

**MINISTRY OF JUSTICE  
OF THE REPUBLIC OF MOLDOVA**

**Report no. 2 of 27 October 2016,  
the meeting of the Steering Committee for the implementation of the Financing  
Agreement between the Government of the Republic of Moldova and EU concerning  
the Programme of support for the justice sector reforms**

**Present:**

**Head of the Steering Committee: Vladimir CEBOTARI – Minister of Justice**

**Members of the Committee:**

1. Victoria NEAGA – EU Delegation to the Republic of Moldova;
2. Sergiu SÎRBU – Parliament of the Republic of Moldova;
3. Maria CĂRĂUȘ - Ministry of Finance;
4. Mircea ROȘIORU – Superior Council of Prosecutors;
5. Olga VACARCIUC – People’s Advocate Office;
6. Oxana NOVICOV – National Union of Bailiffs of the Republic of Moldova;
7. Iurie GARABA – General Prosecutor’s Office;
8. Nadejda HRIPTIEVSCHI – Legal Resources Centre of the Republic of Moldova;
9. Victor MICU - Superior Council of Magistracy;
10. Ian FELDMAN - Council for Preventing and Eliminating Discrimination and Ensuring Equality;
10. Iulia SÎRCU – Supreme Court of Justice;

**Delegates:**

1. Grigore MOGA – Ministry of Internal Affairs;
2. Domnița HANGANU – State Chancellery;
3. Olga RABEI – Institute for Penal Reform.

**Participants:**

1. Pirkka TAPIOLA – EU Delegation to the Republic of Moldova;
2. Aneil SINGH – EU Delegation to the Republic of Moldova;
3. Carolina VIDRAȘCU – General Prosecutor’s Office;
4. Inguss KALNIUS – EU High Level Adviser for the justice sector;
5. Mihail MALAȘEVSKI – Assistant to the EU High Level Adviser for the justice sector;
6. Tatiana MORARU – Ministry of Justice;
7. Diana POCITAR-POPARCEA – Ministry of Justice;
8. Iurie LEVINTE – Assistant to the EU High Level Adviser for the reform of the prosecutor’s office;
9. Ioana CORNESCU – EU Project for technical assistance: Support to the Enforcement, Probation and Rehabilitation systems in Moldova;
10. Aivars OSTARKO – EU Adviser for the reform of the prosecutor’s office;
11. Gerassimos FOURLANOS – EU Technical Assistance Project: to Support the Pre-Trial Investigation, Prosecution and Defence Set-Up in Moldova;
12. Carsten MAHNKE – EU Technical Assistance Project: Increased Efficiency, Accountability and Transparency of Courts in Moldova.

Secretary of the meeting: Cristina BOTNARIUC – Ministry of Justice.

The following topics were discussed (in accordance with the agenda):

**1. Discussion and debates concerning the Reports on the implementation of conditionalities included in the Policy Matrix for 2014 and 2015.**

**Report for the year 2014: A 2.4.1., B.2.2.1., B.5.2.1., C.1.1.2., C.1.3.1.**

**Report for the year 2015: B.1.2.2., B.2.2.2., B.5.2.1., B.5.2.2.**

**2. Approval of final reports on the implementation of all conditionalities indicated in the Policy Matrix for 2014 and 2015.**

**Mr. Vladimir CEBOTARI, Minister of Justice,**

V. Cebotari has opened the meeting of the Steering Committee, responsible for monitoring the implementation of the Financing Agreement between the Government of the Republic of Moldova and European Union concerning the Programme of support for justice sector reforms.

He has thanked the EU Delegation to Moldova for the support rendered to the process of reforming the justice sector, manifested through permanent participation at the Steering Committee and active involvement in the activities.

He has underlined that the objective of the meeting is specifying certain aspects regarding the implementation of the Policy Matrix for 2014 and 2015, and to approve the reports for the implementation of the Policy Matrix, part of the Financing Agreement for years 2014 and 2015.

**Mr. Pirkka TAPIOLA, Ambassador, EU Delegation.**

Mr. Tapiola has expressed his thanks for the organization of the meeting, has underlined the importance of achieving further progress in the Moldova-EU dialogue. As regards the conditionalities of the financing agreement, he has reiterated the need of implementing the general conditionalities in accordance with the agreement, as well as interpreting the degree of fulfilment of specific conditionalities through the general perception of the justice sector reform. Mr. Tapiola has also welcomed the intention to extend the period for the implementation of the Strategy for the reform of the justice sector, assuring the participants of continued EU support in this process. The Ambassador also invited the members of the Steering Committee to examine the conditionalities, leaving aside political aspects/connotations.

**1. Discussion and debates concerning the Reports on the implementation of conditionalities included in the Policy Matrix for 2014 and 2015.**

**Report for the year 2014: A 2.4.1., B.2.2.1., B.5.2.1., C.1.1.2., C.1.3.1.**

**Report for the year 2015: B.1.2.2., B.2.2.2., B.5.2.1., B.5.2.2.**

**Ms. Nadejda HRIPTIEVSCHI,**

Ms. Hriptievski has intervened with a request to discuss two more actions in addition to the items included in the agenda. For the report of 2015 – actions B.1.1.1. and B.2.1.1. The proposal was accepted.

