



Report on the practical aspects of ensuring transparency in decision-making processes of central and local public authorities

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List of abbreviations

ACRONYM	
AGE	eGovernment Agency
CPA	Central Public Authorities
CoE	Council of Europe
CSO	Civil Society Organizations
GRECO	Group of States against Corruption
GD	Government Decision
DC	District Council
IDIS "Future"	Institute for Development and Social Initiatives (IDIS) "Viitorul"
LPA	Local Public Authorities
ME	Ministry of Environment
MEDD	Ministry of Economic Development and Digitization
MER	Ministry of Education and Research
MIA	Ministry of Internal Affairs
MF	Ministry of Finance
MJ	Ministry of Justice
MLSP	Ministry of Labor and Social Protection
NFSA	National Food Safety Agency
NMIC	National Health Insurance Company
OECD	Organization for Economic Cooperation and Development
PPA	Public Property Agency
RSAL	State Register of Local Acts
SC	State Chancellery
SIGMA	Support for better governance and management, a joint OECD and EU initiative
STISC	Information Technology and Cyber Security Service

Introduction

The purpose of this report is to support the State Chancellery (hereafter SC), central and local public authorities in increasing the transparency of decision-making through analyzing the legal provisions, the way they are applied in practice, and by formulating recommendations based on the findings.

The report contributes to the implementation of the [fifth Action Plan on Open Government approved by Government Decision No 158/2023](#) to the Program [National Development Program of Civil Society Organizations for 2024 - 2027](#) and the [Recommendations of the Group of States against Corruption \(GRECO\) for the Republic of Moldova](#), adopted in December 2023. The analysis took into account the monitoring indicators in Principles [Public Administration SIGMA](#) such as Principle 5: All key external and internal stakeholders and the general public are actively consulted during policy development and the Principle 15: Public administration is transparent and open.

Ensuring compliance with democratic principles; identifying risk factors and control mechanisms; regulating and institutionalizing monitoring procedures; and operating consultative platforms at central and local levels contribute to promoting transparency and protecting fundamental rights. A high level of transparency facilitates broad access of all stakeholders to information of public interest, promoting genuine participation in decision-making and involvement in public consultation processes on public policy documents and legislation.

Law No. 239/2008 on transparency in the decision-making process (hereinafter Law No 239/2008) defines two fundamental principles in this process:

- 1. Informing citizens, legally constituted associations and other interested parties about the initiation of the decision-making process and organizing public consultations on the draft decisions.*
- 2. Ensuring equal opportunities for citizens, legally constituted associations and other stakeholders to participate in the decision-making process.*

The legal framework in the Republic of Moldova provides various mechanisms and tools for cooperation between public authorities and civil society organizations, but their implementation in practice is weak and therefore needs to be improved.

Through this study, we aim to formulate practical solutions to improve public consultation mechanisms, the quality of transparency and to increase civil society participation at all stages of the decision-making process (regulatory, institutional and digital framework).

The objectives of the evaluation report are:

1. Assessment of the coherence of the normative and institutional framework regarding the processes of ensuring transparency in decision-making processes, public consultation of draft decisions, information and involvement of citizens by public authorities at all levels, in accordance with the provisions of the current legal framework.
2. To formulate recommendations for the improvement of public consultation platforms at central and local level, by analyzing the normative framework and its application in practice (legal provisions, accessibility, functionality and constraints in the use of platforms).
3. Assess citizens' perceptions of the extent to which central and local public authorities ensure transparency, access to information of public interest and participation in decision-making processes.
4. To make recommendations for improving legislation, procedures and tools to ensure transparency in the decision-making process, as well as to identify new ways of informing and consulting stakeholders with a view to stimulating participation at all levels of public administration.
5. Analysis and presentation of international practices on ensuring transparency in decision-making.

Methodology

In order to prepare the report, a sample of central and local public authorities was selected in order to assess the practical application of the legal provisions on transparency in decision-making at all levels. The representatives of the SC, IDIS "Viitorul" experts, the Council of Europe (CoE) and the international expert agreed on the selection of 31 public authorities as follows:

Central Public Authorities (CPA):

- 7 Ministries: Ministry of Labour and Social Protection (MLSP), Ministry of Finance (MF), Ministry of Environment (ME), Ministry of Education and Research (MER), Ministry of Internal Affairs (MIA), Ministry of Economic Development and Digitalization (MEDD), Ministry of Justice (MJ).
- 3 other central public authorities: the Public Property Agency (PPA), the National Food Safety Agency (NFSA), the National Health Insurance Company (NMIC).

Local public authorities (LPA level I and II):

- 15 LPA from I level covering all development regions, selected on the basis of the latest report [Transparency cities and regions and in Moldova \(viitorul.org\)](https://viitorul.org) prepared by IDIS "Viitorul" in 2022. 5 LPA from I level with high transparency score, 5 LPA from I level with medium score and 5 LPA from I level with the lowest score were selected.
- 6 LPA from II level / District Councils covering all development regions, selected on the basis of the latest report [Transparency cities and regions and in Moldova \(viitorul.org\)](https://viitorul.org) developed by IDIS "Viitorul" in 2022. 2 LPA from II level with a high score, 2 LPA from II level with a medium score and 2 LPA from II level with the lowest score were selected.

Table no. 1. List of LPA from I and II levels subject to evaluation

Region	LPA II level	LPA I level
North	1.Briceni	1. Balti
	2.Soroca	2. Falesti
		3. Donduşeni
		4. Cupcini
		5. Otaci
Center	3. Straseni	6. Teleneşti
	4.Nisporeni	7. Ungheni
		8. Peresecina
		9. Criuleni
		10. Ruseştii Noi
South	5.Causeni	11. Cimislia
	6.Basarabeasca	12. Talmaza
		13. Zaim
		14. Gura Galbenei
		15. Basarabeasca

The evaluation methodology includes both quantitative research methods (e.g. opinion survey) and qualitative research methods (e.g. focus groups, in-depth interviews), which allowed a comprehensive assessment of the current situation, but also of the perception of all actors involved in the decision-making processes at central and local level (public authorities, representatives of civil society organizations and citizens).

Therefore, in order to achieve the aim and objectives of the report, the following tools were applied:

1. **Analysis of the legal and normative framework that regulates the stages of the decision-making transparency process; as well as the procedures, instruments for organizing public consultations;**
2. **Analysis of data and findings from other relevant reports and studies;**
3. **Analysis of the websites of the 31 central and local public authorities evaluated;**
4. **Analysis of data and information on the decision-making process published by the evaluated authorities on the portal <http://particip.gov.md>;**
5. **Analysis of decisions and provisions as well as statistical data on decisions and provisions published by LPA in the State Register of Local Acts (RSAL) www.actelocale.gov.md;**
6. **Conduct an opinion poll on citizens' perceptions of transparency in decision-making at central and local level** (data collection period: September 19, 2024 - October 11, 2024);

Methodology used *sampling*: stratified, probabilistic, three-stage; *sample size*: 1102 respondents, 18 years and older; *stratification criteria*: 12 administrative-territorial units (ATUs). residential environment (urban-rural). size of urban localities (3 types). type of rural localities (commune center/belonging village); *randomization stages*: locality (88 selected localities), household, person; *representativeness*: the sample is representative of the adult population of the Republic of Moldova, excluding Transnistrian region; *the maximum sampling error* is $\pm 3.0\%$; the interviews: were conducted at the respondents' homes by 31 operators, in Romanian and Russian;

7. **Analysis of the relevant international standards (CoE, OECD, etc.) and best practices at international level with the presentation of relevant recommendations for the Moldovan context;**
8. **Conducting 4 online focus groups (2 with representatives of CPA and 2 with representatives of LPAs), with the participation of 30 people (representatives of public authorities and civil society) and 6 in-depth interviews** with representatives of CPAs, LPAs and experts in the field. These qualitative research tools aimed to explore the barriers in the implementation of the legislation, as well as a deeper understanding of the causes of the problems that do not allow for transparency at all stages of the decision-making process and genuine public consultations with citizens and stakeholders (see Annex 1 and 2).

The report comprises the following chapters:

1. Introduction and research methodology;
2. Analysis of the regulatory framework and application in practice ([Law No 239/2008 on transparency in the decision-making process](#); [Government Decision no. 967/ 2016](#) On the mechanism for public consultation of civil society in the decision-making process; [Law on access to information of public interest No 148/2023](#) aimed at ensuring transparency and promoting access to information held by public authorities and institutions; [Government Decision no. 728/2023](#) on the institutional websites of public authorities and institutions and the minimum requirements for their social media profiles;
3. Short analysis of portals and registers (<https://particip.gov.md>, www.actelocale.gov.md);
4. Citizens' perception of transparency in decision-making at central and local level;
5. Implementation in practice by CPAs, LPAs of I and II level (for year 2023) comprising the following sub-paragraphs: Informing stakeholders about the initiation of the decision-making process and ensuring access to the draft decision and related materials; Stakeholders consultation; Analyzing and taking into account the recommendations submitted by stakeholders; Ensuring the participation of stakeholders in public meetings; Informing the public about the decisions taken; Reporting on transparency in decision-making and ensuring their accessibility;

6. Analysis of international standards and presentation of practices of ensuring transparency in decision-making and methods of stakeholder participation in the decision-making process (practice of Croatia, Slovakia, Spain);

7. The report makes a series of recommendations aimed at improving and simplifying legislation and procedures, as well as practical recommendations for central and local public administrations to implement the legislation in practice, recommendations for the SC, and last but not least for improving the portal <https://particip.gov.md>. Recommendations for the Government and authorities are also formulated on the basis of the survey on citizens' perception of transparency in decision-making at central and local level.

Executive summary

Transparency in the decision-making process is a cornerstone of effective democratic governance, ensuring an open relationship between public authorities and citizens. This report examines in detail how central (CPAs) and local public authorities (LPAs) in the Republic of Moldova fulfill the requirements of transparency in decision-making, identifying existing gaps and proposing practical solutions to improve citizens' involvement in decision-making processes.

The report, which is part of the implementation of the fifth Action Plan on Open Government, analyzes the application of the legal provisions, namely Law no. 239/2008 on the transparency of the decision-making process and GD no. 967/2016, complemented by the recommendations of the Group of States against Corruption (GRECO). It also brings to the attention the international standards set by organizations such as the CoE and OECD, with the aim of integrating good practices into the legislation and practices of the Republic of Moldova.

The overall objective of the report is to support public authorities in their efforts to increase citizens' access to information and to strengthen their participation in decision-making processes. The report aims to contribute to closing the gaps between the legal provisions and their application in practice, creating a clearer, more accessible and effective framework for public involvement.

In order to carry out this assessment, the report used a comprehensive approach that included an analysis of the regulatory framework, an assessment of the authorities' application of transparency requirements in practice, an assessment of institutional practices and a survey of citizens' perceptions. The study was carried out on a sample of selected public authorities, including 7 ministries, 3 central agencies, 6 district councils and 15 municipalities, selected on the basis of performance criteria in terms of transparency in decision-making. The northern, central and southern regions of the country were evenly represented, providing an overview of practices at national level.

Complementing the institutional analysis, the report utilized an opinion survey of a sample of 1102 citizens, providing a detailed insight into the public's perception of transparency in decision-making. Focus groups and in-depth interviews were also organized with representatives of CPAs, LPAs and civil society organizations to explore in detail the challenges and opportunities. This process allowed the identification of major gaps and examples of good practice, providing a solid basis for recommendations.

The Report on Transparency in Decision-Making in the Republic of Moldova continues to highlight a broad spectrum of findings and conclusions reflecting both progress and major shortcomings of the CPAs and LPAs. This comprehensive and detailed analysis presents a detailed picture of how decision-making transparency is implemented and perceived, while providing clear recommendations to remedy shortcomings and strengthen existing mechanisms.

The report highlights the fact that at the level of central public authorities, although all analyzed CPAs have dedicated decision-making transparency compartments on their institutional websites, they do not fully comply with legal requirements. None of the assessed CPAs fully complies with the provisions stipulated by GD no. 967/2016, and the structure of these compartments does not facilitate users' access to the required information. For example, on the MER page, all documents are grouped

under a single heading, with no subcategories allowing users to quickly find what they are looking for. There is also an almost total lack of subheadings for notices of withdrawal of decisions from public consultation or publication of adopted decisions. This turns the transparency compartments into a barrier to access to information, contrary to their main purpose.

One positive aspect noted in the CPA analysis is the publication of the lists of stakeholders, as required by law. However, the lack of regular updating of these lists is a significant shortcoming, especially given that the law requires semestrial updates. The report also points out that there is insufficient data to verify whether the CPAs provide specific information to stakeholders or comply with the obligation to inform directly those who request it. In addition, the publication of notices of initiation of the decision-making process and the use of online means remain a weak points. In the focus groups, CPA representatives stated that they use media and online platforms for information, but this could not be independently verified.

Another major problem identified relates to the publication of draft decisions and related documents on the portal <https://particip.gov.md>. The analysis showed that there is a high risk that the CPA omits the publication of drafts for all ministerial/institutional normative and administrative acts that fall under the scope of the Law 239/2008 or GD 967/2008, although this is mandatory by law. In addition, the differences between the number of notices reported to the SC and those actually posted on the portal indicate discrepancies that undermine the credibility of the reporting process.

At level II local public authorities, the situation is even more uneven. Only half of the analyzed district councils publish information about the initiation of the decision-making process. For example, District Council Strasenii provides details about the decision-making process on its webpage, while District Council Nisporeni does not even have a dedicated transparency section, which makes it almost impossible to access information. These discrepancies highlight significant inequalities between districts, both in prioritizing transparency and in resource allocation. Moreover, insufficient time for consultation on draft decisions limits citizen participation, thus weakening community involvement.

As regards LPAs level I, the situation is even more worrying. Most LPAs level I do not ensure transparency at the stage of initiation and public consultation of draft decisions. For example, only Balti municipality has published draft normative acts on the portal <https://particip.gov.md> which highlights a significant underutilization of this tool. At the same time, many LPAs confuse the publication of a draft on the website with the actual public consultation, an error that reflects a lack of understanding of the legal requirements. Data analysis indicates that only 33% of the LPAs I assessed complied with the requirements to publish draft decisions, and in many of these cases the reporting is inaccurate and incomplete.

Citizens' perception of the transparency of the decision-making process is another central aspect of the analysis. The survey revealed perceptions of transparency in the decision-making process of public authorities at three levels: Government/CPAs, LPAs at level I and II. The key observation is that a significant proportion of respondents' rate transparency as 'low', particularly at LPA I level (40%) and LPA II level (33%). This suggests that the majority of respondents consider that the decision-making process at the local level lacks openness. The "very low" category is also substantial, with 25% of respondents perceiving low transparency at the Government/CPA. There is also a sizeable proportion of "Don't know/no answer" responses, particularly at LPA II level (31%), indicating uncertainty or lack of visibility of decision-making processes.

The survey shows widespread dissatisfaction, especially with LPA I, which is perceived as the most opaque. Citizens also feel poorly informed about the authorities' decisions, indicating major communication gaps. A trend of disengagement is also evident in terms of citizens' involvement in the decision-making process, particularly at the level of CPA and LPA II, where opportunities for participation are perceived as rare or non-existent.

The recommendations set out in the report outline a series of key measures to address the structural and functional deficiencies affecting the transparency of decision-making in the Republic of Moldova.

They propose fundamental changes to ensure clarity, accessibility and genuine citizen engagement, combining legislative, technological and institutional reforms. Firstly, the report highlights the urgent need to standardize and unify the existing legal framework. The current legislation is scattered and ambiguous, which creates confusion in application and gives too much interpretative flexibility to authorities. The provisions on transparency of decision-making, including notices of intention, organization of public consultations and publication of decisions, should be grouped coherently and structured in a way that is easy to understand and apply. For example, it is proposed that all requirements on publication of notices and public consultation be clearly defined in a single section, eliminating redundancies and gaps.

To support this clarification, the report emphasizes the importance of better defining key terms in the legislation, such as 'draft decision' or the potential 'impact' of decisions. In the absence of precise definitions, there is a risk of arbitrary interpretation, leading to inconsistent application of the legal framework. It is also suggested to clearly delimit the stages of the decision-making process, such as the publication of the notice of intent and the organization of public consultations. At the moment, many authorities confuse these stages, which limits the real involvement of citizens.

Another important aspect of the recommendations is the emphasis on accessibility of public information. It is considered essential that all information is published in an open format, allowing citizens to access and use it without technical difficulties. In addition, publication of details of decision-making meetings, notices of initiation and minutes should become a mandatory requirement for all authorities. Consultative platforms, which are currently not known to be effective, must be supported to become genuine spaces for dialogue and collaboration between authorities and stakeholders.

The <https://particip.gov.md> portal is positioned as the main tool to ensure transparency in decision-making. The recommendations suggest ensuring its mandatory integration into the websites of all institutions and its use for each stage of the decision-making process. The proposed improvements include the development of a functionality to allow full traceability of a draft decision from initial announcement to adoption or withdrawal. Correct tagging of documents and public display of publication dates would also facilitate access and contribute to better monitoring of compliance with legal deadlines. In addition, promoting the portal through media and social campaigns is essential to increase the level of use and involvement of citizens.

The SC is in the context of this report a key actor in the implementation of reforms. It is recommended that the SC should take an active role in monitoring and enforcing compliance with legal obligations by the authorities. An essential step would be to revise the annual transparency reports, introducing requirements for links to demonstrate the authenticity of the reported data. Automating the reporting process and data collection through <https://particip.gov.md> would help reduce errors and increase the accountability of public institutions. In addition, the introduction of specific sanctions in the Contravention Code for non-compliance with transparency provisions would strengthen law enforcement.

At local level, public authorities are encouraged to adapt their consultation methods to the needs of their communities. Whether through general assemblies, sectoral meetings or the use of social networks, they must create real opportunities for citizens to participate in the decision-making process. At the same time, full and accessible publication of the decisions taken, including on institutional websites, is a prerequisite for transparency. The report also emphasizes the need for participatory education, especially for young people, in order to develop a strong civic culture. Organizing community events, information sessions and open discussion forums are effective ways to encourage citizens' involvement. In the long term, these initiatives would help to strengthen a constant dialog between the authorities and the community.

Another innovative element proposed is to launch an annual grant program for civil society organizations and journalists to monitor the implementation of transparency legislation. These programs would document deviations and support continuous improvement of the legal and

institutional framework. The findings of such monitoring could be used to initiate sanctions or review existing rules.

The report provides a comprehensive yet detailed overview of the state of transparency in the decision-making process, proposing recommendations that imply a profound transformation in the way transparency in decision-making is managed and implemented. They emphasize legislative clarity, the use of technology and the active involvement of citizens, offering a model that can strengthen public trust in the authorities and promote open and accountable government.

1. Analysis of the legal framework on transparency in decision-making

The law regulating information, consultation and participation in the decision-making process is Law [LP239/2008](#). This law also applies to local public authorities. The provisions of Law 239/2008 are detailed in the Regulation on procedures for public consultation with civil society in the decision-making process, approved by [Government Decision No 967 of 09.08.2016](#) on the mechanism for public consultation with civil society in the decision-making process (hereinafter referred to as GD no. 967/2016).

[Law on access to information of public interest No 148 of 09.06.2023](#) aims to ensure transparency and promote access to information held by public authorities and institutions. It establishes the right of citizens to request and receive information of public interest, defines the obligations of public authorities to provide such information and outlines the procedures for submitting requests for information. The law aims to improve accountability, ensure informed participation in decision-making and increase public trust in government institutions.

[Government Decision no. 728 of 26.09.2023](#) (hereinafter referred to as GD no. 728/2023) on the official websites of public authorities and public institutions and the minimum requirements for their social media profiles on social networks, including the Regulation, is drafted with the aim of increasing the level of transparency of the work of ministries, other central administrative authorities, public institutions in which they have founding status and autonomous public institutions, and to ensure access to information of public interest through official pages, establishing mandatory minimum requirements for the official pages of all public authorities and public institutions.

Given the nature of this study, the four normative acts mentioned above have been analyzed in detail. Of course, there are other specific laws and regulations governing public participation in decision-making. For example, the Law on local public administration No. 436/2006, which regulates the fundamental principles of local public administration, the organization and functioning of public authorities in administrative-territorial units, as well as certain aspects of transparency in decision-making. There is also the Law on normative acts No 100/2017, which regulates the principles, stages and rules for drafting normative acts, the basic requirements for the structure and content of normative acts, as well as the rules on their entry into force and repeal, and other procedures applicable to normative acts. Law No 100/2017 also reiterates the obligation of local public authorities to consult the public on the draft normative acts they prepare (Art. 32).

Law no. 239/2008 on transparency in the decision-making process

[Law No. 239/2008](#) is an important element in the legal framework that guarantees the transparency of public administration of the Republic of Moldova, as well as its participatory and open nature. From this point of view, Law No 239/2008 it is supposed to contribute to ensuring a functioning democracy, providing citizens and civil society organizations with a solid platform to influence decisions that affect their daily lives.

The central objective of the law is to create a framework in which citizens and constituted associations have access not only to information about the decision-making process, but also to the possibility of directly influencing that process. Essentially, the law aims to regulate the relationship between public

authorities and citizens and constituted associations in these matters, ensuring that the latter have access to information and the possibility to actively contribute to the decision-making process. To this end, Law No 239/2008 stipulates institutionalized mechanisms to ensure that interested parties can effectively participate in all stages of the decision-making process.

By creating such mechanisms, the law not only makes transparency mandatory, but also ensures that it is realized through regulated two-way communication, where both parties are informed and can influence decisions. For example, the definition of transparency is not limited only to the provision of information, but also includes consultation with citizens, which emphasizes the importance of the interaction between the state and society. In this way, Law No 239/2008 ensures that transparency is not merely an administrative practice, but becomes a fundamental principle of Moldovan governance. This can be illustrated by the fact that Article 3(4) and (4¹) provides for public consultation not only for major legislative acts, but also for administrative decisions that have a social, economic or environmental impact, which, moreover, recognizes the complexity of modern issues and the need to involve various perspectives before taking a decision.

In practical terms, the law imposes clear obligations on public authorities, including the Parliament, the President of the Republic of Moldova, the Government and other autonomous and local authorities, to provide access to information and to consult the public openly. Here, the importance of Article 4 becomes evident, as it sets out the purpose of the law: multilateral information about and active participation of citizens in the decision-making process. In terms of scope of application, the inclusion not only of central and local authorities, but also of legal persons governed by private law who manage public funds (Article 3(3)), extends the sphere of responsibility and contributes to greater transparency and accountability in the use of public resources, which is a preventive measure against corruption, ensuring stricter control over the way public money is managed.

Article 7 of the Law lays down specific obligations of the authorities, including the dissemination of information on the annual work programmes and the consultation of stakeholders at all stages of the decision-making process, which can be interpreted as an essential requirement for ensuring the legitimacy of public decisions, as in this way the Law ensures that the rights and interests of stakeholders are guaranteed at all stages of the decision-making process. Thus, the fact that the transparency of the decision-making process does not stop at the consultation stage, the Article 13 ensures that public meetings at which decisions are taken are open to the public and that announcements of these meetings are widely publicized, contributes to the accountability of the authorities and to increasing public confidence in the decision-making process. In this way, Law No 239/2008 gives citizens and civil society organizations the opportunity to become co-authors of public decisions, which should, in theory at least, increase their quality and legitimacy.

In terms of legal logic, the law seeks to strike a balance between the need for efficient administration and its accountability to citizens. This balance is evident in the provisions governing public consultation (Article 11), where it is specified that the authorities may not refuse consultation when requested by citizens or other interested parties. This provision emphasizes that the decision-making process is not the exclusive prerogative of public authorities, but is a collaborative process in which stakeholders play a key role. A very important aspect of the law is that it not only lays down obligations for public authorities, but also gives clear rights to citizens and organizations, which contributes to a better balance between state power and civil society. These rights are formulated in a way that promotes a form of direct democracy, where public consultation is not just a formal process, but a mechanism through which citizens can influence decisions in a real way. On the other hand, within the same legal logic of the aforementioned balance, Law No 239/2008 does not contravene the fundamental principle of representative democracy, since the final say in the decision-making process remains with the institutions and actors vested with legal authority in electoral processes in which the democratic principle is exercised freely.

Law No 239/2008 is an essential legal instrument for the democratization of the decision-making process in the Republic of Moldova, as it ensures that public authorities cannot arbitrarily take decisions and that citizens, associations and other stakeholders have a voice in the decision-making process that the act of governance entails. On the other hand, the real success of this law depends to a large extent on its effective implementation and on the political will to respect and promote these principles, that is, in particular, on how these provisions are applied in practice and whether effective mechanisms are in place to ensure that public authorities fulfill the obligations laid down.

Government Decision no. 967/2016 on the mechanism for public consultation with civil society in the decision-making process

[GD no. 967/2016](#) is a significant step towards institutionalizing public consultations in the Republic of Moldova. It outlines procedures and standards for involving civil society in the decision-making process, ensuring transparency and inclusiveness. The regulation provides for public consultation procedures in the decision-making process at both national and local levels.

The Regulation on procedures for public consultation with civil society in the decision-making process comprises four main chapters:

I. General provisions;

II. Transparency of the decision-making process

Section 1: Information in decision-making

Section 2: Public consultations;

III. Transparency of the decision-making process

IV. Reports on transparency in decision-making

Public authorities are obliged to conduct mandatory public consultations with civil society and other interested parties during the drafting and adoption of legislation and policy documents. This requirement ensures that the views and interests of different groups are taken into account in the decision-making process. Consultations must be carried out in a transparent manner, with clear and accessible information provided to the public on the issues at stake. The public authority shall ensure access to draft decisions and related materials by publishing them on the official website of the public authority as well as on the website <https://particip.gov.md>.

The person responsible for coordinating the public consultation process must prepare a general list of interested parties, drawn up on the initiative of subdivisions of the public authority, other public authorities or on the proposal of interested parties, who will be informed as a priority about the decision-making process of the authority concerned. The list shall be updated every six months, including with the indication of the interested parties who have requested in writing to be informed about the decision-making process of the public authority (Art. 7).

General and targeted information is mandatory when announcing the initiation of the draft decision and organizing all public consultations. Public authorities are also encouraged to involve civil society and the public at an early stage of the policy-making process. Early and effective involvement allows for meaningful input before key decisions are taken, helping to identify potential concerns and improve the quality of final decisions.

Public authorities must initiate public consultations on draft decisions in order to inform and receive recommendations from interested parties. Public authorities must record all stakeholder recommendations received during the public consultation on the draft decision and include them in the summary of recommendations. The author subdivision shall analyze the recommendations received together with other institutional subdivisions within the public authority, as appropriate, and decide whether to accept or reject each individual recommendation. In the case of a decision to reject recommendations, this decision shall be duly reasoned.

In order to ensure broad participation and reach diverse groups within society, public authorities are encouraged to use a variety of ways of public consultation, the following being used separately or

cumulatively: soliciting the views of civil society, experts, professional associations, academia; setting up permanent working groups - consultative platforms within the central public administration authority; setting up ad-hoc working groups; organizing public debates; holding public hearings; conducting public polls; etc. GD 967/2016 provides for the preparation of a file on the elaboration of the draft decision after the finalization of the public consultation on the draft decision by the authoring subdivision within the public administration authority.

The GD also states that public authorities must prepare and make public annual reports on transparency in decision-making. These reports should contain information on the number of decisions taken by the public authority during the reference year; the total number of recommendations received in the decision-making process; the number of consultative meetings, public debates and public hearings organized; the number of cases where the public authority's actions or decisions have been challenged for non-compliance with this Regulation and the sanctions applied for non-compliance, etc.

Annex no. 2 to GD no. 967/2016 includes the Regulation on the organization of the activity of the permanent consultative platform within the central public administration. The purpose of the functioning of the platform is to increase the transparency of the decision-making process within the authorities and their subordinate structures, by boosting participatory and inclusive dialog. The Platform has the following objectives: to strengthen the Authority's dialogue with the stakeholders involved in the decision-making process and to increase the stakeholders' contribution to the finalization of the draft decisions discussed.

In addition to the composition of the platform, the tasks of the chairperson and the secretary of the platform, it is mentioned that the permanent members of the platform can propose, if necessary, to invite representatives of other stakeholders to the platform meetings and they (the permanent members) monitor its activity in order to comply with the provisions of the regulatory framework on transparency in the decision-making process.

Law 148/2023 on access to information of public interest

The right of access to information is enshrined in Article 34 of the Constitution, which stipulates that the right of a person to have access to any information of public interest may not be restricted. The ways of exercising and defending the right of access to information of public interest are regulated by [Law No 148/2023 on access to information of public interest](#) (hereinafter Law No 148/2023), which entered into force on January 8, 2024. [Law No 148/2023 introduces amendments to the modalities](#) in which the public can have access to public information in line with European standards, in particular with regard to proactive transparency requirements, time limits and disclosure regulations, monitoring and control mechanisms, and sanctions.

Law No 148/2023 [introduces certain improvements](#) compared to the old Law no. 982/2000, notably the notion of "information of public interest"; a defined list of providers of information of public interest; proactive transparency; various modalities for requesting information; an exhaustive list of legal grounds for limiting access to information; among others.

Law no. 148/2023 regulates the manner of exercising and defending the right of access to information of public interest; the obligations of information providers ensuring access to information of public interest; the legal liability for violation of the provisions on access to information of public interest, as well as the monitoring and control mechanism.

As regards the forms of access to information of public interest, Law no. 148/2023 stipulates that access to information can be realized in two different ways: proactive transparency and, upon request, following legal proceedings. The newly introduced principle of proactive transparency consists in the ex officio dissemination of information of public interest, in particular by publishing it on the official websites of information providers, including public authorities. Article 10 of Law No 148/2023 sets

out a list of sixteen types of information that providers should publish and update on their official website, including:

- *data on the organizational structure, budget of the public authority, its areas of competence and functions, contact details, etc.;*
- *data on the leadership of the public authority, including education, professional experience, access to public office, etc.;*
- *normative acts regulating the organization and functioning of the public authority;*
- *data on public procurement planned, executed, monitoring reports on public procurement contracts, etc.;*
- *budget planning and execution data;*
- *annual report on the activity of the public authority;*
- *data on public events organized (meetings, meetings, press conferences, etc.), as well as on decisions taken at these events;*
- *data on the decision-making process;*
- *data concerning the employment of persons in the public service, such as the list of competitions for vacant posts; the list of persons admitted and the list of persons who have passed and won the competition;*
- *data on programs and projects, including technical assistance;*
- *information of public interest provided for by other normative acts.*

However, in some cases, the information and data included in the article on proactive transparency is rather general and does not make it sufficiently clear what types of data should be published. For example, the data on public procurement does not specify which data and documents on planned and executed procurement should be published (e.g. award decision). Similarly it is not specified which data or documents related to the budgetary process should be published (e.g. annual report on budget execution).

Law No. 148/2023 provides in Article 10(5) that "information of public interest published and made available to applicants must be provided in an open format." However, the rule is a general one and makes no reference to the manner in which the data must be published and the accepted open data formats. It may therefore generate discretion and will not contribute significantly to solving the current problem of information and documents published by authorities. In particular, we are referring to data and documents that are published on authorities' websites, but which do not correspond to the open data format. Open public data is data that can be freely accessed, used and shared and is intended to be machine readable. For example, documents published by public authorities are in non-editable .pdf or scanned formats which do not allow their analysis, use and re-use, which is contrary to the concept of open data (...). Also, in some cases, the information is not up-to-date, not downloadable in .xls or .csv files. It should be emphasized that the details of the formats are laid down in other legislation. Currently in force is Law No. 305/2012 on the re-use of public sector information which is outdated and needs updating. Respectively, the authorities are in the process of drafting the draft¹ law on open data and re-use of public sector information which is to regulate the issues related to open data and re-use of public sector information.

