



Questionnaire

Part II

**Information provided by the Government of the Republic of Moldova
to the Questionnaire of the European Commission**

CHAPTER 24: JUSTICE, FREEDOM AND SECURITY

May 2022

EU policies aim to maintain and further develop the Union as an area of freedom, security and justice. On issues such as border control, visas, external migration, asylum, police cooperation, the fight against organised crime and against terrorism, cooperation in the field of drugs, customs cooperation and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance. A network of nine decentralised agencies supports EU policy making and cooperation in this area (European Union Agency for Law Enforcement Training (CEPOL), European Institute for Gender Equality (EIGE), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), European Union Agency for Asylum (EUAA), European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), European Union Agency for Criminal Justice Cooperation (Eurojust), European Union Agency for Law Enforcement Cooperation (Europol), Fundamental Rights Agency (FRA) and European Border and Coast Guard Agency (Frontex). The most detailed part of the EU's policies on justice, freedom and security is the Schengen *acquis*, which entails the lifting of internal border controls in the EU. However, for the new Member States substantial parts of the Schengen *acquis* become applicable following a separate Council Decision to be taken after accession.

I. MIGRATION

1. Please provide information on general immigration policy, as well as legislation or other rules governing migration.

The state policy in the field of migration is promoted at the national level through the integrated implementation of the functional attributions by the following ministries, central public authorities and institutions.

The Ministry of Internal Affairs has the task of developing and implementing prerogatives regarding the development/promotion and implementation of migration policies in the context of complexity immigration and asylum, managing the phenomenon of migration through the reception and documentation of foreigners using identification documents, coordinating the integration process foreigners in the RM, for the control of the legal stay of foreigners in the territory of the RM, for state guardianship and proper application of restrictive measures, border management, development of control documents related to migration. With reference to immigration, the primary laws regulating the field are: Law No. 200/2010 on the regime of foreigners in the RM¹; Law No. 270/2008 on asylum in the RM²; Law No. 274/2011 on the integration of foreigners in the RM³; Law No. 105/2018 on promoting employment and unemployment insurance⁴.

The RM also has a comprehensive coordination mechanism in the field of migration that applies the whole-of-government approach to migration. This mechanism includes various levels: inter-ministerial commission and committees, working groups with various moderators etc. Thus, a Commission for coordination of activities in the field of migration was established by the Government Decision No. 947/2018 aiming at monitoring and coordinating activities in the field of migration, asylum, statelessness and integration of foreigners in the Republic of Moldova as well as uniform and coherent application of governmental policies relevant in this area.⁵

¹ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

² Law No. 270/2008 on asylum in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123117&lang=ro

³ Law No. 274/2011 on the integration of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124776&lang=ro#

⁴ Law No. 105/2018 on promoting employment and unemployment insurance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105474&lang=ro

⁵ Government Decision No. 947/2018 on the establishment the Activity Coordination Committee in the area of migration and asylum, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109126&lang=ro

2. Do immigration rules provide for family reunification of third country nationals' family members? If so, please outline who can be regarded as a family member, which conditions have to be fulfilled, procedures, and rights after admission, plus reasons for refusal, renewal or withdrawal of status, and appeal procedures. Are there immigration rules for acquiring a long-term resident status? If so, please outline these, specifying the rights attached to the status and the conditions for refusal, renewal or withdrawal of status, and appeal procedures.

The national legislation provides for family reunification granted to foreigners married with Republic of Moldova citizens married to foreigners and to foreigners with the right of residence in the Republic of Moldova. According to Article 38 of the Law No. 200/2010⁶, the right of temporary residence may be granted or extended to foreigners married to foreigners having the right of temporary or permanent residence in the Republic of Moldova, and to citizens of the Republic of Moldova, except for those who have been granted this right for study purposes, or to foreigners who have been recognized as stateless persons. The right of residence for family reunification is granted to:

- husband or wife;
- unmarried minor children, whether born in or out of wedlock, as well as children adopted by both spouses or by one of them only, children placed in the care of both spouses or in the care of only one of them by decision of a competent authority in the State of origin, provided that the children are actually in the care of either spouse;
- unmarried adult children of the holder of the right of residence or of his or her spouse if they are unable to support themselves for medical reasons;
- parents dependent on the holder of the right of residence or his/her spouse/
- persons for whom guardianship or curatorship is established.

The application for family reunification shall be submitted by the foreigner holding the right of personal residence and shall be approved under the following conditions:

- the marriage is not of convenience or, where applicable, there is a family relationship;
- there is no polygamy;
- the applicant provides proof of living space;
- the applicant possesses means of support in the amount corresponding to the category of the right of residence of which he/she is the holder.

If there is any doubt as to the conclusion of the marriage or the family relationship, the competent authority for foreigners may ask for evidence to establish it. The

⁶ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

right of temporary residence for family reunification shall be extended individually for each family member for the same period for which the right of temporary residence was granted to the foreigner staying in the RM, upon his/her request and upon presentation of proof of possession of means of support at the level of at least one average monthly salary per month in the economy for each family member. Within 30 calendar days from the date of submission of the application, the competent authority for foreigners shall issue a decision on granting or refusing the right of temporary residence to foreigners. Depending on the reason for the application, the right of temporary residence may be granted for a period of up to 5 years and, in cases provided for by law, for another period.

The decision to reject an application for the right of temporary residence is issued if:

- the foreigner does not meet the conditions for entry into the RM provided for in Article 6(1)(a), (b), (c), (e), (f) and (g) of the Law No. 200/2010 on the regime of foreigners in the RM⁷;
- there are any of the grounds for refusal of entry to the territory of the RM provided for in Article 8 (1) (b), (c), (d), (e), (g), (h), (i), (j), (k) and (l) of the mentioned Law.

The decision on the refusal to grant the right of temporary residence shall be communicated in writing to the applicant within 3 working days of its issuance. The decision on the refusal to grant the right of temporary residence may be challenged in the administrative court. Foreigners living in the RM enjoy the same rights and freedoms as citizens of the RM, guaranteed by the Constitution of the RM and other laws, as well as the rights provided for in international treaties to which the RM is a party, with the exceptions established by the legislation in force.

The right of temporary residence previously granted may not be extended or, where appropriate, may be canceled or revoked if it is found that the conditions set out in Article 361 of Law No. 200/2010 on the regime of residence of foreigners in the Republic of Moldova are not met, or if a final court decision has been issued against the foreigner for committing an economic crime. The competent authority for foreigners shall issue the decision on granting or extending the right of temporary residence within 15 calendar days from the date of submission of the application.

⁷ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

3. Are there immigration rules or policies, which aim at attracting investment in exchange for residence rights (investor residence schemes)? If so, please outline these, specifying the rights attached to the status and the conditions to fulfill as well as for refusal, renewal or withdrawal of status.

