



**Ministry of Justice  
of the Republic of Moldova**

**Minutes no. 3 of 12 September 2014  
Of the Meeting of the Steering Committee Responsible for Implementing the Financing  
Agreement Between the Moldovan Government and the  
European Union on the Program to Support the Justice Sector  
Reform**

**Present at the meeting:**

**Chairperson of the Steering Committee: Sabina CERBU – Deputy Minister of Justice**

**Members of the Committee:**

1. Victoria NEAGA – EU Delegation to Moldova
2. Serghei DIACONU – Deputy Minister of Interior;
3. Ludmila DIMITRIȘIN – Minister of Finance (alternate member);
4. Victor MICU – Superior Council of Magistrates;
5. Olga VACARCIUC – Human Rights Center;
6. Oxana NOVICOV – Union of Bailiffs of Moldova;
7. Victor ZAHARIA – Institute for Penal Reforms;
8. Ecaterina ROMANIUC – Council for Prevention and Elimination of Discrimination (alternate member).

**Participants in the meeting:**

1. Valentin COVALI – General Prosecutor's Office;
2. Oleg FILIMON - General Prosecutor's Office;
4. Olga BUREA – Ministry of Justice;
5. Daniela VIDAICU – Ministry of Justice;
6. Natalia CRISTIAN – Ministry of Justice;
7. Ion GUZUN – Legal Resource Center;
8. Vera TOMA – Superior Council of Magistracy;
8. Pavel BURGELEA - Ministry of Justice;
9. Natalia CARAUȘ – Ministry of Finance;
10. Eugen POPOVICI – Moldovan President's Office;
11. Camelia GRAUR – Ministry of Foreign Affairs and European Integration;
12. Ioana CHIRONET - Superior Council of Magistracy;
13. Ausra RAULICHYLE – EUHLPAM.

Secretary of the working group: Veronica Vition – Secretary of the working group.

The following subjects were discussed:

**1. Presentation of information about the disbursement of the second tranche of budget support provided by the European Union in the context of continuation of justice sector reforms**

## **2. Procedure and mechanism of evaluation of the conditionalities established in the Policy Matrix**

The representative of the Ministry, Ms. Sabina CERBU, in regard to the EU evaluation, spoke about the manner of implementation of the activities set out in the 2013 Matrix that took place in May 2014.

The progress of justice sector institutions is 88%, which denotes that Moldova will receive less money for implementing the justice sector reform, which does not mean, however, that the implementation of the JSRS will slow down. The institutions must make sure that they find sufficient resources for implementing all the activities. It was added that the actions that had not been implemented in the timeframe indicated in the matrix had to become priorities for the institutions in 2014 in order to ensure good implementation thereof (e.g. the performance indicators, the law on the prosecutor's office and the amendments to the criminal procedure code). Although the Ministry of Justice repeatedly drew the attention of the responsible institutions, these actions are in the process of implementation.

At each meeting of the Steering Committee the Ministry of Justice requests the implementing agencies to implement the actions that have not been implemented. So far, this request in regard to the action mention *supra*, for example, has not been fulfilled.

The actions considered by the EU experts *partly implemented* were mentioned.

- Promotion of legislative amendments to the law on prosecution (Parliament) to ensure the independence of the institution and the financial autonomy of the Superior Council of Magistrates. Although the Ministry of Justice together with the General Prosecutor's Office sent the draft law for amending the law on the prosecution and of related normative framework, the Parliament did not promote further this initiative (the letter was sent officially to the Parliament by the MoJ and GPO on 22 May 2014). Both the concept for reforming the prosecution and the draft law to amend the normative framework were developed by the joint MoG-GPO working group. At the same time, I would like to say that the Parliament stressed the need to approve this package of laws in view of fulfilling our commitments to the EU, but also to CoE. It is necessary to note that money has been allocated from the state budget for the implementation of this action, to ensure the functionality of the Superior Council of Prosecutors (628 000 lei).

