

# EU – Moldova negotiations

What is to be discussed, what could be achieved?











On the economic side, the EU is ready to offer Moldova a new Deep and Comprehensive Free Trade Area agreement which may further consolidate the integration of Moldova in the European economic zone, the country already having the most EU-oriented economy in the Eastern Partnership group. Still, the economic talks are in an embryonic phase and Commission's DG Trade is expected to draft the preliminary conditions in the next period.

#### **D) Visas-free regime for Moldova's citizens**

The visas regime is a highly sensitive ~~XXXXXXXXXXXX~~ Romania's EU accession in 2007, the sentiment of isolation was exacerbated. The visas requirements have dramatic effects in a country that has 30% of its work force abroad. Fully aware of the difficulty to obtain a clear membership perspective from the EU, the new government is justly making a priority out of the lifting of the visas and expects the EU to make a good willing gesture on this issue. Unlike Ukraine and Russia which expected concrete promises before engaging in the technical reforms demanded for lifting of the visas, Moldova government adopted a pro-active position. It is emulating the measures implemented by the Western Balkans countries in the road maps that led the EU to lift their visas. This 'preemptive implementation' (Litra, 2010) strategy changes the traditional stick and carrot style in which the EU was dealing with its Eastern neighbors, showing Moldovan authorities' enthusiasm in engaging EU at even a faster pace than the Union is ready to deal with.

The real dilemma for the EU is not if the Moldovan government is willing to reform its country but rather if its political will be matched by its administrative capacity and long-term efforts. The visas regimes is a showcase of this new kind of relation and it may be just a beginning for the larger aspects included in the Association Agreement (AA).

~~XXXXXXXXXXXX~~ related to the visa liberalization dialogue with the European Union without an explicit EU requirement. Concurrently, we will recommend further such measures. The assumption is to overcome all possible technical pretexts from Brussels and to create the conditions for EU to provide a road map for Moldova with a clear and foreseeable no-visas outcome. A positive sign came out after the March EU Foreign Affairs Council, which raised the possibility to offer Ukraine a road map towards a visa-free regime and to launch a visa dialogue with Moldova.

#### **What is Moldova expecting?**

The Moldovan government started negotiations with high expectation but slowly realized that the EU is willing to offer it significant assistance but no political promises. The general feeling in Chisinau that 2009 represented a rupture with the past and a new path was not matched by a similar approach from Brussels. Chisinau expected the new Association Agreement to play the same role as the Stabilization Agreement had in the Balkans in the late 90s, offering a membership perspective as a string incentive for reforms.





## II. Moldova as EU's chance to make the Eastern Partnership a meaningful policy

In an optimistic view, EaP offers a remote accession perspective for the six countries involved by recognizing their status as European countries. This should be read, the optimistic argument goes, in the context of the founding treaty that opens the Union for all European countries which fulfill some criteria.

But this optimistic reading was contradicted at the very launch of the EaP (Popescu and Wilson, 2009). Moreover, the current negotiations with Ukraine raised the issue of how to name the country in the preamble, a European country or not. As we know what the optimistic view expects from the EaP, this debate is much more than a linguistic one. It is also fully relevant on how reluctant key Member States are not to make even a remote promise.

On the other hand, the EU clearly treats Ukraine and Moldova in a different, deeper way than the rest of EaP countries.

One can easily notice the emergence of a real Ukraine & Moldova bloc in the current negotiations. There are seven dialog subcommittees with Ukraine, four with Moldova while only one for each of the other EaP countries and both Kiev and Chisinau were offered visa facilitation talks.

'The actual content of the Eastern Partnership shows that it is a way to prepare countries for accession. But it is obvious that Moldova and Ukraine constitute a separate league'  
Commission official, interview

### Is Ukraine helpful for Moldova?

If a de facto bloc is emerging within the EaP, what are the repercussions on Moldova's EU path? To be fair, Ukraine started earlier the negotiations for an Association Agreement and it is more advanced in the concrete dialog. In fact, Moldova obtained the name of 'association' for its agreement only because Ukraine managed to obtain it earlier. But the dialogue with Moldova is moving faster, largely because the Chisinau government is more willing to do so, and one may expect its negotiations to be concluded sooner than its neighbor's.

Some experts (see Litra, 2010) already voice concerns that the EU might apply a bloc approach towards Moldova and Ukraine and delay signing the documents until Ukraine would be ready. This would not be without precedent. The previous document & EU Moldova Action Plan & was finished in June 2004 but waited several months until the EU concluded negotiations with a group of states: Palestinian Authority, Jordan, Israel, Morocco, Tunisia and Ukraine (Litra et al, 2008).

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- EU think tank expert, interview



De facto coupling of Moldova and Ukraine may be reasonable in the current stage of negotiations but it may also send the wrong signals for the medium and long term. Ukraine's population is ten times bigger than Moldova's. The challenges of integrating Ukraine are of a very different scale: a country bigger than Poland, with major national identity issues, involved in an unstable love-hate relation with Russia. In the optimistic scenario in which Ukraine is following an EU path, it may repeat the Turkish story: although not closing the issue, the EU is not prepared to integrate a big country that could change significantly the equilibrium of power within the Union itself.

"People in my leadership are extremely pragmatic. If we don't have real deliverables from contacts with the EU and we just see more and more preconditions, of course we will have closer business relations with countries such as Russia, Kazakhstan and Belarus, Ukraine's deputy foreign minister Konstantin Yeliseyev quoted by EUobserver

This concern is not present in the case of Moldova.

Small country, largely already integrated in the European trade and economic area, Moldova could be smoothly integrated with no serious effects on the internal EU politics. This could be compared again with the case of the Turkey & Croatia story, with Croatia making serious efforts to avoid a de facto coupling with Turkey.

This may seem a remote scenario for the time being, but the current state of affairs surely creates the premises for such an evolution. The new president of Ukraine paid lip services to the EU while jumping on new cooperation schemes with Russia. The self-branded new 'pragmatics' in Kiev show clear intentions to have an à la carte approach in their relation with EU and strongly criticized the EU conditions in negotiating the AA as 'selfish'.

