimum amount of the basic salary	Notes
Minister	127	MDL 19 520	
A1008	13.94		

It should be underlined that these bodies not only managed to fully satisfy our request, but they also shared requested data in reasonable time frame – in most cases within the deadline established by the LAI.

On the other hand, it is striking that several institutions, including central state bodies, ignored our requests completely. The following bodies failed to share any responses:

- Ministry of Internal Affairs;
- State Taxation Service;
- Inspectorate for Environmental Protection;
- Court of Accounts;*
- National Bank of Moldova;
- Rayonal Council of Cahul;
- Rayonal Council of Ialovenii;
- SE Directorate of Real Estate Exploitation;
- SE Housing Exploitation Directorate;
- SE National Institute for Research and Design in the field of Planning, Urbanism and Architecture “Urbanproiect”;
- SE State Design Institute “Ruralproiect”;
- JSC Metalferos;
- JSC Tracom.

While state-owned enterprises or companies may lack awareness of their transparency obligations, in the case of classical public institutions, absence of any response is difficult to explain with any reasonable grounds. It also shows the scale of the challenge of building a culture of transparency. If the most prominent public institutions ignore their pre-existing obligations related to the right to information, other public bodies may be less motivated to follow the best standards in this regard.

The analysis also recorded a situation whereby public authorities/institutions responded to the request for information (a formal response), but the response was of such a nature that the information could not be obtained in actuality and the requester was compelled to wait for half a year to learn whether the information would or would not be published, and thus whether his/her right of access to information of public interest would be violated. This is the case of the Ministry of Labour and Social Protection:

Excerpt from the Ministry of Labour and Social Protection response

“The report on the realization of low-value public procurements for the year 2022 will be prepared by the Ministry of Labour and Social Protection in accordance with the provisions of point 24 of Government Decision No. 665/2016 for the approval of the Regulation on Low-Value Public Procurement, until February 1 of the following year, which will then be published on the authority's official website.

...

*The Court of Accounts presented the response to the request for information of public interest after the public presentation of this Report, on 11/25/2022 (both electronically and physically at the headquarters of the PA “Lawyers for Human Rights”)

The information on the subsidies granted to legal entities in 2021 is published on the official website of the Ministry in the Decisional Transparency/ Budget/ Achieved section.

For the year 2022, the requested information will be published on the Ministry's website after the consolidated financial report of the Ministry of Labour and Social Protection is prepared and presented to the Ministry of Finance."

Other examples that can be highlighted are the cases of the Ministry of Culture and Moldsilva Agency, which in addition to an absolutely formal and sterile answer, asks the information requester to justify their interest in the requested information, thereby violating also the provisions of Para. (3) Art. 10 of LAI No. 982/2000. Moreover, Moldsilva Agency categorized the request for access to information as a petition (intentionally or out of ignorance) and examined it under the terms of the Administrative Code and not the Law on Access to Information.

Excerpt from the Ministry of Culture response

"The allocated subsidies are provided by Law No. 205/2021 regarding the state budget for the year 2022, and their use is reported every six months by subordinate institutions according to Order of the Ministry of Finance No. 162/2016.

Based on the above, please state the reason for the request and be clearer about the data you are requesting."

Excerpt from the Moldsilva Agency response

"The Moldsilva Agency at the given time does not respond to the requests invoked in your request and based on the provisions of Art. 76 para. (2) of the Administrative Code, offers to the petitioner a period of 7 days from the moment of receipt of this answer, to remove the shortcomings, namely the presentation of relevant evidence regarding the purpose for which the information/ data is requested and proof that they will not be processed later.

Note: This answer can be challenged with a complaint addressed to the director of the Moldsilva Agency, with headquarters in the municipality of Chisinau, bld. Stefan eel Mare, 124, within 30 days of communication, in accordance with the provisions of the Administrative Code."

In general, despite slight progress and an increased number of bodies that provided all requested data, the overall level of responsiveness of information holders to public information requests remains low. Considering this poor record of proactive transparency, the practice of implementation of the right to information in the Republic of Moldova suffers from systemic and considerable shortcomings. The shortcomings could be overcome to some extent by necessary legislative changes, e.g., ensuring that legislation on personal data or labour laws are not applied as an excuse to prevent disclosure of data of public interest. However, public institutions also have to be constantly incentivized and monitored in terms of their approach to transparency issues. Our review contributes to the exposure of some particularly concerning practices in this regard; however, only constant pressure from central institutions and authorities can eliminate these shortcomings.