According to Article 31 para. (2) letter g) of the Law No. 200/2010 on the regime of foreigners in the RM⁸, the right of temporary residence may be granted to foreign investors. In accordance with the provisions of Article 361 of the Law No. 200/2010, the right of provisional residence is granted to a foreigner who has made investments in accordance with the provisions of the Law No. 81/2004 on investments in entrepreneurial activity⁹ and is a partner or shareholder of legal entities in the RM, if he/she has fulfilled one of the general conditions:

- owns, directly or indirectly, one or more shares and/or stocks in legal entities in the RM, in the total amount equivalent to at least a share in the legal entity equivalent to at least 30 average monthly salaries on the economy forecast. If the total amount of investments made by the foreigner does not reach the mentioned amount of investments, but together with the amount of investments made by other foreign investors, associates in the same legal person, exceeds this amount and none of the other foreign associates or shareholders applies or has applied for the right of residence in the RM as an investor, then he is considered to have fulfilled the requirement of the amount of investments;
- the legal entity, whose partner or shareholder it is, has created at least one job with normal working hours and a salary equivalent to the average monthly salary on the economy forecast for the year of management.

The application for granting the right of temporary residence shall be accompanied by the documents required by articles 32 and 33⁵ of the Law No. 200/2010, confirmation of investments by the accredited auditor registered in the State Register of Auditors, or the report on the withholding of income tax, compulsory health insurance premiums and compulsory state social security contributions calculated, confirming the creation of employment within the applicant beneficiary.

Articles 44-47 of the Law No. 200/2010 establish the conditions for granting/extending the right of permanent residence to foreigners. Thus, in order to obtain the right of permanent residence, the foreigner must cumulatively meet the following conditions:

- a) has the right of legal and continuous provisional residence on the territory of the Republic of Moldova for at least 3 years - in the case of a foreigner married to a citizen of the Republic of Moldova;

⁸ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

⁹ Law No. 81/2004 on investments in entrepreneurial activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122080&lang=ro

- b) has the right of legal and continuous provisional residence on the territory of the Republic of Moldova for at least 5 years - in the case of aliens in other categories;
- c) proves that he/she has sufficient means of support; an exception is made for foreigners married to citizens of the Republic of Moldova;
- d) has a living space;
- e) holds a certificate attesting to an average level of knowledge of the state language or a certificate of studies issued by an educational institution teaching in Romanian, except for beneficiaries of old-age pensions;
- f) still fulfills the entry conditions to the Republic of Moldova
- g) none of the grounds for refusal of entry into the territory of the Republic of Moldova have occurred during the stay in the Republic of Moldova
- h) has no criminal record in the last 3 years.

Foreigners whose residence is in the interest of the Republic of Moldova may be granted the right of permanent residence without fulfilling the above conditions. If both parents are holders of the right of permanent residence, the minor foreigner obtains the establishment of residence in the Republic of Moldova together with his/her parents. The minor is also entitled to establish residence in the Republic of Moldova if only one of the parents is entitled to permanent residence and if he/she is dependent on that parent.

The right of permanent residence is also granted to foreigners who, according to the legislation in force, have the right to acquire the citizenship of the Republic of Moldova by recognition and meet the conditions provided for. The right of permanent residence shall cease or be withdrawn:

- at the request of the holder;
- when the foreigner leaves the country in order to establish his/her residence in the territory of another state;
- in case of absence of the foreigner from the territory of the Republic of Moldova for a period exceeding 12 consecutive months;
- in the event of the foreigner being declared an undesirable person.
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In all cases, after 6 years of absence from the territory of the Republic of Moldova, the foreigner loses the right of permanent residence.

4. Please describe the system for admission for employment, study and research and other purposes. If there are several systems in place (i.e. seasonal workers, au pairs, highly skilled workers, intra-corporate transferees, scientific research, students, voluntary service, pupil exchange, trainees etc.) please briefly outline them, as well as reasons for refusal, renewal or withdrawal of status, and appeal procedures.

Article 43¹ of the Law No. 200/2010 establishes the conditions for immigration for employment purposes in the RM. Thus, , immigration for work of foreigners is carried out according to the needs of the national economy in qualified labor force if the vacancy cannot be filled with domestic human resources, in accordance with the legal provisions. In order to ensure the needs of the national labor-intensive economy, the Government, based on the Classifier of Occupations in the Republic of Moldova, approves and updates, annually or as necessary, the List of Priority Occupations.

Article 43² describes the procedure for submitting documents and issuing the decision and indicates the documents for granting or extending the right of temporary residence for employment purposes. Article 43³ states the reasons and grounds for refusal to grant or extend the right of temporary residence for work purposes.

In Chapter IV¹ of the Law No. 200/2010 on the regime of foreigners in the RM, Articles No. 43⁴-43¹⁴ set out the conditions and indicate the documents required for obtaining the right of residence/employment for several categories of foreign workers. Article 37 of the said Law provides for the granting and extension of temporary residence for study purposes, at the request of the foreigner based on a request from the educational institution, the document attesting his/her enrolment for studies, the confirmation of the existence of means of support and the means necessary for carrying out studies in the country and the documents provided for in Article 32 paragraph (2).

The Law No. 200/2010 on the regime of foreigners in the RM¹⁰ provides for granting the right of residence for other purposes. The right of temporary residence for humanitarian, voluntary or religious activities may be granted or extended, upon request, if the foreigner:

- submits an extract from the Register of religious denominations and their component parts or from the Register of non-commercial companies;
- is a representative of a recognized religion in the RM or of a humanitarian organization, as the case may be;
- is employed on the basis of a voluntary contract or a cooperation agreement.

¹⁰ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

The right of temporary residence for long-term, balneological or rehabilitation treatment may be granted or extended to a foreigner undergoing a course of treatment in a public, departmental or private medical institution if the foreigner:

- submits a letter of acceptance from the institution in question specifying the diagnosis and the minimum necessary duration of treatment;
- provides proof of means of maintenance and treatment.

The right of temporary residence for victims of trafficking in human beings shall be granted and/or extended to foreigners who are or have been victims of trafficking in human beings, including those who have entered the country illegally, if the following conditions are cumulatively met:

- the foreigner shows a clear willingness to cooperate with the competent authorities in identifying and bringing to justice those involved in the commission of the crime of which he/she is the victim;
- the foreigner has severed all relations with the persons suspected of committing the offence of which he or she is the victim;
- the foreigner's stay in the country is necessary for the proper conduct of the criminal proceedings;
- the foreigner is not a threat to national security and/or public order.

The right of temporary residence for victims of domestic violence and the related residence permit are issued free of charge.

5. Please describe the integration policy for foreign nationals, including beneficiaries of international protection.

The integration process takes place in the RM based on the Law No. 274/2011 on integration of foreigners in the RM¹¹, the last amendments entered into force starting with 1st of January 2021. Integration in RM is seen as the process of active participation of foreigners who have obtained international protection or political asylum, or a right to reside in the RM in the economic, social and cultural life of Moldovan society, by which means they are empowered to contribute and realize their full potential as members of this society, realize their rights and fulfill their obligations without discrimination or social exclusion for their own benefit and the benefit of the state. The integration process is comprehensive and participatory and involves both the foreigner and the responsible public authorities.