**Ms. Cristina BOTNARIUC,**

Ms. Botnariuc has read the amendments to the Report of 2014, for the actions included into the agenda, according to the requests of the EU Delegation. These modifications refer to:

1. Excluding action 2.4 from the 2014 report and its inclusion into the 2015 report.
2. For action B.1.2.3. - updating the information regarding the ratio of audio recording of court hearings in 2015 and 9 months of 2016.
3. For action B.2.2.1., updating the information regarding the procedure for selection and promotion of prosecutors on basis of performance and merit indicators in 2015 and 2016.
4. For action B.5.2.1., updating the information for the procedure of evaluation of judges in 2015 and 2016.
5. For action C.1.1.2., - requalifying the action from “*partially fulfilled*” into “*not-fulfilled*”.
6. For action C.1.3.1., analyzing the developed study from a qualitative aspect.

**Ms. Victoria NEAGA,**

Ms. Neaga has proposed to develop a new study which will analyze the functional capacity of the People’s Advocate Office.

**Ms. Nadejda HRIPTIEVSCHI,**

Ms. Hriptievski has voiced her opinion about qualifying this action as “*not-fulfilled*” taking into consideration the challenges surrounding the People’s Advocate Office.

**Mr. Vladimir CEBOTARI,**

Mr. Cebotari has mentioned the positive actions implemented in this regard, assuring of continued support for the consolidation process of the institution of People’s Advocate Office, both as regards developing and improving regulations for this field, as well as provision of material support.

**Ms. Cristina BOTNARIUC,**

Ms. Botnariuc has read the amendments made in the 2015 Report, for the actions included in the agenda, according to the requests of the EU Delegation. These modifications refer to:

1. For action B.1.2.2., updating the information regarding the budgeting related to the optimization of courts;
2. For action B.2.2.2., - the proposal to render it the status of “*not-fulfilled*”.
3. For action B.5.2.1., the information was updated regarding the specific provisions on raising the salaries of judges and prosecutors.
4. For action B.5.2.2. – amendments were made regarding the integrity tests carried out until the provisions of Law 325 of 23.12.2013 were declared - unconstitutional.

**Mr. Aneil SINGH,**

Mr. Singh has requested information regarding the availability of financing the process of optimization of courts out of the state budget, taking into view that this is a commitment undertaken through the adoption of Law 76 of 21 April 2016.

**Ms. Maria CĂRĂUȘ,**

Ms. Cărbăș has specified that this topic is currently under discussion at the Ministry of Finance and a decision in this regard will be taken soon.

**Ms. Victoria NEAGA,**

Ms. Neaga has voiced her opinion on requalifying action B.2.2.2. from “*fulfilled*” to “*not-fulfilled*”, on grounds that the final indicator of the action was not reached - i.e. the reports regarding the compatibility of information systems. This position was supported by Ms. Hriptievschi and disaffirmed by the representatives of the General Prosecutor’s Office.

**Ms. Nadejda HRIPTIEVSCHI,**

Ms. Hriptievschi has requested requalifying action B.1.1.1. from “*fulfilled*” to “*not-fulfilled*” on grounds that the system of selecting and evaluating the judges – in practice is carried out with violations of the legal procedures.

**Mr. Victor MICU and Ms. Iulia SÎRCU,**

Have explained that the abovementioned procedures are carried out in an absolutely legal manner. The members of the Superior Council of Magistrates act in accordance with the mandate and duties prescribed by the Constitution of the Republic of Moldova.

**Mr. Vladimir CEBOTARI,**

Has proposed to determine/define the status of this action through a vote by the members of the Steering Committee.

**Ms. Nadejda HRIPTIEVSCHI,**

Has requested further details and specification of information regarding action B.2.1.1.

**Ms. Cristina BOTNARIUC,**

Ms. Botnariuc has explained that in the previous reports an error occurred; thus, the respective Report, in accordance with the verification measures, had to reflect the analysis of the special procedure of investigation and not the procedures for the evaluation of prosecutors and investigation officers.

**Following the meeting of the Steering Committee, the participants have decided the following:**

1. The status of action B.1.1.1. of the 2015 Report was voted as “*fulfilled*” (13 votes - for, 1 against, 1 abstained).
2. Attributing the status of “*not-fulfilled*” to the action B.2.2.2. and intensifying efforts to fulfill this action.
3. Voting for the 2014 Report, establishing 31 “*fulfilled*” actions and one action “*not-fulfilled*” (14 votes for, and one abstained).
4. Voting for the 2015 Report with 27 “*fulfilled*” actions and 2 actions – “*not-fulfilled*” (14 votes - for, and one abstained).