THE WAY FORWARD. RECOMMENDATIONS

Ensuring a high level of transparency for public institutions in Moldova is not an objective that can be accomplished solely with the adoption of a new legislative framework. While a new, more ambitious and progressive law on access to public information should establish a new legal baseline, adequate awareness-raising and enforcement efforts should also follow. The following elements deserve particular attention in the content of the new law:

- **Prioritize proactive transparency as a default and primary channel of access to public information for citizens.** Requesting public information should be a last resort, as public institutions should disclose relevant data on their website or via open data portals at their own initiative. Investing in proactive transparency benefits not only citizens, but also institutions, as it reduces the burden associated with processing public information requests. The more data institutions share voluntarily, the less information is requested by individual applicants. At the level of legislative requirements, the authors call for the adoption of a new, extensive, and also specific catalogue of information that must be disclosed proactively. This measure must be also accompanied by an effective mechanism for inspection and enforcement of relevant legislative requirements.
- **Ensure effective remedies against institutions' unjustified refusal of access to information and/or practice of ignoring public information requests ("administrative silence").** Appeal procedure plays a key role in enforcing the right of access to public information. Over the past months, the idea of establishing a specialized appeal body in this area (public information commissioner) has been extensively discussed in Moldova. However, due to the lack of strong political support and financial challenges associated with implementing this idea, it appears unlikely that this solution will be realized. Therefore, it is important to maximize the effectiveness of judicial review as a key enforcement mechanism. This requires, in particular, the following procedural arrangements:
 - a) *Securing fast access to the court.* Refusal of access to information or lack of response within the statutory deadline should be subject to appeal directly to the court;
 - b) *Fast track judicial procedure.* The court should consider the case within a special short deadline (e.g. 30 days). A fast track option could also include the simplification of procedures (e.g., default written procedure, short deadline for public authorities to provide their statements and evidence);
 - c) *Obliging the court to decide on the substance.* I.e., the court must determine whether the inform. on should be subject to disclosure. The court should not have the option to return the case for reconsideration by a public authority, as this would significantly delay the resolution;
 - d) *Effective remedies against non-enforcement of judicial decisions.* In cases for which court rulings that order the disclosure of public information fail to be implemented, relevant public officials should be subject to disciplinary measures, including financial sanctions.
- **Reactivate a sanctions mechanism for violations of the right to information.** All categories of violations of legislative requirements relating to access to public information should be subject to an immediate and strong response in the form of sanctions. Introducing a culture of accountability is essential to ensuring that ambitious legislative requirements do not remain dead letter. A detailed catalogue of violations of the right to information should be

established in law and accompanied with adequate financial sanctions to be imposed on violating officials. If a public information commissioner is not established, these sanctions could be imposed by various bodies (depending on the type of violations), including the court. The court should be empowered to impose sanctions for violations of the right to information identified in the course of reviewing appeals against the refusal of access to information or administrative silence.

- **Ensure that other enforcement functions are addressed.** In a broader sense, enforcement of the right to information involves a wide variety of tasks, including collection and publication of statistical data about the practice of processing public information requests; providing public bodies with trainings, guidelines and advice on processing public information issues; appointing public information officers in public institutions that are responsible for coordinating activities related to transparency at the level of each institution; and cooperation with civil society and fostering awareness among citizens about their right to information. These responsibilities should be also distributed to relevant bodies by law.

Once the new legislative framework is adopted, it will be crucial to initiate intensive support activities to ensure its proper implementation. This may include, in particular:

- Delivery of a training program for public institutions to learn about their new obligations relating to transparency;
- Preparation and publication of guidebooks and explanatory notes related to the application of the new law;
- Delivery of trainings to civil society organizations, especially at local levels, informing them about the new transparency mechanisms and encouraging them to use these tools in practice;
- Facilitation of awareness raising campaigns and initiatives addressed to the general public;
- Development of 'transparency infrastructure,' e.g., a single Government portal ensuring access to information about all (or about the vast majority of) public institutions.

ANNEX 1

ASSESSMENT OF THE IMPLEMENTATION OF THE TROMSØ CONVENTION IN THE REPUBLIC OF MOLDOVA

The Council of Europe's Convention on Access to Official Documents (Tromsø Convention) remains the only international treaty relating specifically to the right to information. Moldova signed the Tromsø Convention in 2010 and ratified it in 2016. However, it entered into force only in late 2020, once the minimum number of ratifications was reached. Since then, the Tromsø Convention has served as the instrument in full legal force that establishes a basis for assessment of the national legal frameworks for transparency.