The Ministry of Internal Affairs, through the competent authority for foreigners, namely the Bureau of Migration and Asylum, coordinates the process of integration of foreigners on the territory of the RM. The categories of foreigners

¹¹ Law No. 274/2011 on integration of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124776&lang=ro#

who can apply for integration measures are the holders of temporary or permanent right to stay, recognized stateless persons in the Republic of Moldova, beneficiaries of international protection or political asylum. The process of integration of foreigners in the Republic of Moldova is carried out in compliance with the principle of non-discrimination, the best interests of the child and equal treatment.

According to the Law No. 274/2011¹², foreigners can benefit from the following integration measures:

- integration activities, namely specialized information sessions, sociocultural accommodation sessions, state language study courses, employment measures, information / counseling on obtaining the citizenship of the RM;
- specialized integration plans / programs, supported in whole or in part by public funds or external sources of funding and carried out through cooperation between central public authorities and / or with the support of local and non-commercial organizations.

Additionally, the Law¹³ explains the implementation of certain rights: access to education, access to medical services, access to social assistance and social security, procedures for recognition, equivalence and authentication of study documents and qualifications.

In the regional offices of the Bureau of migration and asylum of the MIA, several integration centers for foreigners operate, which are set out through the Government Decision No. 553/2017. The Integration Center for foreigners is a specialized center being a shared service, intended for measures of integration, counseling, information and assistance of foreigners. The centers are created to support in the long-term the integration process of foreigners, representing a one-stop shop for receiving requests for integration measures, implementing the redirection mechanism, ensuring inter-institutional coordination in the territory, as well as a targeted service for the local population on long term.

Within the centers, foreigners benefit from integration measures by going through 7 stages:

- 1) informing / advising / promoting integration measures;
- 2) submission of the application regarding the request for integration measures;
- 3) granting the foreigner the right to participate in certain integration measures or refusing to grant such integration measures;

¹² Law No. 274/2011 on integration of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124776&lang=ro#

¹³ Law No. 274/2011 on integration of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124776&lang=ro#

- 4) the participation of the foreigner in the integration measures;
- 5) monitoring the implementation of integration measures granted to foreigners;
- 6) completion of integration measures by foreigners;
- 7) case evaluation (impact / quality of services).

Integration measures may be requested through the integration centers or directly at the territorial subdivisions of the central government authorities involved in the integration process. According to the Law¹⁴, there are special provisions referring to special cases among foreigners who have obtained international protection or political asylum in the RM.

The special cases refer to unaccompanied minors, single-parent families with children, families with three or more dependent children, people with disabilities, pregnant women, victims of trafficking in human beings, people with intellectual disabilities and mental health, as well as persons who have been subjected to torture, rape or other serious forms of psychological or sexual violence, people who have reached retirement age. If there is such a case and, at the same time, the beneficiary has a reduced potential for self-maintenance, he/she enjoys equal and equitable access to assistance as the citizens of the RM, under the conditions set by the legislation.

Since 2021 the Law has introduced special provisions regarding integration of minors in order to underline certain activities. Thus foreign minors have access to medical care, access to compulsory education under the same conditions as minor citizens of the RM. Minors who do not have all the necessary documents at the time of enrollment in the educational institution shall be registered with the obligation to present them by the parents or legal representative within a reasonable time, but not later than 2 months from the date of registration. This provision is not mandatory for beneficiaries of international protection, based on the specific nature of the category. Minors who have obtained international protection shall, if necessary, benefit, during a school year, from a free introductory course in the state language in order to integrate into the education system, organized by the local public administration authorities.

During the introductory course, minors participate free of charge in theoretical, practical and recreational training activities within the school units. The MIA considered it important to introduce in the legislation provisions referring to the integration of families composed of foreigners and citizens of the RM. Thus the central and local public authorities shall implement the integrated approach in the field of diaspora, migration and development in order to implement measures for the protection of families composed of foreigners and citizens of the RM.

¹⁴ Law No. 274/2011 on integration of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124776&lang=ro#

In case of beneficiaries of international protection, they can request integration activities or to be part of an integration program. Beneficiaries of international protection are included in the integration programs on the basis of individual applications and in accordance with an integration commitment concluded between the applicant and the Bureau of Migration and Asylum. The beneficiary can apply for an integration program within 60 days of the date of obtaining international protection. After registering the application, the person applying for admission to the integration program is interviewed, and an individual needs assessment note is drawn up to determine the type of assistance or activities necessary for its social integration. The individual needs are brought to the attention of the relevant authorities together with which, within 30 days, the individual integration plan is elaborated which includes the objectives set for the beneficiary, deadlines, activities necessary to achieve objectives, institutions and / or responsible organizations, which is brought to the attention of the beneficiary and whose implementation is monitored by the Bureau.

During the integration program the beneficiary can stay in the Accommodation center (up to 1 year), can request financial assistance (up to 6 months), can receive free of charge health insurance (up to 1 year), with the condition to have an active participation in integration measures. The integration program and the integration measures shall be established and implemented based on the needs of the beneficiaries, without discrimination and respecting their cultural specificity. It is important to mention that central government authorities involved in the integration process meet quarterly to assess the integration process of foreigners, to identify shortcomings in the implementation of integration measures, to plan joint activities and to systematize information on the field of integration, in order to submit proposals for adjustment of national policies. Additionally, the process of consultation with civil society is set every six months.

6. Are there rules providing for sanctions against employers of irregularly staying foreign nationals?

The employment of foreign citizens in the RM falls under the provisions of art. 84¹ of Law No. 200/2010 on the regime of foreigners in the RM¹⁵, and the provisions of the Contravention Code, art. 334 - violation of the rules of employment of foreign citizens or stateless persons¹⁶.

Foreigners enjoy the same rights and freedoms as citizens of the Republic of Moldova, guaranteed by the Constitution of the Republic of Moldova and other

¹⁵Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

¹⁶Contravention Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130832&lang=ro#

laws, as well as the rights provided in the international treaties to which the Republic of Moldova is a party, with some exceptions provided by the law.

Foreigners living on the territory of the Republic of Moldova are obliged to respect the purpose for which they were granted the right of entry and the right to stay on the territory of the country, also to leave the territory of the Republic of Moldova.

Foreigners and stateless persons who violate the rules will be subjected to sanctions in accordance with the Contravention Code. Therefore, the following are considered as offences:

- Placement in employment of foreign citizens or stateless persons, temporarily in the Republic of Moldova, without a residence permit for work purposes issued in the manner established by law criminal offence;
- Carrying out work activity by foreign citizens or stateless persons, temporarily in the Republic of Moldova, without a residence permit for work purposes issued in the manner established by law;
- Obtaining, at the request of the person in charge, a residence permit for work issued in the name of a foreign citizen or a stateless person, temporarily in the Republic of Moldova, without employment.

7. Are there rules setting down the obligations of carriers transporting foreign nationals into the territory of Moldova?

In the field of air transport there are provisions establishing requirements related to the authorization of international commercial flights such as Aviation Code and Government Decision 870/2020 on the approval of the Regulation on the authorization of flights and use of national airspace by civil and state aircraft¹⁷.