The difference is already visible from the point of view of Commission's officials in negotiating with Chisinau and Kiev: while Ukraine made it clear the reforms will not be carried out without clear incentives and membership perspectives, the Moldovan counterparts are engaged in the pro-active approach previously described.

green light. We are ready to provoke such a meeting with media and think-tanks in Brussels

### *Moldova could be the success story of the Eastern Partnership*

While the EU is reluctant to make political promises to Moldova, it should make it clear the country will be judged exclusively on its own merits.

Moldova should be assured it will not be treated as a part of a bloc, neither a bloc with Ukraine, nor one with the Eastern Partnership. This would represent a morale boost for the Moldova public, which is haunted by geo-political fatalism (the EU won't accept us whatever we do)

There are some elements to support the exceptionality of Moldova within the Eastern Partnership:

- Moldova is now the only country in the EaP in which a clear majority of people are in favor of EU integration (Popescu & Wilson, 2009). This creates a downward pressure to implement EU conditionalities and proves the pro-EU stance is not a temporary mood of the current government (even Vladimir Voronin played the EU card to gain popularity). The structural cause is the widespread feeling among the Moldovans that they belong to Europe. Chisinau streets have numerous advertisement billboards for the `European future` of the country (see the cover of this paper, the advertisement says: `Towards Europe, towards a bright future`)

Calling the current government coalition the European Integration Alliance was not a modality to boost the support for EU, but to capitalize on the popular mood.

has Moldova's chances? EU think tank expert, interview

- Unlike other governments in the region, Moldovan officials engaged EU negotiations as the only option for the long-term orientation of their country.

- Despite the 2009 incidents, the actual change of power in Chisinau was peaceful and within the constitutional limits. No other country in the former USSR (Baltic exception implied) has Moldova's democratic credentials, with three presidents losing the power in elections. This is important in a region not lacking authoritarian regimes and colour revolutions

Nobody here envisages any enlargement in the next 5 years` MEP, interview

- Moldova is integrated in the economic area, the Union being its largest commercial partner by far. Euro is the dominant currency in Moldova for real estate and durable goods, which makes Moldova a de facto euroized economy comparable with non-euro EU members in the East

- Even the Transnistria frozen conflict is special among the series of such conflicts in Russia vicinity. Unlike the cases of Azerbaijan and Georgia, in Moldova the frozen conflict is not high on the public's agenda (Popescu & Wilson, 2009), thus there is no populist pressure on the government for rash actions. Moldova has enough time to wait for the population in Transnistria to realize the benefits of belonging to a European country and the EU is supporting this approach. Brussels has thus an opportunity to test in Moldova the good-willing of Russia to cooperate in solving such conflicts.

`Moldova is part of Europe, that comes in no question` MEP, interview

**If it is to prove itself serious about its Eastern dimension and its willingness to make the Eastern Partnership a substantial policy, EU could hardly find a better opportunity that to encouraged the current direction adopted by Moldova.** There is consensus among experts that the Eastern Partnership suffers from lack of clear perspectives and success stories. Moldova should be the success story to give viability and credibility to the EaP.

## Recommendations

### For the Moldovan government

The decision to put temporarily aside the issue of membership perspective and to focus on technical aspects of negotiations was a good one. The EU is not ready to offer something like this but the last months put Moldova on the agenda and a decision would become unavoidable if Moldova maintains the current path. Moldovan government should concentrate on the reforms it already promised the EU and other donors (concrete implementation of the Rethink Moldova strategy).

If the negotiations on AA maintain the current fast pace, Moldova will subsequently face a difficult dilemma: should it accept an agreement without political promises or delay / block the talks until EU will be ready to offer something more promising? We recommend the first option. Finishing the agreement will provide a new and advanced cooperation framework with the EU compared with the status-quo, even without a clear membership perspective.

Nevertheless, the new framework and the content of the agreement will be in fact a way to prepare the country for a future accession. This was implied in our interviews with EU officials and this is the signal Moldova is receiving at unofficial level. **While not abandoning its attempt to obtain a perspective, Moldova should not make an obsession out of it, but rather fully use the wide range of incentives EU is ready to offer in terms of development aid and financial support.**

The real stake now is in Chisinau, not in Brussels. The EU got the message. Moldova authorities should avoid widening the gap between political will, good intention on one hand and the lack of administrative capacity on the other hand (see the following chapter on administrative capacity). In the context of political evolutions in Chisinau, with all coalition parties preparing the future electoral campaign, the young technocrats that enter the government in Finance, Foreign Affairs ministers and in Central Government should be insulated from the infightings and empowered to carry on these reforms, even with the political attention turned to the electoral process. **If Moldova will pass the future election, maintain the reformist pace and complete AA negotiations with the EU, it will be in a stronger position to demand political promises in a two – three year period.** The EU integration is a consensual issue among coalition members and it could provide a minimal consensus base even with the opposition Party of Communists. Maybe a political pact should be proposed in the following period to protect EU-Moldova relation from political infighting.



- (Action Plan) implementation will help fulfill the provisions in the Partnership and Integration Agreement. The implementation of the Action Plan will help Moldova's integration into European economic and social structures.

EU should now add a political dimension to the economic and social ones it was prepared to accept as targets for Moldova in 2005. This may not constitute a formal membership promise from the EU but rather **a sympathetic recognition of Moldova's ambitions**, fully depended upon implementing Union's conditionalities.

Meanwhile, the EU should compensate the lack of political decision on enlargement with real, immediate and measurable incentives. The first step should be to offer a road map for free-visas regime. Several member states already sent positive signals to Chisinau in that perspective. Liberalization of visas could be a first and significant change felt by the common Moldovans from the much talked about new relation with the EU. Moreover, it is doable and less controversial in EU capital cities than a political promise. This is the reason the second part of this report covers the visas regime with Moldova extensively.

EU should also be careful on how it plays at the symbolical level. Its presence in Chisinau is important and its representatives gather public and political attention. We strongly recommend stopping the double representation in Chisinau (Special Representative and Head of EU Delegation). Following the recent development in implementing the Lisbon treaty and creating the EU External Service, the two positions in Chisinau should be unified. The new official should carefully manage the symbolic capital of EU image in Moldova and to consistently encourage the reformist and democratic policies there.