However, it should be noted that Tromsø Convention – resulting from the need for political compromise to reconcile various legal traditions and approaches to the right to information – is not the most progressive international document in this field. Standards developed by international organizations and NGOs offer more detailed and demanding transparency requirements, e.g.:

- The Principles of Right to Information Legislation formulated by Article 19 (NGO promoting right to information);⁶
- The methodological framework for the Global Right to Information Rating;⁷
- SIGMA's Methodological Framework for the Principles of Public Administration.⁸

Nevertheless, ensuring compliance with the minimum standards established by the Tromsø Convention is necessary as the point of departure for enhancing the level of transparency of public institutions. This analysis demonstrates to what extent the Moldovan legislation, in particular the LAI, remains compatible with this standard. Its structure follows an article-by-article approach, identifying incompatibilities of the LAI with the requirements set by the Tromsø Convention. The analysis covers only the provisions of the Tromsø Convention that establish specific requirements for national transparency legislation.⁹

6 https://www.article19.org/data/files/RTI_Principles_Updated_EN.pdf

7 <http://www.law-democracy.org/wp-content/uploads/2011/09/Indicatorsfinal.pdf>

8 <https://sigmaweb.org/publications/Methodological-Framework-for-the-Principles-of-Public-Administration-May-2019.pdf>

9 It should be noted that the Government prepared national report on implementation of the Tromsø Convention (see: https://cancelaria.gov.md/sites/default/files/raport_implementare_conventie_2022.pdf)

Article 1 – General provisions

Tromsø Convention	Observations on compliance of Moldovan legislation
<p>1. The principles set out hereafter should be understood without prejudice to those domestic laws and regulations and to international treaties which recognize a wider right of access to official documents.</p> <p>2. For the purposes of this Convention:</p> <p>a. “public authorities” means:</p> <ol style="list-style-type: none"> 1. government and administration at national, regional and local level; 2. legislative bodies and judicial authorities insofar as they perform administrative functions according to national law; 3. natural or legal persons insofar as they exercise administrative authority. <p>Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that the definition of “public authorities” also includes one or more of the following:</p> <ol style="list-style-type: none"> 1. legislative bodies as regards their other activities; 2. judicial authorities as regards their other activities; 3. natural or legal persons insofar as they perform public functions or operate with public funds, according to national law. <p>b. “official documents” means all information recorded in any form, drawn up or received and held by public authorities.</p>	<p>With regard to the subjective scope of transparency obligations, the LAI generally meets minimum standards established by the Tromsø Convention, including both classical public authorities and other entities involved in exercising public powers.</p> <p>However, it should be noted that the LAI appears not to cover all private bodies operating with public funds, as indicated among optional elements of the catalogue of information holders established by the Convention. Although the LAI includes a broad clause of bodies “empowered to manage public services,” it does not confirm that any private entities using public funds will be subject to transparency requirements with regard to utilization of these funds.</p>

Article 2 – Right of access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none"> 1. Each Party shall guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities. 2. Each Party shall take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention. 3. These measures shall be taken at the latest at the time of entry into force of this Convention in respect of that Party. 	<p>The LAI fails to ensure the universal right of access to information, as it is guaranteed only to the residents of the Republic of Moldova. Other natural and legal persons are not recognized as beneficiaries of the right to information.</p>

Article 3 – Possible limitations to access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<p>1. Each Party may limit the right of access to official documents. Limitations shall be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:</p> <ol style="list-style-type: none"> a. national security, defense and international relations; b. public safety; c. the prevention, investigation and prosecution of criminal activities; d. disciplinary investigations; e. inspection, control and supervision by public authorities; f. privacy and other legitimate private interests; g. commercial and other economic interests; h. the economic, monetary and exchange rate policies of the State; i. the equality of parties in court proceedings and the effective administration of justice; j. environment; or k. the deliberations within or between public authorities concerning the examination of a matter. <p>Concerned States may, at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that communication with the reigning Family and its Household or the Head of State shall also be included among the possible limitations.</p> <p>2. Access to information contained in an official document may be refused if its disclosure would or would be likely to harm any of the interests mentioned in paragraph 1, unless there is an overriding public interest in disclosure.</p> <p>3. The Parties shall consider setting time limits beyond which the limitations mentioned in paragraph 1 would no longer apply.</p>	<p>The Tromsø Convention provides for an extensive catalogue of grounds justifying restrictions in access to information. The catalogue established in the LAI appears to be slightly different and more specific. For example, in contrast with the Convention, the following grounds are not included as justifying a restriction in access:</p> <ul style="list-style-type: none"> • Disciplinary investigations; • Inspection, control and supervision by public authorities; • Economic, monetary and exchange rate policies of the State; • The equality of parties in court proceedings and the effective administration of justice; • Environment; • The deliberations within or between public authorities concerning the examination of a matter. <p>On the other hand, the LAI enables restrictions based on the necessity to protection of the health and morality of the society. These grounds are not explicitly indicated in the Tromsø Convention and it is challenging to indicate potential cases where transparency of public authorities would result in any harm to these values.</p>

