



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

**Minutes no. 1 of 13 January 2015
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 the Justice

Members of the Committee:

1. Victoria NEAGA – EU Delegation to Moldova
2. Serghei DIACONU – Deputy Minister of Interior;
3. Olga MEREUȚĂ – Ministry of Finance (delegated member);
4. Olga VACARCIUC – Human Rights Center;
5. Victor ZAHARIA – Institute for Penal Reforms;
6. Adrian ERMURACHI – State Chancery
7. Nadejda HRIPTIEVSCHI – Legal Resource Center;
8. Carolina BAGRIN – Council for the Prevention and Elimination of Discrimination and Assurance of Equality (delegated member);
9. Sveatoslav MOLDOVAN – Supreme Court of Justice (delegated member);
10. Valentin COVALI – General Prosecutor’s Office (delegated member).

Participants in the meeting:

Olga BUREA – Ministry of Justice;
Daniela VIDAICU - Ministry of Justice;
Natalia CRISTIAN - Ministry of Justice;
Eugen POPOVICI – Moldovan President’s Office;
Valentin ȚÎMBALIUC – Moldovan President’s Office;
Ausra RAULICHYLE – EUHLPAM;
Olga BULMAGA - Council for the Prevention and Elimination of Discrimination and Assurance of Equality.

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

The following subjects were discussed:

Technical issues on the implementation of the Policy Matrix, annex to the Budget Support Agreement

1. Discussion about the completion no.1 to the Budget Support Agreement

Mr. Adrian ERMURACHI, State Chancery

2. Discussions on the mission for the evaluation of Tranche no. 2. Timeframe for conducting the evaluation mission

Ms. Victoria NEAGA – Project Manager, EU Delegation to Moldova

3. Analysis of the comments on the interpretation of the indicators stipulated in the 2015 Policy Matrix

Ms. Daniela VIDAICU, Head of the Cabinet of the Minister

4. Presentation of the draft report on the 2014 Policy Matrix.

Ms. Olga BUREA, Cabinet of the Minister

5. Establishing the priorities in the implementation of the 2015 Policy Matrix

Ms. Natalia CRISTIAN, DAMEP, Ministry of Justice

The representatives of the Ministry, Ms. Sabina CERBU, announced the meeting open and noted that the meeting had a formal character, since there were a number of meetings during the year. The goal of the meeting is to detail certain aspects of the implementation of the Policy Matrix to synchronize the actions of all the implementing agencies.

1. Discussions on the completion no.1 to the Budget Support Agreement

Mr. Adrian ERMURACHI:

The set of documents for the entering into effect of the Addendum no.1 to the Financing Agreement between the Moldovan Government and the European Union on the Program to Support the Justice Sector Reform, signed in Brussels on 14 June 2013 has been developed. The procedure was started by the Ministry of Justice based on the address of the European Commission to the Prime Minister of 14 Oct 2014 by which the EU representatives agreed on the conditionalities proposed by a previous letter of the State Chancery, thus ordering the start of the internal procedures. The set of documents on Addendum no.1, to be signed by an exchange of notes, had passed the stage of endorsement by the line agencies and its text is being now finalized in view of promoting it to the Government. The delay in presenting the draft is conditioned by the formation of the Government, because from a procedural point of view, any amendment to the Financing Agreement must be approved by Government Decision that is mandatory according to the Law on International Treaties.

Victoria NEAGA:

The representative of the EU Delegation drew attention to the fact that the draft was to be promoted in a priority manner before the coming of the evaluation mission. The EU Delegation reviewed the set of documents in October 2014 and it is necessary that the draft is approved by February 2014. The State Chancery and the Ministry of Justice were to further monitor the passing of the said draft.

2. Discussions about the mission for the evaluation of Tranche no.2. Timeframe for conducting the evaluation mission

Victoria NEAGA:

The Delegation has now started the process of selection of the experts for the evaluation mission and the Ministry of Justice is to establish the period when it should start. The representative of the Delegation specified that the minutes should include the problems with the implementation of certain actions, such as the prosecution reform (passing of the law on the prosecution) and the ratification of

Protocol no.12 and the consequences of the failure to ratify it, and namely, the loss of 3 million euros, which is an additional amount for the human rights component.