### **For the European Parliament**

The European Parliament tends to adopt a more benevolent attitude towards Eastern neighbors than the current majority in the Council. In the case of Moldova, it was the Parliament that reacted first and robustly during the April 2009 events in order to condemn the abuses committed by the government and to ask for a peaceful solution.

The diversity of voices within EP also led it to express official positions asking for real membership perspectives. The EP report on strengthening the European Neighborhood Policy (2007) recommended the new AA with Ukraine to include the possibility of membership and to extend this approach to Moldova.

In February 2010, the Recommendations of the EU-Moldova Parliamentary Cooperation Committee included a sentence about membership perspective:

`Stresses the crucial importance of ongoing reforms and democratic development for the European integration and supports the goal of the Republic of Moldova as a European state to become a member of the EU in the future`.

In March 2010, the EP adopted a new resolution on Ukraine, presenting its position on the current AA negotiations between Brussels and Kiev, noting that Ukraine









regime complied with 3 / 4 of GRECO`s demands while the studies concentrated on real results show limited progress.

b) The EU itself does not have a clear *acquis* for the justice, home affairs and anticorruption. So, the Commission was reluctant to come up with conditionalities for a country that was not involved in the accession process. In 2004 – 2005 it also lacked the expertise that was later developed in anticorruption policies and justice reforms for countries such as Romania, Bulgaria or Croatia.

### **Recommendations on the Agreement**

In any case, the Commission is able now to develop case by case measures adapted to each country`s realities. It should use its own expertise and extend its Delegation in Chisinau to fully cover all relevant policy areas. The Delegation should be empowered to raise on the public agenda even the issues that are not convenient for the Government. The Moldovan public expects the EU and its representatives to support and promote the pro-reformists policies, consistent with European values. Episodes of extreme shyness of EU for minor stakes (such as the reluctance to criticize Voronin after the 2009 events in order to ensure his participation in the Eastern Partnership launching summit) have no place in the new stage of the bilateral relations.

In drafting the AA and the future Action Plan, the European Commission should pay much more attention to the implementation side. Performance indicators should be developed for each area (or transfer the indicators used for 2004 / 2007 enlargement waves) and strictly followed in the regular reports. The performances should be directly linked with the financial support, with clear benchmarks: `money for implementing reforms`.

Particularly in the justice area, the Commission should carefully evaluate the situation and identify the real reformist actors in the system before pushing for complex institutional designs imported from outside. The Commission has plenty of experience in Romania, Bulgaria, Slovakia proving that empowering the magistrates` bodies before establishing new rules of the game and accountability mechanisms only creates new veto players that usually oppose any reform.

Moldova is formally a parliamentary republic, but the political practice tended to by-pass the legislative in favor of the presidency. The former Parliament had limited involvement in overseeing the implementation of the EU – Moldova Action Plan. In the current political context, with a fragmented government and a less powerful president, the political importance of the Parliament will increase. It should have a role in monitoring the implementation of the Agreement, together with civil society organizations. Mentioning this involvement from the very beginning in the text of the documents may assure a protection mechanism for the reforms to continue even if the political will in the government would diminish.

### **Urgency: Administrative Capacity**

Besides the political costs and the lack of willingness of the former governments, the former EU – Moldova action plan was undermined by the structural problems within the central administration. Its capacity is widely recognized as being weak and insufficient for a coherent coordination of the European Integration process. Improvements are needed both in terms of staff, as well as systems and coordination mechanisms.

The European integration process is mostly treated as a totally separate process, with its own system, mechanism and documents, without clear connection with general policy coordination mechanisms. Responsibility for EU integration coordination is lying with the Ministry for Foreign Affairs and European Integration, while general policy coordination is within the mandate of State Chancellery (Government Office). State Chancellery is also responsible for external assistance coordination - an aspect that given the current situation is of particular importance. The communication and coordination between the two institutions is not at the appropriate level.

Traditionally, there are plenty of government planning documents used in Moldovan administration without clear connections and linkages between them. There is the National Development Strategy, the Annual Government Plan, the Recovery Program, etc., plus what will soon be the EU Integration Plan. The current system cannot ensure full complementarity or integration of these documents, and main problems appear when Medium-term Expenditure Framework is developed or when integrated policy coordination is required.

The capacity of staff for clear formulation of objectives, results or measures in respect to any of these planning documents is limited. Evidence-based policymaking and use of concrete objectives, results, indicators, etc., is at its inception. Civil servants are not used to coherent planning and monitoring and evaluation is missing. There is much stress put on reporting, but this is mostly perceived as respecting deadlines and not feedback mechanism to adjust policy implementation or policy development. Reporting requirements are overburdening the entire system, and putting pressure on civil servants. Recent interviews of ministerial policy units have shown that 80 to 85% of their time is dedicated to compiling reports, affecting even more their limited capacity.

Given the current situation in the Republic of Moldova, with a lot of pressure put on development side, the objectives and measures associated with EU integration process are mostly the same with the domestic policy development ones. In reality, the EU integration agenda does not differ too much from Moldovan internal one. Since capacity is weak and government-wide coordination needs improvement, there is a chance that better results would be obtained if EU integration and general policy coordination would be treated as an integrated process. A clear system with fewer documents, concrete roles for coordinating institutions and coherent procedures would benefit Moldova and could contribute to better implementation of the decided policies.





#### **IV. Visa Dialogue: achievements, current realities and prospects**

##### **Why visa free travel regime is so important for Moldova?**

After two subsequent rounds of Eastern enlargements, the European Union (EU) has become much more impenetrable than before 2004 and 2007 enlargements, when Central European countries as well as Bulgaria and Romania joined the EU and consequently suspended their visa free regimes with Moldova.

The idea of negotiating visa free liberalisation regime with the EU has become one of the most important objectives of the Moldovan authorities. The success or failure to achieve this objective in the coming years will have a big impact on how the EU is going to be perceived by Moldovans. A potential success will certainly empower the pro-European and democratic forces, give valuable incentives for accelerating reform processes, help Moldova to become attractive in the eyes of its citizens that live in the Transnistrian separatist region, and strengthen the EU status and role in the country.