Article 4 – Requests for access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none"> 1. An applicant for an official document shall not be obliged to give reasons for having access to the official document. 2. Parties may give applicants the right to remain anonymous except when disclosure of identity is essential in order to process the request. 3. Formalities for requests shall not exceed what is essential in order to process the request. 	<p>It is explicitly stated in the LAI that public information requests do not require justification. The required content of the request does not create an excessive burden to the applicant.</p> <p>According to Art. 12 of the LAI, official information is provided to applicants based on a written or verbal request. The written request, in addition to the other elements, must contain data on the applicant's identity. Thus, the LAI does not offer the opportunity to applicants to remain anonymous.</p>

Article 5 – Processing of requests for access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none">1. The public authority shall help the applicant, as far as reasonably possible, to identify the requested official document.2. A request for access to an official document shall be dealt with by any public authority holding the document. If the public authority does not hold the requested official document or if it is not authorized to process that request, it shall, wherever possible, refer the application or the applicant to the competent public authority.3. Requests for access to official documents shall be dealt with on an equal basis.4. A request for access to an official document shall be dealt with promptly. The decision shall be reached, communicated and executed as soon as possible or within a reasonable time limit which has been specified beforehand.5. A request for access to an official document may be refused:<ol style="list-style-type: none">i if, despite the assistance from the public authority, the request remains too vague to allow the official document to be identified; orii if the request is manifestly unreasonable.6. A public authority refusing access to an official document wholly or in part shall give the reasons for the refusal. The applicant has the right to receive on request a written justification from this public authority for the refusal.	<p>It is explicitly stated in the LAI that public information requests do not require justification. The required content of the request does not create an excessive burden to the applicant.</p> <p>According to Art. 12 of the LAI, official information is provided to applicants based on a written or verbal request. The written request, in addition to the other elements, must contain data on the applicant's identity. Thus, the LAI does not offer the opportunity to applicants to remain anonymous.</p>

Article 6 – Forms of access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none">1. When access to an official document is granted, the applicant has the right to choose whether to inspect the original or a copy, or to receive a copy of it in any available form or format of his or her choice unless the preference expressed is unreasonable.2. If a limitation applies to some of the information in an official document, the public authority should nevertheless grant access to the remainder of the information it contains. Any omissions should be clearly indicated. However, if the partial version of the document is misleading or meaningless, or if it poses a manifestly unreasonable burden for the authority to release the remainder of the document, such access may be refused.3. The public authority may give access to an official document by referring the applicant to easily accessible alternative sources.	<p>The applicant may specify the preferred form of access to requested information. It is also explicitly guaranteed by the LAI that in cases of partial restrictions in access to documents, access to the remainder of information should be provided.</p>

Article 7 – Charges for access to official documents

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none">1. Inspection of official documents on the premises of a public authority shall be free of charge. This does not prevent Parties from laying down charges for services in this respect provided by archives and museums.2. A fee may be charged to the applicant for a copy of the official document, which should be reasonable and not exceed the actual costs of reproduction and delivery of the document. Tariffs of charges shall be published.	<p>In general, the LAI reflects the principle that fees could be imposed only to compensate the actual cost of copying the requested document. However, there are no clear rules for calculation of the fees by public authorities. For example, there is no standardized rate per page for copies of the requested documents. Therefore, there is a risk that public authorities may abuse their right to impose fees.</p>

Article 8 – Review procedure

Tromsø Convention	Observations on compliance of Moldovan legislation
<ol style="list-style-type: none"> 1. An applicant whose request for an official document has been denied, expressly or impliedly, whether in part or in full, shall have access to a review procedure before a court or another independent and impartial body established by law. 2. An applicant shall always have access to an expeditious and inexpensive review procedure, involving either reconsideration by a public authority or review in accordance with paragraph 1. 	<p>Tromsø Convention establishes very basic requirements regarding the review procedure that are met by the Moldovan legislation. The Convention does not provide for any specific model of review procedure, recognizing the procedural autonomy of the signatories of the Convention.</p>

Article 9 – Complementary measures

Tromsø Convention	Observations on compliance of Moldovan legislation
<p>The Parties shall inform the public about its right of access to official documents and how that right may be exercised. They shall also take appropriate measures to:</p> <ol style="list-style-type: none"> a. educate public authorities in their duties and obligations with respect to the implementation of this right; b. provide information on the matters or activities for which they are responsible; c. manage their documents efficiently so that they are easily accessible; and d. apply clear and established rules for the preservation and destruction of their documents. 	<p>These kinds of positive obligations of the state authorities, relating to promotion of the right to information, are neither addressed by the Moldovan legislation nor performed in practice. The lack of an institution explicitly responsible for these functions is the major reason.</p>