Adrian ERMURACHI:

He stressed that the minutes should expressly state the risks that can arise if Protocol no.12 is not ratified. The Financing Agreement leaves room for interpretation and it is necessary to know the position of the European Union in this sense. If one of the 4 activities is not implemented, the 3 million euros of the variable component more for more will not be allocated.

Sabina CERBU:

After hearing out the draft report on the 2014 policy matrix and presentation of information about the interpretation of the indicators established in the 2015 Policy Matrix, we will have clarity about the documentary evidence of the level of implementation of the actions set out by the Matrix.

The Ministry of Justice at the same time requests that in the context of selection of experts for the evaluation mission to select a qualified expert and make sure that the expert knows the supporting documents before the start of the evaluation mission as such and to have the supporting documents translated accordingly.

3. Analysis of the comments on interpreting the indicators stipulated in the 2015 Policy Matrix

Ms. Daniela VIDAICU:

The table of indicators is a technical document and I suggest that we approve this principle and send it later to the members of the Committee and to the implementing agencies for comments and if there recommendations on their content, they should be subsequently sent. These indicators are necessary in order to have a common approach (of all the responsible institutions) on the interpretation of the verification measures.

Adrian ERMURACHI:

He requested the EU Delegation to inform about the value provided by the analysis made by the expert on the interpretation of the indicators.

4. Presentation of the draft report on the 2014 Policy Matrix

Ms. Olga BUREA, Cabinet of the Minister

She presented the draft report on the policy matrix, the level of implementation and the evolution of the actions. At the same time, she presented the list of actions that were in the process of implementation. The qualifications for two actions, B.1.1.(2) and B.2.1.(2) were changed at the proposal of the Committee's members.

She also invoked that this document currently had the status of draft due to the fact that until the following evaluation mission organized by the EU Delegation to Chişinău the report was to be updated and finalized.

Valentin COVALI:

He presented additional information about the measures taken in action B.1.1.(2) and proposed changing the qualification from "in the process of implementation" to "implemented."

Adrian ERMURACHI:

The representative of the State Chancery noted the need for a detailed and accurate approach to all the verification measures, giving as an example action 1.1(2) where the qualification was to be changed from 'implemented' to 'in the process of implementation', because the indicator implied 'having the draft law approved by the Parliament and not by the Government.'

5. Establishing the priorities on the manner of implementation of the 2015 Policy Matrix

Ms. Natalia CRISTIAN:

She presented the list of priority actions for 2015 and explained the reasons for including them.

Questions, suggestions, comments

Olga MEREUȚĂ:

At the request of the representatives of the EU delegation and of the civil society, the Ministry of Finance presented explanatory information about the MTBF, the allocation of financial resources for the Reform Strategy and their use.

The following was decided at the meeting:

1. To approve by principle the table on the interpretation of the common indicators set out by the Policy Matrix and subsequently to send the comments and recommendations to the Ministry of Justice;
2. To change the qualifications of the actions B.1.1. (2) *Exclude from the Criminal Procedure Code the clause "except when it is not possible" in relation to the obligation to hear out, recording the hearings in court and introduction of the obligation for judges to notify the parties in the trial about their right to have their trial audio recorded* and B.2.1.(2) and have the General Prosecutor's Office present the supporting documents for the action B.1.1.(2) *Develop the information system "Registry of Criminal and Forensic Information"*;
3. Establish a meeting to take place before the evaluation mission to present the information, review it, and approve the report on the 2014 Policy Matrix.
4. To further request from all the implementing agencies information about the status and level of implementation of the actions that have been partly implemented.
5. To send to all the implementing agencies the list of priority actions for 2015.

Note: The audio recording is kept at the Steering Committee Secretariat.

Chairperson of the meeting:

Sabina CERBU

Secretary of the meeting:

Veronica VITION