Although the improvements made to the legislation on transparency in decision-making have been significant, there are still some shortcomings that need to be addressed. [The Freedom House Access to Information Index](#) underlines that some problems are not directly related to the quality of legislation, but rather demonstrate a low culture of transparency among public institutions (in

¹ <https://participct.gov.md/en/document/stages/announcement-initiating-the-initiation-of-the-project-government-working-draft-government-work-for-approving-the-draft-law-on-open-data-and-reuse-of-information-in-the-public-sector/13183>

particular local authorities and public enterprises), indicating the need for further monitoring, oversight and awareness-raising activities.

Article 30 of Law no. 148/2023 stipulates that the monitoring and control of the implementation of the law is the responsibility of: the People's Advocate, the SC and other public authorities. However, Articles 30-33 of Law 148/2023 puts the control and monitoring process in the hands of several public authorities without an exhaustive designation of those responsible. The shortcomings of the monitoring process have also been pointed out by civil society.² In the absence of clear rules appointing those responsible and discreet provisions on the control, monitoring and evaluation process may result in poor practical application of the legal framework and reduced accountability of public authorities.³

Government Decision No 728/2023 on the official websites of public authorities and public institutions and minimum requirements for their social media profiles

[GD No 728/2023](#) is an important step in strengthening the transparency of public institutions in the Republic of Moldova, setting clear standards for their official websites and social media profiles. This initiative aims to ensure citizens' access to information of public interest, optimize interaction with the public administration and increase the accountability of the authorities through more efficient and accessible communication mechanisms.

According to the approved regulation, official websites have to comply with strict requirements on accessibility and up-to-date information. Points 6 and 15 emphasize the need for all information to be public, accurate, complete and constantly updated. Moreover, these platforms must be adapted for access by people with disabilities, through the implementation of specific technologies, such as public address systems and automatic transcription (points 7, 24). An essential element is the obligation of the institutions to guarantee the transparency of the decision-making process by publishing draft decisions, organizing public consultations and presenting the results (point 15). This allows citizens to be actively involved in the decision-making process and ensures a better understanding of administrative activity.

Another key aspect of the Government Decision no. 728/2023 is the development of a standard template for official websites, under the supervision of STISC and AGE (point 2). This aims to standardize the presentation of information and optimize accessibility. All official websites will be hosted on a centralized technology platform, which improves cybersecurity and facilitates technical management (point 4). For better information management, each public authority is obliged to designate an information content manager (point 43-44). This officer will coordinate the publication and updating of information, working with internal data providers. This creates a clear communication bridge between authorities and citizens, which contributes to greater accountability.

The Government Decision introduces minimum requirements for social media profiles of public institutions. They must be managed by trained persons who promote open and transparent communication, avoiding the publication of false or unauthorized information (point 83). This facilitates quick access to information and gives citizens an additional way to interact with public institutions.

Through the adopted measures, the Government Decision contributes to ensuring adequate transparency in the public sector. The proactive publication of data, the organization of public consultations and ensuring open access to information are essential elements to strengthen citizens' trust in public administration. Furthermore, the centralization and standardization of digital platforms reduce the risk of misinformation and ensure consistency in the presentation of information. In conclusion, GD 728/2023 has a significant positive impact on transparency in the decision-making

² <https://cpr.md/2024/01/25/accesul-la-informatie-si-datele-publice-de-calitate-ce-putem-invata-de-la-experienta-romaniei-si-a-altor-state-ue/>

process by providing a clear framework for the management and communication of public information. By effectively implementing these measures, the Republic of Moldova aligns itself with international practices of open government, promoting constant dialog between authorities and citizens.

2. Short analysis of portals

Government portal <https://particip.gov.md> is an online tool developed by the SC to implement the legal requirements on transparency of decision-making and public consultations in the Republic of Moldova. The portal was launched in late 2011 as part of the Republic of Moldova's commitment to the Open Government Partnership, a global initiative to promote transparency, citizen engagement and inclusive governance. The portal serves as a centralized platform through which citizens, CSOs and government bodies can communicate and collaborate on public policy issues.

The main objectives of the portal are to improve the transparency of government decision-making processes, to empower citizens and CSOs to actively contribute to these processes and, ultimately, to improve the quality of public policies through a diverse and timely feedback process. Before the creation of the portal, citizens and CSOs had to visit more than 20 central government websites and 60 local government websites to follow the decision-making process and public policy making, which made it difficult to stay informed. The launch of the portal has simplified this process by consolidating all policy and legislative documents initiated by public authorities into a single platform.

The portal <https://particip.gov.md> provides information on draft decisions prepared by the authorities, including the drafts themselves and the accompanying reasoning notes. It also contains details of the person responsible for the draft decision and the deadline for submitting recommendations.

However, the portal serves primarily as a source of information rather than actively promoting other forms of public consultation. It neither facilitates the process of tracking the results of public consultations (such as minutes of public consultation meetings or summaries of recommendations) nor does it refer to the decisions taken as a result of the consultations.

As of October 28, 2018, all local public administrations (levels I and II) are obliged to publish their adopted acts in the "State Register of Local Acts" (www.actelocale.gov.md). Specifically, normative decisions enter into force on the date they are included in the State Register of Local Acts.

On the other hand, the Regulation on the official websites of public administration authorities requires the publication of adopted decisions on the authorities' websites. This is important because it facilitates citizens' access to the decisions taken by local councils.

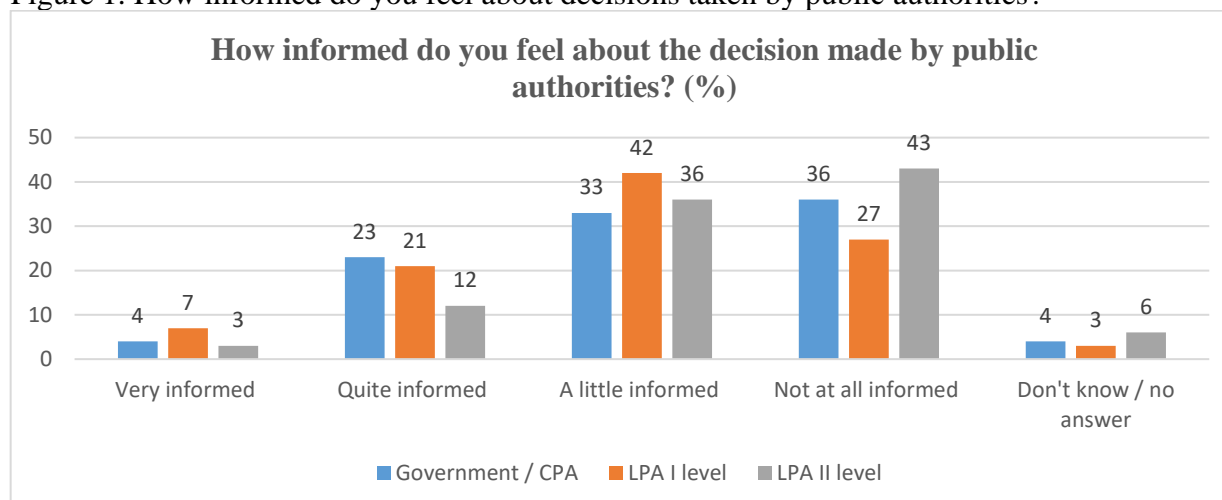
The focus group with CPA representatives revealed a mixed picture on their experience of working with the module <https://particip.gov.md>: some reported a good experience (MF, MEC, APP) while others (MM, CNAM, MJ) reported a poor experience.

During the focus groups and interviews, representatives of LPAs at levels I and II mentioned that sometimes, when faced with a shortage of human resources, it is very difficult to publish on the authority's website, on the <https://particip.gov.md> and in RSAL the same information. It was suggested that it would be good if there was only one platform or even if there are several, when a date is published automatically, there would be the technical possibility to check where this information should appear on other pages.

3. Citizens' perception of transparency in decision-making

It is very important to know how citizens perceive transparency in decision-making. Below are some figures illustrating this.

Figure 1. How informed do you feel about decisions taken by public authorities?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

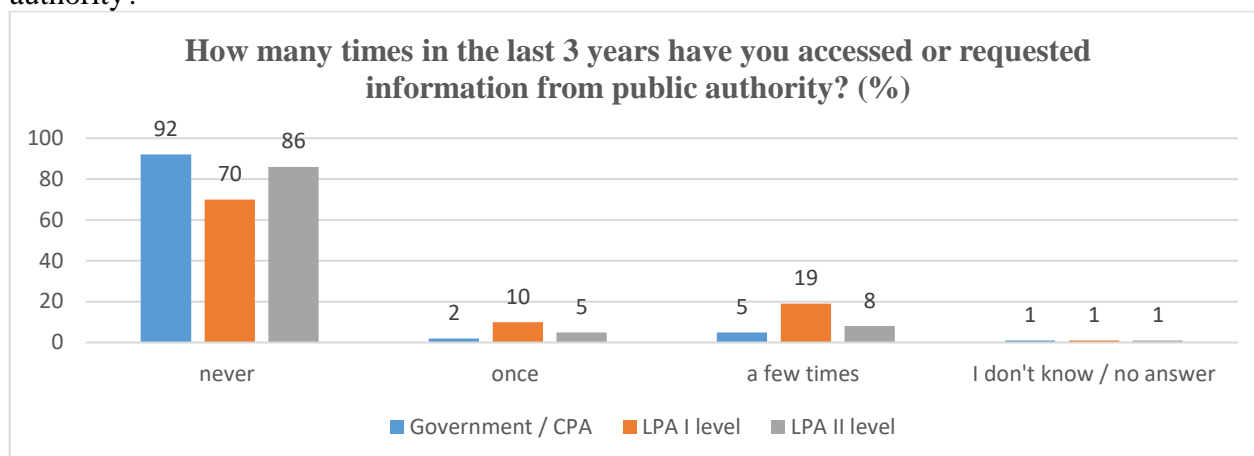
This figure reflects respondents' perceptions of the level of information about the decisions taken by public authorities at three levels: Government/ CPAs, LPA I level and LPA II level. The main observation is that the majority of respondents feel either 'not very informed' or 'not informed at all' about the decisions of public authorities. The 'not very informed' category is highest at LPA I level (42%), followed by LPA II (level 36%) and Government/CPA (33%). As for the 'not informed at all' category, it is most significant at LPA II level, where 43% of respondents report this level of perception.

Very few respondents consider themselves "very informed" about the decisions of public authorities: only 4% for the Government/CPA, 7% for LPA I level and 3% for LPA II level. This suggests a lack of high transparency or effective communication regarding the decisions of public authorities at all levels.

A relatively small proportion of respondents feel "quite informed": 23% for the Government/CPA, 21% for LPA I level and 12% for LPA II level. Although this category is in the minority, it suggests that some respondents perceive an intermediate level of access to information, even if this is not the norm. A minimal number of respondents selected "Don't know / don't answer", suggesting that most people have a clear, albeit negative, perception of their level of information.

The graph highlights respondents' overall perception of the level of information about decisions taken by public authorities, showing a significant tendency for respondents to feel "little informed" or "not informed at all". This suggests possible gaps in communication and transparency, particularly at LPA II level, where the lack of information is most pronounced. Improving communication strategies and making information on decisions more accessible could help to address these problems and raise public awareness.

Figure 2. How many times in the last 3 years have you accessed or requested information from a public authority?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This graph illustrates the frequency with which respondents have accessed or requested information from public authorities in the last three years, analyzing three levels: Government/ CPAs, LPA I level and LPA II level.

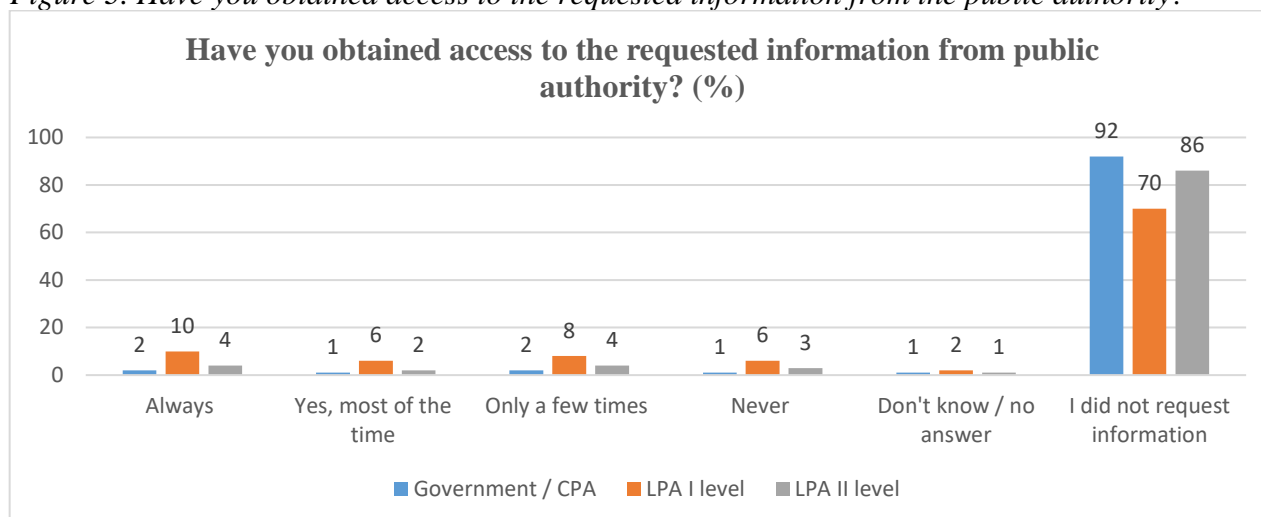
The results show that a large majority of respondents have never requested information, with the proportions being 92% for Government/ CPAs, 70% for LPA I level I and 86% for LPA II level II. These data suggest a general trend of citizens not engaging in requesting information from public authorities. The high proportion of respondents who have never requested information indicates either a lack of interest or a lack of knowledge of the right of access to public information, either not knowing how to access information or being discouraged from making requests due to perceived barriers.

Only a small percentage of respondents accessed information *once* or *several times* at all levels. For example, 19% at LPA I level accessed information several times, while only 8% at LPA II level and 5% at the Government/ CPA level report the same frequency. At the same time, the higher level of accesses at LPA I level suggests a more direct or frequent relationship with local authorities, compared to Government/CPA or LPA II level. These results emphasize the need for measures to improve citizens' access to public information and promote their right to request and obtain such information. Also, this low engagement in accessing information could indicate challenges in accessibility or perceived value of information.

Very few respondents selected 'Don't know/no answer', which indicates that most respondents have a clear perception of their level of involvement, even if it is low.

The graph reveals a strong trend of non-engagement with public authorities for information requests, especially at the levels of Government/CPA and LPA II level. Engagement is slightly higher at the LPA I level, indicating that people may feel more inclined to access information from authorities at the local level. The low frequency of requesting information suggests potential barriers to information accessibility or a lack of awareness about the availability and importance of public information. Raising public awareness and making information more easily accessible and relevant to citizens' needs could encourage greater engagement with public authorities.

Figure 3. Have you obtained access to the requested information from the public authority?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This graph examines the success of respondents in obtaining access to the requested information from public authorities at three levels: Government/CPAs, LPA I level and LPA from II level.

A significant majority of the respondents indicated that they "did not request information", 92% from the Government/CPA, 70% from LPA I level and 86% from LPA II level. This aligns with the previous graph, which shows high levels of non-engagement in requests for information, suggesting a general trend of low interaction with public authorities in terms of access to information.

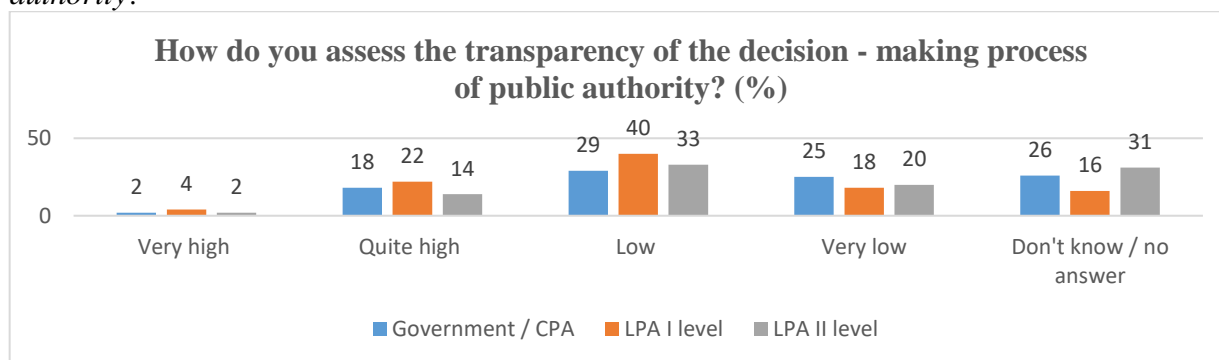
According to the chart, access to the requested information from public authorities was always obtained in a very low percentage, i.e. only 2% in the case of the Government/CPA, 4% for LPA I level and 10% for LPA II level, indicating significant difficulties in obtaining information from all levels of public administration. Very few respondents were able to obtain information 'most of the time' or 'only a few times', reflecting potential challenges in terms of consistency of access.

A small percentage reported that they never obtained the requested information, although these figures are minimal at all levels. This indicates some barriers to accessing information for those who have tried to submit requests.

Few respondents selected "Don't know / don't answer", indicating that respondents are generally aware of their success or lack of success in accessing the requested information.

The graph shows a significant trend of lack of interaction between citizens and public authorities for information requests. Only a small percentage of respondents were interested in using legal provisions to access information of public interest. Among those who did request information, success rates were low, suggesting potential barriers to consistent access. This lack of engagement and limited success among those who do engage highlights the need for public authorities to improve both the accessibility and transparency of information to encourage greater citizen interaction and satisfaction with public services.

Figure 4. How do you rate the transparency of the decision-making process within the public authority?



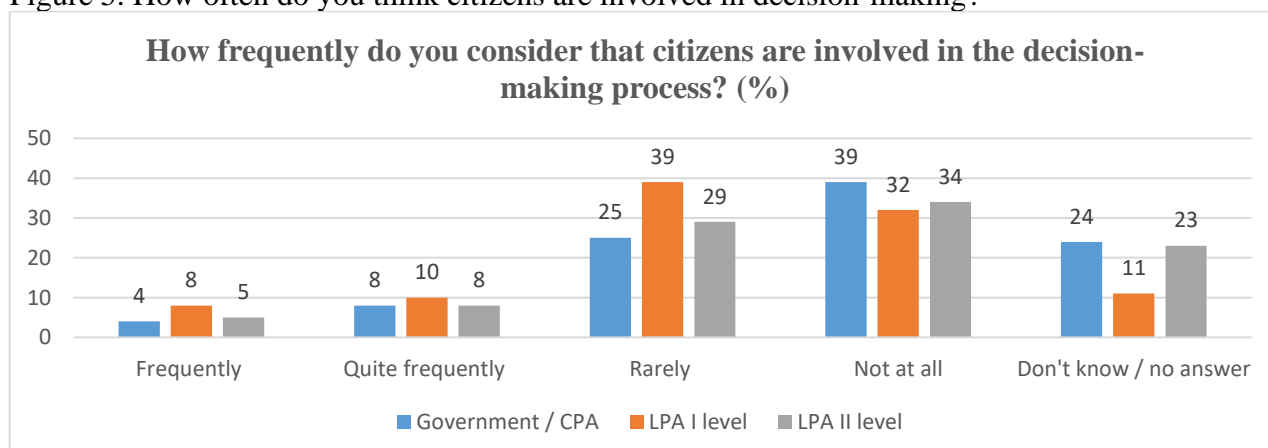
Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This graph assesses perceptions of transparency in decision-making by public authorities at three levels: Government/CPA, LPAs I and II levels. The key observation is that a significant proportion of respondents' rate transparency as 'low', particularly at LPA I level (40%) and LPA II level (33%). This suggests that the majority consider that the decision-making process lacks openness at the local level. The "very low" category is also substantial, with 25% of respondents perceiving low transparency at the level of the Government/ CPA. There is also a sizable proportion of 'Don't know/no answer' responses, particularly at LPA II level (31%), indicating uncertainty or lack of visibility of decision-making processes.

Very few respondents rated transparency as 'very high' or 'quite high' at all levels, with only 2-4% for 'very high' and slightly higher for 'quite high' (18% for Government/ CPAs, 22% for LPAs at level I and 14% for LPAs at level II). This demonstrates a clear perception that transparency in decision-making by public authorities is insufficient.

The diagram illustrates a general dissatisfaction with the transparency of decision-making processes at all levels of public authorities, with a particularly low rating for LPA I level. There is a notable tendency for respondents to consider transparency to be insufficient, together with a significant percentage of respondents who are uncertain about the status of transparency, especially at LPA II level. This suggests the need for increased efforts to improve transparency and make decision-making processes more visible and accessible to the public.

Figure 5. How often do you think citizens are involved in decision-making?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

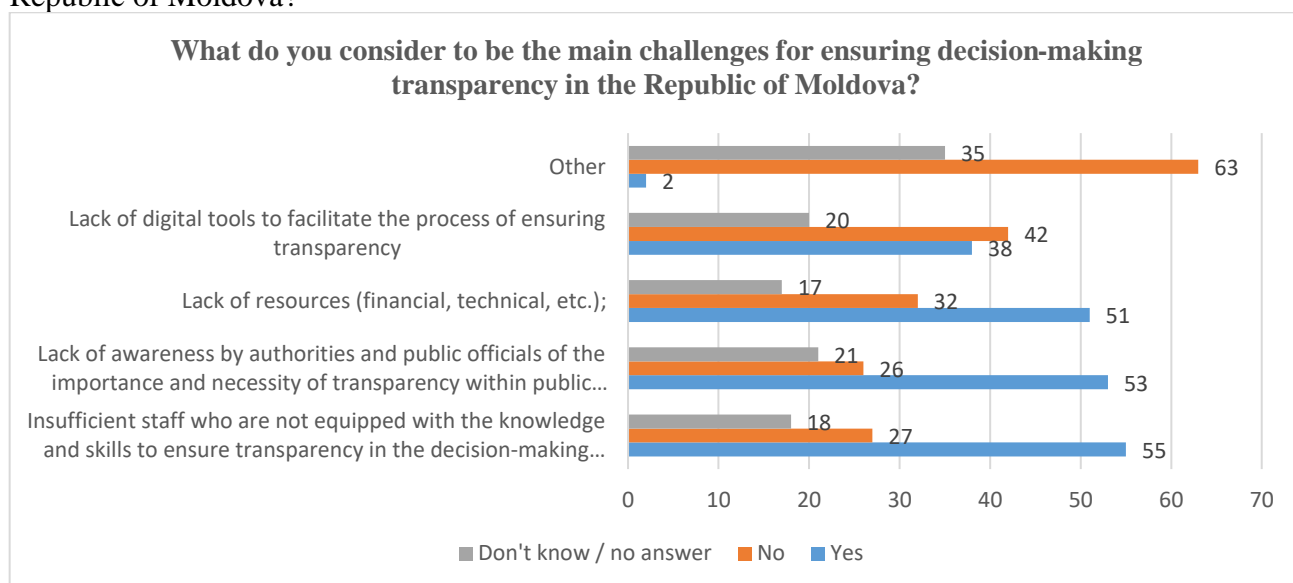
This graph shows perceptions on the frequency of citizens' involvement in decision-making at three levels: Government/CPAs, LPAs at level I and II. The key observation is that the majority of respondents believe that citizens are 'rarely' or 'not at all' involved in decision-making. The 'rarely' category is most prominent at LPA I level (39%), while the 'not at all' category is particularly high at Government/CPA level (39%).

Very few respondents consider that citizens are involved "frequently", with only 4% at the Government/CPA level and slightly higher percentages at LPA I (8%) and LPA II (5%) levels. This indicates that frequent citizen participation is perceived as minimal at all levels.

A significant proportion of respondents selected 'Don't know / don't answer', particularly at the Government/ CPA level (24%) and LPA II level (23%). This suggests that many people may not be aware of opportunities for citizen engagement or perceive no visible mechanism for participation.

The figure reveals a widespread perception of insufficient involvement of citizens in decision-making processes at all levels. The prevalence of 'seldom' and 'not at all' answers highlights a perception of disconnection between authorities and citizens, with rare opportunities for active involvement. Respondents' lack of confidence also points to potential gaps in communication or transparency in terms of channels for participation. Addressing these issues may require specific efforts to raise public awareness and promote opportunities for citizen involvement.

Figure 6. What do you see as the main challenges for ensuring transparency in decision-making in the Republic of Moldova?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This figure illustrates the main perceived challenges to ensuring transparency of decision-making in the Republic of Moldova. Respondents were asked to identify whether they agree (Yes) or disagree (No) with several potential challenges.

The most frequently identified challenge is "Insufficient staff who are not empowered with knowledge and skills to ensure transparent decision-making and communication with citizens" identified by 55% of respondents. This indicates that many feel that current staff do not have the necessary training or resources to effectively implement transparent decision-making processes.

The lack of awareness by public authorities and civil servants of the importance and necessity of transparency is reported by 53% of respondents. This suggests that there may need to be greater awareness and education among officials about the importance and benefits of transparency. In contrast, 26% do not see this as a challenge and 21% did not provide a response.

"Lack of digital tools to facilitate the process of ensuring transparency", with 38% of respondents agreeing (Yes) that this is a major problem. This suggests a significant need for technological solutions to support transparency in decision-making. 42% believe this is not a problem and 20% did not provide an answer.

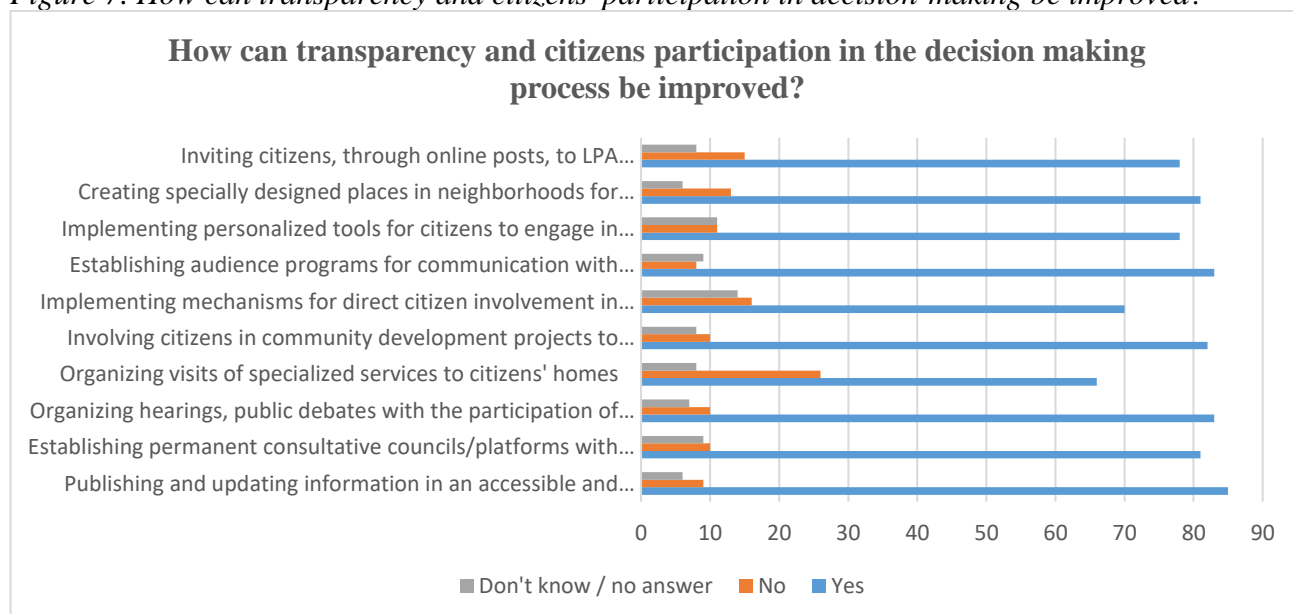
"Lack of resources (financial, technical, etc.)" is also seen as a significant challenge, with 51% of respondents agreeing that this issue affects efforts to ensure transparency. This highlights the financial and technical limitations that can hamper the implementation of transparency initiatives.

A small percentage (2%) mentioned other challenges ("Other"), although this is not a major category. Through other responses, respondents mentioned the following issues: Corruption (5 respondents); Change of leadership (3); Non-involvement/passivity of citizens (2); Citizens speaking openly and insisting for information (1); Empathy (1); Avoiding meetings due to uncertainty of their decisions (1); Human factor (1); Indifference (1); Lack of information (1); Lack of internet access (1); Lack of willingness to work (1); Hybrid war, fake news (1); Socialization (1); Local TV and radio (1); For 4 years it has not been shown what points are changing for EU membership (1).

These specific responses highlight various systemic and external issues that can negatively influence transparency, underlining the need for broader and better coordinated actions to address them.

The figure reflects a strong consensus that the main barriers to transparency in decision-making in Moldova are insufficiently trained or knowledgeable staff; lack of awareness by authorities and civil servants of the importance and necessity of transparency; lack of digital tools, and lack of financial and technical resources. Addressing these issues - by investing in technology, improving staff training and raising awareness among officials - could help to mitigate these challenges and promote a more transparent governance environment.

Figure 7. How can transparency and citizens' participation in decision-making be improved?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This chart shows various suggested methods for improving transparency and citizens' participation in decision-making. Respondents were asked whether they agreed (Yes) or disagreed (No) with each suggested method.

The highest level of agreement (almost 85%) is recorded for the method "Publish and update information in an accessible and transparent way." This indicates a strong belief that the provision of easily accessible information is key to improving transparency.

A high percentage also supports "Organizing hearings, public debates with citizens' participation", with over 80% agreeing that this would increase transparency. This suggests that many believe that direct interaction between authorities and citizens is essential for meaningful participation.

"Involving citizens in community development projects" also enjoys a high level of support, with around 80% agreement. This reflects the importance given to the active involvement of citizens in local initiatives as a way to strengthen transparency and build trust.

"Establishing audience schedules for communicating with public authorities" and "Creating special places in neighborhoods for citizen interaction" are also well supported, although slightly less so than the other methods. These methods indicate a preference for structured and accessible channels for regular communication with authorities.

The "No" and "Don't know / don't answer" responses are minimal for all suggestions, indicating a broad consensus on the effectiveness of these methods.

Through other answers, respondents mentioned the following issues: use of TV, radio (2 respondents), development of villages (1), budget, higher salaries (1), journalistic investigation of how money is used (1), involvement of people (1), informing people (1), mechanisms to communicate where the money comes from, what resources are used, etc. (1), many people are misinformed (1), higher pensions (1), prices should be more often discussed with citizens (1), state services program (1), reviews of how social class allowances have been set (1), everyone to perform their function (1).

The diagram reveals a strong consensus on several approaches to increase transparency and citizen engagement, emphasizing accessible information, open forums for discussion and direct involvement in community projects. These results suggest that citizens prefer transparent communication and regular and structured opportunities for participation in decision-making. Implementing these suggestions could significantly improve transparency and inclusiveness in public governance.