Amending the criminal procedure (Ministry of Justice) to ensure the efficiency of the criminal process and introduce human right standards according to the ECHR principles. The Ministry of Justice set up a working group in this sense (2012-2013) that brought together representatives of national institutions but also representatives of the donors and development partners. Due to the high number of actors involved in the working group work, the amendment drafting was lengthy. The working group has completed the amendments to the CPC that subsequently were coordinated by the MoJ and sent to the Council of Europe for an expert examination. The CoE expert expertise was received only in July 2014. The draft is being finalized, so that in October it will be put up for public debates and then submitted to the Government.

It is necessary to note that certain amendments to the criminal legislation were already approved to align it to the human right standards: law of 5 April 2012 for completing the CPC ensures good observance of the equality of arms principle; law of 14 March 2013 comes to clarify the role and competences of the criminal investigation bodies and of the bodies that apply special

investigation measures. The law on the special investigation activity was passed on 29 March 2012.

- Transfer of all juveniles (Ministry of Justice) involved in criminal proceedings and who are serving their sentence in the Goian penitentiary. We have transferred all the juveniles who are serving a final sentence (in principle, all the juveniles who were serving a custodial sentence at Lipcani penitentiary were transferred). The juveniles who have a procedural status in the criminal proceedings but are not serving a final sentence have not been transferred because from the point of view of the unfolding of the proceedings, the juveniles are kept in the detention centers in the jurisdiction of the court that examines the criminal case in which they are a party. Thus, according to the data we have as at 13 June 2014 (the date when the information was communicated to the European expert): the convicts in the Goian penitentiary are 28 juveniles. There was a total of 34 juveniles in the detention centers. For security, but also technical reasons, in view of ensuring a successful unfolding of criminal proceedings, from the temporary detention center the juveniles were transferred to Goian.

## **2. Procedure and mechanism of evaluation of the conditionalities established in the Policy Matrix**

The project manager of the European Union Delegation Victoria NEAGA noted that the second tranche of 13.2 million euros was made on 13 August 2014, which is the money offered by the EU as part of the Program to Support the Justice Sector Reform.

She also noted that a press conference was going to take place on 15 September 2014 with the participation of Mr. Oleg EFRIM, Minister of Justice of Moldova and Ambassador Pirkka TAPIOLA, Head of the EU Delegation to Moldova where they would mention about the second tranche. She explained that the amount of the second tranche depended on the level of fulfillment of the conditionalities established in the Policy Matrix.

The evaluation of the conditionalities was done by two experts: one dealt with the legal part and the second – with the financial part. They checked the supporting documents of each action in part. In the evaluation they established satisfactory progress in meeting the conditionalities.

She noted the gaps found in the evaluation, and namely:

- shortcomings in the interpretation of Policy Matrix conditionalities, i.e. the responsible institutions interpret the matrix actions differently.

Thus, in order to settle the existing gaps, the EU Delegation would contact an expert to bring clarity to the correct interpretation of the Policy Matrix conditionalities.

Victoria NEAGA also requested that the minutes of the Steering Committee be prepared within ten working days from the day of the meeting.

## **3. Presentation of the Report on the Implementation of the Policy Matrix Actions for the first quarter of 2014**

The representative of the Ministry of Justice presented information about the actions implemented, not implemented and those in the process of implementation according to the Policy Matrix of the attached report.

**No questions were asked and not suggestions or comments were made.**

**The following was decided at the meeting:**

1. Accept the request of the representative of the EU Delegation to Moldova that the minutes should be prepared within 10 working days from the day of the meeting and have them sent to the members of the Steering Committee responsible for implementing the Financing Agreement between the Moldovan Government and the European Union;
2. Request information from all the implementing agencies about the unfolding and level of implementation of the partly implemented actions.
3. Present the list of activities and of the working groups created for each action of the Policy Matrix.

**Chairperson of the meeting:**

**Sabina CERBU**

**Secretary of the meeting:**

**Veronica VITION**