##### **Visa dialogue: from ENP to Eastern Partnership**

The European Neighborhood Policy (ENP) that was launched in 2004 gave a powerful impetus to visa dialogue between Moldova and the EU. Until the ENP, this dialogue was held, mainly, at the Moldova's accession to the ENP and signing of the Action Plan with the EU on February 22, 2005, significantly changed the situation in this extremely important area, especially considering the fact that there are at least 300 thousand Moldovans working legally or illegally in the EU Member States.

Due to the ENP, the dialogue on visa issues and mobility of people between Chisinau and Brussels has been institutionalized, made permanent and raised to a high-level priority of the Moldovan - EU partnership cooperation. Moreover, for the first time this dialogue had been given a clearly defined purpose, namely facilitating the visa regime for EU citizens travelling to Moldova and also for Moldovan citizens who are travelling to the EU member states.

The new dialogue has enabled both sides to undertake jointly a series of concrete actions in the area of facilitating visa regime and mobility of persons. In this respect, we can list in particular:

1. unilateral cancellation of the visa regime for European citizens by the Moldovan authorities in 2007;
2. signing on October 10<sup>th</sup>, 2007, of the Agreement between the European Community and Republic of Moldova on visa facilitation, which reduced the fee for the Schengen visa for Moldovan citizens from 65 to 35 Euros, facilitated the process of receiving a free of charge Schengen visa with multiple entries for 15 social and professional categories of citizens and also





In the course of this dialogue, the European and Moldovan experts will examine the preparedness of Moldova and will agree on the requirements that still are to be met by Chisinau. The first step to examine the actual situation was made by the European Commission assessment mission, which undertook a working visit to Moldova on March 1-2, 2010.

It is important to note here that the readiness of the EU to start a visa liberalization dialogue with Moldova has motivated the Moldovan Government to focus more on what has to be done in this area and less on getting a clear promise on the prospects of visa liberalisation with the EU. The new practical approach of the Moldovan authorities has been proven by their recent decision to undertake an independent check of the realities in all four main chapters of the visa liberalisation dialogue, as they are formulated in the Road Maps for Visa Liberalisation of Western Balkans countries:

- 1) Document Security;
- 2) Illegal migration, including readmission;
- 3) Public order and safety;
- 4) External relations and fundamental rights.

The results of this endeavor were systematized by the Moldovan Ministry of Foreign Affairs and European integration in one single Report titled **Report on the implementation of the Road Maps for Visa Liberalisation of Western Balkans countries**

The Report is far from describing the real level of implementation by Moldova of the requirements related to the visa liberalisation. Nevertheless, it contains useful information about achievements made so far by the Moldovan authorities, as well as about the weaknesses that still have to be tackled in all the above mentioned four chapters. Yet, in order to understand better the situation in Moldova, it is necessary to compare the progress made in this area with the progress made by Montenegro and Serbia in the process of implementing the Road Maps for visa liberalisation with the EU as they were evaluated by the European Commission in its Assessments reports from May 18, 2009. According with the attached comparative presentation (See the Annex), **Moldova has managed to undertake many similar or comparable legal and institutional reforms with those accomplished by Macedonia, Montenegro and Serbia in the process of implementing the Road Maps for visa liberalization granted to them by the EU in 2008.**

























































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### **Block 1: Document Security – Key achievements**

x Moldova began issuing biometric passports on February 1<sup>st</sup>, 2008. Between February 1<sup>st</sup>, 2008 and March 1<sup>st</sup>, 2010 Moldovan Authorities have issued just 1347 such passports. On April 15<sup>th</sup>, the Moldovan Government took the decision to issue only biometric passports starting from January 1<sup>st</sup>, 2011. The new travel documents comply with the ICAO criteria and EU standards.

- x The process of issuing and personalization of identity documents (breeder documents) is centralized and based on the PIN system. Citizens' personal data are stored in the centralized database "State Register of Population", which is accessible online via a secure network using methods of encryption and identification of the user.
- x The following state institutions have direct access to the Interpol SLTD (Stole/Lost Travel Documents) database: Information and Security Service, Border Guard Service, Criminal Police Directorate of the Ministry of Internal Affairs (MIA), Organized Crime Division of MIA, Anti-Drug Directorate of MIA, as well as Directorate for Special Missions of MIA.
- x Since April 2010, 16 international border checkpoints, and 11 police stations in the Transnistrian region have also access to the Interpol SLTD database.

## **Block 2: Illegal Migration, readmission Key achievements**

- x Before implementing Integrated Border Management (IBM) System, Moldova put in place the Information System "FRONTIER". This system provides online exchange of information among authorities involved in the "one stop shop" system for checking goods and vehicles at the border.
- x Meanwhile, all international and interstate points of border crossing are equipped with biometric devices needed to read and verify biometric travel documents. This was possible, particularly thanks to project BOMMOLUK 2 implemented with the assistance of the EUBAM.
- x Implementation of the project "Fixed and Mobile Communications Network for Border                                                        
- x On August 12<sup>th</sup>, 2008 a Working Agreement was signed regarding operational cooperation between the Border Guard Service and the Republic of Moldova and FRONTEX (European Agency for Managing Operational Cooperation at the External Borders of the EU member-states).
- x On March 6<sup>th</sup>, 2009, the Border Guard Service and FRONTEX signed a Cooperation Plan for the period 2009-2011. Consequently, according to the documents signed, the Border Guard Service participated in two operational activities organized in 2009.
- x On March 1<sup>st</sup>, 2009, the new Law on Asylum entered into force, which was amended in accordance with the Acquis Communautaire following a review of migration and asylum legislation achieved in the framework of a Twinning Program Germany-Romania-Moldova funded by the EU.
- x Moldova has signed Readmission Agreements with the European Union (2007).





For instance, Macedonia, a country with a population of 2,066,718 has issued 47,000 biometric passports in the first two years, while Moldova with a population of 4,320,748 only 1347 biometric passports.

2. Reform Border Guard Service in accordance with the EU standards until 2011, by demilitarizing and professionalizing it.

3. Harmonize the Law on State Border with the EC Regulation Nr. 562/2006 of the European Parliament and EU Council of March 15<sup>th</sup> 2006 that refers to the Community Code on the Rules Governing the movement of persons across borders - Schengen Borders Code as well as the Schengen Catalogue that was updated in 2009.