4. Practical application of the legal provisions on transparency in decision-making by the CPA

4.1. Informing the interested parties about the initiation of the decision-making process and providing access to the draft decision and related materials

The legally compulsory methods by which the CPAs should inform the relevant stakeholders about the initiation of the decision process are prescribed in art. 8.a), 9 (1)-9 (3), 12 (2) of the Law no. 239/2008, as well as p. 10, 13, 14.1, 19, and 26 of the Government Decision no. 967/2016. In summary, the implementation of both targeted⁴ and general information³ is compulsory for such notices, including the publication on the institutional website and on particip.md.gov website. The legal and regulatory framework is, nonetheless, somewhat contradictory in this regard, as, for instance, p. 11 of the Regulation in Government Decision no. 967/2016 states that the physical publication by the authorities in a „space accessible to the public” is compulsory, while art. 9 (1) of the Law no. 239/2008 states that the authority will publish the „notice on its official website, shall immediately dispatch it by electronic mail to interested parties, display it at its premises in a publicly accessible place and/or broadcast it in central or local media, *as appropriate*”. Therefore, because of the ambiguous formulation, the law could be interpreted as offering the CPAs the flexibility to choose the way in which to inform the public on the intention to draft a decision, and even to choose to implement only one method, either general or targeted, whereas it seems clearly from the Government Decision that both methods are compulsory (p. 10 of the Regulation adopted through Government Decision no. 967/2016).

Regarding the obligation for general information of the public on the notices of intention to initiate the decision-making process stipulated in p. 5 and 19 of the Government Decision 967/2016, for 2023, according to the reports submitted to the State Chancellery by the central public authorities subject to this analysis, the web portal www.particip.gov.md has been the main tool through which the public was informed about the initiation of the decision making process. In total, the analyzed central public authorities have published a number of 629 notices regarding the initiating the decision-making process in 2023, which figure represents the absolute majority out of the total of 802 such notices published by all CPAs in 2023, according to the State Chancellery’s report⁵. (Table 1). The actual data found on particip.gov.md is, however, different from the reported one.

Table 1. Number of notices regarding the initiating the decision-making

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC

⁴ Targeted information - the action of transmitting information about the decision-making process in public authorities to defined stakeholders through the means of receiving the information indicated by the stakeholders (as per Government Decision no. 967/2016) ³ general information - the action of conveying information about the decision-making process in public authorities to a broad, undefined audience, without taking into account the particular needs and preferences of particular stakeholders for receiving information (as per GD 967/2016).

⁵ State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 21, Chisinau, 2023.

* A limitation of the data displayed in this table is related to the fact that for PPA, NFSA, and NMIC the figures were taken from the table 4 of the State Chancellery report (*Ibid.*) concerning the number of decisions for which notices regarding the initiating the decision-making process have been published on www.particip.gov.md, whereas for the rest of the ministries, the data reflects reported figures for the overall number of notices regarding the initiating the decision-making process have been published on www.particip.gov.md (table 5).

No. of notices regarding the initiating the decision-making process reported as published on www.particip.gov.md (according to the State Chancellery's report based on CPA reporting)	77	114	54	111	81	57	69	36	2	9
No. of notices regarding the initiating the decision-making process found on particip.gov.md for 2023	75	114	37	94	81	55	61	2	2	8

Source: authors based on SC report based on CPA reports and <https://particip.gov.md>, 2023

Total number of notices initiating the decision-making process currently published <https://particip.gov.md> for 2023 is 473, lower than reported - 532. In general, big differences between the reported data on the publication of the notice of initiation and those identified on particip.gov.md are not attested, except for the APP for which we find only two notices on [particip](http://particip.gov.md) instead of the reported 3. For the rest, the discrepancies that exist are partly due to display errors on the <https://particip.gov.md>, as the manual counting of such announcements sometimes shows different results from the statistical data automatically collected on the particip.gov.md platform. For example: in the case of MIA or MF, the institution's statistics on the platform show the same number of announcements as reported, while when searching based on the corresponding filter we find a much lower number of displays of announcements of intention; the reason for this display error is that once projects move to the consultation stage or beyond, their previously published announcements of intention can no longer be identified based on the filter "announcement on project elaboration". Not all differences between can be explained from this example, although they are generally negligible.

At the same time, it can be noted that the above-outlined situation does not reflect the whole picture of problem, as, for this to be achieved, the total number of published noticed for each analyzed CPA should be regarded in comparison to the *total* number of decisions⁶ issued or proposed for the adoption of Government or Parliament by them. Such data, however, is not reported by all the analyzed CPAs to State Chancellery, while the 2023 activity reports of these authorities the relevant data on decisions do not always publish such data (as in the case of or [PPA](#), or [MER](#)). Where such data is published or can be gathered from, it is noticed significant discrepancies in the total number of decisions on which the authority had been working in 2023, and the number of notices of intention, for example:

- In the [case of ME](#), while the number of notices of intent regarding the initiation of decision making process is only 37, the activity report counts numerous more decisions it had worked on in 2023 as adopted, initiated or on their way to be adopted.
- NFSA, has adopted in 2023 a number of [222 orders](#) (that qualify as „decisions” under Law no. 239/2008), while it has published only two notices of intention to initiate decisions.
- Similarly, from the [MEDD report for 2023](#), it can be seen that the number of Laws, Government Decisions, (including modifications thereof) and ministerial orders that the ministry had been working on in 2023 is significantly higher than the number of notices of intuition to initiate the decisions on particip.gov.md.
- MIA has adopted, per its own 2023 Transparency report, almost 2700 decisions „related to the basic activity of the ministry”. During the consultations on the first version of this report, the MIAs position on this finding was that many of these decisions were in fact issued by authorities subordinated to the Ministry, even though the 2023 report on the transparency of

⁶ According to art. 2, of the Law no. 239/2008: „decision - a legal act adopted by public authorities falling within the scope of this Law”

decision-making of this institution indicates that they pertain to "the core activity of the Ministry/central public authority". The MIA also expressed the position that "The administrative acts issued at the level of the central apparatus of the MIA in 2023 do not fall within the scope of Law No 239/2008 and GD No 967/2016". Given that Art. 3(4) of Law 239/2008 which states that also normative/administrative acts "that may have social, economic, environmental impact (on the way of life and human rights, on culture, health and social protection, on local communities, public services)" must be subject to public consultation, this report is unable to determine whether or which of the almost 2700 decisions statistically reported by the MAI may have such an impact that would dictate the need for their public consultation.

Although during the focus groups, all the CPA representatives stated that their respective institutions submit for public consultation drafts of ministerial order, from the above partial data, it can be inferred that there is a risk that not all the legal acts of CPA that fall under the provisions of the Law no. 239/2008 are published in order to ensure the implementation of the legally stipulated (art. 5a) and 8a) principle and stage of transparency, i.e. the information about the initiation of formulation of the decisions. In such cases, it is not clear what criteria, if any, are employed to make the selection of the acts that qualify to be submitted, under the above mentioned provision, to public consultations, although numerous decisions of the CPAs certainly fall under the criteria established through art. 3(4) of the Law no. 239/2008: „Public authorities will consult citizens, associations established in accordance with the law, other interested parties on draft normative, administrative acts that may have social, economic, environmental impact (on lifestyle and human rights, on culture, health and social protection, on local communities, public services)”. The CPAs (with the exception of MIA and NFSA) report to State Chancellery only the number of draft decisions that are then adopted as Government Decisions, or as Laws - by the Parliament, or as Presidential Decrees, and no normative resulting from orders issued by the CPAs⁷ themselves.

The particip.gov.md tool can be embedded, as a module, in the website of the relevant authorities, which allow for an easy and coordinated display of this information on the institutional websites. This was done, in the case of analyzed authorities by MER, ME, MLSP, MIA, NFSA, MEDD, NFSA, NMIC. In the rest of cases, the information on these notices was entered manually on the respective websites, with two exceptions: MJ (that posts them manually), and PPA with 1 such notice on its website for 2023, although p. 5 and 9 of the Government Decision no. 967/2016 stipulates the obligation for the CPAs to post these notices on both the institutional websites and particip.gov.md portal. Regarding PPA, however, the situation has improved significantly in 2024, and this Agency has, in fact, migrated its website to a new platform, while on the old one (old.app.gov.md), ~23 notices of initiations have been identified for 2023.

The 2023 State Chancellery's report concerning the transparency in the decision-making processes of the CPA also offers data regarding the number of adopted decisions and for which notices initiating the decision-making process have been published:

Table 2. Number of adopted decisions for which notices initiating the decision-making process have been published

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC

⁷ State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 29-30.

No. of decisions for which notices on initiating the decision-making process have been published (according to CPA reporting)	78*	180*	54*	77	32	75*	53	36*	2	9*
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Source: elaborated by authors based on CPA reporting, 2023

* * From the table above, it can be seen that, according to State Chancellery's reporting, for the marked CPAs the number of adopted decisions for which notices initiating the decision-making process have been published is higher than the number of published notices for those CPAs which seems to be the result of a confusion in the reporting, or in the way in which the CPAs understood the question from the SC, or an error in the formulation of the question. The State Chancellery's feedback on this matter was that „the figures given represent absolute figures for the number of initiation notices published by the Authority during 2023. The analysis will take into account the fact that for some decisions the finality of adoption was already in 2024. At the same time, some decisions adopted in 2023, had the notice of initiation published in 2022 or even 2021”.

According to article 9(2) of the Law no. 239/2008, the notice regarding the initiation of the decision-making process must necessarily contain: a) the justification of the need to adopt the decision; b) the deadline, the place and the manner in which interested parties may submit or send recommendations; c) the contact details of the persons responsible for receiving and examining the recommendations (name, telephone number, e-mail address). Article 12 (2) of the same Law stipulates that the deadline for presenting the recommendations must be at least 10 working days from the date of the publication of the notice (Table 3). The aleatory verification of the notices published by the analyzed CPAs in 2023 revealed that not all the notices respected the legally outlined structure, or the obligatory deadlines for submitting recommendations, as follows:

Table 3. Respects the provision of art 9(2) and 12(2) of the Law no. 239/2008

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provisions of Art. 9(2) of the Law no. 239/2008 regarding the content of the notice regarding the initiation of de decision-making process	No	No	Yes	Yes	Yes	No	Yes	No	Yes	No
Respects the provisions of the article 12 (2) of the Law no. 239/2008 regarding the deadline for number of days given for submitting recommendations	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>

Source: elaborated by authors based on the data available on particip.gov.md, 2023

From the above aleatory verification (from the particip.gov.md portal) it can be inferred that only MIA, MJ, and NFSA respect both the provisions of article 9(2) and of the 12(2) of the Law no. 239/2008 regarding the content and the deadlines stipulated in the notice of intent, although for other notices of the same CPAs the situation might be different. The most frequent derogation from the above-mentioned provisions relates to the fact that the CPAs give a deadline of 10 days as it stipulates art. 10 (2), instead of 10 working days for submitting recommendations, and that the notices do not stipulate where and how the recommendations must be submitted.

From the data published and reported by the CPAs it cannot be inferred whether the provision of the art. 9(1) of Law no. 239/2008 stipulating that the notice about the initiation of the decision-making process must be published within 15 working days from the initiation itself, is respected. This provision, from a transparency-motivated perspective, seems useless. The feedback on this issue from the State Chancellery was that while they agree that, currently, it is not clear whether this provision is respected, there is a need to further analyze it, given that, for discipline purposes, there needs to be a clear deadline given to the authority when this notice is placed.

Another term that the authorities must respect when publishing the notice regarding the initiation of the decision-making process is stipulated in the p. 13 of the Government Decision no. 967/2016 on the mechanism for public consultation with civil society in the decision-making process, namely that the information of the public on the intention to draft the decision must be publicized at least 15 working days before consultation of the draft decision by the authorized subdivision of the public authority.

Table 4. Observance of the provisions of the p. 13 of the Government Decision no. 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provisions of p. 13 of the Government Decision no. 97/2016	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Source: authors based on data available on <https://particip.gov.md>, 2023

For this table, as far as possible, the same draft decisions have been selected (from the <https://particip.gov.md>), at the consultation stage, as for the previous one reflecting the stage of expression of intent.

Regarding the obligation of CPAs to implement the general information of the public through the publication of notices, at their respective premises in publicly accessible spaces, it cannot be verified from the published or reported to State Chancellery's data. The feedback from the State Chancellery on this matter was that „this type of public information is currently more suitable for local authorities”.

Regarding the obligation to inform the public in a targeted manner on the intention to initiate the decision-making process, all the analyzed CPAs have published the list of stakeholders with contact data, to which list, according to p. 7 and 9 of the Government Decision no. 967/2016 (as well as art. 9(1) of the Law no. 239/2008), the targeted information has to be issued, yet from the available data it is impossible to assess whether the list is updated quarterly, including with those stakeholders who requested to be informed about the decision-making process, as stipulated in the legal provision. Whether all the analyzed CPAs send this information to the published list cannot be verified from the available published and reported data, as it cannot be verified whether the CPAs also informed in a targeted way on the intention to initiate the decision-making process those stakeholders (if any) who have requested this in written form, as stipulated in p. 9 of the aforementioned Government Decision. Similarly, it cannot be assessed, from the published data, whether the notice has been publicized through the existing media or online tools. However, in the focus group discussions, the participating CPAs have confirmed they use these methods of dissemination of targeted and general information.

From the focus groups conducted with CPA representatives, it transpired that the central authorities have mixed experience when implementing this transparency stage: NFSA described it as very useful, with economic agents coming up with proposals for the future draft; MF reported some interaction

with stakeholders on most important drafts, and little to none for less important drafts, while MJ and MM reported close to none interaction (ie, recommendations received) with stakeholders at this stage.

4.2 Stakeholder consultation

In the Law no. 239/2008, art. 12(2) there seems to be a confusion regarding the draft decisions (proiectele de decizii), as the mentioned provision stipulates that „the deadline for submitting recommendations *on draft decisions* shall be at least 10 working days from the date of the publication of the initiation of the decision or from the date of the media announcement of the organization of public consultations”, however the notices on the initiation of the decision do not contain the draft decisions themselves, only the announcement on the intention to initiate those draft decisions, therefore no recommendations on such draft could be made at those stage, since the drafts do not exist yet. The feedback from the SC on the issue was in agreement with this finding: „The phrase "on draft decisions" is superfluous. In this article, only the deadline for the submission of proposals/recommendations - 10 working days, both at the initiation and public consultation stage - should be indicated.”

According to art. 8 b) of the Law no. 239/2008, making the draft decision and related materials available to interested parties is a compulsory stage of the process whereby the transparency of the decision-making is ensured. The access of the public to the draft decision is ensured by the art. 10 of the same Law, stipulating that the public authority shall ensure access to the draft decisions and the materials related to them by publishing them on the official website of the public authority, by providing access to the premises of the public authority, as well as by sending them by post or other available means, at the request of the interested person.

The procedures related to the access to draft decisions are closely linked to those of public consultation, as art 10 b) of the same Law stipulates that the draft decision and related materials shall be placed on the official website of the responsible public authority *at least for the period of receipt and examination of the recommendations*. According to p. 5 of the Government Decision. no 967/2016, the public authority shall ensure access to the draft decisions and related materials through compulsory publication on the official website of the public authority as well as on the website www.particip.gov.md, while according to p. 14.1 of the Government Decision no. 967/2016, the draft decisions and related materials must be published in the compulsory transparency compartments of the institutional websites of the public authorities. The way in which the stakeholders can access the draft decision must be stipulated in the notice regarding the public consultation, according to p. 18.4 of the aforementioned Government Decision.

To assess whether these provisions are respected, the notices on public consultations for the above referred to draft decisions, selected in an aleatory manner, have been examined (Table 5). It can be noted from the start that the legal-regulatory framework stipulates the obligation of the authorities to publish on multiple sources, including to make it available physically at their respective premises or, upon request, by post.

Table 5. Compliance with the the provisions of the p. 5 of the GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provisions of the p. 5 of the GD 967/2016 on the publication of the draft decisions and related materials on particip.gov.md	Yes *	Parti ally (wit hout relat ed	Yes *	Yes *	Yes *	Yes *	Yes	Yes	Yes *	Yes *

		materials)*								
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Source: elaborated by authors based on the data available on particip.gov.md, 2023

* The marked CPAs have the particip.gov.md module embedded in the transparency compartments of their respective websites, which allows them to respect the legal-regulatory provisions stipulating the obligation of publishing the draft decisions on institutional websites if they are posted on particip.gov.md. Out of the CPAs that do not have the module embedded, MJ posted the materials on its website, while PPA did not, for 2023.

The general conclusion that can be inferred from the table above is that the analyzed CPAs are rather compliant with the p.5 of the Government Decision no. 967/2016 stipulating the compulsory publication of the draft decisions and related materials on particip.gov.md. It is important to note that the conclusions resulting from the above table are based on an aleatory verification of the compliance to the relevant legal-regulatory provisions. Additionally, the data published by the analyzed CPAs or the one reported to the State Chancellery, does not allow an assessment of the legal provisions stipulating the obligation of the authorities to publish on multiple sources, including to make it available physically at their respective premises or, upon request, by post.

According to the art 12 (4) and 3(4) of the Law no. 239/2008, the CPAs, as drafting decisions authorities subjected to it, will consult citizens, associations (CSOs) established in accordance with the law, other interested parties on draft legislation, administrative acts that *may* have social, economic, environmental impact (on lifestyle and human rights, on culture, health and social protection, on local communities, public services). The provision is ambiguous as, under it, and depending on the existing political will, numerous draft decisions could be without great difficulty interpreted as not having such impact as described under the aforementioned article. The same ambiguity and potential for latitude in interpretation can be encountered in the art. 7 (1) let. e) of the same Law that states that the public authorities „*are obliged, where appropriate, to take the necessary measures to ensure opportunities for the participation of citizens, associations established in accordance with the law, and other interested parties in the decision-making process, including by...consulting the views of all parties concerned by the examination of draft decisions*”.

The information of the public on the upcoming consultations is stipulated as a principle of ensuring transparency in decision-making through art. 5 a) of the Law no. 239/2008. Art. 11 of the Law stipulates the ways of conducting stakeholder consultation (public debates, public hearings, public opinion polls, referendums, seeking the opinions of experts in the field, setting up permanent or ad hoc working groups with the participation of civil society representatives), while art. 23 stipulates as modalities: soliciting the opinions of civil society, experts, professional associations, academia; setting up permanent working groups - consultative platforms within the central public administration authority; the establishment of ad-hoc working groups; the organization of public debates; the holding of public hearings; the carrying out of public surveys; other forms of public consultation. At the same time, p. 18 of the Regulation adopted through Government Decision no. 967/2018 stipulates that the notice on the organization of public consultation must indicate the justification of the need to adopt the decision; the date of placing the notice and the deadline for submission of recommendations; the manner in which interested parties may have access to the draft decision; the manner of public consultations; the manner in which interested parties may submit or send recommendations; the names and contact details (telephone number, e-mail address, postal address) of the persons responsible for receiving and considering recommendations on the draft decision subject to consultation. It illustrates the manner in which these provisions are respected in the published notices on particip.gov.md (according to p. 5 and 19 of the Regulation adopted through Government Decision 967/2016), we will analyze the decision-making processes previously selected in a random manner:

Table 6. Compliance with p. 18 of the Regulation adopted by GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provisions of p. 18 of the Regulation adopted through Government Decision 967/2016 regarding the publication of the justification of the need to adopt the decision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Regulation adopted through Government Decision 967/2016 regarding the specification of the date of posting the notice and the deadline for submission of recommendations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Respects the provisions of p. 18 of the Regulation adopted through Government Decision 967/2016 regarding the publication of the manner in which interested parties may have access to the draft decision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Respects the provisions of p. 18 of the Regulation adopted through Government Decision 967/2016 regarding the announcement of the specific modalities of conducting public consultations to be employed	No	No	No	No	Yes**	No	No	No	Yes**	Yes**
Respects the provisions of p. 18 of the Regulation adopted through Government Decision 967/2016 regarding the	No	No	No	No	Yes	No	Yes	No	Yes	Yes

publication of the manner in which interested parties may submit or send recommendations										
Respects the provisions of p. 18 of the Regulation adopted through Government Decision 967/2016 regarding the publication of the names and contact details (telephone number, e-mail address, postal address) of the persons responsible for receiving and considering recommendations on the draft decision subject to consultation.	<u>No</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>

Source: authors based on data available on <https://particip.gov.md>, 2023

*For the marked mentions, although all the relevant CPAs indicated the name, phone and e-mail of the points of contact, yet technically they have been noncompliant with the legal provision since they did not indicate the postal address of those persons, as requested by the Government Decision.

** For the marked mentioned, although the respective CPAs did not specifically indicate the modality of conducting the consultations, the mention inserted in the notice to send the recommendations to the provided points of contact can be interpreted as indicating the legally stipulating modality of “soliciting the opinions of civil society, experts, professional associations, academia”.

A confusing provision of the Regulation adopted through Government Decision no. 967/2016, is stipulated in its point 19 stating the obligation that the notice (it doesn't say which one) must be published within 15 days from the initiation of the decision-making process. It would seem that the provision refers to the notice on the intention to draft a decision, but the other provisions of the Regulation, prior, and after this one, refer to the consultation stage, hence the confusion.

Art. 11 of the Law no. 239/2008 states that individual citizens and CSOs can propose the initiation of public consultations and that the authorities cannot refuse, in such a case, to publicly consult the draft decision; The extent to which this provision are respected could not be verified from the available published or reported data. The feedback of the SC on this matter was that „In case a citizen or a CSO would request, through particip.gov.md, the organisation of a public consultation meeting on the project, the author authority is obliged to validate the message and make it visible on the public part of the Portal”.

Article 12(7) of the Law no. 239/2008 stipulates that for those notices of intention to initiate the decision making process for which no recommendations have been received, the public authorities may choose not to submit the draft decisions for public consultations and to adopt them directly, but that they have, in this case, to publish on their respective websites an announcement explaining the reason for which they considered the public consultations unnecessary, even in the absence of recommendations following the notice of intent. In the situation in which the majority of the analyzed

CPAs published a lower number of notices for organization of public consultations, no such announcements as referred to in art 12.7 have been identified on the respective websites.

Table 7. Number of notices regarding the initiation process, organized public consultations

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No. of notices regarding the initiating the decision-making process have been found on particip.gov.md for 2023	75	114	37	94	81	55	61	2	2	8
No. of notices regarding the organized public consultations found on www.particip.gov.md for 2023	63	103	73*	43	59	51	21	29*	1	8
No. of notices regarding the organized public consultations published, according to CPA reported data for 2023	65	136	27	40	80	75	37	36	2	9

Source: elaborated by authors based on the data available on particip.gov.md and CPA reports, 2023

From the above table, it can be seen that the number of notices on the organization of public consultations (440) posted on particip.gov.md is lower than the reported one (507), and there is great variation in case of some authorities.

*From the table above, one can see that, according to existing data on particip.gov.md portal, in the case of the ME, the number of notices regarding the organization of public consultation published on particip.gov.md is significantly higher than the one of published notices of intention to draft a decision, on the same source. Upon closer inspection, it seems that a number of such notices of the latter category have been published on particip.gov.md under the former, underlining the rather prevalent general confusion in this regard. Therefore, the current existing verifiable data on the number of notices of both types published by the ME requires a much more detailed, and in-depth analysis to become usable.

** It is not clear why, in the case of PPA, the number of notices on initiating decisions is so much below the one reflecting the notices on the organization of public consultation. Partially, the situation could have a cause as described above. Additionally, although on particip.gov.md only two initiation notices have been published for 2023, on the old PPA website (old.app.gov.md), around two dozen of such notices can be found.

Point 6 of the Regulation adopted through the Government Decision no. 967/2016 stipulates that the CPAs must adopt internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, and each CPA must have designated a person responsible for coordinating the public consultation process.

Table 8. Compliance with point 6 of the Regulation adopted by GD No 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC

Internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, in place in 2023 according to State Chancellery's reporting	No	Yes	Yes	Yes	Yes	No ⁸	Yes ⁹	Yes	Yes	Yes
A person responsible for coordinating the public consultation process, designated in 2023, according to State Chancellery's reporting	Yes	Yes	No ¹⁰	Yes	Yes	No ¹¹	No ¹²	Yes	Yes	Yes

From the table above it can be seen that not all of the analyzed CPAs respected in 2023 the obligations regarding the designation of a responsible person to deal with the processes related to information, participation and consultation in decision making process, and, similarly, not each of them has adopted their internal regulations, as the legal framework prescribes, although the vast majority of them do.

Point 10 of the Regulation adopted through Government Decision no. 967/2016 stipulates the obligation of CPAs to inform the stakeholders, both in a targeted, and general manner, on the organization of public consultations, in the same manner as previously described for the notice of initiation of the decision-making. The Regulation stipulates, specifically for CPAs, the possibility to set-up permanent consultative platforms that are described as a permanent working group (as per art. 11 (1) of the Law no. 239/2008) as a means for information, consultation, dialogue and active involvement of the parties, with the goal of increasing the transparency of the decision-making process within the authorities and their subordinated structures by fostering participatory and inclusive dialogue. As stakeholders, the annex 2 to the Government Decision no. 967/2016 states that the platforms shall include „civil society, academia, other specialized central public administration authorities, social partners and other stakeholders”. Although the aforementioned annex 2 to the Government Decision no. 967/2016 stipulates an entire regulation for the establishment and application of a unitary regulatory framework for the creation of the permanent consultative platform within the CPAs, it cannot be inferred from the aforementioned Government Decision, or for the Law no. 239/2008 that establishing such Platforms is a legal obligation of the CPAs. Nevertheless, it seems that this is regarded as an informal obligation of the CPAs, as the status of such platforms is reported by them to the State Chancellery. According to the data reported by the State Chancellery, the situation of the consultative platforms within the analyzed CPAs is as follows:

Table 9. Consultative platforms at CPA level

⁸ Such regulations are present though, for 2024.

⁹ Although the SC report indicates no such regulations exist, they are nonetheless [present](#) on the institutional website.

¹⁰ A department is indicated, instead.

¹¹ Although in the SC report the name and contact data of such a person is indicated, still, in the transparency compartment of the MEDD website, no individual is indicated, only of a department.

¹² A department is indicated, instead on the website. Upon closer inspection specific individuals could be identified in an [internal order](#) of the ministry.

CPAs	No. of reported platforms	Consultative platforms	Comments
MLSP	0	n/a	No platforms have been reported by the MLSP for 2023, however for 2024, such data was posted on the following consultative platform: - Working Group of the Permanent Consultative Platform on Gender Equality, Preventing and Combating Domestic Violence, Preventing and Combating Trafficking in Human Beings and Rehabilitation of Victims of Crime; - Working Group of the Permanent Consultative Platform in the field of labor - Working Group of the Permanent Consultative Platform in the field of social protection - Working Group of the Permanent Consultative Platform in the field of demography. The membership of the p
MF	0	n/a	No platforms have been reported by the MF for 2023, however in 2024 such data was posted indicating two platforms: Accounting and Financial Reporting Board; Public Internal Financial Control Board. No information either on the activities or on the membership and functioning of those platforms is posted in the respective compartment of the institutional website.
ME	0	n/a	No information attested on the respective compartment on the institutional website.
MER	1	The Consultative Platform of the MER	No information on the activities of the platform is posted on the transparency compartment of the MER website. No information of the activity of the platform for 2023 was inserted in the transparency report submitted to SC.
MIA	1	Permanent consultative platform of the MIA	On the official website of the Ministry of Internal Affairs, in the "Transparency" section, in the "Regulatory Norms" block, in the section "normative acts regulating the consultation procedure of the decision-making process", the Order of the Minister of Internal Affairs no. 439/2023 on ensuring the transparency of the decision-making process within the Ministry of Internal Affairs is posted. This Order approved the Regulation on the organisation of the activity of the Permanent Consultative Platform within the MIA, including its composition.
MEDD	4	- Consultative platform on International Economic Co-operation - Consultative platform on Economic Policy and Business Environment - Consultative platform on Quality and	No information concerning the existence or activity of these platform could be identified in the transparency compartment of the institutional website of the MEDD, only in an order of 2018 certain data on the creation on a working group tasked with ensuring the transparency in the decision-making process which includes also representatives of the business environment and of CSOs. Therefore, it seems impossible to say anything about the way in which these reported structures work within the MEDD. No such information is included in the MEDD 2023 transparency report.

		Market Surveillance and Consumer Protection Infrastructure - Consultative platform on Information Technology and Digital Economy, Cyber Security and Electronic CommunicationsNo information on the activities of the platform	
MJ	2	Consultative council Anti-corruption platform	No details or information about the membership of the two platforms is available on the MJ website, although there is information about 5 meetings of the Consultative council in 2023. The MJ transparency report for 2023 indicates 7 such meetings, as well as the number of participants in them and the number of the drafts decisions examined.
PPA	0	n/a	No information attested on the respective compartment on the institutional website.
NFSA	1	n/a	1 Such Platform was created in 2023, and the data on the website attests the internal decree on its establishment and the list of its members (including representatives of the economic operators), but no information on the activity of the platform. The 2023 NFSA transparency report indicates, however, that 2 such meetings of the platform were held that year, with two draft decisions being discussed.
NMIC	1	Working group to improve the funding mechanism for prevention and control activities in support of the national TB/HIV response	The membership of the Platform is posted online, but no information on the activities. No such data is to be found in the NMIC 2023 annual transparency report.

Source: authors based on CPA websites and reports on transparency in decision-making in 2023

From the table above it can be concluded that, although p. 14 of the annex 2 to the Government Decision no. 967/2016 stipulates the duty of placing information about the work of the Platform on the official website of the Authority, under the heading "Transparency in the decision-making process", yet, with the exception of the MJ, none or close to none such data is posted by other

authorities in the respective headings, and, therefore, it is impossible to assess if and how are these permanent working groups functional, and if, and how, they achieve the objectives prescribed in the aforementioned annex: 1) to strengthen the authority's dialogue with stakeholders in the decision-making process; 2) to increase stakeholder input in finalizing the draft decisions discussed. Based on the additional data resulting from the figures reported by a few CPAs in their annual transparency reports, no sound conclusion can be drawn about the activity of these platforms in terms of facilitating the transparency of decision-making processes. The feedback from the SC on the matter was that “the lack of information on activity is explained by the fact that the vast majority were institutionalized in the second half of 2024”.

4.3. Analysis and consideration of recommendations put forward by stakeholders

The CPAs are obliged, according to art. 7d) of the Law no. 239/2008, to receive and analyze recommendations from citizens, CSOs and other interested parties with a view to using them in drafting decisions, while the examination of the recommendations is described as a distinct stage in ensuring the transparency of the decision-making process in art. 8d).

Art. 12 of the above-mentioned Law stipulates the way in which the recommendations must be dealt with by CPAs, namely that: oral and written recommendations made during the consultations will be reflected in the minutes of the respective meetings, drafted in the established manner (12(1).a), yet the formulation is somewhat ambiguous as the law does not offer any indication on what that „established manner” should exactly amount to. The same can be attested with regard to the provision of the art. 12(1).b: „recommendations in written form, received individually including by electronic means, will be recorded in accordance with the legislation”. Whether or not these provisions are respected cannot be attested based upon data reported or published by the analyzed CPA.