Article 10 – Documents made public at the initiative of the public authorities

Tromsø Convention	Observations on compliance of Moldovan legislation
<p>At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.</p>	<p>This provision of the Tromsø Convention refers to proactive transparency, although it sets rather general and weak obligations of public authorities with regard to proactive disclosure of public information.</p> <p>As pointed out in our report, the proactive transparency standards established by the LAI are very limited. While there is no explicit failure of compliance with the Tromsø Convention, it is clear that the LAI does not promote high standards in this matter. As stipulated in the Explanatory Note to the Convention, proactive disclosure of the following categories of information is particularly encouraged: information about the structures of public authorities, staff, budget, activities, rules, policies, decisions, delegation of authority, information about the right of access and how to request official documents, as well as any other information of public interest.</p>

The Tromsø Convention establishes a minimum standard of transparency for public institutions. Moldovan legislation remains generally compatible with these requirements. The major shortcomings relate to the regulation of fees for access to information and weak standards for proactive transparency. However, it should be noted that compliance with the Tromsø Convention does not secure a high standard of transparency, considering the very limited scope of requirements stemming from this act.

ANNEX 2

DETAILED RESULTS OF ASSESSMENT

Proactive transparency – review of the websites of public authorities

No.	Type of institution	Title of institution	ASSESSMENT													TOTAL (POINTS)
			Organigram / list of all organizational units	Budget/financial plan for 2022	Financial report for 2021	Legal basis for operations	Functions / services available to citizens	Registry of property owned/ managed by relevant institution	Contact information for submitting complaints/requests/petitions	Information on available vacancies	Information on completed recruitment procedures (at least for 2021 and 2022)	Information on pending tenders	Notifications of results of tenders completed in 2021 and 2022	Information on the registers and databases held by the public body	Salaries of the heads/members of the managing bodies of institutions and heads of organizational units	
1.	Ministry	Ministry of Economy	2	0	0	1	0	0	1	2	2	0	0	0	0	8
2.	Ministry	Ministry of Infrastructure and Regional Development	2	2	2	0	0	0	1	2	0	0	0	0	0	9
3.	Ministry	Ministry of Finance	2	2	2	2	0	0	2	2	0	2	0	1	0	15
4.	Ministry	Ministry of Justice	2	2	2	2	2	0	2	2	2	0	0	2	0	18
5.	Ministry	Ministry of Foreign Affairs and European Integration	0	0	0	2	2	0	0	0	1	0	0	0	0	5
6.	Ministry	Ministry of Internal Affairs	2	2	0	2	0	1	1	2	2	2	0	1	0	15
7.	Ministry	Ministry of Defense	2	0	0	2	0	0	1	2	2	2	2	0	0	13
8.	Ministry	Ministry of Education and Research	0	0	0	2	2	0	2	2	0	0	0	0	0	8
9.	Ministry	Ministry of Culture	0	0	0	2	0	0	1	1	1	0	0	0	0	5
10.	Ministry	Ministry of Labor and Social Protection	2	0	1	2	2	0	1	2	1	0	0	0	0	11
11.	Ministry	Ministry of Health	2	0	0	2	2	0	2	2	2	2	2	0	0	16
12.	Ministry	Ministry of Agriculture and Food Industry	2	0	0	2	0	0	1	2	2	0	0	0	0	9
13.	Body subordinated to ministry	State Tax Service	2	0	0	2	2	0	2	2	2	0	0	0	0	12

FREEDOM OF INFORMATION INDEX: Measuring Transparency of Public Institutions in Moldova
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No.	Type of institution	Title of institution	ASSESSMENT													TOTAL (POINTS)
			Organigram / list of all organizational units	Budget/financial plan for 2022	Financial report for 2021	Legal basis for operations	Functions / services available to citizens	Registry of property owned/ managed by relevant institution	Contact information for submitting complaints/requests/petitions	Information on available vacancies	Information on completed recruitment procedures (at least for 2021 and 2022)	Information on pending tenders	Notifications of results of tenders completed in 2021 and 2022	Information on the registers and databases held by the public body	Salaries of the heads/members of the managing bodies of institutions and heads of organizational units	
14.	Body subordinated to ministry	Financial Inspection	2	0	0	2	0	0	0	2	1	0	0	0	0	7
15.	Body subordinated to ministry	Customs Service	2	2	2	2	0	0	2	2	2	0	0	0	0	14
16.	Body subordinated to ministry	Public Procurement Agency	2	0	0	2	0	0	0	2	2	0	0	2	0	10
17.	Body subordinated to ministry	National Probation Inspectorate	2	0	0	2	2	0	0	2	2	0	0	0	0	10
18.	Body subordinated to ministry	National Center for Judicial Expertise	2	0	0	2	2	0	2	0	0	2	0	2	0	12
19.	Body subordinated to ministry	National Archives Agency	2	0	0	2	2	0	2	2	1	0	0	0	0	11
20.	Body subordinated to ministry	Directorate of Justice of the autonomous territorial unit with special status of Gagauzia (Gagauz-Yeri)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21.	Body subordinated to ministry	Agency for Intervention and Payments in Agriculture	2	0	0	2	0	0	0	2	1	0	0	0	0	7
22.	Body subordinated to ministry	Environmental Agency	2	2	2	2	1	0	1	2	0	0	0	1	0	13
23.	Body subordinated to ministry	Inspectorate for Environmental Protection	2	0	0	2	0	0	0	0	0	1	1	0	0	6
24.	Body subordinated to ministry	Moldsilva Agency	2	0	0	2	0	0	0	2	2	0	0	0	0	8
25.	Body subordinated to Government	E-Governance Agency	2	0	0	2	0	0	2	2	0	1	0	0	0	9