Macedonia and Montenegro have amended their Laws on State Border Surveillance in line with Schengen Border Code in 2009, thus the definitions, terminology and procedure were harmonized with those used and applied at the Schengen Border Control Points.

4. Develop a modern telecommunications infrastructure of the Border Guard Service.

5. Accelerate the development of the National Strategy and Action Plan for implementing Integrated Border Management (IBM) which are planned to be developed with the assistance of the EUBAM and FRONTEX Agency until the end of this year.

6. Update migration profile of Moldova which is out of date.

Macedonia updated its migration profile in 2009. In Moldova's case, it is planned to be updated by the end of 2012.

7. Establish an efficient real time electronic reporting system of stolen and lost travel document to Interpol.

Macedonia and Montenegro have established them in 2008, while Serbia in 2009

8. Accelerate the establishment of the Integrated Automated Information System "Migration and Asylum" (SIIAMA) that would collect, store and process information about identification and stay in Moldova of foreigners and stateless persons. The construction of this system has started in December 2007.

9. Set up a single data base of the victims of human trafficking that would be available on-line to all relevant agencies with responsibilities in this area.

10. Implement all 15 recommendations made by GRECO to Moldova in October 2006. By July 31<sup>st</sup>, 2010 Republic of Moldova must meet the other six remaining recommendations. According to Stocktaking report on cooperation between Moldova and the Council of Europe, issued on April 8<sup>th</sup>, 2010 by Directorate General of Democracy and Political Affairs, the Moldovan authorities should pay particular attention to legislation of special investigative technique, controls over conflicts of interests and assets declarations, the reporting of suspicions of corruption and whistleblower protection, or the incrimination of certain accessories or manipulations etc..

11. Consolidate the Status and functions of Superior Council of Prosecutors (SCP) that was set up in January 2010, and still has no budget and no separate secretariat. Although according to the



## Conclusions

The progresses made so far by Moldovan authorities in the area visa liberalisation dialogue demonstrate that Moldova is following the same path of transformations as Macedonia, Montenegro and Serbia and this has been taking place without having a visa liberalisation Road Map from the EU. Granting an eventual Road Map to Moldova would be a powerful message of support to the current pro-European and pro-reform Moldovan Government. On the one hand, it would motivate Moldovan authorities to increase the rhythm and quality of required reforms and, on the other hand, would give the EU an important leverage to channel in the right direction the reform course of the country.

In the coming weeks the Republic of Moldova is expected to enter into a new phase of its visa dialogue with the EU. This time around both parties will identify the concrete criteria that still have to be fulfilled by Moldovan authorities in the process of liberalising visa regime with the EU. The final result of this dialogue should be the drafting of a visa liberalisation Road Map for Moldova. The chances for Moldova to get such a Road Map from the EU are highly dependent on how successful it is going to be in delivering concrete reform results in short and medium term. In this respect, the Moldovan Government has to follow the experience of Macedonia, Montenegro and Serbia. Consequently, we believe that the recommendations we listed in this paper should be integrated in a short and medium term Action Plan that would give a clear guidance to the relevant Moldovan institutions.

Giving Moldova a Visa Road Map would not be a gift, on the contrary, the EU will condition its deliverance upon fulfilling concrete pre-conditions. We know that recently the European Commission has proposed to the EU member states to offer Ukraine a set of pre-conditions for granting a Visa Liberalization Road Map, such as:

- 1) issuing biometric passports;
- 2) creating a national authority in the field of migration;
- 3) adoption of legislation in the area of protection of personal data; and
- 4) presenting the questionnaire on the identity and travel documents personalization system.

Paradoxically or not, Moldova has already fulfilled those conditions without been asked to.







<p>personal data are stored in the centralized database "State Register of Population", which is accessible online via a secure network using methods of encryption and identification of the user. All identity documents are produced based on the information included in this registry. All 90 territorial offices of MTIC are connected with the central unit at MTIC via a secure network, and the information collected is automatically integrated by the same network into the State Register of Population.</p>	<p>the national public and civil records database. In Macedonia and Serbia the unique PIN code appears on all certificates and travel documents.</p>
<p><b>Distribution of passports and personal identity documents - breeder documents</b>                  Distribution of personalized identity documents takes place based on delivery and receiving documents and is done by the staff of the Courier Service of the Special Transport Unit within the MTIC, armed and equipped with special gear. <del>h</del>                  regulated by a set of rules laid down in special Regulation.</p>	<p><b>Distribution of passports and personal identity documents - breeder documents</b>                  In all three countries, distribution of biometric passports to the regional offices is performed by well-trained police officers. The new documents are issued to applicants in person, only after verifying their identity using biometric data previously recorded. In Montenegro, the distribution process is monitored electronically.</p>
<p><b>Preventing and combating corruption among personnel involved in personalization and distribution of identity/ travel documents</b>                  On October 15<sup>th</sup>, 2007, Ministry of Information Technologies and Communication (MITC) adopted a Code of Ethics which sets general rules for its employees in the central body, state enterprises, institutions and organizations subordinate to the ministry. This list includes also the State Enterprise "Registry" which is responsible for issuing identity documents.                  Also, within the State Enterprise "Register" there is the Department for control over employee activities, which monitors instances of corruption in its subdivisions and applies anti-corruption standards set out in the Law on Preventing and Combating Corruption of April 4<sup>th</sup>, 2008.</p>	<p><b>Preventing and combating corruption among personnel involved in personalization and distribution of identity/ travel documents</b>  <b>In Macedonia</b> there have been developed a number of rulebooks defining in accordance with European standards the procedures for issuing and personalization of travel documents at every step of the process. Concurrently, the same regulations clearly stipulate all forbidden practices.  <b>In Montenegro</b> there are provisions for strict sanctions for violating the Code of Ethics by persons involved in issuing travel documents. Therewith, official instructions provide a clear division of responsibilities and tasks in the process of issuing travel and identity documents. In addition, strong supervision and monitoring by officials present additional barriers against corruption.  <b>In Serbia</b>, the Ministry of Interior is responsible for the prosecution and punishment of public officials for corruption in the issuance of travel documents. The Police Act of 2005 created a Sector for Internal Control. A Code of Ethics and a training program for police officers whose work is related to visas and travel</p>