Article 12(2) of the Law no. 239/2008, as well as p. 26 of the Regulation adopted through GD 967/2016 stipulate the deadline of 10 working days given for submitting recommendations during public consultations. The extent to which these provisions are respected is illustrated in the table below, which showcases the situation of a randomly selected single public consultations procedure organized by each CPA

Table 10. Compliance with Article p. 26 of the Regulation adopted by GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provisions of the article p. 26 of the Regulation adopted through Government Decision no. 967/2016 regarding the deadline of 10 working days given for submitting recommendations during public consultations	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>

Source: authors based on information available on <https://particip.gov.md>, 2023

As in the case of the notices of intent, the CPAs generally gave a 10 regular days deadline for submitting recommendations, instead of a one stipulating 10 working days, although the earlier mentioned methodological limitations apply for this conclusion.

Art. 12 (4). of the Law no. 239/2008 stipulates that the CPAs shall make available to „all citizens” both the recommendations and the synthesis of those recommendations. However, in their reports submitted to the State Chancellery, the CPAs have been asked to report in a single figure the number of decisions for which the “results of consultations”, minutes of proceedings, synthesis of recommendations have been published, which is seems to be a methodological error since the publication the recommendations, their synthesis, and the resulting decisions are all compulsory, and from this single figure it is impossible to determine, how many minutes, how many recommendations, how many syntheses, how many resulting decisions have been published, as separate data fields, which makes the reported data rather unusable. The CPA to the State Chancellery reporting does not reflect those figures separately, as showcased in the table below (Table 11):

Table 11. Number of decisions for which the results of consultations, minutes, synthesis of recommendations have been published

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No of decisions for which the results of consultations ¹³ , minutes, synthesis of recommendations have been published (according to CPA to the State Chancellery reporting)	6	6	21	0	25	0	29	36	3	5

Source: elaborated by authors according to CPA to SC reporting, 2023

The clarification from the State Chancellery on the issue was that “the recommendations are part of the summary of recommendations which contains: the author of the recommendation, the recommendation, the result of the examination of the recommendation (accepted, not accepted reasoned). No Government normative act is accepted for approval if it does not contain a summary of recommendations”

One issue is that the CPA to State Chancellery reported data (table above) concerns only the decisions, i.e. the final product of the decision-making process, and does not seem to reflect those recommendations received for drafts decisions who have not been adopted: underscoring the confusion and overlap between the stage of notification of the public on the intention to initiate a decision, and the public consultation stage on a draft decision, art. 12(4) of the Law no. 239/2008 that stipulates the obligation to publish the recommendations, does not differentiate between recommendations received and the stage of initiating the decision, and those recommendations received during public consultation: therefore, it seems that all the recommendations should be published, according to the Law no. 239/2008.

Regarding the synthesis (summary) of the recommendations, art. 12 (5) of the Law no. 239/2008 does not stipulate, as in the case of notices of intention and consultation, the obligation to publish it on the particip.gov.md website, but rather („as appropriate”) on the institutional website, in an open an accessible space, and/or in the central mass-media. The State Chancellery report on the CPA

¹³ It is not entirely clear what the expression “results of the consultations” means. It does not seem to mean the decisions adopted following the public consultation process. The expression is employed in p. 14.9 of the Regulation adopted through Government Decision no. 967/2016 and is explained to reflect the “minutes, summaries of recommendations” while the State Chancellery uses it to designate “minutes, summaries of recommendations, additional material”. Therefore, the way in which the State Chancellery reported data is presented in this table is all the more confusing: State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 21, 22.

transparency reveals that, the methods whereby the “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) have been brought to the attention of the public includes targeted information, as well as publishing on their respective institutional website, and publication on particip.gov.md platform. According to data reported by *all* CPAs to the State Chancellery, only 38% of the decisions submitted to public consultations, “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) have been published. Besides the remark that this data is unlikely to be accurate, as can be inferred from the findings above, it also reflects only the situation of adopted decisions, it is not clear whether this figure represents also the recommendations received at the stage of publicizing the intention draft the decision and, from the formulation in the report, it seems certain that it does not reflect the number of recommendations received on those draft decisions that have not been adopted, for any reasons. Additionally, the law prescribes that both the recommendations, and their summaries (syntheses) be published (art. 12 (4), Law no. 239/2008), which is not reflected by the reported data.

According to art. 12.4 of the Law no. 239/2008, the minutes of the public meetings, the recommendations as well as their synthesis, must be added by the relevant authorities (including CPAs) in a dossier reflecting the decision-making process. The Regulation adopted through Government Decision no. 967/2016, p. 31, completes these provisions by adding that the dossier should also contain the announcement of the initiation of the preparation of the decision; the announcement of the organization of the public consultation; the draft decision; the materials related to the draft decision (briefing notes, other relevant information). Neither the Government Decision, nor the Law specify the precise manner in which it the authorities should publish the dossiers, although the Law stipulates that the dossier „related to the elaboration of the draft decision shall be accessible to all citizens, associations established in accordance with the law, other interested parties”. That such dossiers should be published in the legally-prescribed „transparency compartments” of the institutional websites of CPAs can be inferred from p. 14 of the aforementioned Regulation (Government Decision no. 967/2016), that stipulates (without mentioning the dossier) that those compartments should contain, besides other information, also the exactly the same type of data as prescribe for the dossier reflecting the decision–making process: announcements on the initiation of the elaboration of the decision; announcements on the withdrawal of a project from the elaboration process; announcements on the organization of the public consultation; draft decisions and related materials, as well as the decisions adopted; results of the public consultation (minutes of the public consultative meetings, summary of recommendations). The situation regarding the existence of such dossier was, for 2023, as follows:

Table 12. Compliance with p. 31 of the Regulation adopted by GD no. 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Presence for 2023, on the institutional webpage, of the dossier reflecting the decision-making process (as p. 31 of Regulation adopted through Government Decision no.	No	Yes*	No	No	No ¹⁴	No	Yes*	No	No	No

¹⁴ During the consultations on the draft version of this report, the position expressed by th MIA was that "the MIA complies with the provisions of point 31 of GD 967/2008 and with the provisions of art. 12 para. (4) of Law 239/2008". In this context, we mention that the files for the elaboration of draft decisions, which include 1) the notice of initiation of the

967/2016, p. 31, and art. 12(4) of the Law 239/2008)										
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Source: compiled by authors based on data from CPA websites, 2023

* Out of all the analyzed CPAs only two (MJ and MF) have posted on the transparency compartment of their respective institutional website information in such a manner that can be interpreted as showcasing the existence of such dossiers. MF is the best example in this regard, as it has a „[decisionmaking process](#)” heading under which it posts all the legally requested information, with the exception of the minutes of public consultations sessions, although for 2023, MF has reported, as a method of consultation, the organization of 9 „public debates”. An identical situation is attested for the MJ, that has a [register](#) of the decisions it is working on, yet no information about the minutes of the public consultation meetings is posted there, although the Ministry has reported 25 public debates and 20 meetings of the permanent working group (the consultative platforms) organized in 2023.

4.4. Ensuring stakeholder participation in the public meetings

The steps that CPAs need to take in order to ensure stakeholder participation in their public meetings are, from decision-making related transparency prescribed in the legal-normative framework, including in the Law no. 100/2017 on normative acts. Art. 13 of the Law no. 239/2008 stipulates that, barring the cases where restricted information is discussed (art. 8 of the Law 148/2023), or where there is a need to adopt an urgent decision, the decision-making sessions, such sessions are public. Regarding the methods of announcing such sessions, the Law is once again not precise enough, as it stipulates, numerous such ways that the authorities can choose from, “as appropriate”, as the way to bring the notice to the attention of the public: 1) on the official website of the public authority; 2) sent by electronic mail to interested parties; 3) posted at the public authority's headquarters in a publicly accessible place; 4) broadcasted in the central or local media, as the case may be, containing the date, time and place of the public meeting, as well as its agenda¹⁵. The same article stipulates that the notice of the public meeting shall be made public at least 3 working days before the date of the meeting. The regulation adopted through Government Decision no. 967/2017 adds, also, that the CPAs must publish an argumentation for those sessions that are to be conducted in a closed manner (p.34), and that representatives of the media are authorized to attend public sittings and to broadcast the proceedings online (p. 38). It is worth noting that the legal-normative framework does not specify that the information on the organization (or non-organization) of the decision-making sessions should be posted in the dedicated transparency in decision-making compartments, nor on the particip.gov.md portal (the SC feedback agreed with the finding). This analysis could not probe whether the such

elaboration of the decision; 2) the notice of organisation of the public consultation; 3) the draft decision; 4) the materials related to the draft decision (informative notes, other relevant information); 5) the minutes of the public consultation meetings; 6) the recommendations received and their summary, are published on the official website of the Ministry of Interior, in the "Transparency" block, in the "draft normative acts submitted for examination to the Government" section. However, under the indicated heading (Transparency/"draft normative acts submitted to the government for consideration") there is only one sub-heading, namely "results of public consultations", which refers to a [page](#) on particip.gov.md: there are 9 drafts of decisions submitted for government approval and none for 2023

¹⁵ The feedback on the SC on this was that the information about the Government sessions is posted on <https://gov.md/ro/advanced-page-type/sedinte-guvern> where the agenda of the meeting and the materials related to the decisions to be approved are published at least 48 hours before the public meeting, transmitted online” and that „Government meetings are open to the public, except in the cases provided for by law concerning the approval of decisions with restricted access”

notices have been sent to stakeholder, published on the premises of the respective CPAs, or in the mass-media, and therefore, it could only check all the announcements/communiques of those CPAs, for 2023, on the institutional website, revealing the following picture:

Table 13. Compliance with the provision of art. 13 of the Law no. 239/2008

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Respects the provision of art. 13 of the Law no. 239/2008, and of p. 34 of the Regulation adopted through Government Decision no. 967/2016, on the public participation in meetings of public authorities on decision-making are public	No	No	No	No	No	No	No	No	No	No

Source: elaborated by authors based on webpage of the CPA, 2023

Although in the conducted focus groups, the CPAs stated they ensure the public access to their decision-making meetings, from the analysis of the institutional webpages of the CPAs it we can conclude that they do not respect the provision of art. 13 of the Law no. 239/2008, and of p. 34 of the Regulation adopted through Government Decision no. 967/2016, on the public participation in meetings of public authorities on decision-making are public¹⁶. No notices of any such public meetings have been identified there either for the Government meeting where concerned with the adoption of the draft decisions that the analyzed CPAs have authored, nor for the ministerial or institutional orders that qualify as decisions that need to be submitted to public consultations according to art 2 of the Law no. 239/2008¹⁷, or according to art. 3.4 stating that the scope of the Law includes also „draft legislative and administrative acts that may have a social, economic or environmental impact (on lifestyles and human rights, culture, health and social protection, local authorities, public services)”. Maybe no such notices are posted because the analyzed CPAs believe they are exempt from implementing these transparency provisions under par 3.5 of the same Law stating that „the provisions of this law shall not apply... in the process of holding operational meetings convened by the heads of the respective public authorities”. If such is the case (although it is unclear what, from a legal perspective, „an operational meeting is”, as for instance, no such definition of meetings is included in the Regulation of the Government - Government Decision 610/2018), then the CPAs are, from this standpoint, in a clearly privileged position compared to local public authorities. The feedback of the State Chancellery on this finding was that „Draft normative acts prepared by the CPA are submitted for approval to the Government, the Parliament or the President of the Republic of Moldova. Legislative acts under the jurisdiction of the LPAs are approved by them without interference from other authorities. Only the legality of the issuance of these acts is verified by the Territorial Offices of the State Chancellery, until they are published in actelocale.gov.md. There is a major difference between the independence of the authorities in this respect, and the CPAs are really not the ones advantaged.” This feedback, nonetheless, does not clarify the question of how many

¹⁶ The feedback of the State Chancellery on this finding was that „Here it is necessary to divide the meetings where decisions are taken which fall within the competence of the authority and the decisions which the authority forwards to higher hierarchical bodies for approval. This is very important for the accuracy of subsequent recommendations to amend legislation.”

¹⁷ „, decision - a legal act adopted by public authorities falling within the scope of this Law”

ministerial meetings at which ministerial orders that qualify as normative acts under Government Decision 100/2017 18 are adopted, are open to the public.

4.5. Informing the public about decisions made

The information of the public about the decisions taken is emphasized in the Law no. 239/2008 as a main step in ensuring the decision-making transparency (art. 8e). Worth noting is that this provision does not refer specifically to those decisions adopted following public consultations, but, in a general manner, to all decisions. A similar provision is made in p. 14.7 of the Regulation adopted through GD no. 967/2016, stating that the decisions adopted shall be made public in the transparency compartments, although, based on the context, the paragraph could be interpreted as referring to those decisions adopted following public consultation. The situation of the presence of the adopted decisions in the transparency compartments is as follows:

Table 14. Presence of the adopted decisions in the transparency compartments of the institutional websites

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Presence, for 2023, of the adopted decisions in the transparency compartments of the institutional websites of the analyzed CPAs, for 2023	No	Yes	No	No	No	No	No	No	No ¹⁹	No ²⁰

Source: drafted by authors based on webpage of the CPAs, 2023

From the table above it can be seen that, with the exception of the MF, no other analyzed CPA publishes the decisions in their respective transparency compartments. With regard to MF, it is not clear whether all adopted decisions as a result of public consultations, are placed in the respective compartments.

Art. 15 of the Law no. 239/2008 stipulates that “Public authorities shall ensure access to the decisions adopted by publishing them in the manner established by law by placing them on their official website, by displaying them at their premises in a publicly accessible space and/or by broadcasting them in the central or local media, as appropriate, and by other means established by law”. The provisions seem to be straightforward in the sense that it refers to all decisions adopted by authorities, and not only those that have been subjected to public consultations. Again, the implementation of this provision could not be verified with regard to the publication on the premises of the CPAs, or in local media, but with regard to the institutional websites, the situation, based on manual search and conducted with the help of the search engine of the respective websites, the conclusions are the same as for the table and paragraph above, in spite of the fact that, during focus groups, all the participating CPAs representatives have reported the publication on the website of the information about adopted decisions. The institutions doing the best in this regard seem to be the MF and NFSA. The State Chancellery's feedback on this finding was that „the provision is already obsolete. The normative acts

¹⁸ „normative act - a legal act adopted, approved or issued by a public authority, which is public, binding, general and impersonal and which establishes, amends or repeals legal rules governing the creation, modification or termination of legal relations and which are applicable to an indeterminate number of identical situations”

¹⁹ Related to NFSA, it is worth noting that although it did not publish decisions in the transparency compartments, it did, however, publish [numerous decisions \(including internal orders and dispositions\)](#) in another compartment of its website.

²⁰ NMIC has published 1 GD and 3 orders for 2023, though it seems unlikely that that was the total number of orders/dispositions issued for the year.

are publicly available on legis.md, monitorul.gov.md or actelocale.gov.md. Here we need to find a solution for citizens who do not use the Internet as a source of information.” To this observation, it can be replied that a solution satisfying absolutely all needs can never be identified, but digital and online solutions are the future and offer the biggest potential from which the largest shares of stakeholders can benefit, both from a transparency and efficiency motivated perspectives.

In order to stipulate how the adopted decisions following public consultation should be published, p 33 of the Regulation adopted through Government Decision no. 967/2016 makes reference to p. 7 and, additionally, to the now-abrogated Law no. 982/2000 on the information of public interest, and replaced with the Law no. 148/2023 on the access to public information. In the latter, however, no references to the way in which such decisions should be published are being made, therefore p. 33 of the Regulation adopted through Government Decision no. 967/2016 needs revision. Regarding p. 7 of the Regulation mentioned above, it refers to the lists of stakeholders, and this analysis had no possibility to check whether the decisions of the analyzed CPAs have been sent to the stakeholders’ list.

Art. 14 of the Law no. 239/2008 stipulates that, if necessary, CPAs can adopt decisions in an urgent manner, provided that the justification is be made known to the public at the latest 10 working days before the adoption of the decision, by placing it on the public authority's website, by displaying it at it premises in a place accessible to the public and/or by broadcasting it in the central or local media, as appropriate. The provision is rather diffuse, and because this analysis had no possibility to verify whether such notices have been displayed at the premises of the CPAs, or broadcasted in the media, only the institutional website could be checked, i.e. the entries for 2023, manually and also using the search engines on the institutional websites.

Table 15. Decisions adopted urgently

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Decisions adopted as a matter of urgency, as reported by the CPAs to State Chancellery	0	2*	0	37*	6*	2*	0	0	0	0
Notices on urgent decisions on institutional websites posted according to art. 14 of the Law no. 239/2008	0	0	0	0	0	0	0	0	0	0

Source: elaborated by authors based on reports by the CPA to SC, 2023; CPAs webpages

** Regarding MIA, no such notices could be found on its website to confirm the figure reported to the State Chancellery. The MEDD has reported that, for the two decisions it has adopted as a matter of urgency, the notice was published, yet no such notices were identified on its institutional website for 2023, and an identical situation is attested for MF. The MER has reported that for none of its 37 decisions adopted as a matter of urgency have been the legally-required notices posted. The methodological limitation in this regard is related to the fact that the search of those notices decisions was conducted manually, or through the search engines of the respective websites*

4.6. Preparation and publication of reports on transparency in decision-making

The periodicity and the content of the transparency reports are stipulated in the art. 16 of the Law no. 239/2008, , that prescribes that the reports should contain a) the number of decisions adopted by the respective public authority during the reference year; b) the total number of recommendations received in the decision-making process; c) the number of consultative meetings, public debates and public meetings organized; d) the number of cases in which the actions or decisions of the public authority were challenged for non-compliance with this Law and the sanctions applied for the violation of this

Law. The same article stipulates that the transparency reports shall be published no later than the end of the first quarter of the year immediately following the reference year. For 2023, all the analyzed CPAs have published transparency reports. With regard to the implementation of the legal provision by these reports, the situation is as follows (according to the data in the reports):

Table 16. Transparency reports

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
The total number of decisions adopted by the respective public institutions	Partially	Partially	Partially	Partially	Yes	Partially	Partially	Partially	Yes	Partially
The total number of recommendations received in the decision-making process	yes	yes	yes	yes	Yes	yes	yes	No	yes	yes
The number of consultative meetings, public debates and public meetings organized	yes	yes	yes	yes	yes	yes	yes	No	yes	yes
The number of cases in which the actions or decisions of the public authority were challenged for noncompliance with this Law and the sanctions applied for the violation of this Law	0	0	0	0	0	0	0	0	0	0
Report published within the established deadline	unk	unk	yes	yes	unk	unk	unk	unk	unk	yes

Source: elaborated by authors based on CPA reports, 2023

From the table above, it can be seen that only MIA and NFSA publish in the transparency reports the figure reflecting all the taken decisions, while the rest of the analyzed CPAs publish, for unknown reasons, only those figures related to Governmental Decisions and provisions (hotărîri, dispoziții de guvern), parliament laws, and presidential decrees. At the same time, because the majority of these reports are published without a date, some even as *.docx files, it is impossible to attest when they have been published and, thus, if the legally prescribed publication deadline has been respected.

At the same time, it is obvious that the legally outlined structure of the report is reflecting only a tiny fraction of the legal provisions that the CPAs must respect to ensure, from a legal standpoint, the transparency of the decision-making processes. The State Chancellery, however, employs a more detailed template of the report, that the CPAs use to submit transparency-related data to the State Chancellery, yet that template, as well, does not reflect all the legal obligations of the CPAs in the discussed respects, and, what is more, does not offer link to any data that would back the figures in those reports.

Authorities are obliged, according to p. 14 of the GD 967/2017 to have, on their institutional websites, mandatory transparency compartments, the situation of the transparency compartments of the analyzed CPAs was, for 2023, as follows:

Table 16(a): Transparency compartments

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
The presence, for 2023, on the institutional website of the section dedicated to transparency in decision-making, including (according to p. 14 of the Regulation adopted through GD no. 967/2016):	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, in place in 2023 **	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
A person responsible for coordinating the public consultation process, designated in 2023 **	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
Quarterly/annual programmes for the preparation of draft decisions, indicating which draft decisions shall be subject to mandatory public consultation;	Partially ²¹	Yes	Partially ²²	Partially ²³	Yes	Yes	Yes	Yes	No ²⁴	No ²⁵
notices of initiation of the decision*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

²¹ The Program does not indicate what decisions had to be publicly consulted.

²² The Program does not indicate what decisions had to be publicly consulted.

²³ Only for the 2nd semester of 2023)

²⁴ Although the NFSA reported to SC this legal provision as implemented, and although the CPA has reported a detailed action plan for 2023, yet that plan does not specify the precise normative acts it intended to work upon in 2023, nor any public consultations to be held for those decisions. Additionally, although the link to that report, the document itself cannot be found in the Transparency compartment, but seems to be uploaded [somewhere else](#).

²⁵ Although NMIC reported to the SC the 2023 the document as posted, the link [seems not to be working](#), while in the [relevant compartment](#) of the website, the Plan is missing for 2023.

announcements of the withdrawal of a project from the drafting process****	No (0) ²⁶	No (0) ²⁷	No (0) ²⁸	No (0) ²⁹	Yes (1) ³⁰	Yes (2) ³¹	No (0) ³²	No (0)	No (0) ³³	No (0)
notices on the organization of the public consultation*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Partially ³⁴	Yes	Yes

* For the marked rows, the information has been reflected in the relevant sections of this report (Table 1, 5, 6), the conclusions applying to the CPAs that have embedded in their website the particip.gov.md website. The MJ has posted such notices manually on its website. PPA has posted only a notice for 2023 on its current, although the situation has improved significantly for 2024, and for 2023 the information referred to in the marked rows have been posted on the particip.gov.md platform. However, some more notices are present on the old website of the PPA (old.app.gov.md)

** The caveats for the marked rows have been explained in the respective sections of this report (Table 8).

*** For the marked row it is not clear, however, if for all types of results of public consultations, and for all types of decisions (GDs, internal orders resulting in normative acts of the CPAs), the relevant information has been published by the analyzed CPA. For instance, on its webpage, the MJ has posted 21 entries containing the syntheses of recommendations as a result of public consultations, yet all of those entries refer only to draft Governmental decisions, and none to ministerial order resulting in normative acts. At the same time, none of the entries contains the minutes of any public consultations (including those held in the framework of the existing institutional Consultative platforms. For those CPAs who have embedded in their respective website the particip.gov.md module we have, once again, employed the method of aleatory verification of a single entry to determine whether the results

²⁶ Although, according to data reported by the MLSP to SC, there have been 2 such notices posted in 2023, [in the transparency compartment](#) of their institutional website no such notices could be identified for that year. Additionally, MLSP does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.

²⁷ Although, according to data reported by the MF to SC, there have been 2 such notices posted in 2023, [in the transparency compartment](#) of their institutional website no such notices could be identified for that year. Additionally, MF does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.

²⁸ ME does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions

²⁹ MER does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.

³⁰ Although the SC report states that such notices have been placed by the MIE for 2023, only 1 is available on the institutional website for that year.

³¹ Although the figure based upon SC reporting is 0, there are two such notices in the relevant [subheading](#) of the transparency compartment of the institutional website, nevertheless, it is impossible to determine if they are from 2023, since their publication date is not specified.

³² MJ does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.

³³ NFSA does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions. .

³⁴ A single notice for 2023 on the institutional website, nevertheless more are available on onld institutional website that is still online (old.ppa.gov.md)

of the public consultations are made public, and this limitation should be considered when assessing the conclusions. In this case, however, the syntheses of the recommendations have been looked for on particip.gov.md, for each CPA in an automated manner, with the help of respective search filters, although it cannot be excluded that, in some cases, some of the concerned CPAs did not mark the files correctly.

**** The data in this line is based upon figures reported by CPAs to SC, and additionally verified on the institutional website. The particip.gov.md platform does not have a category/filter that would enable an automated verification.

5. Practical application of the legal provisions on transparency in decision-making by local public authorities of the second level

5.1. Inform stakeholders about the initiation of the decision-making process and provide access to the draft decision and related materials

Law no. 239/2008 stipulates that LPAs, in initiating the decision-making process, must be guided by Article 5. The principles of transparency of the decision-making process mention: a) informing, in the established manner, citizens, associations established in accordance with the law, other interested parties about the initiation of the elaboration of decisions and about the public consultation on the respective draft decisions; b) ensuring equal opportunities for participation of citizens, associations established in accordance with the law, other interested parties in the decision-making process.

Article 8 sets out the steps to ensure transparency, including in point a) informing the public about the initiation of the decision;

Article 9. The notice on the initiation of the preparation of the decision mentions the following 3 important points:

(1) After initiating the decision making process, the public authority shall, at the latest within 15 working days, place the respective notice on its official website, send it immediately by electronic mail to interested parties, display it at its premises in a publicly accessible place and/or disseminate it in central or local media, as appropriate."

(2) The notice on the initiation of the elaboration of the decision shall contain:

a) substantiation of the need to adopt the decision;

(b) the time limit, place and manner in which interested parties may submit or send recommendations

c) contact details of the persons responsible for receiving and examining the recommendations (name, telephone number, e-mail address);

(3) The notice on the initiation of the decision elaboration may be removed from the official website of the public authority only after the decision is adopted or the draft decision is withdrawn from the elaboration process.

GD [no. 967/2016 "On the mechanism for public consultation with civil society in the decision-making process"](#), provides in Chapter II. Transparency of the decision-making process, Section 1, Information in the decision-making process.

10. General and targeted information shall be mandatory in the case of announcing the initiation of the elaboration of the draft decision and the organization of all public consultations.

13. The public shall be informed about the initiation of the preparation of draft decisions at least 15 working days prior to the consultation of the draft decision by the authorizing subdivision of the public authority.

14. In order to facilitate the access of interested parties to information on the decision-making process within the public authority, sections dedicated to the transparency of decision-making shall be created on the official website of the public authority, where information on:

4) announcements on the initiation of the decision;

[Government Decision no. 672/2017 "For the approval of the regulations on the state register of local acts"](#) provides in Chapter IV. Requirements towards acts included in the register, p. 18. The acts of the local public administration authorities included in the Register shall comply with the rules in force regulating the initiation, drafting, issuance and enforcement of acts of the local public administration authorities, as well as with the requirements established in the field of keeping secretarial work in the local public administration bodies.

In GD 967/2016, in art. 14. It is stated that "in order to facilitate the access of stakeholders to information on the decision-making process within the public authority, on their official webpage, compartments dedicated to decision-making transparency shall be created, where information on several aspects shall be placed, including: 1) *internal rules* on the procedures for information, consultation and participation in the decision-making process" etc. From the 6 district councils evaluated, we can mention that all the DCs have on their webpage compartments dedicated to decision-making transparency, except for the Nisporeni DC. At the same time, 3 DCs do not have internal regulations on their websites regarding the procedures of information, consultation and participation in the decision-making process (Briceni DC, Soroca RC and Nisporeni DC).

The internal regulations, in addition to the basic binding legislation, state that district councils use various methods to inform the public about the initiation of decision making. According to them, authorities frequently publish information on their official websites, serving as centralized platforms for relevant updates. These methods are essential for promoting transparency, encouraging public involvement and ensuring that citizens are informed and can actively participate in local governance.

The table below (Table 17) illustrates the situation in 6 DCs (Briceni, Soroca, Straseni, Nisporeni, Causeni, Basarabasca) regarding the situation regarding the process of informing the public about the initiation of the decision making (one row includes data from the reports on ensuring the transparency of the decision-making process, and another row includes data from the official websites of local councils).

Table 17. Situation regarding the process of informing the public about the initiation of decision making (LPA II level)

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basara-beasca
Announcements regarding the initiation of the decision (2023)	9	There are no such data in the report	There are no such data in the report	There are no such data in the report	2	7
Announcements regarding the initiation of the decision (2023) from the official web pages	No such announcements were found on the web page	10	6	No such announcements were found on the web page	Only decisions are published	7
Means of information	web page, <u>Report on transparency in the decision-making process for</u>	web page, <u>Report on Insurance transparency in process decision-making of</u>	webpage <u>raporti privind asigurarea transparenței procesului decizional</u>	web page <u>Official website of Nisporeni Rayon Council</u>	webpage <u>Report on ensuring transparency in decision-making in</u>	web page, <u>Report on ensuring the transparency of the decision-</u>

	the year 2023.pdf (briceni.md)	Aparatului of the President of the district and subdivisions subordinate Council rayon Soroca for year 2023 (org.md) On the website there is a separate column related Announcement by initiation a projects de decision (org.md)	2023 657 153.pdf (crstraseni.md) si On the webpage there is a separate linked column Announcements on the initiation of decision making Rayon Council of Straseni - Republic of Moldova (crstraseni.md)	and report-report-on-transparency-in-decision-making.doc x	the Causeni District Council for the period 2023 - Causeni District Council (causeni.md) and Projects by Decisions - Council Raional Causeni (causeni.md)	making process Basarabeasca Rayon Council and on the webpage there is a separate column related Announcements by initiation Council Council Basarabeasca
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Source: authors based on reports on transparency in decision-making and data available on official websites, 2023

From the annual reports on transparency in the decision-making process it can be observed that only 3 district authorities (Briceni DC, Causeni DC, Basarabeasca DC) out of the 6 analyzed included data on the number of notices of initiation of decision making (the number is quite small (9, 2, 7)).

From the 6 DCs analyzed, it can be noted that the district authorities neglect this stage and do not publish information about the initiation of the elaboration of decisions. On the official web pages, such initiation announcements were found only in 3 DCs (Soroca, Straseni and Basarabeasca). All 6 DCs constantly update their websites with details on the decision-making process. This practice ensures that citizens can easily access information, consult the initiation of decision making, draft decisions published by the authorities and get involved in the decision-making process.

Vice versa is the situation on the CR Nisporeni website, where it is less user-friendly and where there is no heading dedicated to decision-making transparency and subheadings respectively, which makes it very difficult, sometimes impossible to find useful information for citizens, civil society representatives and stakeholders and reduces the possibility to get involved in the decision-making process (not being respected p.14 of GD 967/2016 on the mechanism of public consultation with civil society in the decision-making process).

Thus, only one District Council (Basarabeasca) out of the 6 analyzed, in 2023, published complete information both in the reports on ensuring the transparency of the decision-making process and on the webpage regarding the information process on the initiation of the decision making. More often than not, the district authorities go directly to the next step - making the draft decision and its related materials available to stakeholders.

It is noted that the district authorities neglect the provisions regarding the elaboration of the annual program for the elaboration of draft decisions. Out of the 6 LPAs of level II analyzed, only one (CR Strășeni) published on its website the annual program for the elaboration of draft decisions for 2023, and CR Basarabasca published the program for the elaboration of draft decisions for the first quarter of 2023 (see Table 18).

Table 18. Situation on the development of the annual program for drafting draft decisions

CR Briceni , CR Soroca, CR Nisporeni , CR Causeni	On the official pages there is no annual/quarterly program
CR Basarabasca	Decision-making program for the first quarter of 2023 Programs for elaboration of draft decisions District Council Basarabasca
CR Straseni	Annual program of draft decisions for 2023 , prepared on the basis of CoR Decision No 6/25 of November 18, 2022, comprising for 2023 - 7 draft decisions

Source: authors based on their official websites, 2023

Level II LPAs should, prior to the elaboration of programmes, conduct surveys, focus groups, meetings, research, ex-ante analysis, etc., in order to identify the needs, problems and solutions perceived by all stakeholders (citizens, civil society organizations, Level I LPAs, economic agents, media, etc.) (GD 967/2016, p.18) The reasons for these problems can be various: level II LPAs consider this stage as unimportant, lack of human and financial resources, lack of capacities and knowledge (in planning, ex-ante analysis, etc.), but also insufficient capacities and limited involvement of the stakeholders mentioned above.