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No.	Type of institution	Title of institution	ASSESSMENT													TOTAL (POINTS)
			Organigram / list of all organizational units	Budget/financial plan for 2022	Financial report for 2021	Legal basis for operations	Functions / services available to citizens	Registry of property owned/ managed by relevant institution	Contact information for submitting complaints/requests/petitions	Information on available vacancies	Information on completed recruitment procedures (at least for 2021 and 2022)	Information on pending tenders	Notifications of results of tenders completed in 2021 and 2022	Information on the registers and databases held by the public body	Salaries of the heads/members of the managing bodies of institutions and heads of organizational units	
26.	Body subordinated to Government	National Anti-Doping Agency	1	0	0	2	0	0	0	0	0	0	0	0	0	3
27.	Body subordinated to Government	Public Services Agency	2	0	0	2	2	0	2	2	1	2	0	0	0	13
28.	Body subordinated to Government	Information Technology and Cyber Security Service	0	0	0	2	2	0	2	2	0	2	0	0	0	10
29.	Autonomous authority	National Commission for Financial Market	0	1	0	2	2	0	1	1	0	0	0	0	0	7
30.	Autonomous authority	Competition Council	2	0	2	2	0	0	2	2	2	0	0	0	0	12
31.	Autonomous authority	Broadcasting Council	2	0	0	0	0	0	0	2	2	0	0	2	0	8
32.	Autonomous authority	Center for Prevention and Combating of Money Laundering	0	0	0	2	0	0	0	0	0	0	0	0	0	2
33.	Autonomous authority	National Anticorruption Center	2	1	0	2	0	0	0	2	2	0	0	0	0	9
34.	Autonomous authority	National Integrity Authority	2	2	0	2	0	0	2	0	0	1	0	0	0	9
35.	Autonomous authority	National Agency for Energy Regulation	2	0	2	2	0	0	2	2	1	0	0	2	0	13
36.	Autonomous authority	National Regulatory Agency for Electronic Communications and Information Technology	2	0	2	2	0	0	1	0	0	0	0	2	0	9
37.	Autonomous authority	National Agency for Solving Complaints	2	0	0	2	0	0	0	2	2	0	0	0	0	8
38.	Autonomous authority	National House of Social Insurance	2	0	0	2	2	0	1	2	0	0	0	0	0	9