It is prohibited for carriers to bring into the RM foreigners who do not meet the conditions set out in Article 6 (1) (a) and (b) of the Law No. 200/2010 on the regime of foreigners in the Republic of Moldova¹⁸. In case of non-compliance with the provisions of paragraph (1) art. 7 of the mentioned Law, the carrier shall be obliged to ensure the immediate transportation of the foreigners concerned to the place of embarkation or to another place which the foreigners accept and where they are accepted. If this is not possible, the carrier shall be obliged to bear the costs of their accommodation and maintenance and all other expenses connected with their return.

¹⁷ Government Decision 870/2020 on the approval of the Regulation on the authorization of flights and use of national airspace by civil and state aircraft, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=124571&lang=ro

¹⁸ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

According to the provisions of article 41 of the Law No. 215/2011 on the state border of the Republic of Moldova¹⁹ corroborated with points 66-71 of the Annex No. 1 to the Government Decision No. 297/2017 for the implementation of the Law No. 215/2011 on the state border²⁰ before commencing the border crossing control carriers are obliged to send to the Border Police information about the passengers they intend to transport, as well as the list of the personnel serving the route. At the same time, carriers are obliged to destroy these data within 24 hours after arrival of passengers into the RM.

The Border Police representatives destroy the data within 24 hours after it was transmitted and once the passengers are authorized to enter, unless these data could be used later on for operational purposes. According to the art. 332 par. (3) of the Code of Contravention of the Republic of Moldova²¹, non-transmission, incomplete or erroneous transmission of the aforementioned information by carriers shall entail contravention liability.

8. Specify the authorities and agencies involved in responding to irregular migration and fighting against migrant smuggling. Describe their working methods as well as national and regional coordination structures.

The Ministry of Internal Affairs (the General Inspectorate of Border Police, the Bureau of Migration and Asylum and the Centre for Combating Trafficking in Human Beings of the General Police Inspectorate (CCTHB)) is the key authority in the field of prevention and countering the irregular migration and migrant smuggling. For the purpose of the effective investigation of cases of migrant smuggling the CCTHB cooperates with the Unit for Combating Trafficking in Human Beings / the General Prosecutor's Office, Anti-Trafficking Office / the Prosecutor's Office for Combating Organized Crime and Special Cases, including the Coordinating Council of Law Enforcement Agencies under the Prosecutor General.

The reference legal framework related to countering the irregular migration and migrant is represented by the following acts:

- **National legislation:**
 - Constitution of the RM²²;

¹⁹ Law No. 215/2011 on the state border of the Republic of Moldova, available in Romanian at https://www.legis.md/cautare/getResults?doc_id=121977&lang=ro

²⁰ Law No. 215/2011 on the state border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111877&lang=ro

²¹ Contravention Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130832&lang=ro#

²² Constitution of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro

- Criminal Code of the RM (Article 362¹ Organization of Illegal Migration) ;²³
- Parliament Decision no.1386/2002 on the approval of the Migration Policy Concept of the RM;
- Law No. 241/2005 on preventing and combating trafficking in human beings;²⁴
- Law no.105/2008 on the protection of witnesses and other participants in criminal proceedings;²⁵
- Law no.137/2016 on the rehabilitation of victims of crime.²⁶
- **International legislation:**
 - United Nations Convention against Transnational Organized Crime;
 - Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

The Criminal Code of the RM at Article 362¹ (*Organization of illegal migration*), covers this field and provides a maximum penalty of up to 3 years of imprisonment for the perpetration of this crime.²⁷ The investigation of migrant smuggling cases falls under the competence of the CCTHB and the Border Police, which have specialized units for criminal investigation. The cooperation between these departments is covered by a Cooperation Agreement between the General Police Inspectorate and the General Inspectorate of Border Police concluded in March, 2021, which establish the cooperation mechanisms in areas of mutual interest, such as exchange of information, joint risk analysis products (reports, THB risk profiles), joint actions and operations to prevent, detect and combat THB and irregular migration, trainings, mutual consultations, etc.

The CCTHB participates jointly with the General Inspectorate of Border Police and the Bureau of Migration and Asylum in the joint risk analysis exercise. Cooperation continues in the framework of the Joint Working Group, established in early 2014, in the area of risk analysis on combating irregular migration, organized crime and cross-border crime, including irregular migration and migrant smuggling. The Working Group includes law enforcement authorities with cross-cutting responsibilities in the area of combating cross-border crime, irregular

²³ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

²⁴ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107319&lang=ro#

²⁵ Law no.105/2008 on the protection of witnesses and other participants in criminal proceedings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110503&lang=ro

²⁶ Law no.137/2016 on the rehabilitation of victims of crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

²⁷ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

migration, trafficking in human beings and other related crimes, particularly representatives of the General Inspectorate of Border Police, Customs Service, General Police Inspectorate, Bureau of Migration and Asylum, Intelligence and Security Service and the General Prosecutor's Office.

Risk analysis reports are prepared annually by GIBP, which is the national coordinator for risk analysis, where CCTHB and BMA are only members of the working group. Between 2017 and 2021, 5 risk analysis reports were prepared accordingly and disseminated to the law enforcement agencies from our country. There is also good cooperation between the CCTHB and representatives of the BMA. There is no prosecution body within the BMA structure. They refer identified cases to the CCTHB and the CCTHB, as a specialized prosecution structure, investigates together with the BMA. The BMA provides operational support to the CCTHB with the information they clarify and the CCTHB investigates further. In order to prevent irregular migration, the Ministry of Internal Affairs and its subdivisions carry out special operations to prevent, combat and revert irregular migration, aimed at identifying persons staying on the territory of the Republic of Moldova illegally.

The UN Migration Agency (IOM) currently provides support, assistance and protection to victims and presumed victims of THB and exploitation in the RM and other countries. The Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings is involved in providing assistance and protection to child and female migrants, victims and presumed victims of THB and exploitation. Most frequently, this Centre provides placement services, food, legal assistance. Some migrant-victims of irregular migration, possibly also of trafficking or exploitation, are placed in the Temporary Placement Centers for Foreigners.

To ensure proper implementation of the EU standards in the field of illegal migration, EUBAM is assisting the border services of Moldova and Ukraine in the development of general common indicators used for the identification of victims of trafficking, the enhancement of risk analysis and selectivity during the border checks, advising in the development of new relevant working methodologies and data collection methods in order to produce comparable statistics. The Memorandum of Understanding signed between the European Commission and the Government of the Republic of Moldova and the Government of Ukraine at the end of 2005 serves as the legal basis for cooperation with EUBAM in accordance with the mission mandate.