	documents has also been developed.
<p><b>INTERPOL SLTD (Stole/Lost Travel Documents)</b></p> <p>The following state institutions are granted access to the SLTD database: Information and Security Service, Border Guard Service, Criminal Police Directorate of the Ministry of Internal Affairs (MIA), Organized Crime Division of MIA, Anti-Drug Directorate of MIA, as well as Directorate for Special Missions of MIA. Also, since April 2010, 16 border checkpoints, and 11 police stations in the Transnistrian region have access to the Interpol SLTD database. In the case of Republic of Moldova, MTIC is the institution responsible for informing the INTERPOL about stolen or lost Moldovan identity documents. On February 25<sup>th</sup>, 2010, the National Central Bureau of INTERPOL sent to the INTERPOL General Secretariat the first file out of 16 in total received from MTIC, containing information about 267,820 passports reported lost or stolen in the period 1995-2010.</p>	<p><b>INTERPOL SLTD (Stole/Lost Travel Documents)</b></p> <p><b>In Macedonia</b>, the electronic system of reporting to Interpol any lost and stolen documents was successfully established in 2008. In 2008, 2062 travel documents were reported lost or stolen.</p> <p><b>In Montenegro</b>, the electronic system of reporting to Interpol any lost and stolen documents was also successfully established in 2008. During November 2008 - May 2009 there have been 78 cases reported of lost or stolen passports.</p> <p><b>In Serbia</b>, in 2008, the electronic system of reporting to Interpol any lost and stolen documents was not yet working. Instead, in 2009, the Ministry of Interior launched a project to connect the network of police to the Interpol system I-24/7 INSYST that allows real-time electronic reporting of lost or stolen passports. In 2008, there were 69,248 documents reported to Interpol.</p>
<p><b>Block 2: Illegal Migration, readmission</b></p> <p><b>Border Management</b></p> <p>Border Guard Service is the central administrative authority to coordinate the activity of state institutions in monitoring and border control as well as border management system. Border Guard Service is structured in three levels:</p> <ol style="list-style-type: none"> <li>1. Strategic level - (National)</li> <li>2. Operational level - (Regional)</li> <li>3. Tactical level - (Local).</li> </ol> <p>Under the National Development Strategy for the period 2008 - 2011 it is planned to establish an Integrated Information System of Border Guard Service consisting of three modules:</p> <ol style="list-style-type: none"> <li>1. Border control;</li> <li>2. Border surveillance;</li> <li>3. Risk Analysis.</li> </ol> <p>Currently, two modules, border control and border</p>	<p><b>Block 2: Illegal Migration, readmission</b></p> <p><b>Border Management</b></p> <p><b>In Macedonia</b>, strategic border control is ensured by the National Commission for Integrated Border Management (IBM), which is responsible for implementing the IBM Action Plan. Operational coordination of inter-institutional cooperation is provided by the National Coordination Center for Border Management (NCCBM).</p> <p>In March 2008, standard operating procedures for monitoring the state border were adopted in accordance with the Schengen Border Service Manual. In April 2009 the Law on State Border Surveillance was amended, particularly definitions and terminology have been adjusted and procedures on minimum and complete control at border checkpoints have been clarified in accordance with the Schengen Border Code. In Dec. 2008, anti-corruption Program was adopted, defining a comprehensive and varied list of measures to prevent corrupt behavior, including changing procedures so that they clearly define the powers of</p>



<p><b>Training Programs and ethical code on anti corruption</b> Educational programs and special studies for the National Border Guard College were developed with the assistance of EUBAM. Also in 2008 there was adopted a Code of Ethics of the Border Guard Service. This Code of Ethics was endorsed and approved in the same year by the FRONTEX Agency. At the same time, an agreement was reached between the Border Guard Service and FRONTEX Agency on a series of trainings for Moldovan border guards.</p> <p><b>Working Arrangements with FRONTEX</b> On August 12<sup>th</sup>, 2008 a Working Agreement was signed regarding operational cooperation between the Border Guard Service and the Republic of Moldova and FRONTEX (European Agency for Managing Operational Cooperation at the External Borders of the EU member-states). Also on March 6<sup>th</sup>, 2009, the Border Guard Service and FRONTEX signed a Cooperation Plan for the period 2009-2011. Thus, according to the documents signed, the Border Guard Service participated in two operational activities organized by FRONTEX in 2009, namely: Joint Operation "Jupiter" and the Joint Focal Points Project, which allowed deployment of Border Guard Service officers to operational areas of the external border of the EU.</p>	<p>cooperation, a cooperation agreement between the main state agencies involved in border management was signed in February 2006. However, to further improve cooperation and clarify responsibilities, the European Commission recommended the signing of Memoranda of Understanding between the Border Police and the relevant state institutions. Police Code of Ethics of 2006 constitutes the basis of measures aimed at preventing and combating corruption. Also in 2009 the authorities were working on developing a Code of Ethics specifically for Border Police. Risk assessment system has been operational since 2008. Strategic Risk Analysis is the responsibility of Department for Suppression of Trans-border Crime. Situational analysis of risks is based on daily reports of the Border Police Operational Centre on local and regional levels. In May 2009, only 26 of the 82 border checkpoints were fully connected to the integrated information system of the Interior Ministry.</p>
<p><b>Asylum Policies</b> Republic of Moldova is party to the Geneva Convention on the Status of Refugees of 1951. The right to asylum is granted under the Law on Asylum of December 18<sup>th</sup>, 2008. The Law has been prepared in accordance with five directives of the EU Council, namely:</p> <ol style="list-style-type: none"> <li>1. Council Directive 2005/85/EC of December 1, 2005 on Minimum Standard son Procedures in Member States for Granting and Withdrawing Refugee Status;</li> <li>2. Council Directive 2001/55/EC of July 20, 2001 on Minimum Standards for Giving Temporary Protection in the event of mass influx of Displaced</li> </ol>	<p><b>Asylum Policies</b> <b>In Macedonia</b>, the asylum system is fully functional. Asylum and Temporary Protection Act was amended in November 2008 and was meant to be fully harmonized with EU standards by mid 2009. The Law of 2008 introduced the status of subsidiary protection. Further amendments to the Act should ensure that in future the Administrative Court, examining appeals against decisions of first instance courts on asylum, have the power to provide independent judicial review of the substance of decisions on asylum. Centre for asylum is in good shape, well managed and provides language lessons for asylum seekers, schooling for children, psychological and social assistance.</p>