The process by which district public authorities in the Republic of Moldova - especially in districts such as Briceni, Soroca, Straseni, Nisporeni, Causeni, Basarabasca - make available to stakeholders the initiation of decision making, draft decisions and related materials on their websites is a key aspect of promoting transparency, accountability and citizens' involvement in local governance. This process usually involves a number of essential steps, ensuring that stakeholders are informed and have the opportunity to express their views before decisions are taken.

A key stage is the preparation of draft decisions by local public authorities. This stage often involves internal consultations within the authority, where different departments or units work together to develop proposals to address specific problems or needs in the community. For example, in the DC Causeni and DC Basarabasca, different departments carry out preliminary research and analysis. This approach ensures that proposed decisions are based on sound data and aligned with local priorities.

Once the draft decision is prepared, it goes through an internal review process. At this stage, local authorities organize meetings to discuss the draft, soliciting feedback from different departments and making necessary changes. This collaborative effort is essential to ensure that the draft decision is comprehensive and takes into account multiple perspectives before it is presented to the public. In districts like Straseni and Soroca, this internal collaboration often leads to stronger proposals that better reflect the needs of the community.

After internal review, draft decisions and related materials are made available to the public. Local authorities usually publish these documents on their official websites, creating a centralized platform for all relevant information. In addition to publishing drafts online, LPAs may distribute printed copies in public places such as community centers, libraries and municipal offices to ensure wider

accessibility. Local public administrations (level I and II) can also use the portal <https://particip.gov.md> to inform the public. Currently, only the City Halls of mun. Chisinau and mun. Balti use this platform.

To raise awareness and encourage participation, LPAs notify stakeholders of the availability of draft decisions and related materials. This notification process often includes sending announcements through email lists, making social media posts, and working with local media outlets. By actively promoting the availability of draft materials, local authorities ensure that stakeholders are informed and can participate in the decision-making process. For example, in mun. Soroca, local officials frequently use social media platforms to share links to project documents, inviting the public to express their opinions and provide feedback.

The draft decisions are always sent to us by e-mail, but they are published on the website, on social networks, especially Facebook, and everyone can consult them and give feedback (interview participant, Soroca district).

Law no. 239/2008 establishes the obligation of public authorities (Art. 10) to ensure access to draft decisions and related materials by publishing them on the official website of the public authority, by providing access to the authority's premises, as well as by sending them by post or other available means, upon request of the interested person.

Below (Table 19) is presented the situation regarding the publication on the website of draft decisions and related materials in the 6 district councils (Briceni, Soroca, Strășeni, Nisporeni, Causeni, Basarabeasca) analyzed in this report (2023).

Table 19. Number of draft decisions and related material published on the website, 2023

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basarabeasca
Number of draft decisions and related materials published on the website	144	179	136	129	326	34

Source: elaborated by the authors based on information from official LPA websites, 2023

Data from the six district public administrations evaluated reveal considerable inconsistencies in the rates of publication of draft decisions on their websites. For example, DC Causeni had 326 publications of decisions published on its webpage, while DC Basarabeasca had only 34. These discrepancies may reflect differences in local prioritization of transparency or allocation of resources for public engagement.

An important issue is the time allowed for the public to access and review draft decisions. Law No 239/2008 stipulates that drafts shall be made public at least 15 working days before they are finalized, and this law also indicates that the public must be given at least 10 working days to make recommendations on draft decisions. Unfortunately, many local public authorities that publish draft decisions make them public only a few days before district council meetings, usually together with announcements of public meetings.

5.2. Stakeholder consultation

The procedures used by district authorities to consult citizens, legally constituted associations and other interested parties are stipulated in a solid legal framework. This framework includes the Law on Local Public Administration No. 436/2006, which sets out the structure, functions and obligations of LPAs to involve citizens. Law No 239/2008 which also obliges authorities to ensure transparency through consultation with citizens and civil society organizations. In addition, Law No. 148/2023 on access to information of public interest aims to ensure transparency and promote access to information held by public authorities and institutions.

District public authorities use various consultation procedures to facilitate citizens' involvement. Level II LPAs organize public hearings and discussions on important local issues such as budgets, infrastructure projects or changes in land use. These events are usually announced in advance through official websites and local media. Working groups also play a crucial role, inviting citizens and representatives of non-governmental organizations to collaborate on specific issues, such as environmental projects or social services. In recent years, some tier II LPAs, such as CR Soroca, have also started to use digital platforms to broaden participation, especially in rural areas. However, traditional methods, such as information boards, remain predominant, which may limit the accessibility of wider segments of the communities to information and subsequently to participation in decision-making.

The table below (Table 20) illustrates the situation in 6 DCs (Briceni, Soroca, Straseni, Nisporeni, Causeni, Basarabeasca) regarding the level of consultation with citizens, legally constituted associations and other stakeholders (methods used and number of participants, according to their reports on ensuring transparency in the decision-making process).

Table 20. Situation in the 6 DCs on how consultation with citizens, legally constituted associations and other stakeholders has been carried out

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basarabeasca
Public hearings, debates, working group meetings, advisory committee meetings, standing or ad-hoc group meetings with CSO participation	9 public hearings - invitation by phone, e-mail and website)	15 public hearings, debates, working group meetings	4 public debates 27 meetings of advisory committees 7 district council meetings	1 public consultation	13 public hearings 1 permanent or ad-hoc group meeting with CSO participation 14 meetings of advisory committees	1 public hearing
Number of consultation participants	270	146	278	No data in the report	74	57

Source: compiled by authors on the basis of reports on ensuring transparency in the decision-making process

Some district authorities, such as DC Straseni and DC Soroca, demonstrate a more proactive approach, and citizens in these districts participate more actively in the decision-making process. For example, in 2023, 278 citizens participated in DC Strășeni during one year, and 270 citizens in DC Briceni. In contrast, only 57 people attended the public hearings and debates organized by the Basarabeasca DC, and 74 people attended the public consultations in the Causeni DC. The Nisporeni RC did not report such data in the report on transparency in decision-making. These figures highlight significant differences in the level of citizens' involvement and proactivity of district authorities in decision-making processes. Discrepancies between districts highlight inequalities in how citizens perceive and access opportunities for public participation, which may reflect differences in communication, infrastructure, accessibility or local cultural specificities.

An examination of the practices in the specified districts reveals diverse approaches to citizen consultation. CR Straseni is known for actively involving citizens through public debates, consultative commission meetings, district council meetings and inviting local CSOs to participate in the policy-making process, especially in environmental and infrastructure projects. The Soroca DC consulted stakeholders through public hearings, debates, working group meetings, and the Causeni DC through public hearings, permanent or ad-hoc group meetings with CSO participation and consultative commission meetings. Minutes were not found on the websites of the monitored authorities.

The District Council is very open and constantly consults local councillors and citizens on draft decisions. As a local councillor, I receive the District Council's program by e-mail every week and I can participate in all the activities that interest me. All information is also published on the website and Facebook page. All public consultations are also attended by representatives of the media (such as Observatorul de Nord and Teleradio Soroca), which contributes to the media coverage of the events (one interview participant, Soroca)

The selective organization of consultations only for certain draft decisions contravenes the existing regulatory framework. According to Article 3(4) of Law 239/2018, public authorities must consult on draft regulatory and administrative acts that may have a social, economic or environmental impact (on lifestyle and human rights, culture, health and social protection, local communities and public services).

LPAs sometimes confuse announcements of public meetings with announcements of public consultations on draft decisions. This confusion arises because the agenda of the local council meeting, which includes the draft decisions to be discussed, is mentioned in the first type of announcement. However, these drafts are not always attached or published.

To ensure participatory public consultation, it is essential to identify, select and use multiple methods of public consultation. Local public authorities should identify the stakeholders and target groups for each draft decision under consideration, including by drawing up a list of stakeholders in the decision-making process, which should be drawn up and updated periodically/quarterly. These stakeholders should be informed directly, by all possible means (e-mail, social networks, electronic tools, postal correspondence, etc.) about the need (or opportunity) to provide input to a draft decision and to participate with proposals and recommendations for its improvement.

Of the 6 DCs analyzed (Briceni, Soroca, Strășeni, Nisporeni, Basarabeasca, Causeni, Strășeni, Nisporeni, Causeni, Basarabeasca), information about stakeholders is only indicated on the Strășeni DC webpage.

Local public authorities have a wide range of methods of public consultation at their disposal, which can be selected and used either individually or in combination, depending on the needs of each authority. These methods include organizing public debates, public hearings, conducting surveys (including online) and using other consultation tools such as focus groups, questionnaires, citizens' panels, online forums, local referendums, citizens' general assemblies, neighborhood meetings, seminars, conferences and many others. From the 6 reports of the authorities examined, it appears that they only used public hearings, debates and working group meetings.

5.3. Analysis and consideration of recommendations put forward by stakeholders

Law 436/2006 defines the responsibilities of LPAs, emphasizing their obligation to engage in consultation with citizens and to integrate their feedback into decision-making processes. In addition, Law 239/2008 requires LPAs to include citizens and civil society organizations in the decision-making process, ensuring that their views are taken into account. Law 148/2023 on access to information of public interest aims to ensure transparency and promote access to information held by public authorities and institutions.

Table 21. Summary of recommendations on draft decisions in 6 district councils, 2023

Level II LPAs	No of recommendations received	No. of recommendations taken into account / accepted by LPAs at level II
Briceni, Soroca, Basarabeasca	0	0
Strășeni	1 media recommendation and 9 recommendations from advisory committees	1 recommendation from the media and 8 recommendations from advisory committees were taken into account
Causeni	14 CSO recommendations 1 recommendation from development partners 2 recommendations from other stakeholders 10 recommendations from the advisory committees	14 CSO recommendations 1 recommendation from development partners 2 recommendations from other stakeholders 3 recommendations from the advisory committees were accepted
Nisporeni	No data	No data

Source: authors based on reports on ensuring transparency in decision-making, 2023

Of the six DCs evaluated (Briceni, Soroca, Strășeni, Nisporeni, Causeni, Basarabeasca), only two (Strășeni and Causeni DCs) reported in 2023 that they received and took into account recommendations from citizens, legally constituted associations and other stakeholders in the consultation process of draft decisions. The Strășeni DC took into account 1 recommendation from the media and 8 recommendations from advisory commissions, while the Causeni DC included 14 recommendations from CSOs, 1 recommendation from a development partner and 3 recommendations from advisory commissions. In contrast, DC Briceni, DC Soroca and DC Basarabeasca reported in their documents on transparency of decision-making that they did not receive any recommendations. The authorities attributed this to lack of interest from stakeholders.

It should be emphasized that in some cases consultations are not organized, and when they do take place, insufficient efforts are made to ensure effective participation of citizens and stakeholders in the decision-making process. In addition, many citizens remain uninformed and unaware of their rights to participate in the decision-making process or of the ways in which they can express their needs and opinions. Lack of information on how to submit wishes and recommendations contributes to under-utilization of existing channels for public involvement.

In cases where a summary of the recommendations resulting from the consultations is produced, it is not made available to the public and stakeholders cannot find out which recommendations were accepted, which were rejected and the reasons for rejection. Moreover, where recommendations and summaries exist, local public authorities do not provide justifications for decisions to accept or reject recommendations, which further discourages citizens' involvement and participation in the public consultation process.

Of the 6 DCs analyzed, only the Strășeni DC published in 2023 - 5 recommendations and summaries and provided justifications for decisions to accept or reject [ceștora Synthesis. recommendations to draft decisions | Rayon Council Strășeni - Republic Moldova \(crstraseni.md\)](#).

Several measures can be implemented to improve the mechanisms for taking into account citizens' recommendations. Raising public awareness through campaigns informing citizens about their rights and consultation processes can encourage more active participation. Strengthening digital tools,

including the use of the <https://particip.gov.md> for collecting feedback and organizing consultations, can facilitate wider involvement, especially among young people. Capacity building initiatives for local officials, focusing on effective public involvement and decision-making, can also improve the quality and inclusiveness of consultations. Finally, establishing a framework for monitoring and evaluating the effectiveness of consultation mechanisms will help LPAs to identify areas for improvement and ensure that the views of the public are genuinely taken into account.

5.4. Ensuring information and participation in public meetings

According to the legal framework, meetings of public authorities on decision making are public, except in the cases stipulated by law (239/2008) and LPAs must prepare and publish a notice of the public meeting. The same is also stipulated in Law 436/2006). Law 436/2006 stipulates that local council meetings may be broadcast live on national and local public radio and television stations, other media channels, social media networks or on the official website of the local public authority by media distributors or service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code, Law no. 133/2011 on the protection of personal data and Law no. 239/2008 on transparency in the decision-making process. The participants of the public consultations mentioned that some LPAs interpret this provision and do not allow ordinary citizens to film public meetings mentioning as distributors or media service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code.

On a practical level, it was not possible to assess properly how citizens and stakeholders were or were not allowed access to local council meetings. It was only possible only to verify whether the respective announcements were published on the LPA pages for the year 2023.

The analysis of the web pages of the 6 LPAs of level II highlights the partial compliance of the local authorities with the legal provisions which state that the meetings are public and the participation of the interested parties must be ensured. Moreover, on the web pages the information is placed in different headings and compartments, for example CR

- Briceni includes under the heading decision-making transparency and information is found in 2 subheadings: announcements and public consultations;
- Soroca includes under the heading decision-making process, where there is a sub-heading: notice of organization of public debates;
- Strășeni includes the information under the heading transparency in decision-making, sub-heading announcements of public consultations on draft decisions
- Nisporeni does not have a section dedicated to the transparency of decision-making and it is very difficult to find announcements in the news and events section
- Causeni includes under the heading decision-making transparency under public hearings;
- Basarabeasca includes under the heading decision-making transparency under the subheading public consultations

These different practices make it difficult to assess the extent to which the authority has complied with the legal provisions on transparency of meetings by analyzing all the announcements on the website. Other level II LPAs publish their announcements on social media, specifically Facebook (e.g. CR Soroca).

The above findings show that local authorities do not make sufficient efforts and do not take all the necessary measures to ensure that citizens, associations and other stakeholders have effective opportunities to participate.

One of the main strategies that LPAs can use is to increase public awareness of citizens' rights to participate in public meetings. To accomplish this, it is necessary to capitalize on local media outlets, including radio, television and newspapers, to announce upcoming meetings and discuss agenda items. By widely disseminating information, LPAs can ensure that community members are informed and

motivated to participate in discussions that affect their lives. However, this practice is often neglected by local governments.

Recognizing the importance of strategic planning, LPAs should carefully schedule public meetings at times that are convenient for all stakeholders. It is essential to consider factors such as work hours, school schedules, and local events to maximize participation. For example, in Causeni, meetings have been found to be organized in the evenings to facilitate participation by people who work and have families. Advance notice of meeting dates allows stakeholders to plan their time, thus increasing the likelihood of attendance.

Another effective strategy can be to involve stakeholders in the agenda-setting process. LPAs can actively solicit input from citizens and civil society organizations on the topics they wish to discuss at public meetings. This can be done through surveys, feedback forms or informal consultations. By giving stakeholders the opportunity to contribute to agenda-setting, LPAs can create a sense of ownership and relevance, encouraging greater participation.

Local authorities must provide relevant information to interested parties before organizing public meetings. This may include reports, proposals or other documents describing the issues to be discussed. By ensuring that participants are properly informed, authorities give stakeholders the opportunity to contribute to the discussions in a responsible and well-argued manner. For example, summary documents can be produced that simplify complex information, making it more accessible to the general public.

After public meetings, LPAs should implement feedback collection mechanisms to obtain opinions from participants on the effectiveness of the meeting and the decision-making process. Questionnaires or follow-up discussions can help authorities understand stakeholder concerns and suggestions, thus contributing to the continuous improvement of future meetings.

It can be mentioned that local public administrations at the second level do not always inform citizens about public meetings, which consequently reduces the chances for them to follow, participate, especially when important topics for citizens and the local community are discussed, and to make recommendations.

5.5. Informing the public about the decisions adopted

As of October 28, 2018, all local public authorities (level I and II) are obliged to publish the acts adopted in the RSAL (www.actelocale.gov.md). More precisely, normative decisions enter into force once they are included in this RSAL. On the other hand, GD No 728/2023 regulates the official pages of public authorities and institutions, as well as the minimum requirements for their profiles on social networks and mentions that decisions must also be published on the authorities' pages. This is important in terms of facilitating citizens' access to the decisions taken by LPAs. It should be noted that decisions taken by local public authorities must be made available to the public.

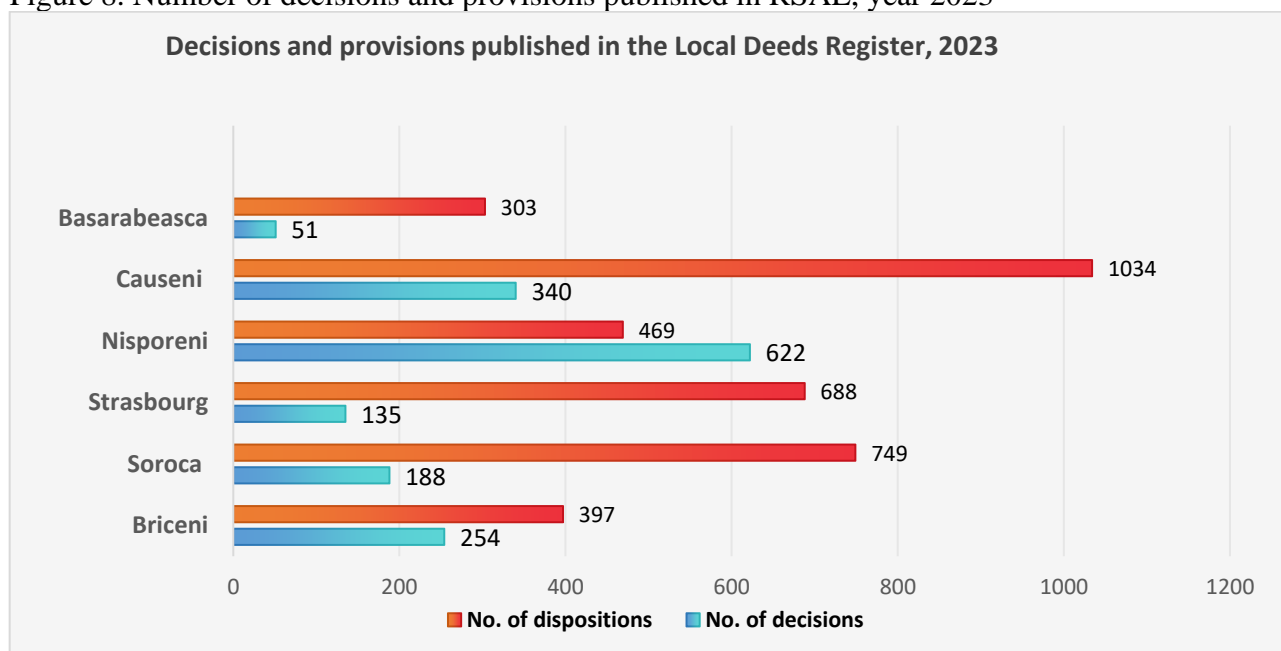
Table 22. Situation in 2023 for the 6 DCs analyzed regarding decisions and provisions

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basarabeasca
Number of decisions adopted by the CoR (2023) according to the annual reports on transparency in decision-making	258	190	135	153	299	51

Number of normative provisions of the President of the Rayon adopted (2023) reports on ensuring the transparency of the decision-making process	394	No such data	92	326	185	100
Number of decisions published on websites (2023)	254 Decision adopted by CR Briceni	O section for <i>Adopted decisions not found on the website</i>	135 Decision adopted by CR Straseni (crstraseni.md)	28 were Plaata Decision adopted by Nisporeni Rayon Council	208 Decision adopted by Rayon Council Causeni	35 Decision adopted by DC Basarabasca

Source: authors based on reports on transparency in decision-making and websites, 2023

Figure 8. Number of decisions and provisions published in RSAL, year 2023



Source: authors based on data from RSAL, 2023 <https://actelocale.gov.md/>

5.6. Preparation and publication of reports on transparency in decision-making

In the Republic of Moldova, LPAs at level II have to comply with certain provisions and follow a periodicity in the elaboration of annual reports on transparency in decision-making. This systemic approach allows LPAs to provide regular and timely updates on the stages of decision-making processes and decisions taken.

The methodology for producing these reports includes several essential steps. First, local authorities collect relevant information about the decisions taken, such as minutes of meetings, public consultations and stakeholder feedback. This comprehensive data forms the basis of the reports, ensuring that they are based on accurate and detailed information.

After data collection, it is necessary for LPAs to analyze the decision-making processes to identify trends, challenges and areas for improvement. This analysis can include assessing the level of citizen

and stakeholder participation in consultations, analyzing the responsiveness of stakeholders, examining the overall impact of decisions on the community. Such analysis is essential to understand the effectiveness of governance and to develop evidence-based public policy.

Table 23. Situation in the 6 DCs on publication of reports on transparency in decision-making, 2023

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basarabeasca
Means information	Yes, on the website ³⁵	Yes, on ³⁶	Yes, on ³⁷	Yes, on the website ³⁸	Yes, on ³⁹	Yes, on ⁴⁰

Source: authors based on analysis of the DC websites, 2023

Also, the lack of clear and detailed regulations on control and sanctioning mechanisms for lack of transparency in the decision-making process can be highlighted. Annually, the SC sends a questionnaire adapted to level II LPAs for completion. As tier II LPAs are not obliged to report to the SC, only one third of them completed the questionnaire for 2023. At the same time, for some level II LPAs, the information submitted was incomplete, which made it impossible to carry out a comprehensive analysis of the transparency of decision-making at the local level.

As far as sanctions are concerned, Law 239/2008 includes only one article dealing with liability for failure to comply with transparency in decision-making (Article 16¹), which stipulates that failure to comply with the provisions of the law constitutes a disciplinary violation and is sanctioned according to the Labor Code or specific legislation. However, this provision is general and does not detail the mechanism by which civil servants can be held accountable for breaking the law or failing to comply with transparency requirements, making it an ineffective measure. Experts in public administration believe that accountability should rest with everyone, not just those at local level, but also at central level, including officials, dignitaries and civil servants.

Also, these provisions do not allow for the sanctioning of elected officials, such as mayors, district presidents or local and district councillors, who do not fulfill their legal obligations. After the amendment of Article 16¹ of Law 239/2008, it is mentioned that individuals and those holding positions of responsibility can be held administratively liable under the Contravention Code of the Republic of Moldova. The Contraventions Code contains a single article (Article 326¹) with two paragraphs, which covers violations of transparency requirements by representatives of local public administration authorities. Paragraph 1 refers to "adoption by the local public administration authority of a normative act whose draft has not been published for public consultation" and paragraph 3 mentions "obstruction of free access to local council meetings".

It is also necessary to mention the provisions of Law no. 148/2023. The ex officio publication of information on the conduct of the decision-making process is an obligation of information providers (including CPAs and LPAs), according to Article 10. Articles 27-29 describe the legal liability of information providers, including for non-publication of the information referred to in Article 10. Articles 25 and 26 also set out how to challenge the actions or inactions of information providers.

³⁵ [Report - on - transparency - in - process - decision-making - for - year - 2023.pdf \(briceni.md\)](#)

³⁶ [Report on Ensuring transparency in the decision-making process of the Presidential Apparatus of the district and subdivisions subordinated to the Soroca District Council for 2023 \(org.md\)](#)

³⁷ [raporti privind asigurarea transparenței proces decizional 2023_657153.pdf \(crstraseni.md\)](#)

³⁸ [report-report-on-transparency-in-decision-making.docx](#)

³⁹ [Report on ensuring transparency in the decision-making process within the Causus District Council îni for the period 2023 - Causeni Rayon Council \(causeni.md\)](#)

⁴⁰ [Report on ensuring transparency of the decision-making process | Basarabeasca Rayon Council](#)

6. Application in practice of the legal provisions on transparency in decision-making by local public authorities level I

6.1. Inform stakeholders about the initiation of the decision-making process and provide access to the draft decision and related materials

According to the latest data available on [Local Transparency Portal](#) of IDIS "Viitorul", local authorities of level I do not apply in practice all legal provisions on ensuring access to public information and transparency at all stages of the decision-making process, and large disparities are also observed. While some authorities, according to the portal's data, have obtained the maximum score (100p) in the access to information chapter, such as Telenesti City Hall, Cimislia City Hall, others do not have a functional website (Criuleni City Hall) or, most of them have a website, but provide transparency in the decision-making process partially (e.g. Balti City Hall, Telenesti City Hall,) or to a small extent (e.g. Otaci, Dondușeni, Gura Galbenei, Basarabeasca, Ruseștii Noi City Halls). The latter use as arguments the lack of resources (financial, human) to manage and update web pages; the lack of interest of citizens in accessing web pages; the use of other more efficient tools adapted to the needs of local communities (e.g. social networks, physical meetings with citizens, information boards).

Table 24. How the 15 municipalities ensure access to information and participation in decision-making

Region	LPA, level I	Web page	Access to information, %	Participation in decision-making, %
North	Balti	yes	94 %	66%
	Făleşti	yes	88%	38 %
	Dondușeni	yes	66%	13%
	Cupcini	yes	79%	19%
	Otaci	yes	3%	6%
Center	Telenesti	yes	100%	45 %
	Ungheni	yes	94 %	21%
	Peresecina	yes	41 %	27%
	Criuleni	No	0 %	5%
	Ruseștii Noi	yes	0 %	11%
South	Cimislia	yes	100%	31%
	Talmază	yes	47%	20%
	Zaim	yes	74%	19%
	Gura Galbenei	yes	4%	10%
	Basarabeasca	yes	31%	13%

Source: authors based on portal data www.localtransparency.viitorul.org.

Paragraph 14 of GD no. 967/2016 provides for the creation on the official LPA websites of a section dedicated to decision-making transparency, in order to facilitate stakeholders' access to information on the decision-making process. Therefore, it was analyzed whether LPAs currently have functional web pages. As a result of the analysis, it was found that all 15 LPAs, with the exception of Criuleni City Hall, have a functional website with sections dedicated to decision-making transparency. However, in some cases, the information on the webpage is either not updated (e.g. [Ruseștii Noi](#)) or is only partially available and difficult to find and access in an accessible format (e.g. [Talmază](#), [Cupcini](#), [Peresecina](#)).

One of the principles of decision-making transparency is to inform citizens, associations and other interested parties about the initiation of the decision-making process. Article 9 of Law No 239/2008 provides that, after the decision-shaping process has been initiated, the public authority shall, within 15 working days at the latest, place the relevant notice on its official website, send it immediately by electronic mail to interested parties, display it at its premises in a publicly accessible place and/or

broadcast it in central or local media, as appropriate. As regulated by the same law, the notice on the initiation of the elaboration of the decision must contain: the justification of the need to adopt the decision; the deadline, the place and the manner in which interested parties may submit or send recommendations; as well as the contact details of the person responsible for receiving and examining the recommendations (name and surname, telephone number, e-mail address). Subsequently, GD no. 967/2016 stipulates in para. 13 the obligation to inform the public about the initiation of the preparation of draft decisions at least 15 working days prior to the consultation of the draft decision by the authorizing subdivision of the public authority.

In general, the analysis reveals that the majority of LPAs do not ensure compliance with all legal obligations on transparency at the stage of initiating the process of drafting draft decisions. Only a few LPAs, such as Balti (25 announcements),⁴¹ Cupcini (115 announcements)⁴² and Peresecina (3 announcements) have published on their official websites announcements on the initiation of the process of elaboration of decisions. In the case of mun. Balti and Cupcini City Hall, the announcements comply with the legal requirements and include the following information: type of decision; arguments on the necessity of adopting the decision/arrangement; format and method of sending recommendations; responsible person and deadline for submitting recommendations. Deficiencies and confusions were found in the content of the notices when they were published. For example, [in the case of the City Hall of mun. Balti](#), when publishing the notice on the initiation of the preparation of the draft decision, the stage of public consultation was incorrectly selected, being, in fact, published the draft decision for public consultations.

Within the focus group, several representatives of LPAs consider that the publication of the notice on the initiation of the draft decision or normative should not be mandatory. The participants in the focus group argue this proposal on the basis of the efforts made by the authority and the lack of involvement of civil society and citizens in this process, given that the announcement is not accompanied by a draft.

Table 25. Number of announcements on the initiation of the LPA I decision-making process, 2023

LPA level I	Balti	Făleşti	Dondușeni	Cupcini	Otaci	Telenesti	Ungheni	Peresecina	Criuleni	Ruseștii Noi	Cimislia	Talmaz	Zaim	Gura Galbenei	Basarabasca
No. of notices of initiation of the decision-making process	25	0	2	115	0	0	0	3	No website	0	0	0	0	0	0

Source: authors based on data available on LPA websites, 2023

Article 10(2) of the Law on Local Public Administration No. 436/2006²¹ stipulates that the draft normative acts of the local public administration authorities shall be made public for consultation at least 15 working days before the date of approval of the decision. In addition, the same law provides that the agenda of the local council meeting must be posted in public places and published on the public authority's website for public consultation at least 3 working days before the day of the meeting. Article 6 of Law No 239/2008 provides for the right of citizens, associations and other interested parties to participate at any stage of the decision-making process and to request and obtain information

⁴¹ [Draft decisions - Balti City Hall \(balti.md\)](#)

⁴² [Shopping Cart - Town Hall of Cupcini](#)

on the decision-making process, including the right to receive draft decisions accompanied by related materials.

It should be noted that the assessment of the first level LPAs reveals that only about 33% of the 15 LPAs complied with the legal requirement to make draft decisions available on the official website (Ungheni, Balti, Telenesti, Donduşeni, Cupcini). On the other hand, 60 % of the assessed LPAs did not publish any draft decisions during 2023 (Făleşti, Otaci, Talmază, Zaim, Gura Galbenei, Basarabescă, etc.). The City Hall of Cîmşlia partially complied with the legal requirement of transparency in decision-making during 2023 (3 draft decisions), as it published 99 adopted decisions in the RSAL (see Table 26).

Table 26. Number of draft decisions published on the websites of LPAs of level I, 2023

LPA	Balti	Făleşti	Donduşeni	Cupcini	Otaci	Telenesti	Ungheni	Peresecina	Criuleni	Ruşeşti Noi	Cîmşlia	Talmază	Zaim	Gura Galbenei	Basarabescă
No. of published draft decisions	25	0 ⁴³	8	67	0 ⁴⁴	21	108	1	No website	0 ⁴⁵	3	0 ⁴⁶	0 ⁴⁷	0 ⁴⁸	0 ⁴⁹

Source: authors based on data available on LPA websites, 2023

Pursuant to the provisions of paragraph 5 of GD no. 967/2016, the public authority shall ensure access to the draft decisions and related materials through their mandatory publication on the official website of the public authority, as well as on the portal <https://particip.gov.md>. The data available on the portal show that only 147 normative acts were made available to the public by all LPAs in the country during 2023. Compared to the data available in the State Register of Local Acts, which is mandatory by Law no. 436/2006 and Law no. 100/2017 on normative acts, in 2023, 71986 decisions (28.6%) and 180,050 provisions (71.4%) were published in the RSAL. Therefore, even if all LPAs are registered on the portal <https://particip.gov.md>, they do not use the portal to ensure decision-making transparency and public consultation of draft decisions. Of the 15 LPAs evaluated, the only LPA that published draft normative acts [on portal particip.gov.md is City Hall mun. Balti](#). Since the portal <https://particip.gov.md> portal is being updated and developed to solve technical challenges, all public authorities' accounts (certificates) are to be properly updated as part of the campaign to be launched by the SC.