9. Please describe the international cooperation in place in the field of migrant smuggling.

The international cooperation in the field of combating migrant smuggling is carried out on the basis of the international treaties signed by the RM. Under the provision of the treaties the following forms of cooperation are carried out:

- Exchange of statistical and analytical data;
- Exchange of information on migrant smuggling cases;
- Exchange of information by means of Contact Points at the Moldova-Romanian Border (Common Contact Center Galati) and Moldova-Ukrainian border (Contact Point Palanca);
- Coordinated and joint operations, including those organized under FRONTEX and DCAF Border Security Program;
- Exchange of experience and know-how;
- Joint risk analysis with Romania and with Ukraine (at strategical and operational levels);
- Common Border Security Assessment Report (CBSAR) of the Moldova-Ukraine border (with the support of EUBAM);
- The activity of border delegates at the Moldova-Romania and Moldova-Ukraine border.
- Joint patrolling of the Moldova-Romania and Moldova-Ukraine state border;
- Joint control in the border crossing points at Moldova-Ukraine border („Criva-Mamaliga” road BCP, „Larga-Kelmenți” road BCP, „Briceni-Rossosani” road BCP, „Giurgiulesti-Reni” road BCP, „Palanca-Maiaki-Udobnoe” road BCP and „Pervomaisc-Cuciurgan” road BCP);
- Joint risk analysis within the Eastern Partnership Risk Analysis Network (Eap-RAN);
- Cooperation through the liaison officers of the Republic of Moldova to EUROPOL and SELEC;
- Exchange of information, cooperation and coordination of actions through the liaison officer and attachees for internal affairs of partner nations (Austria, Belgium, Netherland, France, Germany, Spain, Switzerland, Czech Republic, Slovak Republic, Latvia, Turkey, Great Britain).
- Common external assistance projects.

10. Please provide information on methods of data collection on foreign nationals refused entry and on foreign nationals who have no right to stay on the territory.

In the case of people who are refused entrance to the Republic of Moldova, their records are kept by the General Inspectorate of Border Police (BP). The identification of foreign citizens who do not have the right to stay in the territory of the RM is ensured by the Directorate for Combating Illegal Stay of Foreigners

of the Migration and Asylum Bureau, according to the normative framework art. 84-84¹ of the Law No. 200/2010 on the regime of foreigners in the RM²⁸.

The records on the refusal decisions for foreign citizens to enter the country are systematized and kept in a separate module of the BP Integrated Information System. The information on the decisions taken in this respect by the representatives of the Bureau for Migration and Asylum is also introduced in the Border Police Integrated Information System. As for the decisions on the refusal of foreign citizens to enter the country, their record is kept systematized, in a separate module of the Integrated Information System of the Border Police²⁹. Information concerning the decisions on refusal of the entry issued by the Bureau for migration and asylum to foreign citizens is also entered in the Integrated Information System of the Border Police.

11. Specify the return policy, including:

a) Procedures and institutional set-up in place for voluntary and non-voluntary returns

The procedure for the return of foreigners from the territory of the country is provided in Articles 51-54 of the Law No. 200/2010 on the regime of foreigners in the Republic of Moldova³⁰, and in the Government Decision No. 492/2011 on the approval of the Regulation on return procedures, expulsion and readmission of foreigners from the territory of the RM³¹. Before initiating the return procedure, the case officer shall consider the following:

- 1) the correct application of national law;
- 2) whether or not the foreigner accepts the removal and expresses his/her intention to contest the return measure;
- 3) whether or not the foreigner has the financial means necessary for removal;
- 4) the costs of the foreigner's removal are borne by the natural or legal person who invited the foreigner;
- 5) the costs of the foreigner's removal are borne by the employer, natural or legal person, including in the case where the foreigner has been employed illegally or whose residence permit is no longer valid;

²⁸ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

²⁹ Government Decision No. 834/2008 on the Integrated Border Police Information System, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111896&lang=ro#

³⁰ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

³¹ Government Decision No. 492/2011 on the approval of the Regulation on return procedures, expulsion and readmission of foreigners from the territory of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=21967&lang=ro

- 6) there is a risk of abduction;
- 7) whether or not it is necessary to take the foreigner into public custody in preparation for return or in carrying out the removal process, if the application of less coercive measures would not be sufficient;
- 8) there are no obstacles to the foreigner's removal;
- 9) there are no vulnerable persons;
- 10) the health of the foreigner is such as to allow his/her removal;
- 11) whether or not there are sufficient grounds for the foreigner to be readmitted by a third State under readmission agreements or other bilateral agreements.

The case officer reviews the foreigner's situation and decides whether or not the foreigner can be removed. If the legal provisions on the foreigner's removal are found to apply, the case officer shall draw up a report (conclusion) proposing the foreigner's removal, stating the reasons in law and in fact, and, if the foreigner cannot be removed, shall draw up a report (conclusion) with the proposed solution, which shall be approved by the foreigner's immediate supervisor. Once the report (conclusion) has been drawn up, the competent authority for foreigners or its territorial subdivision shall issue the return decision, which shall be brought to the attention of the foreigner, if the latter is present.

The foreigner against whom the return measure has been ordered shall be obliged to leave the territory of the RM voluntarily within the time limits set, according to Article 52 para. (1) of the Law No. 200/2010 on the regime of foreigners in the RM³². The time limits in this regard shall be calculated from the date on which the foreigner was informed of the return decision. The deadline for voluntary departure from the territory of the RM may be extended by the competent authority for foreigners, upon request, by up to 30 days, in duly justified cases, taking into account the specific circumstances of each individual case.

In this case, the foreigner is obliged to report monthly or whenever he is called to the competent authority for foreigners and to inform about any change of residence or status, including the presentation of confirmatory documents obliging him to stay on the territory of the RM. With regard to foreigners specified in Art. 52 para. (4) of the Law No. 200/2010 on the regime of foreigners in the RM³³, the competent authority for foreigners shall issue the decision on escorted return, which shall be accompanied, if necessary, by decision of taking into public custody. If there is a risk of abduction or if the foreigner poses a threat to public

³² Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

³³ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124308&lang=ro

order and national security, the period of voluntary departure from the territory of the RM shall not be extended.

When removing from the territory of the RM, account shall be taken of each individual case and person, in particular the physical condition or mental capacity of the foreigner, technical reasons, lack of means of transport or the impossibility of removal due to non-identification of the person. In such cases, the case officer may request postponement of the foreigner's removal until the circumstances preventing removal have been removed. Where a removal decision is issued in respect of an unaccompanied child, the case officer shall request the necessary assistance from the bodies responsible for the protection of the rights of the child and shall ensure that the unaccompanied child is referred to a member of his or her family, to an officially appointed guardian or to a specialized institution for children in the State of return. The case officer shall inform the foreigner about the return decision.

The return decision shall be drawn up in duplicate, in the State language and in a language understood by the foreigner in international use, and if this is not possible, the services of an authorized translator shall be used and recorded in the decision.

b) Procedures and institutional set up in place for ensuring that removal takes place

Protective measures to ensure non-refoulement and the migrant's fundamental rights are stipulated in Art. 60 let. a)-g) "Prohibition of removal" of the Law No. 200/2010 on the regime of foreigners in the Republic of Moldova³⁴.

c) Safeguards in place to ensure the respect of the principle of non-refoulement and the migrant's fundamental rights

Removal is prohibited in such cases as:

- the foreigner is a minor and the parents have the right of residence in the Republic of Moldova;
- the foreigner is married to a citizen of the RM and the marriage is not fictitious;
- the foreigner is married to another foreigner with the right of permanent residence in the Republic of Moldova and the marriage is not fictitious;
- the foreigner has minor children or children unfit for work, living with citizens of the Republic of Moldova, if the minor is dependent on the foreigner or if there is an obligation to pay alimony, which the foreigner regularly fulfills.