<p>maximum capacity of 114 seats.</p>	
<p><b>Block 3: Public order and security</b></p> <p><b>Preventing and fighting organized crime</b></p> <p>Republic of Moldova joined the main international instruments referring to combating cross-border organized crime. These include:</p> <ol style="list-style-type: none"> <li>1. UN Convention against trans-national organized crime;</li> <li>2. Protocol against Smuggling of Migrants by Land, Sea, and Air supplementing the UN Convention against trans-national organized crime;</li> <li>3. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, UN Convention against trans-national organized crime;</li> <li>4. Council of Europe Convention on action against trafficking in human beings;</li> <li>5. Council of Europe Convention on laundering, search, seizure, and confiscation of the proceeds from crime on the financing of terrorism.</li> </ol> <p>The Strategy for combating organized crime and corruption is reflected in the work plans of the Ministry of Interior and its subdivisions. These plans are updated every six months. During 2010 a separate strategy for combat organized crime is to be developed.</p> <p>In Chisinau there is the National Virtual Center of SECI / GUAM for combating organized crime which includes the Ministry of Interior, Border Guard Service, Customs Department, and Center for Combating Economic Crimes and Corruption. Combating organized crime is also reflected in the  fraud and corruption for years 2009 - 2011 and in the Action Plan for the implementation of this strategy.</p>	<p><b>Block 3: Public order and security</b></p> <p><b>Preventing and fighting organized crime</b></p> <p><b>In Macedonia</b> the Action Plan to combat organized crime was implementing in 2003. Some accomplishments include creating special sections for combating organized crime in administrative structures and law enforcement. European Commission stressed the importance of establishing a central intelligence structure in the field and creating a separate section for intelligence on organized crime within the national intelligence database. In this context, the government approved a separate action plan (2008 - 2010), which provides financial implications, a fixed schedule of implementation and organizations responsible for its fulfillment. It also focuses on amending the Criminal Procedure Code in line with European standards.</p> <p><b>In Montenegro</b>, the strategy for combating organized crime was implemented in 2005 and the Action Plan since 2006. Implementation of the Action Plan is monitored by the National Commission set up in 2007. Under the action plan special departments were created in the high courts and the powers of the prosecutor for organized crime were extended to cover a wide spectrum of policy issues to combat organized crime. Also, in 2009, the Parliament was supposed to adopt the new Code of Criminal Procedure, which would significantly improve the investigative capabilities of national authorities.</p> <p><b>In Serbia</b>, National Strategy for Combating Organized Crime was adopted on March 26<sup>th</sup>, 2009 and the Action Plan was to be drawn. The Strategy provides human resources, financial and technical resources required. The inter-ministerial Coordinating Commission on justice and home affairs was established in December 2008. The Commission wants to essentially improve the coordination in combating organized crime. A special panel to review the Code of Criminal Procedure was also created. Approval of this code was scheduled for the end of the year 2009 and entry into force by 1<sup>st</sup> of January 2011, provided that all legal reforms will be completed on time. European Commission emphasized,</p>



<p>procedure for repatriation of trafficking victims were drafted under this law.</p> <p>Currently, the Strategy of the National System of Referral for Protection and Assistance of victims and potential victims of trafficking in humans for 2009 - 2011 is implemented in 23 districts of Republic of Moldova from the total of 32.</p> <p>Approximately 600 specialists in various fields were trained in preventing and protecting victims of human trafficking.</p> <p>Following the decision of the Government of Republic of Moldova of July 11<sup>th</sup>, 2008, a Center for Assistance and Protection of Victims and Potential Victims of Human Trafficking was created with the assistance of the International Organization of Migration. The Center has 24 beds and provides medical, psychological, social, legal, educational, and recreation assistance. During 2009, 130 victims and 136 potential victims of human trafficking were offered assistance.</p>	<p>are administered by NGOs.</p>
<p><b>Preventing and fighting corruption</b></p> <p>Republic of Moldova joined the main international treaties on combating corruption, such as:</p> <ol style="list-style-type: none"> <li>1. UN Convention against corruption (2003);</li> <li>2. Council of Europe Criminal Convention against corruption (1999);</li> <li>3. Council of Europe Civil Convention against corruption (1999).</li> </ol> <p>Implementation of relevant international documents in this area takes place through the application of legal instruments of the Group of States against Corruption  (GRECO) of which Republic of Moldova is also part. According to the second round of evaluation carried out by GRECO, Moldova has implemented nine of the 15 recommendations made by GRECO in October 2006. According to the second report, 46 GRECO member states concluded that Moldova has made significant efforts to strengthen the control mechanisms of corruption in public institutions through corruption risk analysis and continuous training, improving the regulatory framework in the field of transparent management. By July 31<sup>st</sup>, Republic of Moldova must meet the other six</p>	<p><b>Preventing and fighting corruption</b></p> <p><b>Macedonia</b> has ratified the major international conventions in the field. At the same time, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions is to be signed.</p> <p>The European Commission has emphasized the increase in formal charges, and convictions for corruption. A large number of cases were brought under the Law on conflict of interest.</p> <p>Coordination of actions among relevant institutions is based on the Protocol for cooperation in preventing and combating corruption, as well as conflict of interests signed in 2007 by the main actors: the Anti-Corruption Commission, Public Revenue Office, Public Prosecutor's Office etc.</p> <p>To improve public awareness and enhanced visibility of the Anti-Corruption Commission, a strategic public relations action plan was developed in February 2009. Implementations of the GRECO recommendations still continue.</p> <p><b>Montenegro</b> has implemented its strategy to combat organized crime and corruption since 2005. Codes of Ethics were developed for different public authorities. Also in 2008, the Law on Preventing Conflict of interest</p>