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No.	Type of institution	Title of institution	ASSESSMENT													TOTAL (POINTS)
			Organigram / list of all organizational units	Budget/financial plan for 2022	Financial report for 2021	Legal basis for operations	Functions / services available to citizens	Registry of property owned/ managed by relevant institution	Contact information for submitting complaints/requests/petitions	Information on available vacancies	Information on completed recruitment procedures (at least for 2021 and 2022)	Information on pending tenders	Notifications of results of tenders completed in 2021 and 2022	Information on the registers and databases held by the public body	Salaries of the heads/members of the managing bodies of institutions and heads of organizational units	
39.	Other central bodies	Parliament of the Republic of Moldova	2	2	2	2	0	0	2	2	2	2	2	0	0	18
40.	Other central bodies	Presidency of the Republic of Moldova	2	2	2	0	0	0	2	2	2	0	0	0	0	12
41.	Other central bodies	Court of Accounts	2	0	0	2	0	0	1	2	0	0	0	0	0	7
42.	Other central bodies	National Bank of Moldova	2	0	0	2	0	0	2	2	0	2	0	2	0	12
43.	Other central bodies	Office of the Prosecutor General of the RM	2	0	0	2	0	0	1	0	0	0	0	0	0	5
44.	Rayonal council	Cahul	2	2	0	2	2	0	1	2	1	2	0	0	0	14
45.	Rayonal council	Calarasi	0	0	0	2	0	0	1	2	2	0	0	0	0	7
46.	Rayonal council	Cantemir	0	0	0	2	1	0	2	0	0	1	1	0	0	7
47.	Rayonal council	Cimislia	2	0	0	2	0	0	2	2	2	2	0	0	0	12
48.	Rayonal council	Criuleni	2	0	0	2	0	0	1	0	0	0	1	0	0	6
49.	Rayonal council	Drochia	2	0	0	2	0	0	2	2	0	2	2	0	0	12
50.	Rayonal council	Edinet	1	0	0	1	0	0	2	0	0	0	0	0	0	4
51.	Rayonal council	Hincesti	2	0	0	1	0	0	2	0	0	0	1	0	0	6
52.	Rayonal council	Ialoveni	1	0	0	2	0	0	2	2	1	0	0	0	0	8
53.	Rayonal council	Orhei	2	0	0	2	0	0	2	2	2	2	2	0	0	14
54.	Rayonal council	Riscani	1	0	0	1	0	0	2	2	0	2	2	0	0	10
55.	Rayonal council	Soroca	2	0	0	2	0	0	2	0	0	2	0	0	0	8
56.	Rayonal council	Stefan-Voda	2	0	0	0	0	0	1	2	0	0	1	0	0	6
57.	Rayonal council	Straseni	2	0	0	2	0	0	2	2	2	2	2	0	0	14
58.	Rayonal council	Ungheni	2	0	0	0	1	0	2	1	1	0	0	0	0	7

Accessibility of public information upon request

No.	Type of institution	Title of institution	REQUESTED DATA			TOTAL (POINTS)
			Salaries (with all bonuses and allowances) paid to heads/members of managing bodies and heads of organizational units in 2021: list broken down to the level of individual person	Registry of contracts for purchase of goods, services and works of low value, the value of which exceeds the amount of MDL 10,000 for goods, services and works, without value added tax for 2022: parties, value of contract, subject, date of contract	Registry of subsidies/grants/donations made to private bodies in 2021-2022: beneficiary, legal basis, legal form, value, date	
1.	Ministry	Ministry of Economy	2	2	2	6
2.	Ministry	Ministry of Infrastructure and Regional Development	2	2	2	6
3.	Ministry	Ministry of Finance	0	2	1	3
4.	Ministry	Ministry of Justice	0	0	2	2
5.	Ministry	Ministry of Foreign Affairs and European Integration	1	2	2	5
6.	Ministry	Ministry of Internal Affairs	0	0	0	0
7.	Ministry	Ministry of Defense	0	0	2	2
8.	Ministry	Ministry of Education and Research	0	2	2	4
9.	Ministry	Ministry of Culture	0	0	0	0
10.	Ministry	Ministry of Labor and Social Protection	0	0	0	0
11.	Ministry	Ministry of Health	0	2	1	3
12.	Ministry	Ministry of Agriculture and Food Industry	0	2	2	4
13.	Body subordinated to ministry	State Tax Service	0	0	0	0
14.	Body subordinated to ministry	Financial Inspection	0	0	0	0
15.	Body subordinated to ministry	Customs Service	0	2	2	4
16.	Body subordinated to ministry	Public Procurement Agency	0	0	2	2
17.	Body subordinated to ministry	National Probation Inspectorate	0	2	2	4
18.	Body subordinated to ministry	National Center for Judicial Expertise	0	0	2	2
19.	Body subordinated to ministry	National Archives Agency	0	0	0	0
20.	Body subordinated to ministry	Directorate of Justice of the autonomous territorial unit with special status of Gagauzia (Gagauz-Yeri)	1	0	2	3