³⁴ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

d) Readmission agreements and related implementation protocols (and other arrangements facilitating return) in place (please provide a list of such agreements) and planned, as well as ongoing negotiations in this respect

Currently, the RM has signed 13 agreements on readmission of illegally residing persons with European Union, Swiss Confederation, Kingdom of Denmark, Kingdom of Norway, Macedonia, Serbia, Bosnia and Herzegovina, Montenegro, Turkey, Albania, Georgia, Kazakhstan, and Ukraine and 23 additional Protocols.

At the same time, 16 draft Agreements are in the course of the negotiation with the Russian Federation, Afghanistan, Iceland, Uzbekistan, Belarus, China, Iran, Iraq, Pakistan, Lebanon, Bangladesh, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan, and Turkmenistan.

12. Please provide a description of the institutional set-up on preventing statelessness and protecting stateless persons.

The competent authority for determining statelessness is the Bureau for migration and asylum of the MIA. This competence derives from the provisions of the Law No. 200/2010 on the regime of foreigners in the RM³⁵. Since 2013, a specialized subdivision responsible for the procedure of recognition of stateless status has been established within the Bureau for migration and asylum of the MIA. Within the Asylum and Integration Directorate of the BMA, the Statelessness and Information Section was created, which is responsible for receiving applications for recognition of stateless status, interviewing applicants for stateless status, collecting information from the applicant's place of birth, place of residence or last place of residence, issuing decisions, issuing identity documents to applicants for stateless status and recognized stateless persons.

During the years 2012-2022, 1489 applications for recognition of stateless status were submitted, out of which 472 persons were recognized with stateless status, 384 persons were rejected (in relation to the fact that the nationality of a state was established) and 352 persons had the procedure for recognition of stateless status terminated (withdrawal of the application or other reasons).

It is worth mentioning that the RM has joined a number of international legal instruments such as the UN Convention Relating to the Status of Stateless Persons as of 28 September 1954, the UN Convention on the Reduction of Statelessness as of August 30, 1961, the European Convention on Citizenship as of 06 November 1997, Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession as of 19 May 2006, thus aligning itself with international

³⁵ Law No. 200/2010 on the regime of foreigners in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

requirements for the prevention of stateless persons and the protection of stateless persons.

The ratification of this Convention had a beneficial impact on the RM, which is characteristic for the process of states' succession as a result of the USSR dissolution, as a result of which the holders of the citizenship of the predecessor state did not acquire the citizenship of the successor state for various reasons, so being put at risk of statelessness, as well as the specificity of the Transnistrian region, where people who, although born on the territory of the Republic of Moldova or their descendants, are holders of unrecognized "identity documents" internationally, impact which was possible to be carried out by the following actions taken, as follows:

- adoption of a normative framework in order to facilitate the acquisition of the citizenship of the RM by persons born on the territory of the RM on the date of addressing, simultaneously with the issuance of identity documents of the citizen of the RM - art. 12, para. (1¹) of the Law No. 1024/2000 on citizenship of the RM³⁶. As a result of the amendments to the Law No. 1024/2000 on citizenship of the RM by the Law No. 133/2017³⁷ (in force since 19.04.2018) for the procedure for acquiring the citizenship of the RM by recognition for persons born on the territory of the RM, over the age of 18, who are not registered by the competent authority as being citizens of the RM and who do not have proof of citizenship, regardless of place of residence (in the country or abroad) and whether or not they have the citizenship of another state, has been considerably simplified. Thus, they are recognized as citizens of the RM from the date of expressing their written consent in this regard and on the basis of civil status documents certifying the birth on the territory of the RM;
- The legal impact of these regulations had the effect of significantly increasing the number of citizens of the RM from the Transnistrian region, so in the period of 19.04.2018 - 31.03.2022, under the new legal provisions, 26 551 persons were recognized as citizens of the Republic of Moldova, of whom 18 282 (about 69%) are residents from the Left Bank of the Dniester and Bender municipality who have already obtained identity documents of the citizen of the RM.
- Establishing a shorter term in relation to other categories of persons for meeting the conditions of acquiring the citizenship of the Republic of Moldova by naturalization, namely **8 years** of residence on the territory of the Republic of Moldova for **stateless persons** and beneficiaries of international protection, in relation to **foreign nationals**, requiring to

³⁶ Law No. 1024/2000 on citizenship of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122079&lang=ro#

³⁷ Law No. 1024/2000 on citizenship of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=100092&lang=ro

reside for **10 years** on the territory of the country - art. 17 of the Law No. 1024/2000 on citizenship of the RM;

- regulation and diversification through the internal normative framework of the multiple legal grounds for acquiring the citizenship of the Republic of Moldova, as well as the simplification of the procedure for acquiring it, based on the principle of avoiding statelessness, (Law No. 1024/2000 on citizenship of the RM, Regulation on the procedure of acquiring and losing the citizenship of the RM, approved by the Decision of the Government of the RM No. 1144/2018).

II. ASYLUM

13. Please provide information on legislation or other rules governing the asylum policy.

The legal status of asylum seekers, beneficiaries of international protection, temporary protection and political asylum, as well as the procedure for granting, ending of and revocation of protection is established by Law No. 270/2008 on asylum in the RM³⁸. The purpose of the law is to establish a legal and institutional framework for the functioning of the asylum system in the RM. Asylum shall be granted in accordance with the provisions of this law and other normative acts, with the principles and with the unanimously recognized norms of international law, respecting the provisions of international treaties to which the RM is a party. This Law shall apply to asylum seekers, beneficiaries of a form of protection and competent asylum authorities. This Law shall not apply to the person recognized by the authority of the RM as having rights and obligations related to the possession of the citizenship of the RM.

14. Describe the asylum procedure at first and second instances:

a) Normal, exceptional (for instance border) and accelerated procedures

Ordinary procedure

The competent authorities ensure access to the asylum procedure of every foreigner on the territory of the RM or at the border upon written or verbal expression of his/her will from which it follows that he/she requests protection of the RM. An asylum application shall be submitted personally by a foreigner, immediately upon:

- arriving at a crossing point of the state border;
- entering the territory of the RM;
- occurrence of events in the country of origin of a foreigner with the right to reside in the RM that have determined him/her to request protection. It is not allowed to submit asylum applications outside the territory of the RM and collective applications are not allowed as well. The competent authorities may not refuse to accept the application for asylum on the grounds that it was submitted late. In the case of an unaccompanied minor, the asylum application is submitted by his/her legal representative. In the case of the person in respect of whom a measure of judicial protection is instituted in the form of guardianship, the asylum application shall be submitted by the guardian, after his appointment.

³⁸ Law No. 270/2008 on asylum in the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130910&lang=ro#

The competent authorities to receive applications for asylum are:

- Asylum and Integration Directorate and the structural and territorial subdivisions of the Bureau for Migration and Asylum of the MIA;
- Border Police of the MIA;
- police bodies;
- structures of the National Administration of Penitentiary or subdivisions of temporary detention of the law enforcement bodies.

The authority responsible for examining and resolving asylum applications is the Asylum and Integration Directorate of the Bureau for Migration and Asylum of the MIA. The Asylum and Integration Directorate has decision-making autonomy. The decisions of the granting / refusal of granting international protection are decided by the Bureau for Migration and Asylum of the MIA, but can be appealed.