<p>recommendations. Most of these recommendations relate to the adoption of laws and measures to combat corruption in public administration.</p> <p>Moldovan legislation to prevent and combat corruption includes 11 laws and decisions of the Government of Republic of Moldova developed in line with international standards and recommendations. These include:</p> <ol style="list-style-type: none"> <li>1. Law on combating corruption (2008);</li> <li>2. The Law on Conflict of Interest (2008);</li> <li>3. Law on civil service code of conduct (2008);</li> <li>4. Law on civil service and the status of civilian officials (2008);</li> <li>5. Law on declaring and monitoring income and valuable goods of state dignitaries, judges, prosecutors, public officials and certain persons holding managerial positions (2002);</li> <li>6. Law on transparency of decision making (2008);</li> <li>7. Government Decision on the methodology of risk assessment regarding corruption in public institutions (2008);</li> <li>8. Parliament decision on approval of National Strategy for Prevention and Combating Corruption (2004).</li> </ol> <p>National Strategy for Prevention and Combating Corruption (2004) is implemented by framing an annual Action Plan, the implementation of which is conducted by the Monitoring Group assisted by a Secretariat whose functions are carried out by the Centre for Combating Economic Crimes and Corruption (CCECC). According to the Law on Combating Corruption of 2008, CCECC is the institution with responsibilities and powers to prevent and combat corruption.</p>	<p>was passed, under which the Commission for prevention of conflicts of interest was created. However, the European Commission also recommended enacting of a new Criminal Procedure Code that will allow for new techniques of investigation into corruption cases. A special emphasis was placed on continuing intensive education courses and public information activities in all sectors by the Directorate for Anti-Corruption Initiative. Implementations of the GRECO recommendations still continue.</p> <p><b>Serbia</b> approved the National Strategy for combating corruption in 2005, and in 2006 the country implemented the Action Plan in this area. Law concerning the Ant-Corruption Agency is meant to be implemented from January 2010. This law will also govern on matters of conflict of interest. Implementations of the GRECO recommendations still continue.</p> <p>Special anti-corruption Departments were created within the police, prosecutors' office and the Belgrade district court. Special investigative techniques are used increasingly. Meanwhile, the European Commission noted that the number of convictions for crimes is still low compared with the number of investigations initiated.</p>
<p><b>Data protection</b></p> <p>On February 15<sup>th</sup>, 2007, the Parliament of Republic of Moldova approved the Law on protection of personal data. This law establishes the basic conditions for processing personal data and created the National Center for Personal Data Protection, which is an autonomous public</p>	<p><b>Data protection</b></p> <p><b>Macedonia</b> adopted the Law on Personal Data Protection in 2005, which later was amended to align it with the <i>acquis communautaire</i> and to strengthen the independence of the Directorate for Personal Data Protection.</p> <p>Additional Protocol of the Convention for Protection of</p>





<p>2. UN International Pact on Civil and Political Rights (1966);</p> <p>3. UN International Pact on Economic, Social and Cultural Rights (1966)</p> <p>4. Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950);</p> <p>5. UN International Convention on the elimination of all forms of racial discrimination (1965);</p> <p>6. <del>2000/2000</del> protection of National Minorities (1995).</p> <p>According to the Law on Asylum of 2008, refugees, regardless of their ethnic origin, have been guaranteed the following rights:</p> <ol style="list-style-type: none"> <li>1. Unaccompanied children and families with children enjoy the same welfare measures guaranteed to children who are nationals of the Republic of Moldova;</li> <li>2. Guaranteed equal treatment with that of nationals of Republic of Moldova in relation to freedom of religious confession and education of children;</li> <li>3. Enjoy the same rights as citizens of Republic of Moldova in respect to the mandatory healthcare system;</li> <li>4. Equal access to social reintegration programs etc.</li> </ol> <p>In accordance with the Law on Citizenship of June 2<sup>nd</sup>, 2000, Moldovan citizenship can be obtained by recognition, adoption, restoration and naturalization. Refugees and stateless persons may obtain Moldovan citizenship by naturalization, if they have resided legally and continuously in the country for eight years.</p>	<p>employment, social security, education, goods and services and housing. The Law will also create a new institution on equality either by granting new powers to the Ombudsman, or by creating a new Council to prevent discrimination.</p> <p>Citizenship is obtained by recognizing the origin, birth and naturalization. Naturalization is subject to strict conditions, such as permanent residence for eight years or two years if married, prior to applying for naturalization.</p> <p><b>In Montenegro</b>, the anti-discrimination law was to be adopted in 2009. The draft law covered most relevant EU standards and addressed a wide range of sectors. The establishment of an anti-discrimination agency was also envisaged, either by granting new powers the Ombudsman, or by creating a new institution. Citizenship Act sets a clearer legal framework in this area and provides four ways of acquiring citizenship: recognition of origin, birth in the territory of Montenegro, naturalized and according to treaties and international agreements. The law is very restrictive as regarding naturalization. Thus, it prohibits dual citizenship and sets additional conditions such as 10 years of legal residence in the country, accommodation and guaranteed sources of income, elementary knowledge of the language, etc.</p> <p>There are, however, some exceptions relating to dual citizenship. For example, Montenegro has signed an agreement with Macedonia on dual citizenship, and similar talks are held with Croatia, Bosnia-Herzegovina and Serbia.</p> <p><b>In Serbia</b>, the new Law on anti-discrimination was passed by Parliament in March 2009. Law covers a wide range of sectors (employment, public services, education, etc.). It also stipulates the establishment of the office of Commissioner for Equality who is to be appointed by Parliament and will carry out the competences of the institution for equal as provided by the EC directives.</p> <p>According to the Law on citizenship, it can be obtained through admission, if the person has lived in Serbia for at least three years and has renounced previous citizenship. Citizens of the former Yugoslav Republic can get the citizenship of Serbia without renouncing their current citizenship, if he or she has lived in Serbia for at least nine years. Agreements on dual nationality have</p>
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## About the authors

**Cristian Ghinea** is the Director of CRPE and editorialist at Romania Libera and Dilema Veche. He graduated from the Masters EU Politics and Governance at the London School of Economics (LSE).

**Victor Chirila** is the Director of the Foreign Policy Association, a former Moldovan diplomat and an expert on European integration issues. Mr. Chirila studied international relations at the National School for Political and Administrative Studies in Bucharest and European Public Policies at the University of Edinburgh.

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