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No.	Type of institution	Title of institution	REQUESTED DATA			TOTAL (POINTS)
			Salaries (with all bonuses and allowances) paid to heads/members of managing bodies and heads of organizational units in 2021: list broken down to the level of individual person	Registry of contracts for purchase of goods, services and works of low value, the value of which exceeds the amount of MDL 10,000 for goods, services and works, without value added tax for 2022: parties, value of contract, subject, date of contract	Registry of subsidies/grants/donations made to private bodies in 2021-2022: beneficiary, legal basis, legal form, value, date	
21.	Body subordinated to ministry	Agency for Intervention and Payments in Agriculture	2	2	0	4
22.	Body subordinated to ministry	Environmental Agency	0	0	2	2
23.	Body subordinated to ministry	Inspectorate for Environmental Protection	0	0	0	0
24.	Body subordinated to ministry	Moldsilva Agency	0	0	0	0
25.	Body subordinated to Government	E-Governance Agency	0	0	2	2
26.	Body subordinated to Government	National Anti-Doping Agency	0	0	0	0
27.	Body subordinated to Government	Public Services Agency	0	2	2	4
28.	Body subordinated to Government	Information Technology and Cyber Security Service	0	2	2	4
29.	Autonomous authority	National Commission for Financial Market	0	0	2	2
30.	Autonomous authority	Competition Council	2	2	2	6
31.	Autonomous authority	Broadcasting Council	2	2	2	6
32.	Autonomous authority	Center for Prevention and Combating of Money Laundering	1	2	2	5
33.	Autonomous authority	National Anticorruption Center	0	2	2	4
34.	Autonomous authority	National Integrity Authority	1	2	2	5
35.	Autonomous authority	National Agency for Energy Regulation	0	2	2	4
36.	Autonomous authority	National Regulatory Agency for Electronic Communications and Information Technology	0	2	2	4
37.	Autonomous authority	National Agency for Solving Complaints	0	2	2	4
38.	Autonomous authority	National House of Social Insurance	2	0	2	4
39.	Other central bodies	Parliament of the Republic of Moldova	0	0	2	2
40.	Other central bodies	Presidency of the Republic of Moldova	2	2	2	6
41.	Other central bodies	Court of Accounts	0	0	0	0

No.	Type of institution	Title of institution	REQUESTED DATA			TOTAL (POINTS)
			Salaries (with all bonuses and allowances) paid to heads/members of managing bodies and heads of organizational units in 2021: list broken down to the level of individual person	Registry of contracts for purchase of goods, services and works of low value, the value of which exceeds the amount of MDL 10,000 for goods, services and works, without value added tax for 2022: parties, value of contract, subject, date of contract	Registry of subsidies/grants/donations made to private bodies in 2021-2022: beneficiary, legal basis, legal form, value, date	
42.	Other central bodies	National Bank of Moldova	0	0	0	0
43.	Other central bodies	Office of the Prosecutor General of the RM	1	2	0	3
44.	Rayonal council	Cahul	0	0	0	0
45.	Rayonal council	Calarasi	0	2	2	4
46.	Rayonal council	Cantemir	0	0	0	0
47.	Rayonal council	Cimislia	0	0	0	0
48.	Rayonal council	Criuleni	0	2	2	4
49.	Rayonal council	Drochia	2	2	2	6
50.	Rayonal council	Edinet	0	0	0	0
51.	Rayonal council	Hincesti	1	2	2	5
52.	Rayonal council	Ialoveni	0	0	0	0
53.	Rayonal council	Orhei	2	2	2	6
54.	Rayonal council	Riscani	0	2	2	4
55.	Rayonal council	Soroca	2	2	2	6
56.	Rayonal council	Stefan-Voda	0	2	2	4
57.	Rayonal council	Straseni	0	0	0	0
58.	Rayonal council	Ungheni	0	0	0	0

No.	Type of institution	Title of institution	REQUESTED DATA		TOTAL (POINTS)
			Registry of contracts for purchase of goods and services for 2022: parties, value of contract, subject, date of contract	Salaries (with all bonuses and allowances) paid to board of directors, the committee of censors and the administrator 2021 and 2022: list broken down to the level of individual person	
59.	State-owned enterprise	SE Chisinau International Airport	2	2	4
60.	State-owned enterprise	Moldavian Air Traffic Services Authority	2	2	4
61.	State-owned enterprise	SE State Road Administration	2	2	4
62.	State-owned enterprise	SE Moldovan Railway	No response	No response	0
63.	State-owned enterprise	SE Posta Moldovei	2	2	4
64.	State-owned enterprise	SE Quality Wines Industrial Complex "Milestii Mici"	2	2	0

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No.	Type of institution	Title of institution	Registry of contracts for purchase of goods and services for 2022: parties, value of contract, subject, date of contract	Salaries (with all bonuses and allowances) paid to board of directors; the committee of censors and the administrator 2021 and 2022: list broken down to the level of individual person	TOTAL (POINTS)
65.	State-owned enterprise	SE Directorate of Real Estate Exploitation	No response	No response	4
66.	State-owned enterprise	SE Housing Exploitation Directorate	No response	No response	0
67.	State-owned enterprise	SE National Institute for Research and Design in the field of Planning, Urbanism and Architecture "Urbanproiect"	No response	No response	0
68.	State-owned enterprise	SE State Design Institute "Ruralproiect"	No response	No response	0
69.	Joint-stock company	JSC Moldtelecom	0	0	0
70.	Joint-stock company	JSC Metalferos	No response	No response	0
71.	Joint-stock company	JSC Tracom	No response	No response	0
72.	Joint-stock company	JSC Termoelectrica	0	0	0
73.	Joint-stock company	JSC Moldova-Film	2	2	4