Asylum applications received by the Border Police, police bodies, structural and territorial subdivisions of the Bureau for Migration and Asylum, institutions subordinated to the National Administration of Penitentiaries or subdivisions of pre-trial detention of the law enforcement bodies are sent to the Asylum and Integration Directorate. The Border Police ensures the access to the territory of the RM of asylum seekers only after informing the Bureau for Migration and Asylum, and with its permission, which takes them within 24 hours from the state border to examine their applications.

Before issuing a decision on the application for asylum, the asylum seeker shall be given the opportunity to hold an interview on his/her application. The interview shall be conducted as soon as possible, but not later than 21 days from the date of submission of the application. The period for examining the application for asylum in the ordinary asylum procedure is up to 6 months. If a decision cannot be taken within 6 months for reasons beyond the control of the Asylum and Integration Directorate, this period may be extended up to 9 months. If the asylum seeker expressly or implicitly waives his or her asylum application pending a decision on the asylum, the asylum procedure shall cease.

After interviewing the asylum seeker, based on the information prepared by the Asylum and Integration Directorate, the head of the Directorate issues one of the following decisions:

- recognition of refugee status;
- granting humanitarian protection;
- rejection of the asylum application.

Decisions of the Asylum and Integration Directorate on asylum applications may be appealed in an administrative procedure without complying with the requirement of a preliminary procedure - directly in court.

Accelerated procedure

The following applications for asylum shall be assessed under the accelerated procedure:

- abusive;
- manifestly unfounded;
- submitted by persons who, by virtue of their activity or membership in a particular group, pose a threat to national security or public order.

An application for asylum shall be considered abusive if:

- the applicant misleads the authorities with regard to his/her identity and/or nationality and/or authenticity of his/her documents by presenting false information or documents or by withholding relevant information and documents that may have had an unfavorable impact on his/her decision;
- the applicant submitted another application for asylum providing different personal data;
- the applicant did not present any information that would establish to a reasonable degree of certitude his/her identity or nationality, or did not submit in bad faith the identity documents or travel documents which might have contributed to establishing his/her identity or nationality;
- the applicant submitted an application for the sole purpose of delaying or preventing the execution of a previous or imminent decision of his/her expulsion.

An application for asylum is considered manifestly unfounded when:

- the applicant made incoherent, contradictory, hardly plausible or insufficient statements which render, with certainty, unconvincing his/her claim of having been subjected to persecution;
- the applicant submitted a subsequent application invoking no new relevant elements regarding his/her personal situation or the situation in his/her country of origin;
- the applicant entered the territory of the RM illegally or extended his/her stay illegally and, without a valid reason, did not present himself/herself before the authorities and/or did not submit as soon as possible an application for asylum, considering the circumstances of his/her entry into the territory.

The accelerated procedure may be initiated during an ordinary procedure on the date when the decision counselor ascertains the existence of one of the situations provided by the Law No. 270/2008 on asylum in the Republic of Moldova.³⁹ After the interview and assessment of the reasons invoked in the application for asylum,

³⁹ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

the Asylum and Integration Directorate shall take a decision within the maximum term of 15 days following the start of the accelerated procedure.

Decisions on applications for asylum under the accelerated procedure may be appealed in an administrative procedure without complying with the requirement of a preliminary procedure. In case when an application for asylum was rejected under the accelerated procedure by an irrevocable decision the foreigner is obliged to leave the territory of the RM on the day of communication of the decision to him/her.

b) Provide number and types of appeals during the last five years;

2017:

1. The court of first instance – 43 cases;
2. Court of Appeal – n/a;
3. Supreme Court of Justice of the Republic of Moldova – n/a.

2018:

1. The court of first instance – 40 cases;
2. Court of Appeal – 15 cases;
3. Supreme Court of Justice of the Republic of Moldova – 7 cases.

2019:

1. The court of first instance – 55 cases;
2. Court of Appeal – 22 cases;
3. Supreme Court of Justice of the Republic of Moldova – 10 cases.

2020:

1. The court of first instance – 37 cases;
2. Court of Appeal – 31 cases;
3. Supreme Court of Justice of the Republic of Moldova – 9 cases.

2021:

1. The court of first instance – 22 cases;
2. Court of Appeal – 19 cases;
3. Supreme Court of Justice of the Republic of Moldova – 8 cases.

c) Explain which bodies are competent for each type of appeal possible to make use of

- The court of first instance – Chişinău District Court (Rîşcani);
- Court of Appeal – Court of Appeal Chişinău;
- Supreme Court of Justice of the RM.

d) Provide assessment of the average duration of the procedures

The average time limit for examining the asylum application in the administrative procedure in 2021 was 105 days. The average time limit for administrative litigation on decisions rejecting an asylum application, which became irrevocable following the issuance of a court decision, was 463 days in 2021.

e) Identification of services involved and number of staff dedicated to asylum procedures

The Asylum and Integration Directorate of the Bureau for Migration and Asylum of the MIA is the responsible authority for examining and solving asylum applications. There are 15 employees dedicated to asylum procedures.

f) Methodology for gathering country of origin information

Country of origin information is collected by the decision counselor individually. It examines information provided by UNHCR, the United Nations, the reports of human rights organizations, and other relevant country of origin information. In their work, decision counselors access the RefWorld (UNHCR) and European Country of Origin Information Network (ecoi.net) portals. In order to guide the decision counselor, the Bureau for Migration and Asylum of the MIA approved the Instruction on the procedure for managing the request and provision of Country of Origin Information.

15. Is any of the following concepts applied, and if yes, how?

a) Safe third country

It does not currently apply in the RM.

b) Safe country of origin

It does not currently apply in the RM.

c) Manifestly unfounded claims

The concept of manifestly unfounded applications for asylum is defined in the art. 63 of the Law No. 270/2008 on asylum in the Republic of Moldova⁴⁰.

⁴⁰ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

16. Describe the procedural guarantees for asylum applicants:

a) Information provision, interview, right to counsel and representation, interpretation/translation

During the asylum procedure an asylum applicant enjoys the following rights guaranteed by the national legislation:

- not to be returned or expelled until his/her application for asylum is determined;
- to stay in the RM until the expiry of the 15-day term following the date when the decision of rejection of his/her application for asylum becomes irrevocable, save the situation where the application for asylum has been rejected in an accelerated procedure, in which case the foreigner shall leave the Republic of Moldova on the date when the decision on his/her application becomes irrevocable;
- to be informed in writing, upon submission of the application, in a language that he/she speaks or is reasonably presumed to speak about his/her rights and duties during the asylum procedure;
- upon request to be interviewed by a person of the same sex;
- to be provided for free with an interpreter (translator) at any stage of the asylum procedure;
- to legal assistance at any stage of the asylum procedure, in accordance with the law;
- to protection of personal data and any other details concerning his/her application;
- to be informed of the possibility to contact representatives of UNHCR;
- to be counseled and assisted by representatives of nongovernmental organizations at any stage of the asylum procedure;
- to be issued for free a temporary identity document. In the absence of documents certifying the applicant's identity, the temporary identity document shall indicate the declared identity the authenticity of which shall be subsequently verified jointly with competent authorities.
- to be informed about the possibility and terms of appeal against the decision of rejection of the application;
- upon request, to work - the right granted temporarily - provided that, for objective reasons, the person lacks necessary means for subsistence;
- to be placed in an accommodation center for the period of the procedure;
- in the case of an asylum-seeker with special needs, to benefit from the adjustment of the accommodation and assistance conditions in the accommodation centers;
- to primary and emergency health care, in accordance with the law;
- in the case of a minor asylum-seeker, to have access to general compulsory education under the same conditions as children citizens of the RM;