It should be mentioned that during the focus group organized, the representatives of LPAs emphasized that the website is not the only tool used to ensure transparency in decision-making and participation in the decision-making process. Among the tools used by LPAs, the following were mentioned: social networks, local press, information boards (classic and LED) installed at the authority's headquarters and other public places. Cîmşlia City Hall mentioned that it ensures transparency and consultations with citizens in the decision-making process through, [portal alerte.md \(Cîmşlia\)](#), considering it a more efficient tool and being more actively used by the local community.

⁴³ On the official website, under the "draft decisions" section, the notices of the 2023 draft decisions included on the Agenda of the City Council meetings are published with the approved decisions attached. There were no draft decisions published in 2023 for public consultation.

⁴⁴ [Draft decisions | Otaci MD](#)

⁴⁵ <https://rusestiinoi.md/proiecte-de-decizii/>

⁴⁶ [Draft decisions | Village of Talmază Rayon Stefan Voda, Republic of Moldova](#)

⁴⁷ [Draft Decisions | Zaim Town Hall](#)

⁴⁸ <https://guragalbenei.md/>

⁴⁹ <https://primariabessarabka.md/proiecte-de-decizii/>

6.2. Stakeholder consultation

According to the Law no. 436/2006, LPAs and public officials in the respective administrative-territorial units are obliged to take the necessary measures to ensure effective opportunities for participation of citizens, associations established in accordance with the law and other interested parties in the decision-making process, including by:

- a) *adequate and timely information on the subjects discussed by the local council;*
- b) *receiving and examining, in due time, all recommendations, opinions, letters addressed by citizens to their representative authorities, with a view to preparing draft decisions or programs of activity;*
- c) *promoting a policy of communication and dialog with citizens;*
- d) *publishing programs, strategies, agendas of meetings on various information media.*

Article 6 of Law 239/2008 provides for the right of citizens, associations and other interested parties to participate at any stage of the decision-making process; to propose the initiation of the drafting and adoption of decisions, as well as to submit recommendations to public authorities on draft decisions submitted for debate.

The consultation of citizens, associations and other stakeholders is ensured by LPAs through a variety of methods, such as: public debates, public hearings, opinion polls, referendums, soliciting the opinions of experts in the field, creating permanent or ad-hoc working groups with the participation of civil society representatives. However, among the LPAs evaluated, there is a confusion between the publication of a draft decision on the website and public consultation of the draft decision with the involvement of stakeholders. More specifically, some LPAs erroneously consider that, once they have published the draft decision on their website, they have also ensured a broad public consultation and civic participation.

The legislation provides for the creation of permanent consultative platforms as an effective method of public consultation with stakeholders. As a result of the analysis, it is found that none of the assessed level I LPAs created such platforms at the local level during 2023. The only good practice identified is at the City Hall of mun. Balti. As mentioned in the 2023 Annual Report on the Transparency of the Decision-Making Process⁵⁰, the municipality of Balti created 3 ad-hoc working groups to discuss draft decisions. However, neither in mun. Balti, there is no functioning permanent consultative permanent consultative platform that includes a list of civil society members and other stakeholders.

Regarding the organization of public debates and public hearings, they are considered among the most participatory methods of consultation with all stakeholders. The analysis highlights that 9 out of 14 LPAs (with the exception of Criuleni City Hall, which does not have a functional website) organized at least one public debate or public hearing during 2023. Among the LPAs with the most debates/public hearings organized are the City Hall mun. Balti (17), City Hall mun. Ungheni City Hall (9), Dondușeni City Hall (8). On the other hand, the City Hall of Otaci, Talmază, Zaim, Basarabeasca and Gura Galbenei did not organize any public debates/hearings, according to the data available on the official websites.

During the organized focus groups, LPA representatives mentioned that civil society is not very interested in participating in the organized public consultations unless they have a personal problem they are facing. However, some participants emphasized that citizens get involved when they consider that their contribution is valuable and that the proposed recommendations will be at least partially taken into account. In the experience of LPAs, the more civil society is convinced the purpose of consultations is genuine participation, the higher the level of involvement (e.g. Ungheni).

⁵⁰ [Report for 2023 - Balti City Hall \(balti.md\)](#)

On the other hand, representative civil society participants highlighted a number of reasons why participation in the decision-making process is low: most citizens are not aware of their rights; information is not published in a clear and accessible manner; the deadlines for public consultations are shorter than the time needed to analyze and formulate recommendations; lack of transparency at the stages of finalization of projects and consideration of recommendations submitted. All this leads to apathy on the part of civil society and citizens in general when it comes to participation, involvement and the formulation of recommendations in public consultations.

Table 27. Number of public debates/hearings organized by LPA level I in 2023

Region	LPA level I	No. of public debates/public hearings organized in 2023
North	Balti	17
	Făleşti	1
	Donduşeni	8
	Cupcini	2
	Otaci	0
Center	Telenesti	2
	Ungheni	9
	Peresecina	3
	Criuleni	No website
	Ruseştii Noi	2
South	Cimislia	2
	Talmaza	0
	Zaim	0
	Gura Galbenei	0
	Basarabasca	0

Source: compiled by the authors on the basis of the 2023 reports on transparency in decision-making

Article 6 of Law No 239/2008 provides for the right of citizens, associations and other interested parties to participate at any stage of the decision-making process, to propose to the public authorities the initiation of the preparation and adoption of decisions, and to submit recommendations to the public authorities on draft decisions subject to public consultation.

The analysis of the recommendations received as well as those taken into account in the decision-making process shows a very limited level of participation at local level. As indicated in the table below, only in 3 cases (Balti, Donduşeni and Ungheni) recommendations were received from citizens and other stakeholders (civil society organizations, associations, enterprises). In all other cases, there was a lack of data on recommendations received in public consultations. The available data could only be analyzed on the basis of the annual reports on the transparency of the decision-making process available on the website. These findings are, on the one hand, an indicator of the limited efforts of local authorities to involve the community in the decision-making process and, on the other hand, of the lack of active involvement of citizens (Table 28).

Table 28. Recommendations received versus recommendations accepted by LPA level I, 2023

Region	LPA level I	No. of recommendations received	No. of recommendations accepted by LPAs
North	Balti	110	78
	Făleşti	no data	no data

	Dondușeni	24	10
	Cupcini	no data	no data
	Otaci	no data	no data
Center	Telenesti	no data	no data
	Ungheni	10	9
	Peresecina	no data	no data
	Criuleni	No website	
	Ruseștii Noi	no data	no data
South	Cimislia	no data	no data
	Talmază	no data	no data
	Zaim	no data	no data
	Gura Galbenei	no data	no data
	Basarabeasca	no data	no data

Source: authors based on analysis of LPA websites, 2023

6.4. Ensuring information and participation in public meetings

In accordance with Article 13, paragraph 1 of Law 239/2008, meetings of public authorities on decision-making shall be public, except in the cases provided for by law. Local authorities are obliged by law to draw up and publish a notice of the public meeting. According to Act No. 239/2008, such notice shall be placed on the official website of the public authority, sent by electronic mail to interested parties, displayed at the public authority's premises in a publicly accessible space and/or broadcast in central or local media, as appropriate. The notice shall necessarily contain the *date, time and place of the public meeting and its agenda*. The announcement of the public meeting shall be made public at least 3 working days before the date of the meeting.

The transparency of public meetings at local government level is also regulated by the Law on Local Public Administration No 436/2006, which stipulates in Article 17 (paragraphs 1-4) that local council meetings are public and any interested person may attend local council meetings. The authorities are obliged by law to ensure that citizens have access to the draft decisions and agendas of local council and town hall meetings. Law no. 436/2006 provides in art. 10¹, para. (3) that the agenda of the local council meeting shall be posted in public places and placed on the council's website for public consultation at least 3 working days before the day of the meeting.

Moreover, it is stipulated that local authorities and public officials are obliged to take the necessary measures to ensure effective opportunities for participation of citizens, associations established in accordance with the law and other interested parties.

Regarding the recording and online distribution of meetings - a subject of interest for civil society participating in public consultations - Law 436/2006 stipulates that local council meetings can be broadcast live on national and local public radio and television stations, other media channels, social networks or on the official website of the local public authority by distributors or media service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code, Law no. 133/2011 on the protection of personal data and Law no. 239/2008 on transparency in the decision-making process.

In practical terms, it was not possible to make a proper assessment of how citizens and stakeholders were or were not given access to the meetings of the local council. For this purpose, the web pages were analyzed from the perspective of the publication of information on local council meetings. The analysis of the websites of the 14 first level LPAs (with the exception of Criuleni City Hall) highlights the partial compliance of the local authorities with the legal provisions that state that the meetings are public and the participation of the interested parties must be ensured. In most of the cases (e.g. Cupcini,

Otaci, Dondușeni) on the web pages, under the heading "Local Council", the sub-headings are available: council secretary, councilors/council composition, council regulations, council decisions, minutes of meetings. However, there is no heading dedicated to the announcement of "local council meetings" to ensure quick and easy access for those interested in attending council meetings. Some city halls publish the announcements on the organization of meetings of the local council and/or specialized committees in the category "Announcements", e.g. Telenesti City Hall⁵¹, Ungheni City Hall⁵². This practice makes it difficult if not impossible to assess the extent to which the authority has complied with the legal provisions on the transparency of meetings by analyzing all the announcements on the website. Other city halls publish such announcements mainly on social networks, in particular on Facebook (e.g. Dondușeni City Hall).

The above findings show that local authorities do not make sufficient efforts and do not take all the necessary measures to ensure that citizens, associations and other stakeholders have effective opportunities to participate.

The representatives of level I LPAs who participated in the focus groups mentioned that all local council meetings are public and anyone can attend. However, it remains unclear how citizens can participate in these meetings if they are not informed in due time and through the appropriate tools about the organization of the meeting (date, location, agenda). These constraints were confirmed by CSO representatives participating in the focus groups.

6.5. Informing the public about decisions taken

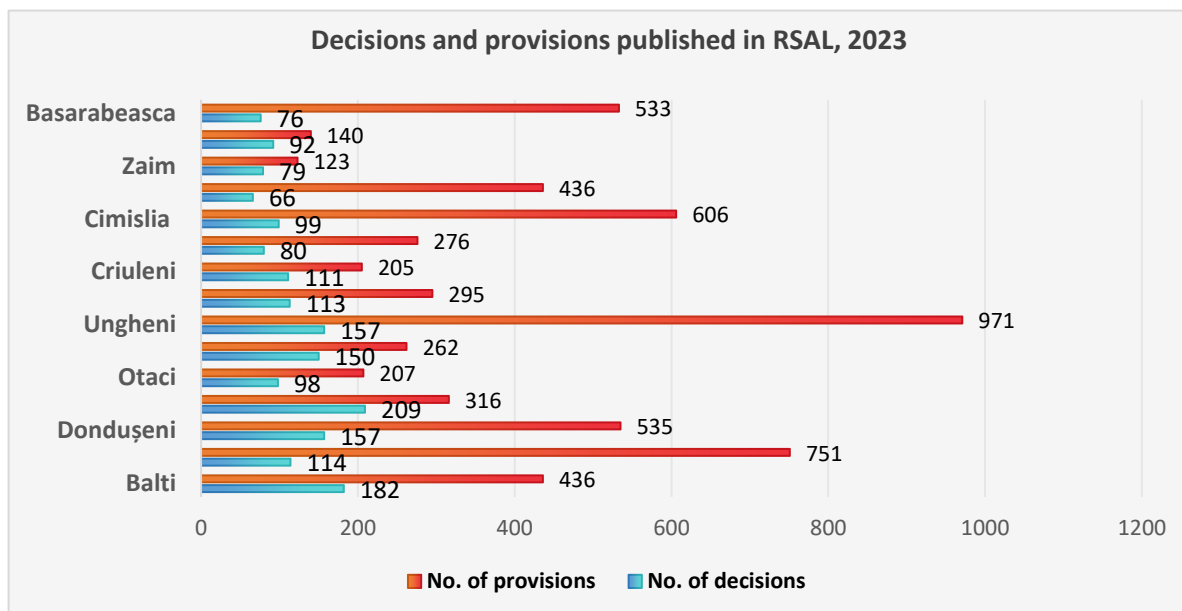
Article 239/2008 establishes the obligation of public authorities to ensure access to the decisions adopted by publishing them on the official website, by displaying them at the head office in a publicly accessible space and/or by broadcasting them in central or local media, as appropriate, as well as by other methods established by law.

Analysis of the data available in RSAL for 2023 shows that the number of decisions/decisions adopted and published varies from one LPA to another. Among LPAs with the highest number of published decisions are Cupcini (209), Balti (182), Dondușeni and Ungheni (157), Telenesti (150). In terms of published provisions, the LPAs with the highest number are Ungheni (971), Fălești (751), Cîmislia (606), Basarabeasca (533). There is a significant difference between the number of draft decisions published for consultation and the number of decisions actually adopted. These data allow us to conclude that for a large number of draft decisions/dispositions, the LPAs did not ensure compliance with the legal requirements on the transparency of decision-making.

Figure 9. Number of decisions and provisions published in RSAL by LPA level I, year 2023

⁵¹ <https://www.primariatelenesti.md/sedinta-ordinara-consiliului-orasenesc-va-avea-loc-joi-05-septembrie2024/>

⁵² <https://ungheni.md/anunt-cu-privire-la-convocarea-consiliului-municipal-ungheni-7/>



Source: authors based on data from the State Register of Local Acts, 2023

6.6. Preparation and publication of reports on transparency in decision-making

The analysis of 14 websites (with the exception of Criuleni City Hall, which does not have a functional website) shows that only 3 LPAs out of 15 LPAs evaluated complied in 2023 with the legal requirements for the publication of the Annual Report on Transparency in Decision-Making ([Balti](#), [Donduşeni](#), [Ungheni](#)). All the 3 reports that have been made available to the public comply with the legal requirements on the content as laid down in GD no. 967/2016, item 41, mentioned above.

GD no. 967/2016 stipulates in paragraph 41 that public authorities must prepare and make public annual reports on transparency in the decision-making process, which will include:

- 1) the number of decisions taken by the public authority during the reference year;
- 2) the total number of recommendations received in the decision-making process;
- 3) the number of consultative meetings, public debates and public meetings organized;
- 4) the number of cases where actions or decisions of the public authority have been challenged for failure to comply with this Regulation and the sanctions imposed for non-compliance.

In addition, paragraph 42 of the same act stipulates that the annual report on transparency in the decision-making process shall be prepared by the person responsible for coordinating the public consultation process within the public authority, with the participation of all its internal subdivisions. The report shall be made public no later than the end of January of the year immediately following the reference year. The annual report on transparency in the decision-making process is made available to the public on the website of the LPA, in the section dedicated to decision-making transparency, in order to facilitate access by interested parties to information on the decision-making process.

The analysis of 14 websites (with the exception of Criuleni City Hall, which does not have a functional website) shows that only 3 LPAs out of 15 LPAs evaluated complied in 2023 with the legal requirements on mandatory publication of the Annual Report on Transparency in Decision-Making ([Balti](#), [Donduşeni](#), [Ungheni](#)). All the 3 reports that have been made available to the public comply with the legal requirements on the content as laid down in GD no. 967/2016, item 41, mentioned above.

7. International standards and good practices on transparency in decision-making and stakeholder participation

In order to make sure that the essential contribution by civic organizations is transposed into the political decision-making process without any discrimination, one needs a supportive environment. Such a supportive environment would imply rule of law, adherence to the basic democratic principles, political will, enabling legislation, clear procedures, long-term support and resources for a sustainable civic society and a common space for dialogue and cooperation. These requirements provide for a constructive relationship between civic organizations and public authorities, built on reciprocal trust and common understanding of the participatory democracy. (Council of Europe, Code of Good Practices)

International standards

The meaningful participation of citizens in public policy making has been widely considered as an important indicator of the maturity of modern democracies.

Over the past two decades, there has been a growing interest of key global and regional international organisations (Council of Europe, UN, OECD, EU, World Bank and more) in exploring governance innovations and new models of structured dialogue with Civil Society Organisations, as intermediaries between citizens and public authorities, but also in setting minimum standards of engaging civil society in decision making processes. The increasing use of information technologies transformed the ways of interaction between citizens (and CSOs) and public authorities, enabling fundamental shift towards openness, transparency and responsiveness of central and local government bodies.⁵³

“The right of citizens to participate in the conduct of public affairs”, including at the local level, is explicit in the European Charter of Local Self-Government⁵⁴, and the Additional Protocol⁵⁵ of the Council of Europe which states that “the right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities”. Consultation and engagement of citizens in design of and evaluation of public services pave the way for better policy outcomes and greater mutual trust between citizens and government.⁵⁶

Citizen participation includes variety of stakeholders, such as civil society activists, journalists, members of academia, business representatives, local communities, and active citizens. The participation process should be timely, before a decision has been made, to enable citizens and stakeholder groups to prepare, and inclusive, taking into consideration the views of those whose lives and interests will be affected by the implementation of the decisions under consideration, including the vulnerable and marginalised.

Council of Europe differs following categories of participatory mechanisms that reflect different levels of citizens engagement:

- informing the public about local priorities, government programmes and plans;

⁵³ *ECNL [New dimensions for public participation Nov 2023 1.pdf](#)

⁵⁴ [CETS 122 - European Charter of Local Self-Government \(coe.int\)](#)

⁵⁵ [Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority \(CETS No. 207\)](#)

⁵⁶ Council of Europe adopted numerous other documents that promote and encourage the involvement of citizens in decision-making processes, such as: CM/Rec(2004)13E - [Recommendation of the Committee of Ministers to member states on the participation of young people in local and regional life](#) (17 November 2004); CLEAR - A self-assessment tool for citizen participation at the local level (available at: [168074701b](#)); CM/Rec(2009)2E - [Recommendation of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level](#) (11 March 2009); [CM\(2017\)83-final / Guidelines for civil participation in political decision making](#); CM/Rec(2018)4 - [Recommendation of the Committee of Ministers to member states on the participation of citizens in local public life](#) (21 March 2018); CM/Rec(2023)6 – [Recommendation of the Committee of Ministers to member States on deliberative democracy](#) etc.

- holding consultations with the public and/or particular groups of people regarding public policies and collecting their experience or expertise;
- collaborating with the public and/or particular groups of people to develop solutions to local problems (including co-creation processes such as in the formulation of Open Government Partnership (OGP) Action Plan commitments⁵⁷);
- engaging local communities in decision-making processes through deliberative processes, voting (such as participatory budgeting and referenda), and other decision-making tools.

In order to ensure genuine participation, the consultation process needs to be backed up by laws, regulations and guidelines, and supported by clear political will. Timeframes with clear entry-points for citizen engagement need to be published and feedback should be provided for all comments, with clearly stated reasons for their adoption or rejection. Officials that manage public consultations should be properly trained to ensure that their feedback to citizens is prompt and comprehensive. Citizens should be well aware of their rights and possibilities to influence decision making process, evaluate and monitor their implementation, and respected for their contributions which should result in improved public trust towards local service delivery.⁵⁸

[The OECD Recommendation of the Council on Open Government \(2017\)](#) distinguishes among three levels of citizen and stakeholder participation, which differ according to the level of involvement:

Information: an initial level of participation characterized by a one-way relationship in which the government produces and delivers information to citizens and stakeholders. It covers both on-demand provision of information and “proactive” measures by the government to disseminate information.

Consultation: a more advanced level of participation that entails a two-way relationship in which citizens and stakeholders provide feedback to the government and vice-versa.

Engagement: when citizens and stakeholders are given the opportunity and the necessary resources (e.g., information, data, and digital tools) to collaborate during all phases of the policy-cycle and in the service design and delivery.

[OECD Guidelines for Citizen Participation Processes | OECD](#) from the 2022 describe ten steps for designing, planning, implementing and evaluating a citizen participation process, and discuss eight different methods for involving citizens by following nine guiding principles.

Ten-step path of planning and implementing a citizen participation process

1. **Identifying the problem to solve and the moment for participation** which can be in any of the stages or throughout the policy cycle: when identifying the issue, formulating policy, making decisions, implementing policy, or evaluating it.
2. **Defining the expected results** ensuring clear understanding of the expected outcomes or results of the participation process
3. **Identifying the relevant group of people to involve and recruiting participants:** from broad group of citizens with diverse backgrounds, a representative group of citizens, a particular community based on geography or other demographic characteristics, as well as stakeholders. Different strategies can be employed to recruit them – an open call, a closed call, or a civic lottery.
4. **Choosing the participation method** (information and communication, open meetings/town hall meetings, civic monitoring, public consultation, open innovation, citizen science, participatory budgeting, and representative deliberative processes.

⁵⁷ [Action Plan Cycle](#)

⁵⁸ [Home - bE-Open](#)

5. **Choosing the right digital tools:** Policy makers should keep in mind the existing “digital divides”, plan for technical, human, and financial resources needed to deploy digital tools, and choose tools that are transparent and accountable.
6. **Communicating about the process** at every step of the way
7. **Implementing the participation process:** preparing an adequate timeline, identifying the needed resources, ensuring inclusion and accessibility, and considering a citizens’ journey through a participatory process.
8. **Using citizen input and providing feedback** with clear justifications if any inputs or recommendations are not used or implemented.
9. **Evaluating the participation process:** Through which the quality and neutrality of a participatory process can be measured and demonstrated to the broader public. It also creates an opportunity for learning by providing evidence and practical lessons
10. **Fostering a culture of participation:** as a shift from ad hoc participation processes can be supported by embedding institutionalised participation mechanisms, multiplying opportunities for citizens engagement and protecting a vibrant civic space.

The methods of citizen participation rely on principles of good practice to ensure their quality: **clarity and impact, commitment and accountability, transparency, inclusiveness and accessibility, integrity, privacy, information, resources, and evaluation.**

In the **European Union** (EU) institutions, as set out in EU treaties, citizens and stakeholders can participate at different stages in the law and policy-making process, in line with the European Commission's better regulation agenda - described as a way of working that allows political decisions to be prepared in an open and transparent manner, informed by the best available evidence.⁵⁹ For the countries aspiring to become members of the EU, the progress in institutionalizing relations between public sector and CSOs has become an important criterium for the EU accession.

Some of the examples of good practices in transparency and stakeholder’s participation in decision-making processes from the EU member states, elaborated in this document (Republic of Croatia, Slovak Republic and Spain), have already been used as learning models and/or adjusted and implemented in other countries, regions, local communities and organisations.

Republic of Croatia

One of the world-wide recognized examples of good practices in participatory decision-making is that of Croatia. According to the OECD (2022), Croatia had the highest score related to stakeholder engagement in developing primary laws of all surveyed EU countries, and second best score (after Slovakia) related to the stakeholder engagement in developing subordinate regulations⁶⁰.

Crucial impetus for the civil society development in Croatia coincided with the start of the EU accession negotiations with Croatia, when the growing importance of the role of civil society in the social and economic development of the country was recognized, followed by a rising number of funding opportunities from both international and domestic sources. This resulted in the adoption of the first **National Strategy for Creating and Enabling Environment for Civil Society Development**, together with an Action Plan (following previous adoption of the Programme of Cooperation of the Government and the Non-Governmental Sector in 2000). This and the following Strategy and Action Plan (for the period 2012-2016) were prepared through an inclusive and

⁵⁹ To see more access https://ec.europa.eu/info/law/better-regulation/have-your-say_en

Source: European Commission (2021[5]); Better Regulation

Guidelines, https://ec.europa.eu/info/sites/default/files/swd2021_305_en.pdf; European Commission (2021[6]), Better Regulation Toolbox, https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en_0.pdf.

⁶⁰ [Better Regulation Practices across the European Union 2022 | OECD iLibrary \(oecd-ilibrary.org\)](https://oecd-ilibrary.org/publications/better-regulation-practices-across-the-european-union-2022)

participatory way⁶¹ which ensured the initial trust and joint ownership of the process, and enabled better implementation of the adopted acts. However, the adoption of the next strategic document for the period 2019-2023 had encountered some delays.⁶²

The implementation of the Strategy is coordinated by the Government Office for Cooperation with NGOs, while another body - the Council for Civil Society Development serves as a mechanism for monitoring of its progress.

Government Office for Cooperation with NGOs was established in 1998 as an autonomous office under the Prime Minister's cabinet, responsible for the overall coordination of the civil society policy, including standards of public consultations in public policy making processes. It also conducts training sessions for civil servants at all levels, in cooperation with relevant partners and is in charge for the European Social Fund (ESF) grant schemes and programming and monitoring of the implementation of ESF funded projects.

In 2003, a **National Foundation for Civil Society Development was established** by a special law⁶³, to further support sustainability, capacity (including potential for self-financing) and balanced regional development for CSOs. The Foundation allocates operating grants for CSOs (approximately 90 organisations per year), implements numerous other grant schemes (supporting small civic initiatives, thematic CSO networks etc.), and acts as the implementing agency for ESF grant schemes, in cooperation with the Government Office.⁶⁴

Council for Civil Society Development was set up in 2002 as a consultative body of the Government, aiming to ensure **a regular platform for dialogue with CSOs from different sectors**. It gradually developed into the most important institutional mechanism for structured dialogue between government and CSOs working on the implementation of strategic planning acts for enabling environment for civil society development, philanthropy, social capital and cross-sectoral cooperation in Croatia.⁶⁵

The current role and structure of the Council are determined by the 2021 Government Decision on the establishment of the Council for Civil Society Development⁶⁶ (which replaced earlier decisions). The key tasks of the Council are:

- participation in the continuous monitoring and analysis of public policy that relates to and/or affects the development and activities of civil society and intersectoral cooperation
- Participation in providing opinions to the Government on draft regulations, and enabling an appropriate involvement in discussions on regulations, strategies and programs that affect the

⁶¹ As an illustration, creation of the Strategy 2012-2016 began at the NGO Days 2011 when about two hundred participants from CSOs and government bodies together developed the proposals for civil society development in Croatia. Open space technology was used allowing the engagement of participants in a wide number of workshops. At the final stage, CSOs from all over Croatia were given the opportunity to discuss and provide final inputs to the draft Strategy during the National NGO Days 2012 central event.

⁶² [Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France Report is Published - TÜSEV | Türkiye Üçüncü Sektör Vakfı \(tusev.org.tr\)](https://tusev.org.tr/en/reports/tools-and-methods-of-cso-participation-in-public-policy-making-overview-of-good-practices-in-croatia-estonia-and-france-report-is-published)

⁶³ The Law on Foundations published in Official Gazzete No. 173/03 was in force until 28.02.2019. and was replaced by the new Law on foundations – Official gazete No.: [106/18](#), [98/19](#), [151/22](#)
Substantial source of funding of (around 6 million euros per year) was ensured through a new Law on games of chance, which enabled part of revenues from lottery funds to be used for public benefit programs of CSOs.

⁶⁴ [Nacionalna zaklada za razvoj civilnoga društva](#). From 2003 to 2023, through 99 announced tenders and 71 calls for expressions of interest, the National Foundation approved 6,059 financial supports to civil society organizations, or invested € 87,878,126.89. This enabled the employment and involvement of 15,208 people and over 339,200 volunteers. In addition, the National Foundation awarded 136 awards, 144 scholarships to representatives of civil society organizations and supported the implementation of more than 133 researches, holding numerous conferences, round tables, consultations, publishing books, publications, portals, internet services, newsletters.

⁶⁵ [Ured za udruge - Savjet za razvoj civilnoga društva](#)

⁶⁶ [Odluka o osnivanju Savjeta za razvoj civilnoga društva](#)

development and activities of civil society and its cooperation with the public and private sectors, at the level of the Republic of Croatia and at the European level,

- Cooperation in planning and programming of the state budget priorities related to funding of CSO projects and programs, and analysis of government annual reports on public funding of CSOs,
- Participation in programming and determining priorities for the use of the EU funds and other international financial instruments and mechanisms, based on an efficient system of consultation with CSOs,
- performance of other tasks related to strategic planning for creation of an enabling environment for the civil society development, Government and other strategic planning acts
- Cooperation with Croatian CSO representatives in the European Economic and Social Committee in formulating civil society standpoint at the EU level,
- Managing the nomination and selection of representatives of CSOs in commissions, advisory or working bodies at the request of the state administration bodies, government offices and other public authorities.

The Council establishes its permanent and temporary working groups and reports annually to the Government on its work.

Members of the Council (37 in total) are representatives from public authorities and civil society at large (CSOs, foundations, trade unions, employers' associations and national associations of local and regional self-government). Expert and administrative assistance to the Council is provided by the Government Office for Cooperation with NGOs.

Among the key strengths of this platform for cooperation is transparent and participatory election of CSO representatives – by CSOs themselves, through a democratic procedure based on the public calls for nominations and voting, enabling the participation of hundreds of CSOs (detailed information on votes and all supporting documentation are available on the internet). This procedure is an example of good practice in terms of transparency and legitimacy and has already been recognised in other countries (Montenegro, Macedonia, Albania, Kosovo).

Another strength of the Council is its record on promoting a culture of structured dialogue, building trust and mutual understanding through numerous regular sessions and other events organized. The activities of the Council, together with the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development, led to the adoption of a number of strategic and policy initiatives improving the enabling environment for CSOs, including criteria and procedures of public funding of CSOs, as well as standards of public consultations in policy making. However, the work of the Council also faces some challenges related to lack of political will, diverse civil society interests and other factors.⁶⁷

Prior to the 2015, public consultations in Croatia were guided by the Code of Practice of Public Consultations in Procedures of Adopting Laws, Other Regulations and Acts (related to appointing and training of consultation coordinators, ensuring regular and systematic training for civil servants, standardizing templates and practices of reporting and publishing annual reports on public consultations (coordinated by the Government Office for Cooperation with NGOs). Aiming to advance and harmonize citizens' participation in decision making, several legal changes were made. In 2012 **changes were made to the Rule of procedures of Government and Parliament** which introduced

⁶⁷ [Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France Report is Published - TÜSEV | Türkiye Üçüncü Sektör Vakfı \(tusev.org.tr\)](#)

mandatory preparation of reports on results of consultations on draft laws, other regulations and acts.⁶⁸ In 2013, **the Law on the Right of Access to Information** prescribed the obligation for all government bodies to conduct internet consultations (in principle for a duration of 30 days) and publish reports on results of consultations on their web pages, with overview of accepted and rejected inputs. Monitoring of compliance with the Law was strengthened by the independent Commissioner for Access to Information. In 2015, amendments to the Law on the Right of Access to Information laid down the use of central e-consultation platform as a legal obligation for all government bodies when launching new public policy consultations.

In 2013, **the Constitutional Court abolished two implementing acts** of the Ministry of Education due to non-compliance with public consultation standards, stressing in its Decision that: “... the democratic nature of the procedure under which takes place public dialogue on issues of common interest is what makes an act, as a result of these procedures, constitutionally acceptable or unacceptable”. This Decision had far-reaching impact at political decision-makers and contributed to raising awareness of the importance and values of meaningful public consultations and of institutional responsiveness in policy making processes.

These legal changes and decisions resulted in more serious approach by public institutions in the implementation of standards of public consultations comparing to the previous non-binding Code on practice of consultations.

Finally, in April 2015 a **Central Government e-consultation platform** (e-savjetovanja.gov.hr) was launched, as a single web access point to all (open and closed) public consultations initiated by state bodies (over 50 institutions). The platform is the biggest strength of the Croatian model of participatory decision making which **introduced important innovations such as:** open and permanent access to all received inputs from registered users and responses of government bodies; opportunities for open monitoring of the institutional responsiveness; email notifications of newly opened consultations; simple way of commenting on all draft laws, regulations and acts and user-friendly overview of the legal acts under consultation. Regular use of the Platform by a great number of public institutions and stakeholders requires significant human and financial resources. Therefore, it is assessed that the management of the Platform by the Croatian Government Office for Cooperation with NGOs contributes to better coordination, standardization of its use and better institutional responsiveness (numerous capacity building sessions were also organized for all public institutions using the platform.⁶⁹

All documents and inputs published at the e-consultations Platform are accessible to everyone. However, if users want to post a comment, they cannot do it anonymously – they need to register and submit their personal identification number. All contributions received from citizens, CSOs and other stakeholders are visible immediately online. The name of the contributors is visible next to their inputs. This proved to be efficient in preventing offensive content, encouraged more focused and constructive online policy dialogue, improved transparency of policy formulation process and contributed to empowering citizens and other groups to articulate and stand behind their positions in public debates, altogether strengthening a country’s democratic potential. It also serves as additional impetus for government officials to prepare quality response to received inputs, increases citizens trust in the process and their willingness for future participation, allows for an external assessment of the institutional performance and enables re-use of data for future purposes (i.e. research).⁷⁰ It also contain

⁶⁸ This reform was foreseen in the National Action Plan for implementing Open Government Partnership Initiative and was strongly advocated by some of the most prominent watchdog CSOs in Croatia

⁶⁹ [Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France Report is Published - TÜSEV | Türkiye Üçüncü Sektör Vakfı \(\[tusev.org.tr\]\(http://tusev.org.tr\)\)](#)

⁷⁰ [ibid](#)

links to the Croatian Open Data Portal⁷¹ as well as to the Central catalog of official documents of the Republic of Croatia (contains official documents - regulations, official gazettes, planning, programmatic, reporting, strategic, promotional and other documents on the work of public authorities or from the area of their jurisdiction).⁷²

At the end of 2023, a new legislative framework on better regulations policy instruments was established through the adoption of **the Law on Better Regulations Policy Instruments**, which entered into force on January 1, 2024. The new Law strengthens the developed standards in the public consultation process and improves the better regulations policy instruments: planning of legislative activities, regulatory impact assessment, evaluation of regulations and consultation with the public. In addition to the Law, the accompanying **Decree on the methodology and procedure for the implementation of policy instruments of better regulations** comprehensively regulates the above-mentioned stages in the process, together with the methodology, associated templit documents and administrative capacities for their implementation.⁷³ Furthermore, the Government issued new Guidelines for the implementation of better regulation policy instruments aimed to assist civil servants performing these tasks.⁷⁴

For the draft laws, consultation with the public is foreseen for a duration of 30 days (as prescribed by the Law on the Right to Access to Information). Exemptions from public consultation are specified based on the previous practice of public consultations, including judicial practice, and are enabled only for certain types of regulations which cannot be influenced due to their nature or reason for adoption.

The public body that conducted the consultation is obliged, after a reasonable time period, to publish report on the conducted consultation in the prescribed form, at the same place where the consultation was published. Every proposal and opinion received during the consultation process must be analyzed, and a written analysis of the submitted remarks is an integral part of the Report. Proposals and opinions can be accepted, partially accepted, not accepted or just be noted, with a mandatory appropriate explanation. The Report Form contains general information about the draft law, other regulation or act and an analysis of each proposal and opinion received in the consultation process. With the establishment of the e-Counseling portal, the preparation and publication of the report on the conducted consultations has been made easier, and all reports are published in the system itself, whereby users who have left a comment automatically receive notification about the published report. Reports are downloadable in excel format for general public. The users are able to like or dislike each comment and to order comments by newest to oldest, or for instance, to see the most popular comment first.

According to the Annual Report on the Implementation of Public Consultations for 2023⁷⁵, prepared on the basis of statistical data available through the "E-consultation" portal and data collected from the competent administrative bodies and state bodies on consultations with the interested public, a total of 822 consultations of administrative and state bodies were conducted via the e-Consultation portal, and 22 consultations were conducted by the Croatian National Bank via its website. The largest number of consultations was conducted by the Ministry of Agriculture (182), Ministry of Finance (92), Ministry of Justice and Administration (67) and Ministry of Science and Education (67).

In the same period, 6,445 individuals and legal entities participated in the consultations with their proposals and remarks, with a total of 19,991 comments (decrease compared to 2022, when 6,552 natural and legal persons participated, with a total of 23,503 comments received).

⁷¹ ([Portal otvorenih podataka](#))

⁷² [Središnji katalog službenih dokumenata RH](#)

⁷³ [Ured za zakonodavstvo - Instrumenti politike boljih propisa](#)

⁷⁴ [Ured za zakonodavstvo - Smjernice za provedbu instrumenata politike boljih propisa](#)

⁷⁵ [Godišnje izvješće o provedbi savjetovanja 2023.pdf \(gov.hr\)](#)

Of the 822 consultations conducted, 106 of them lasted 30 or more days, while the remaining 716 consultations were held in a shortened period, i.e. less than the prescribed 30 days. The system also notes that the average number of consultation days was 21 days, which represents an increase compared to the results from 2022, when the consultation lasted an average of 19 days.

As of May 2024, the e-Counseling portal is part of the services within the e-Citizens system. As a result of the "e-Consultation - expansion, superstructure and improvement of legislative processes of consultation with the public" project, the Portal has been customized to different types of devices, the interface has been modernized, and the system has been adapted for local and regional self-government units.

According to the Article 11. of the Freedom of Information Act, the process of information and consultation when adopting general acts of **local and regional self-government units and legal entities with public powers**, is similar to that of the state bodies except that they are not obliged to use the E-participation platform. They have the obligation to publish, on their respective webpages, the annual plan of normative activities and a consultation plan on draft laws and other regulations related to their field of work, the draft law and other regulation on which public consultation is carried out with the interested public (as a rule for a period of 30 days), with the publication of the reasons for the adoption and the objectives to be achieved through consultations.

According to the **Annual report of the Information commissioner for the 2023**⁷⁶, based on the data provided by public authorities (self assessment), a total of 6,919 consultations were conducted (12% more than in 2022). This was the largest number of consultations conducted in one year since the establishment of the reporting mechanism. As in the previous years, most consultations were conducted by local and regional authorities - 5,519 of them, demonstrating significant, continuous increase compared to 2022 and 2021, when 4,525 and 3,587 consultations were conducted at this level respectively). The average duration of the consultation was 23,8 days (increase compared to 23,1 days in 2022).

This data from local and regional self-government units are encouraging, since the implementation of the legal provision related to consultations were less followed by the local and regional level authorities in the past. Among educational efforts to promote stakeholder participation is the **Manual for public consultations for local and regional self-government units** published in the 2016 by the Croatian Information commissioner.⁷⁷

According to some research⁷⁸, in the area of citizen participation in decision-making processes, only a few cities in Croatia have developed in the past an interactive digital implementation of public consultation, including the possibility for citizens to decide online on the preparation of a city budget. In e-participation and openness of budgeting, the leading Croatian cities are Pula and Rijeka which developed an online format for e-advising citizens. Open budgeting includes Rijeka, and the capital Zagreb, as well as Sisak (smaller city), which have developed an interactive interface for budget planning and control.

During 2023, for the first time in Croatia, the City of Rijeka organized an innovative deliberative democracy method - Citizens' Assembly. The Assembly was established upon the proposal of the Mayor of Rijeka to address the question: "How can the City of Rijeka improve the system of community-level self-government and enhance citizen participation in the development of the local community?" As a result, 33 randomly selected citizens of different ages, genders, and places of

⁷⁶ [*Izvjesce-o-provedbi-ZPPI-za-2023.pdf \(pristupinfo.hr\)](#)

⁷⁷ [Korice-prirucnik-e-izdanje-4-str.indd \(pristupinfo.hr\)](#)

⁷⁸ Rivista Trimestrale di Scienza dell'Amministrazione – <http://www.rtsa.eu> – ISSN 0391-190X ISSNe 1972-4942

residence in Rijeka, handed over a citizens' report with 90 recommendations for improving local administration and citizen participation to the Mayor.

It can be concluded from the Croatian example that joint simulations efforts of public and civil sector, accompanied by political will, educational and other capacity building programs, together with clear and precise legal rules, while embracing the new technologies, contribute in the long run to the culture of mutual trust and transparent, inclusive and meaningful consultations with stakeholders in the process of decision making.

Slovakia

The cornerstone for the public participation in decision-making in Slovakia was the adoption of the **Free Access to Information Law** back in the 2000 which for the first time opened up the inter-ministerial review process to the general public.⁷⁹

Further development of democratic principles and practices in the country has led to Slovakia being today the second distinctive country in the OECD 2022 report with the second-best score of all surveyed EU countries related to the stakeholder engagement in developing primary laws, and the best score related to the stakeholder engagement in developing subordinate regulations⁸⁰.

According to the OECD reviews the administration in Slovakia uses both early-stage and late-stage consultations to engage with stakeholders. The systematic use of electronic public consultations through the government portal (Slov-Lex) accessible to the public as well as focus on early engagement with stakeholders, especially businesses, earned Slovakia a comparably high score regarding requirement for stakeholder engagement in developing both primary and secondary regulations in the OECD Indicators of Regulatory Quality

Slovakia differentiates between consultations with the general public and engagement with businesses, the later mostly taking place as part of the regulatory impact assessment process.

Regarding public consultations, a non-binding recommendation of the Government - ***the Rules of Public Involvement in Public Policy Making***⁸¹ were adopted in March 2014. It contained various approaches to public consultations in different stages of the decision-making process but its non-binding character had to be strengthened to ensure proper implementation.

Provisions and guidance regarding consultations with businesses are included in the ***Unified Methodology on Assessment of Selected Impacts*** as well as in the *SME Test* and in guidance published by the Secretariat of the RIA Commission on its website.⁸²

Provisions on (mostly late-stage) public consultations are included in the **Legislative Rules of the Government** and other materials that regulate participation in public policy-making, e. g. the *Methodology and institutional framework for the preparation, creation and implementation of central government bodies strategic documents*.

According to the **Act No. 400/2015 on the development of legal documents**, every ministry or a regulation-drafting agency is obliged to publish a notification (“preliminary information”) on the Slov-Lex portal on all prepared legislative drafts. In the preliminary information, the responsible authority should describe the main goals of the proposal, assess the existing status of the regulated area and inform users on the likely start of the consultation process on the legislative draft (at least 15 days prior to the consultations). Furthermore, some of the materials are available in languages of national minorities (e.g. Hungarian, German, Ukrainian or Roma). The preliminary information are also published on the

⁷⁹ Act No. 211/2000 Coll. on Free Access to Information and on amendments of certain acts

⁸⁰ [Better Regulation Practices across the European Union 2022 | OECD iLibrary \(oecd-ilibrary.org\)](https://oecd-ilibrary.org/better-regulation/better-regulation-practices-across-the-european-union-2022)

⁸¹ [Analýza a/alebo evaluácia štýrov](#)

⁸² [Interpretative opinions | Uniform methodology for assessing selected impacts | Business Environment | MHSR](#)

website of the Ministry of Economy which decides whether consultations with businesses should take place. In that case, MoE, in co-operation with the Better Regulation Centre of the Slovak Business Agency, forwards the information on the legislative draft to a list of businesses and associations which expressed interest in being informed on ongoing consultations. The list is open for any business/association willing to be engaged and is published on the Internet.

The Better Regulation Centre is a specialised analytical unit established within the Slovak Business Agency, created following the Initiative of the European Union on the promotion of small and medium enterprise (the Small Business Act). The mission of the Centre is the reduction of the disproportionate regulatory burden of businesses and an improvement in the business environment in Slovakia. The early-stage business stakeholder consultations should, according to the *Unified methodology*, take four weeks while a shorter period might be agreed on between the drafting institution and stakeholders.⁸³

The Interdepartmental Comments Procedure (Medzirezortné pripomienkové konanie) enables any interested party – including civil society organisations, individual citizens and other public bodies – to register and submit comments on proposed legislation, access comments made by other contributors, and assess which inputs were included in the legislation. Every governmental organisation must publish proposed legislation on the slov-lex.sk website. A minimum duration of at least 2 weeks for the procedure is established in the legislation, which can be shortened under circumstances specified by the law. Any interested stakeholder can comment through the online portal following compulsory registration.⁸⁴

The number of comments received through the portal varied significantly depending on the actual draft regulation and the portal was not used to the optimal extent by stakeholders due to low user-friendliness and a lack of awareness of the possibility to participate. The portal was therefore upgraded with a range of new features to increase its user-friendliness and improve stakeholder engagement (with tools to organise public consultation formats such as working groups, roundtables etc.) and allow for the RIA Commission to communicate throughout the process. User's manual and help desk are also available. The major investments in development of the platform were financed by the structural funds of the EU.⁸⁵

All comments are responded to, and the responses indicate whether they were accepted, partially accepted or rejected, along with a justification. The Portal also includes the possibility of a '**Collective Comment**' if a proposal is backed by at least 500 natural and/or legal persons. In this case, the relevant ministry or governmental organisation must consult with the group who made the proposal.⁸⁶

Strengthening public participation in policy making has been a Slovakia's commitment within its Open Government Action Plans, while the responsible oversight body is **Office of the Plenipotentiary of the Slovak Government for the Development of the Civil Society**.

To support implementation of the law, the Office of the Plenipotentiary of the Government for the Civil Society Development published in August 2020 guidance on involving stakeholders in the consultation process, with information on participation processes and related methodological materials to support engagement (Office of the Plenipotentiary of the Slovak Government for the Civil Society Development, 2020[8]).

⁸³ OECD 2020. *Regulatory Policy in the Slovak Republic Towards Future-Proof Regulation*, <https://doi.org/10.1787/19900481>

⁸⁴ OECD (2022), "Strengthening transparency and integrity in decision making in the Slovak Republic", in OECD Integrity Review of the Slovak Republic: Delivering Effective Public Integrity Policies, OECD Publishing, Paris. <https://doi.org/10.1787/a62bcd04-en>

⁸⁵ [\(PDF\) Enhancing law-making efficiency, public value or both: Case study of e-participation platform in Slovakia](#)

⁸⁶ OECD (2022), OECD Integrity Review of the Slovak Republic: Delivering Effective Public Integrity Policies, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/45bd4657-en>

Similar to Croatia, another platform for engagement outside stakeholders in the decision-making process in the government is **the Government Council for Non-Governmental Non-Profit Organisations (NGOs)**. This council consists of representatives of ministries and more than 30 NGOs and is chaired by the Plenipotentiary of the Slovak Government for the Development of Civil Society. One of the aims of the Council is “to contribute to the development of participative democracy in Slovakia” to make sure that government policies and regulations are “not only efficient, fair and democratic, but also adopted based on a wide consensus of the government and non-governmental sector and its implementation was controlled by the civil society”.⁸⁷ This platform was mostly used to discuss general policies, strategies or projects on co-operation with NGOs.

The consultation process is evaluated by the RIA Commission although more attention was paid to the formal aspects of the consultations, rather than their quality (e.g. completeness, representativeness etc.)

The Office of the Plenipotentiary of the Government for the Development of the Civil Society as the institution behind the *Rules of Public Involvement in Public Policy Making* has no sufficient competences to enforce a proper compliance with the *Rules*; that is within the competences of the Ministry of Justice and the Office of the Government of the Slovak Republic.

The Better Regulation Centre identifies regulations that might have negative impacts on the business environment in Slovakia, especially on SMEs and also co-organises, together with the Association of Young Entrepreneurs of Slovakia, an annual “Bureaucratic non-sense” (*byrokratický nezmysel*) award.⁸⁸ The Centre collects inputs from stakeholders to identify top ten most “absurd” regulations out of which every year one is selected and the award is published in the media. The Government successfully dealt with some of the awardees in the past.

While transparency and participation of the decision-making processes at the central Government level can be used to some extent as a source of inspiration for other countries, stakeholders participation at regional and local level in Slovak Republic are not that advanced, with some exceptions (e.g. city of Bratislava). However, the Office of the Plenipotentiary of the Government of the Slovak Republic for Civil Society Development is determined to enhance public engagement in decision-making at the local level by using innovative approaches such as the Citizen’s Assembly.⁸⁹

Spain

While Spain is among the countries that made substantive changes since 2017 and now lists all ongoing consultations on its centralised online platform which allows citizens to engage both before regulatory development starts and at the draft regulation stage⁹⁰, some initiatives from the local level, namely cities of Barcelona and Madrid are widely recognized and replicated as examples of best practices in online participatory-democracy.

Decidim Barcelona

Decidim platform (<https://decidim.org>) was developed as part of the EU funded D-CENT project (2013–2016), piloting the city of Barcelona together with Madrid, Helsinki and Reykjavik. Decidim was introduced by the Barcelona City Council in 2016 as an online participatory-democracy platform and an open-source initiative that enables various participative processes such as elections, budgeting, and policy development, alongside assemblies and consultations for decision-making and public discourse (decidim.barcelona).

⁸⁷ [Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations, Ministry of the Interior of the Slovak Republic - Plenipotentiary of the Government of the Slovak Republic for Civil Society Development](#)

⁸⁸ [Bureaucratic nonsense - lepsi zakony.sk](#)

⁸⁹ [The international conference BUILDING BRIDGES – ENHANCING PUBLIC ENGAGEMENT opened a discussion on connecting public administration and civil society, Ministry of the Interior of the Slovak Republic - Plenipotentiary of the Government of the Slovak Republic for Civil Society Development](#)

⁹⁰ Better regulation practices across the European union 2022 © OECD 2022: [89d0300b-en.pdf \(oecd-ilibrary.org\)](#)

The word Decidim is derived from the Catalan phrase meaning “we decide” so the platform reflects Spain’s vibrant civil society and democratic activism and represents a transformative approach to civic engagement through innovative digital means. It was created and adopted as a response to extensive protests by young people calling for greater direct democracy. It enabled the city’s population to actively engage in the formulation, debate, and execution of policies.

As a Free and Open Source Software, the platform is notable for its high potential for customisation and experimentation, and it continually evolves through innovation which are thoroughly tested and validated before made public.

The use of a flexible architecture enables developers to tailor or modify the standard functionalities, developing custom modules. It allows various entities like local governments, associations, and NGOs to set up participatory processes for strategic planning, elections, and more. Decidim is governed by a “social contract” that ensures the platform and its code remain open-source, transparent, and inclusive, while ensuring that all participation is traceable and data handling is ethical, reflecting the platform’s commitment to democratic values. This approach is recognised for effectively integrating community input into the municipal decision-making framework, enhancing the trustworthiness and legitimacy of municipal decisions by promoting extensive citizen involvement and deliberative processes, significantly bolstering the city’s governance processes (Peña-López [2017](#)).

In addition to a user-friendly interface and digital tools for democratic engagement, the Platform also integrates various participatory mechanisms and forms of civic engagement (physical meetings, assemblies, initiatives, and referendums).

Over a two-month period the platform has facilitated a comprehensive participatory process where almost 40 thousand citizens have actively contributed both online and through physical meetings to diverse types of public discussions. The process is structured to ensure broad community involvement around the following phases:

- **Context setting.** The city council outlines key areas and sectors for development, posting proposals on *Decidim.barcelona* for public consideration.
- **Public engagement.** Citizens are encouraged to support, debate, and amend these proposals or introduce new ones through the platform.
- **Deliberation and decision-making.** The city council reviews all contributions, considering factors such as the volume of support, the content of discussions, and the outcomes of face-to-face deliberations. Proposals that get significant community support are revised and integrated into the final plan.

The platform has been successfully implemented in Barcelona for several years and has expanded to hundreds of instances across the European Union, to various institutional contexts and local realities. Nowadays, Decidim has been adopted by over 450 democratic organisations (30 countries, 240 cities and govern organizations and 180 social organizations)⁹¹, evidencing its adaptability and effectiveness in encouraging civic participation.⁹²

Decide Madrid with Consul

⁹¹ [Decidim 2024 EuroCities Nil](#)

⁹² Design Thinking as a Strategic Approach to E-Participation From Current Barriers to Opportunities: [An Overview on E-Participation | SpringerLink](#)

Decide Madrid was introduced in 2015 by the Madrid City Council as part of a broader commitment by the coalition government of Ahora Madrid to enhance democratic engagement and decision-making transparency. The platform was strategically designed to address diverse citizen needs and preferences, being able to host different activities/participatory tools, while maintaining its user friendly interface and accessibility:

- **Debates** (e-forums, which can be initiated by citizens and by the city council).
- **Proposals** - for new policies or changes to existing ones (proposals with 1% of support can move to polling and voting).
- **Polls/Voting** for determining public opinion on various issues, giving the City Council insights into citizens' preferences and priorities. They can be open to all citizens or to specific districts.
- **Participatory budgeting** - Annually, citizens can directly state their preferences on the local budget allocation. The most voted for projects are then implemented by the City Council in the following year.
- **Collaborative legislation.** Legislative texts can be shared with the public to receive comments, and are colour-coded according to the sections they address to ease the identification of areas for improvement. Additionally, preliminary debates can be organised before drafting the texts, facilitating more informed legislative development.
- **Processes**, including the complex participatory processes, such as urban planning, complex regulatory reforms, or multi-stage participation projects.

Since its launch, Decide Madrid has registered significant user engagement, with hundreds of thousands of registered participants who have collectively proposed numerous initiatives, many of which have been successfully implemented. The platform has notably enhanced the transparency and accountability of the City Council but also extended its impact to more than 120 organisations across over 20 countries. The initiative received international recognition, winning the United Nations Public Service Award in 2018 for promoting democratic and inclusive governance.

The future of Decide Madrid likely involves further integration of artificial intelligence and machine learning to better analyse citizen feedback and predict future needs, enhancing the responsiveness of the City Council.

Despite their successes, both platforms in Barcelona and Madrid face challenges such as digital literacy, engagement consistency, and the digital divide, which can limit participation among certain demographic groups. To address these issues, the City Council of Madrid has implemented various information sessions, campaigns, workshops and education programs, and has worked to ensure the platform is accessible via multiple devices (also to those with disabilities).⁹³

Both presented examples of success stories in Barcelona and Madrid further emphasise robust ICT infrastructure as a critical success factor for modern civic engagement in decision making processes, in addition to strong political will and active civil society involvement.

Main findings, conclusions and recommendations

Main findings and conclusions

Central Public Authorities (CPA)

⁹³ *ibid*

It can be concluded that, although all the analyzed CPAs have the compartments dedicated to transparency in the decision-making process, not all of them respect the legal provisions regarding the categories of information that must be posted there. Based on the evaluation according to the criterion of presence of the requested data, none of the analyzed CPAs respected entirely the legal provisions of p. 14 of the Regulation adopted through GD no. 967/2016, although such institutions as first of all MIA, but also MF, MJ, are doing better than others in this respect.

At the same time, the structure of the transparency in decision-making compartments on the respective institutional websites does not reflect the legal provisions stipulated in p. 14 of the Regulation adopted through GD no. 967/2016. For instance, the transparency compartments of the MER have no subheadings, and documents of all categories and types regarding decision making transparency are posted under a single heading. Almost none of the analyzed CPAs do not have special subheadings for the notices regarding the withdrawal of a decision from public consultation, and none have special subheadings where the decisions should be published on the website. This makes the transparency compartment „less transparent” as it is very difficult for anyone to sort the information existing there, and to identify the necessary information.

In conclusion, the analysis on the CPAs allows us to pinpoint both positive and negative trends. On the positive side, we can emphasize that, in particular related to most basic obligations of the CPAs in terms of ensuring decision-making transparency, the situation has visibly improved from the one attested in other analyses published in the past. However, numerous deficiencies have still been identified.

The analysis revealed that all the examined CPAs have published a list of stakeholders with contact details, as required by GD no. 967/2016 (paragraphs 7 and 9) and Law no. 239/2008 (Article 9.1). This list is intended for distributing targeted information related to the decision-making process. However, based on the available data, it is not possible to determine whether these lists are updated quarterly, as stipulated by law, including updates for stakeholders who have specifically requested to be informed about the decision-making process.

Additionally, the data does not confirm whether all the analyzed CPAs send targeted information to the stakeholders on the published list. Similarly, it cannot be verified whether CPAs inform stakeholders who have made written requests to receive notifications about the decision-making process, as required under paragraph 9 of GD no. 967/2016. Furthermore, the available data does not indicate whether CPAs publicize notices about the initiation of the decision-making process through existing media or online tools.

Despite these gaps in the published information, focus group discussions with CPAs indicate that they claim to use media and online tools to disseminate both targeted and general information. However, these practices cannot be independently verified from the data currently available.

The analyzed CPAs are rather compliant with the p. 5 of the GD no. 967/2016 stipulating the compulsory publication of the draft decisions and related materials on particip.gov.md. However, the data published by the analyzed CPAs or the one reported to the SC, does not allow an assessment of the fulfillment of legal provisions stipulating the obligation of the authorities to publish on multiple sources, including to make it available physically at their respective premises or, upon request, by post.

Number of notices of public consultations (451) posted on <https://particip.gov.md> is lower than that reported (507) to the SC, but large variations are found only in isolated cases.

The analysis shows that not all of the analyzed CPAs respected in 2023 the obligations regarding the designation of a responsible person to deal with the processes related to information, participation,

and consultation in the decision-making process, and, similarly, not each of them have adopted their internal regulations, as the legal framework prescribes. However, the vast majority of them do.

Annex 2 to GD no. 967/2016 provides an entire regulation for the establishment and application of a unitary regulatory framework for the creation of the permanent consultative platform within the CPAs, it cannot be inferred from the aforementioned GD, or from Law no. 239/2008 that establishing such Platforms is a legal obligation of the CPAs. Nevertheless, it seems that this is regarded as an informal obligation of the CPAs, as the status of such platforms is reported by them to the State Chancellery.

The State Chancellery report on the CPA transparency reveals that, the methods whereby the “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) have been brought to the attention of the public includes targeted information, as well as publishing on their respective institutional website, and publication on particip.gov.md platform. According to data reported by all CPAs to the SC, only for 38% of the decisions submitted to public consultations, “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) have been published. Besides the remark that this data is unlikely to be accurate, it also reflects only the situation of adopted decisions, and it is not clear whether this figure represents also the recommendations received at the stage of publicizing the intention draft the decision and, from the formulation in the report, it seems certain that it does not reflect the number of recommendations received on those draft decisions that have not been adopted, for any reasons. Additionally, the law prescribes that both the recommendations, and their summaries (syntheses) be published (par. 12.4, Law no 239/2008), which is not reflected by the reported data.

The report highlights significant inconsistencies in the transparency reporting practices of CPAs. Only the Ministry of Internal Affairs (MIA) and the National Food Safety Agency (NFSA) include the total number of decisions taken in their transparency reports. In contrast, the other analyzed CPAs, for reasons that remain unclear, only report figures related to Governmental Decisions and provisions (hotărîri, dispoziții de guvern), parliamentary laws, and presidential decrees. Additionally, the majority of these reports are published without a date, with some even provided in editable formats such as *.docx files, making it impossible to determine their publication date and whether the legally mandated deadlines for publication were met.

The analysis further reveals that the legally prescribed structure for transparency reports submitted by CPAs to the SC captures only a limited subset of the legal obligations CPAs must adhere to in ensuring the transparency of decision-making processes. Although the State Chancellery uses a more detailed template for collecting transparency-related data from CPAs, this template also fails to encompass all legal requirements. Moreover, it does not provide links to data that substantiate the figures included in the reports, further undermining the credibility and accountability of the reporting process.

Local public authorities level II :

The evaluation report notes that from the annual reports on transparency in the decision-making process, it can be easily observed that only 3 district authorities (Briceni, Causeni, Basarabasca) out of the 6 analyzed have included for 2023 data on the number of announcements on the initiation of decision making, and the number of these is quite small (9, 2, 7).

From the 6 analyzed District Councils, it can be seen that the second level LPAs neglect this stage and do not post information about the initiation of the elaboration of decisions. On the official web pages, these initiation announcements are found only in 3 District Councils (Soroca, Straseneni and Basarabasca). Strășeni, Basarabasca, Soroca, for example, constantly update their web pages with details about the decision-making process. This practice ensures that citizens can easily access information about the initiation of decision making, draft decisions and participate in public

consultations. Vice versa is the situation on the District Council Nisporeni website, where there is no heading dedicated to decision-making transparency and subheadings respectively which makes it very difficult, sometimes impossible to find useful information for citizens, representatives of civil society and stakeholders and reduces the possibility to get involved in the decision-making process (not being respected p.14 of GD 967/2016 on the mechanism of public consultation with civil society in the decision-making process).

Only one district council (Basarabeasca) out of the 6 analyzed, in 2023, published complete information both in the reports on ensuring transparency in the decision-making process and on the webpage regarding the process of information on the initiation of decision making. Most of the time, tier II LPAs go directly to the next step - making the draft decision and its related materials available to stakeholders.

LPAs publish draft decisions on the official websites of local authorities, send them by e-mail to people on the list of interested parties, post them on social networks (for example, the Facebook page of the Soroca District Council is very often used to inform citizens about draft decisions and ask for feedback). Another way sometimes used by second level LPAs is to publish announcements in local mass media (e.g. this is how they do it: Strășeni, Soroca, etc).

Data from the six evaluated district public administrations reveal considerable inconsistencies in the rates of publication of draft decisions on their websites. For example, the Causeni District Council had 326 publications of decisions published on its webpage, while the Basarabeasca District Council had only 34. These data may reflect differences in local prioritization of transparency or allocation of resources for public engagement.

It is noted that although Law 239/2008 stipulates that draft decisions must be available at least 15 working days before finalization, with a minimum of 10 working days for public recommendations, many LPAs publish drafts only a few days before council meetings. This practice limits meaningful public involvement and input, weakening citizen engagement in the decision-making process.

District authorities use various consultation tools to facilitate citizens' involvement. Level II LPAs organize public hearings and discussions on important local issues such as budgets, infrastructure projects or changes in land use. These events are usually announced in advance through official websites and local media. Working groups also play a crucial role, inviting citizens and representatives of non-governmental organizations to collaborate on specific issues, such as environmental projects or social services. In recent years, some tier II LPAs, such as District Council Soroca, have also started to use digital platforms to broaden participation, especially in rural areas. However, traditional methods, such as information boards, remain predominant, which may limit the accessibility of wider segments of the communities to information and subsequently to participation in decision-making.

Some level II LPAs, such as the Strășeni and Soroca District Councils, are more proactive and citizens are more actively involved in the decision-making process. For example, in 2023, 278 citizens participated in Strășeni District Council during one year, in Briceni District Council - 270 citizens, while only 57 people participated in public hearings, debates in Basarabeasca District Council and 74 people participated in public consultations in Căușeni District Council. The Nisporeni District Council did not provide such data in the report on ensuring transparency in the decision-making process. This highlights the significant differences in the level of citizens' involvement and proactivity of level II LPAs in the decision-making process. The differences between districts indicate inequalities in how citizens perceive and access public participation processes. These disparities may reflect differences in communication, infrastructure, accessibility or local culture.

An effective public consultation process also involves LPAs directly identifying and notifying relevant stakeholders of draft decisions. However, only the Strășeni District Council has published detailed information about stakeholders on its website: moreover, a civil society representative who participated in the focus group and public consultations mentioned that requests to be included in the list of stakeholders were submitted and not all district administrations followed up on the request.

Other district administrations do not have constructive approaches to stakeholder identification and involvement, which limits the impact of consultation efforts.

Of the six District Councils assessed (Briceni, Soroca, Strășeni, Nisporeni, Căușeni, Basarabeasca), only two (Strășeni and Căușeni) reported in 2023 that they received and took into account recommendations from citizens, associations established in accordance with the law, other stakeholders in the consultation process of draft decisions. District Council Strășeni considered 1 recommendation from the media and 8 recommendations from advisory commissions, while Causeni included 14 recommendations from CSOs, 1 recommendation from a development partner, 3 recommendations from advisory commissions. It is noted that some district public administrations: (Briceni, Soroca and Basarabeasca) mentioned in the reports on ensuring transparency in the decision-making process that they did not receive any recommendations, and the authorities attributed this to lack of interest from stakeholders. However, we can mention that sometimes consultations are not organized and when they are, not enough efforts are made to ensure the participation of citizens and stakeholders in the process. It is also necessary to mention that many citizens remain uninformed and unaware of their rights to participate in the decision-making process or how to make their needs and opinions heard, and do not know how their wishes and recommendations can be conveyed, which leads to under-utilization of existing channels.

A key strategy to ensure stakeholder participation is to raise public awareness of their right to participate in the decision-making process. This involves using local media, such as radio, television and newspapers, to announce upcoming meetings and discuss agenda items. However, many LPAs under-utilize these media channels, limiting community awareness and reducing participation rates. Most announcements are made through official websites, social media platforms and billboards, which may not reach all citizens.

LPAs can increase stakeholder participation in public meetings through a combination of tools: effective communication, convenient scheduling, inclusive agenda setting, information sharing before the meeting, and feedback mechanisms after the meetings. While some district councils, such as Causeni, have implemented strategies to improve participation, many tier II LPAs still face challenges in reaching and fully engaging their communities. Addressing these shortcomings through wider use of local media, more accessible meeting times, and greater community involvement in agenda-setting will strengthen public engagement and foster a more transparent and participatory decision-making process.

The analysis of the six District Councils (Briceni, Soroca, Straseneni, Nisporeni, Causeni, Basarabeasca) reveals significant variations in the number of decisions. For example, in 2023, the Causeni District Council reported the highest number of decisions adopted (299), while the Basarabeasca District Council had the fewest (51) (according to the reports on ensuring transparency in the decision-making process for 2023). Moreover, there is inconsistency in publishing decisions on the official website: the Briceni District Council published 254 decisions, while the Nisporeni District Council had only 28 decisions accessible online. Moreover, in the register of local acts in the year 2023 in District Council Nisporeni there are 622 decisions while in the report on transparency only 153 decisions are indicated and only 28 decisions for the year 2023 could be found on the institutional page. District Council Soroca and District Council Basarabeasca do not have sections dedicated to decision publications, which hinders public access to these documents.

The websites of the district authorities vary widely in terms of transparency and accessibility, with some not having sections dedicated to the publication of decisions. For example, the RC Strășeni and District Council Basarabeasca have relatively accessible web pages, but in others, such as RC Soroca, citizens may have difficulties in finding relevant information (draft decisions, announcements of public consultations), thus limiting public access and involvement.

The six District Council analyzed (Briceni, Soroca, Straseneni, Nisporeni, Causeni, Basarabeasca) prepare and publish on the institutional website reports on transparency in decision-making. This

practice reflects a basic level of compliance with transparency requirements. These reports include data, figures, statistics and indicators achieved but do not emphasize the quality of the processes that have been carried out. However, the absence of robust monitoring, enforcement and accountability mechanisms limits the effectiveness of these transparency efforts.

Local public authorities level I :

The analysis of the web pages indicates that the majority of first level LPAs do not ensure transparency and participation in initiating the local decision making process. Very few LPA I, such as Balti (25 notices), Cupcini (115 notices) and Peresecina (3 notices) have published on their official web pages announcements on the initiation of the decision making process.

As a result of the analysis, there is a low level of transparency of the draft decisions of the LPAs of level I. In particular, only about 33% of the 15 LPAs of level I evaluated complied with the legal requirement to publish draft decisions on the official website (Ungheni, Balti, Telenesti, Donduşeni, Cupcini). On the other hand, 60% of the assessed LPAs did not publish any draft decisions during 2023 (Făleşti, Otaci, Talmază, Zaim, Gura Galbenei, Basarabasca, etc). Cimisliia partially complied with the legal requirements on the transparency of draft decisions during 2023 (3), given the much lower number of decisions compared to the number of decisions published in the State Register of Local Acts (99 decisions).

Data analysis available on <https://particip.gov.md> shows that in total, during 2023, only 147 normative acts were made available to the public by LPAs. Therefore, even if all LPAs are registered in the portal, they do not use the portal for the purpose of public consultation of draft decisions. The only LPA that published draft normative acts on the portal <https://particip.gov.md> is [mun. Balti](#). Given that the Particip portal is in the process of being updated and developed in order to solve technical problems, all accounts (credentials) of public authorities in the portal will be updated accordingly in the campaign to be launched by the SC.

The report highlights the confusion that persists among LPAs, which often confuse the publication of a draft decision on the website with public consultation of the draft decision with citizens and ensuring their participation in the decision-making process. In particular, some LPAs incorrectly consider that, once they have published the draft decision on the website, they have also ensured a broad public consultation. However, during the focus group, some LPA representatives emphasized that the website is not the only tool used to ensure transparency and participation in the decision-making process. In an attempt to actively involve citizens and stakeholders, LPAs mentioned that they use more effective methods and tools: social networks, newspapers in the local press, information boards (classic and led type) placed at the premises; sectoral meetings with citizens in the community; presentation of draft decisions in other community events among others.

The report reveals that none of the assessed Level I LPAs have created permanent working groups in 2023 as an effective method of public consultation with stakeholders. The only such practice identified is in the municipality of Balti. As mentioned in the Annual Report on Transparency in Decision-Making, in 2023, Balti municipality created 3 ad-hoc working groups to discuss draft decisions. However, there is no permanent working group with civil society and other stakeholders.

The analysis of the recommendations received and those taken into account by the authorities shows a very limited level of participation in the decision-making process at local level. As indicated in the chapter on LPA level I, only in 3 cases (Balti, Donduşeni and Ungheni) there were recommendations received from citizens and other stakeholders (civil society organizations, associations, business environment). In all other cases, we found a lack of data when analyzing the websites and annual reports on transparency in decision-making, if available. These findings are a strong indicator of the lack of active involvement in the decision-making process, which can be explained by the lack of transparency and the way/channels used by LPAs for publishing and consulting draft decisions. As regards the perception of LPAs, during the focus groups, LPA representatives mentioned that the spirit

of civic initiative at local level is rather low; citizens usually turn to the authorities when they face a concrete problem.

The comparative analysis of published draft decisions and adopted decisions and provisions published in the State Register of Local Acts reveals large discrepancies between the number of draft decisions published for consultation and the number of adopted decisions. This analysis allows us to conclude that for a large number of decisions/dispositions, the legal requirements for transparency in the decision-making process are not respected by LPAs.

The analysis of 14 web pages of the LPAs of level I that have web pages (with the exception of Criuleni, which does not have a functional web page) shows that only 3 LPAs out of 15 LPAs complied in 2023 with the legal requirement on the mandatory publication of the Annual Report on Transparency in the Decision-Making Process ([Balti](#), [Donduşeni](#), [Ungheni](#)). All reports that have been made available to the public comply with the legal requirements on the content set out in GD No. 967/2016, p. 41.

Despite the fact that the new Law no. 148/2023 brings more clarity on public data, focus group participants (mainly secretaries of local councils responsible for transparency in decision-making) emphasize the confusion between public data and personal data, which respectively has negative effects on decision-making transparency, especially at local level (publication of decisions/dispositions in RSAL with the blurring of public data actually invoking personal data).

Findings based on the survey on citizens' perception of transparency in decision-making at central and local level

Understanding citizens' perceptions of transparency in decision-making is essential. The survey provides information on citizens' perceptions of transparency at three levels of government: central public authorities (CPA), first-tier local public authorities (LPA I) and second-tier local public authorities (LPA II). The findings reveal:

- a general dissatisfaction with the transparency of decision-making processes at all levels of public authority, with a particularly low rating for LPA level I. There is a notable tendency for respondents to consider that transparency is lacking, with a significant proportion of respondents unsure about the degree of transparency, especially LPA level II.
- Limited public awareness of involvement in decision-making. People feel only 'little informed' or 'not informed at all' about decisions taken by the authorities. This suggests possible gaps in communication and transparency, particularly at LPA level II, where the lack of information is most pronounced.
- a strong tendency for citizens to disengage with public authorities, especially with regard to requests for information, especially at the levels of Government/CPA and LPA II. Engagement is slightly higher at the LPA I level, indicating that people may feel more inclined to access information from local level authorities. The low frequency of access suggests potential barriers to accessing information or a lack of awareness about the availability and importance of public information. Among those who did request information, the success rate in obtaining it was low, suggesting potential barriers to consistent access.
- a widespread perception of inadequate involvement of citizens in decision-making processes at all levels. The prevalence of 'seldom' and 'not at all' responses highlights the perception of a disconnect between authorities and citizens, with rare opportunities for active involvement. Uncertainty among respondents also points to possible gaps in communication or transparency in terms of participation channels.
- a strong consensus that the main barriers to transparency in decision-making in the Republic of Moldova are the lack of digital tools, insufficiently trained or knowledgeable staff and lack of financial and technical resources. Among other causes citizens mentioned the following: corruption, frequent change of leadership, non-involvement/passivity of citizens, human factor, indifference, lack of

internet access, lack of willingness to work, etc.

Following the analysis and findings the following **recommendations** are proposed:

Recommendations for the legal and regulatory framework:

The legal-normative framework, as it currently stands, is poorly organized: provisions related to same stages/issues of procedures in place to ensure transparency in decision-making process are scattered in various chapters throughout normative acts, which results in contradictions between themselves and lack of coherence.

1. Standardization and unification of the provisions on the stages of ensuring transparency of the decision-making process in Law No. 239/2008 and GD No. 967/2016. For example, all requirements regarding the notice of intent should be published in one place in the law/Government Decision in a consistent manner, avoiding duplication. Likewise, all legal requirements concerning the notice on the organization of public consultations and how it is published; the same reasoning should also apply to the requirements on recommendations and how they are brought to the public's attention, or provisions on decisions and how they are published, so that they are in one section in a delimited manner, avoiding gaps and overlaps.
2. The normative framework does not currently stipulate the obligation that the information on the organization (or non-organization) of the decision-making sessions should be posted in the dedicated transparency in decision-making compartments. It is recommended to adopt such legal provisions.
3. Update the legal framework to clarify how information of public interest is made available to the public via the website and provided upon request. The general requirement of accessibility of information should also be mentioned in the regulatory framework on transparency of decision-making. In addition, the legal framework should contain clear provisions on the accepted open data formats and how the open data format should be respected by public authorities.
4. Review and clarify legal provisions that may be interpreted in an ambiguous manner with regard to the obligation to conduct public consultations. In particular, Article 3(4) of Law No. 239/2008 which provides that "Public authorities shall consult citizens, associations established in accordance with the law, other interested parties on draft regulatory, administrative acts that *may have* a social, economic, environmental (lifestyle and human rights, culture, health and social protection, local communities, public services) impact." This legal rule is ambiguous because, under it and depending on the existing political discretion, interests and circumstances, many draft decisions could be interpreted as not having such an impact as described in the article.
5. Revision of Article 7(1)(e) of Law 239/2008, which states that public authorities "are obliged, *where appropriate*, to take the necessary measures to ensure opportunities for participation of citizens, associations established in accordance with the law and other interested parties in the decision-making process, *including by consulting* the opinions of all parties concerned by the examination of draft decisions". This rule is ambiguous and entails risks of misinterpretation and misapplication by public authorities.
6. Clarification of the meaning of the term "draft decision" in Law No 239/2008 by supplementing Article 2 of the Law. For example, Article 12(2) of the Law stipulates that "the deadline for submitting recommendations *on draft decisions* shall be at least 10 working days from the date of publication of the decision initiating the procedure or from the date of the announcement in the mass media on the organization of public consultations". However, the announcements on the initiation of the decision do not contain the draft decisions themselves, but only the announcement of the intention to prepare the draft decisions, therefore, at that stage no recommendations can be made directly on the draft, as it does not yet exist.

7. Clarification in the legislation of the difference between publication of a draft decision on the website and the public consultation of the draft decision with stakeholders. In the absence of this clarity, in the case of some public authorities, there is confusion (confirmed in the focus groups) that once the draft decision has been published on the website, it has also been publicly consulted with stakeholders. It is considered relevant to bring more regulatory clarity on these issues, in particular: (i) information by publication; (ii) online consultation; (iii) organization and conduct of the offline consultation meeting; (iv) other forms of public consultation.
8. Explicit provision in the legislation for the manner in which the authority is obliged to publish notices of initiation and public consultation of decisions as well as optional arrangements (e.g. mandatory on the institutional website and portal <https://particip.gov.md>. Currently, the legal framework is scattered and contradictory in this respect, as it provides for too many different ways of publication, leaving it to the authorities to choose which one to use. Moreover, it would follow from some normative provisions that all of the publication modalities listed in the corresponding articles and paragraphs of the legal framework would be mandatory, while from others it could follow that only some of them are mandatory (e.g.: para. 11 of GD no. 967/2016 vs. art. 9 para. (1) and Art. 10 of Law no. 239/2008).
9. Review and clarify legal provisions on the implementation of targeted and general information obligations that are contradictory. Thus, although both are described as mandatory in some provisions, other provisions (Article 9(1) of Law 239/2008) can easily be interpreted as allowing authorities to choose only one of the two.
10. Review and clarify the legal framework in terms of ensuring the functionality of the consultative platform as a legal obligation of the CPAs, which does not seem to be the case at present (GD 967/2016, para 23). It is recommended to identify mechanisms to ensure that the CPAs publishes the composition and minutes of platform meetings and that these are published in the Transparency section, in a dedicated sub-compartment.
11. Exclusion of legal provisions requiring the CPAs to publish the physical postal address of the persons designated to coordinate public consultations on a project (point 18 of GD 967/2016).

Recommendations for public authorities - CPA and LPA level I and II:

1. Identify mechanisms to ensure that all public authorities report figures reflecting the total number of decisions adopted for the year (including ministerial/institutional orders and administrative acts). In order to ensure the provision of comprehensive data, this data should be collected automatically. One solution would be to publish these documents on <https://particip.gov.md> in the same way as government acts.
2. Undertake actions to identify mechanisms to ensure that all public authorities publish all their decisions (including ministerial/institutional orders and normative and administrative acts) and provisions on the transparency sections of the website. At present, Article 15 of Law 239/2008, although specifying the obligation to publish such decisions, is imprecise as regards the manner of publication. In case the recommendation to establish by law the obligation to publish decisions (including normative acts) in the transparency compartments is accepted, then paragraph 33 of GD 967/2016 should be excluded.
3. If the obligation to compile decision dossiers is kept as a legal provision, then it is recommended to specify that such dossiers should be published in the transparency compartments of the institution websites, as the legal-normative framework currently only states that the dossier „related to the elaboration of the draft decision shall be accessible to all citizens, associations established in accordance with the law, other interested parties”. Currently, only in the case two of the analyzed CPAs it can be said that the provisions regarding the content of the dossier are partially respected.

4. Identify mechanisms to ensure the compliance by the CPAs with the legally stipulated deadlines of 10 working (not regular) days for submitting recommendations after publishing the notice of intention (if the stage is kept) and the notice on the organization of publish consultation, as the majority of the CPAs allowed for 10 (or even fewer) regular days in 2023.

5. Analyzing the profile of citizens in local communities (LPA I and LPA II) and deciding on the best way to involve citizens in the decision-making process (e.g. general assemblies, public consultations, assemblies by sectors, assemblies in schools, kindergartens, etc.)⁹⁴

6. Examining the possibility of introducing at local level local transparency and participation formats modeled on existing positive examples that stimulate transparency and participation (e.g. Local Transparency Councils, District Participation Councils, Seniors Groups, Local Youth Councils, etc.) The formats may be different for LPA 1 and LPA 2, depending on the models currently operating.

7. Use and continuously update the list of stakeholders and specific information techniques only for inviting stakeholders to physical or online consultation meetings.

8. Identify mechanisms to ensure the enforcement of the legal obligation set out in Art. 17 (6) of [LP436/2006](#) publication of the minutes of the council meeting on the official website of the LPA.

9. Analyse and remediate of situations in which LPAs limit the participation of persons with filming devices by invoking Art. 17 (7) of the [LP436/2006](#) which states that local council meetings may be broadcast live on national and local public radio and television stations, other media channels, on social networks or on the official website of the local public authority by distributors or media service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code, Law No. 133/2011 on the protection of personal data and Law No. 239/2008 on transparency in the decision-making process .⁹⁵

10. Development and implementation of a mechanism to record and control requests for information at the level of public authorities, to ensure that responses are provided to information seekers .⁹⁶

11. Informing the participants in the public consultations by email about the results of the public consultation process (final approval of the consulted document, accepted proposals, etc.).

Recommendations to improve the portal <https://particip.gov.md>:

1. Undertake the necessary actions to implement the obligation (paragraph 15, point 15 of GD no. 728/2023) of the CPA to incorporate in the webpage the module <https://particip.gov.md>. This is already being done by some CPAs, which allows them to reduce their workload by posting mandatory information on the portal <https://particip.gov.md> portal, which by default also means automatic publication on the official website. This is important in view of the fact that notices, draft decisions, related documents, summaries of recommendations are mandatory to be published on the official website. Identify the best ways, reflecting the legal requirements of the transparency compartments, to integrate the <https://particip.gov.md> on institutional websites should be considered as a priority due to the possibility of developing automated solutions.
2. Establish the obligation to use the correct tagging of "document types" on the <https://particip.gov.md> portal, due to the fact that some authorities do not tag documents, which makes it difficult to find the necessary information.

⁹⁴ Recommendation received in public consultations with which the experts agree.

⁹⁵ Recommendation received in public consultation.

⁹⁶ Recommendation received in public consultation

3. A simplified User's Guide to the portal should be developed.
4. Develop a functionality on particip.gov.md whereby the “path” of a single decision could be tracked from the very first stage of the process (i.e. the notice of initiation, if this stage is kept) to the adoption and publication of decision, or the withdrawal from public consultations. This seems easily feasible through the implementation of a special tag, that should be unique for each single decision. This functionality would automatically solve the problem of the implementation of the obligation, by each authority, to compile a dossier for each decision, and which is currently not implemented by most of the analyzed CPAs. If the functionality is implemented, and its employment is stipulated as an obligation for the CPAs, the obligation to draft dossiers can be scrapped (for CPAs).
5. Mandatory posting on the portal <https://particip.gov.md> the date of publication of documents concerning a draft decision. Currently, such information is not available, which makes it impossible to assess compliance with the legal publication deadline (including the date of publication of the summary of recommendations).
6. Make sure that the categories, filters, and stages by which the draft decisions are tagged and searched for, correspond to the provisions of the legal-normative framework in the field of transparency (i.e. Law 239/2008 and Government Decision 967/2016). For instance, right now there is currently no category for 'adopted decisions' as a document type, although the publication of decisions is obligatory according to the law. Another example: as of today, on particip.gov.md, the public consultation is put in the same category with the endorsement and expertise (consultare/avizare/expertizare), therefore it is not clear why are some projects placed in that section: for endorsement, expertise, or for consultation? This situation also affects the statistical analysis possibilities.
7. Intensive and large-scale promotion of the portal <https://particip.gov.md> (through advertising spots, TV commercials, social media) as citizens are not aware of the portal and do not get involved. The portal should have a simple structure, intuitive to use and functional search filters allowing citizens to easily access information⁹⁷.
8. Explore the possibility of encouraging stakeholders to submit recommendations mainly on <https://particip.gov.md>, as a way of streamlining and centralizing all essential information related to public consultations and, in addition, because <https://particip.gov.md> already provides such functionality which could be further improved.
9. Integration of the Parliament's decision-making process into the <https://particip.gov.md> platform (E-parliament or E-legislature components could be integrated). A unique identification number is important.
10. In the context of the incorporation <https://particip.gov.md> on the pages of the CPA, it is necessary to find a legal solution to "determine" the LPAs to incorporate the module on their institutional web pages.

Recommendations for CS:

1. Develop and present proposals on how to update the lists of stakeholders in the public consultation process.
2. Make efforts to ensure that authorities organize the decision-making transparency compartments into sub-categories reflecting the legal requirements as regards the content of the respective compartments.
3. It is recommended that a mechanism is devised to ensure that the the notices on decisions to be adopted as a matter of urgency be published as, even according to CPA reporting, most if not all of them currently are not being published. It is recommended to stipulate the obligation

⁹⁷ Expert opinion and recommendations from participants in the public consultations.

to publish such notices in the transparency compartments, as, in this respect, the legal provisions are once again too imprecise (art. 14, Law no. 239/2008).

4. Proactively ensure throughout the year that CPAs fulfill their legal obligations regarding transparency in decision-making. The annual reports on transparency in decision-making of CPAs and LPAs are published with numerous errors, as noted by the SC, which makes these data inaccurate and difficult to use, analyze and compare. To ensure the accuracy of the data and its collection throughout the year, the process should be automated, in particular through the portal <https://particip.gov.md> which should become the main source of information on ensuring the transparency of the authorities' decision-making process.
5. It is recommended that the State Chancellery puts forward a new report template that reflects all the legal provisions of the Law no. 239/2008 and Government Decision 967/2016 in the area of decision-making transparency that are not found neither in the current legally-outlined structure, nor in the template employed by the State Chancellery for 2023. The new template report should request mandatory links to all figures/data that are to be inserted in the report, in order to serve as proof. The outline of the new template should be made legally mandatory.
6. Verification of the authenticity, integrity and accuracy of the data and information presented in the annual reports on transparency in CPA decision-making. Data collection on the portal <http://particip.gov.md> could ensure both accuracy and availability of data, disaggregated by authorities, categories of acts, stages of legislation, etc. if the transparency reports are generated automatically based on available date.
7. It is recommended to establish a mechanism (perhaps through the consultative platforms functioning at CPA level, and in which CSOs are also present), to decide (in a transparent manner, with the publication in the transparency compartment of the institutional website of the relevant minutes, documents, etc) based on the evaluation of the impact according to art 3 of the Law 239/2008, for which internal administrative and normative acts of the respective authorities (ordine și dispoziții), should public consultations be conducted.
8. Identify mechanisms to ensure compliance by authorities with the legal provisions on the content/structure of the notices of initiation of a decision-making process and the organization of consultations, as half of the CPAs surveyed do not currently follow this structure.
9. Identify mechanisms to ensure that the CPA complies with point 13 of GD no. 967/2016 on the mechanism for public consultation with civil society in the decision-making process, namely that the information to the public on the intention to draft the decision is made public at least 15 working days before the consultation of the draft decision by the authorized subdivision of the public authority, as currently half of them do not do so.
10. It is recommended to identify mechanisms to ensure that the CPAs respect the legal provision related to the content of the notice on the organization public consultations, especially regarding the announcement of the specific modalities of conducting public consultations to be employed, and regarding the publication of the manner in which interested parties may submit or send recommendations.
11. Develop a mechanism to ensure that all CPAs comply with the legal obligations to designate a responsible person (and not institutional departments or directorates) to deal with processes related to information, participation and consultation in decision-making.
12. Establish a mechanism to ensure that public authorities adopt and publish internal regulations on public consultations as required by the legal framework.
13. Devise mechanism to ensure the publication on <https://particip.gov.md> of the results of the public consultation on the draft decisions.

14. Develop mechanisms to ensure that the minutes of the public consultations are published on the transparency compartments of the websites. Although all CPAs and some LPAs reported on the conduct of public meetings and debates, none of them published any minutes.
15. Develop mechanisms to ensure that the CPAs publishes, in the dedicated transparency compartments, both the recommendations received and their summaries, including for decisions not adopted. However, the publication of summaries of recommendations could be sufficient if such summaries would contain the recommendations themselves unchanged.
16. Identify a mechanism to ensure the publication of recommendations received also during the stage of the publication of the notice of intent to initiate a decision, as no such recommendations (or lack thereof) have been reported by the CPAs, or could be identified in the course of this analysis.
17. Revising the interpretation of the transparency provisions in paragraph 3.5 of the Law stating that „ „the provisions of this law shall not apply... in the process of holding operational meetings convened by the heads of the respective public authorities”. It is unclear what, from a legal perspective, „an operational meeting” is, as for instance, no such definition of meetings is included in the Regulation of the Government - GD 610/2018).
18. Introduce a special article in the Contravention Code to address violations against the provisions of Law 239/2008 and GD 967/2016 and provide that the SC is responsible for continuous and proactive compliance checking.
19. Strengthening the capacities of the persons responsible for transparency in decision making within the CPAs and LPAs of level I and level II by initiating and running regular training programs (both online and offline).
20. It is recommended for the Government to launch a yearly grant program for civil society organizations and journalists focused specifically on the continuous monitoring of the implementation of the legislation in decision-making transparencies by CPAs and LPAs. The findings in resulting from such a program should serve as a basis for perfecting the functioning transparency framework and for applying contraventional fines and disciplinary actions in cases of breaches against legislation.

Recommendations for the Government and LPAs based on the survey on citizens' perception of transparency in decision-making at central and local level

1. Improving communication strategies and increasing the accessibility of information on decisions that can enhance public understanding and involvement.
2. Raising public awareness and facilitating access to information and its relevance to citizens' needs could encourage more proactive collaboration with public authorities. There is a need to involve civil society organizations in educating the participatory spirit and increasing the capacity of CSOs to participate in decision-making.
3. Increasing efforts to improve transparency and make decision-making processes more visible and accessible to the public, which will encourage citizens to interact more and service satisfaction will increase.
4. Raising public awareness and promoting opportunities for citizen involvement. Promoting active opportunities for citizens to get involved in governance processes can bridge the gap between the authorities and the public. Participants in the public consultations concluded that citizens lack the participatory culture and the necessary training to get involved in the decision-making process and the recommendation is to work intensively with citizens, with a focus on the younger generation to educate civic spirit in school children, youth.
5. Investing in technology, improving staff training and raising awareness among officials and citizens can remove identified barriers to transparency and engagement.

6. The survey showed a strong consensus on several approaches to increasing transparency and citizen engagement, with an emphasis on accessible information, open forums for discussion and direct involvement in community projects. Respondents also recommended the use of mass media (television and radio), with a focus on local development and budgeting, increasing salaries and addressing misinformation, etc. These results suggest that citizens favor transparent communication and regular and structured opportunities to participate in decision-making. Implementing these suggestions could significantly improve the transparency and inclusiveness of public governance.

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Annexes

Annex 1. Questions for omnibus

1. How informed do you feel about the decisions made by public authorities?

Government / CPA	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer
LPA I level	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer
LPA II level	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer

2. How many times in the last 3 years have you accessed or requested information from a public authority?

Government / CPA	never	once	a few times	I don't know / no answer
LPA I level	never	once	a few times	I don't know / no answer
LPA II level	never	once	a few times	I don't know / no answer

3. Have you obtained access to the requested information from public authority?

Government / CPA	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer
LPA I level	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer
LPA II level	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer

4. How do you assess the transparency of the decision-making process of public authority?

Government / CPA	Very high	Quite high	Low	Very low	Don't know / no answer
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LPA I level	Very high	Quite high	Low	Very low	Don't know / no answer
LPA II level	Very high	Quite high	Low	Very low	Don't know / no answer

5. How frequently do you consider that citizens are involved in the decision-making process?

Government / CPA	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer
LPA I level	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer
LPA II level	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer

6. What do you consider to be the main challenges for ensuring decision-making transparency in the Republic of Moldova?

- Insufficient staff who are not equipped with the knowledge and skills to ensure transparency in the decision-making process and communication with citizens;
- Lack of awareness by authorities and public officials of the importance and necessity of transparency within public authorities
- Lack of resources (financial, technical, etc.);
- Lack of digital tools to facilitate the process of ensuring transparency
- Other

7. How can transparency and citizen participation in the decision-making process be improved?

- Publishing and updating information in an accessible and understandable format for all
- Establishing permanent consultative councils/platforms with civil society
- Organizing hearings, public debates with the participation of civil society
- Organizing visits of specialized services to citizens' homes
- Involving citizens in community development projects to stimulate participation in the decision-making process
- Implementing mechanisms for direct citizen involvement in the decision-making process, such as participatory budgeting
- Establishing audience programs for communication with citizens, appeals and complaints
- Implementing personalized tools for citizens to engage in dialogue with public officials
- Creating specially designed places in neighborhoods for proposals, complaints and petitions
- Inviting citizens, through online posts, to LPA meetings/activities/events

QUESTIONNAIRE

Focus group with representatives of local and central public authorities, CSO on ensuring transparency in the decision-making process

The focus groups were organized in order to evaluate the current situation regarding transparency in the decision-making process. Representatives of public authorities and CSOs were invited to assess the quality of the legal framework and the extent to which it reflects the realities and capacities/resources of the CPA/LPA; the extent to which transparency is ensured in the decision-making process at the local / central level, the methods / tools / platforms of communication and collaboration used by the authorities (including the establishment / operation of permanent consultative platforms at the central level), the challenges of the active involvement of citizens in the decision-making process, but and recommendations for improving the legal framework and streamlining the public consultation process.

Date: Octombrie 17, 2024, online prin platforma Zoom

Participants: CPA, LPA, CSO

The discussions were centered around the following questions:

1. How familiar are you with the legal framework regarding transparency in the decision-making process and the obligations of public authorities in this regard?
2. How do you assess the legal framework aimed at ensuring transparency in the decision-making process (in terms of simplicity, relevance, coherence, practical application)? Do you believe there are unclear, contradictory, or outdated legal norms? If so, which ones are they?
3. How necessary do you consider the stage of announcing the intention to develop a draft decision, given that legislation requires the inclusion of such projects in annual and/or quarterly programs/plans, specifying the projects that must undergo public consultation? How do citizens react to these announcements (do you receive recommendations)?
4. Through what methods/tools do you inform the public about announcements regarding the consultation of draft normative acts (draft decisions and related materials) or the results of public consultations (summary of recommendations, etc.), organization of public meetings, etc. (e.g., website, participation portal, informational bulletin board, social media, organizing meetings with citizens, other methods)? From your experience, which of these have been the most effective?
5. For those who use the particip.gov.md portal, what challenges and difficulties have you encountered when publishing draft decisions?
6. How frequently and through what methods have you organized public consultations on draft normative acts with the participation of all stakeholders (citizens, civil associations, businesses, etc.)?
7. For approximately what percentage of draft normative acts, administrative (ministerial orders/dispositions, etc.) that may have social or economic impact, did you organize public consultations in 2023? How do you decide which and how many of these acts to hold public consultations for?
8. Does your public authority have established permanent consultation mechanisms with stakeholders, such as permanent advisory platforms whose members are involved in all consultation processes within the authority?
9. Did your institution ensure access to meetings in 2023 and publish the announcement for their conduct according to Article 13 of Law 239/2008?

10. How frequently and actively do civil society organizations, citizens, and other stakeholders engage in the decision-making process, including through concrete recommendations on draft decisions?
11. At the conclusion of consultations, do you ensure the preparation of decision project files and their publication on the website in accordance with the law?
12. Through what methods do you inform the public about the decisions made, including those regarding the projects subject to consultations?
13. What are the biggest challenges for the authority in ensuring transparency in the decision-making process and organizing public consultations?
14. What are your proposals for improving and simplifying the legal framework regarding transparency?
15. Are you familiar with the provisions of Law 148 of 2023 regarding access to public interest information? Do you apply it, and what aspects do you consider useful or unclear, or less applicable?