- in the case of a family with children, as well as that of an unaccompanied minor, to benefit from all types of social assistance, in accordance with the legislation in force, under the same conditions as children citizens of the RM;
- other rights as provided by the Art. 28 of Law No. 270/2008 on asylum in the RM.⁴¹

Before taking a decision on the application for asylum, the asylum-seeker has the possibility to be interviewed with regard to his/her application. The interview takes place as soon as possible, but not later than 21 days following the application date. The interview is audio, as the case – audiovisual recorded, with prior notification of the applicant. Interview recording mode is established by the BMA Order no 38 of 01.11.2017.⁴²

b) Independence of review and appeal procedures

Decisions of the Asylum and Integration Directorate on asylum applications may be appealed in an administrative procedure without complying with the requirement of a preliminary procedure - directly in court.

c) Specific procedural guarantees applicable for unaccompanied minors

A minor who applies for asylum or beneficiary of international protection, of temporary protection or political asylum, accompanied or unaccompanied, is protected and receive appropriate assistance in order to enjoy all the rights recognized by the UN Convention on the Rights of the Child and the other international instruments on human rights to which the RM is party. The territorial guardianship authority for the whereabouts of the unaccompanied minor seeking asylum or for the beneficiary of international protection, of temporary protection or political asylum is the legal representative of the minor concerned and acts on his behalf in relation to natural and legal persons, including authorities of public administration, criminal prosecution bodies and courts. In all actions and decisions concerning minors, the interests of the minor shall prevail.

Unaccompanied minors are subject to the child protection measure separated from their parents, which provides conditions for their upbringing and care in social placement services, in accordance with the Law No. 140/2013 on the special protection of children in risk situation and children separated from their parents⁴³.

d) Measures for vulnerable applicants

Asylum legislation in the RM provides the procedure for people with special needs

- unaccompanied minors, victims of torture or violence, people with mental

⁴¹ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

⁴² Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

⁴³ Law No. 140/2013 on the special protection of children in risk situations and children separated from their parents, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123160&lang=ro

disorders (mental illness or mental deficiencies). The procedure in the case of persons with special needs is described in Law No. 270/2008 on asylum in the Republic of Moldova, Chapter VI, Section 4⁴⁴.

17. What concept of protection is applied in Moldova?

a) How are the five grounds in article 1A and the exclusion clauses of Article 1F of the 1951 Geneva Convention (GC) applied?

The legislation of the RM in the field of asylum has transposed the definition of the term "refugee" and the exclusion clauses in accordance with the provisions of Articles 1A and 1F of the 1951 Geneva Convention (Art. 17, 18 of Law No. 270/2008 on asylum in the Republic of Moldova).⁴⁵

b) Are non-state agents of persecution included in the understanding of the refugee definition of Article 1A GC?

According to Art. 47 of Law No. 270/2008 on asylum in the Republic of Moldova⁴⁶, agents of persecution and serious harm are:

- a) the state;
- b) parties and organizations controlling the state or an important part of the state's territory;
- c) non-state agents, provided that the agents mentioned in letters a) and b), including international organizations, are unable or unwilling to provide protection against persecution or serious harm.

c) Are subsidiary protection(s) or other forms of humanitarian protection in place?

Humanitarian protection is a form of protection granted to a foreigner or a stateless person for other reasons than the ones provided for by the 1951 Geneva Convention. Humanitarian protection is granted to a foreigner who does not meet the criteria for the recognition of refugee status and with regard to whom there are reasons to believe that, upon return to his/her country of origin, he/she would face a real risk of suffering serious harm, owing to which he is unable or unwilling to avail himself of the protection of that country (Art. 19 of Law no 270/2008 on asylum in the Republic of Moldova).⁴⁷

⁴⁴ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

⁴⁵ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

⁴⁶ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

⁴⁷ Law No. 270/2008 on asylum in the Republic of Moldova, available in Romanian at: <http://lex.justice.md/md/330978/>

d) Is there a temporary protection system to deal with mass influx of displaced persons?

Temporary protection is granted by a Government decision, at the proposal of the Ministry of Internal Affairs, based on the report of the Bureau for Migration and Asylum on the need to grant temporary protection. The Government decision shall set measures and the period for which temporary protection is granted.

Temporary protection is granted for the period of one year. In cases when the reasons for temporary protection persist, the duration of temporary protection may be extended by six-month periods for the maximum period of one year which may not exceed 2 years.

18. What are the services competent for the application of provisions for determining the State responsible for the examination of an asylum application and for recording and processing the fingerprints of asylum seekers in this connection (with a view to possible future implementation of the Dublin III and EURODAC-regulations)?

It does not currently apply in the Republic of Moldova.

19. Describe the registration and identification (including IT) systems for asylum applicants.

Upon registration of the application for asylum with the Asylum and Integration Directorate of the Bureau for Migration and Asylum of the MIA, the applicant completes a questionnaire in the national language of the RM or in a language which he/she understands. The questionnaire contains personal data of the applicant and of the persons accompanying him/her, countries of transit, reasons for leaving his/her country of origin, as well as the list of the identity or travel documents the applicant holds. For identification and record-keeping purposes, asylum-seekers' personal files, containing data regarding their identity, photographs, fingerprints and other data, are opened. Procedures for recording, keeping and storing files are established by BMA order.

Information on the asylum seeker is registered in the Information System of the Bureau for Migration and Asylum of the MIA, the "Asylum" module. Access to the "Asylum" module is restricted. Each employee who processes the personal data of the asylum seeker enters the System through the user account and password. The evidence and registration of users is performed by the system administrator.

20. Describe the system of reception conditions for asylum applicants, including distribution in reception centres/ financial allowances to ensure an adequate standard of living for applicants. Please explain what is the mechanism of referral (e.g. to child protection authorities in the case of unaccompanied minors), safeguards and guarantees for vulnerable persons, including minors in reception centres and in case detention measures are applied.

Asylum seekers and family members who are asylum seekers are obliged to stay in the accommodation centers during the administrative phase of asylum procedure. The accommodation of asylum seekers in the accommodation centers is done under the conditions established by the Government Decision No. 1023/2012 on the approval of the Regulation of the Accommodation center.⁴⁸

Exceptions to the obligation to stay in the Center are:

- asylum seekers married to citizens of the RM;
- foreigners who have resided on the territory of the RM for more than 5 years and subsequently applied for asylum;
- persons who have lodged a new application for asylum, except in cases where new circumstances have arisen or political, military, legislative or social changes have taken place in the country of origin which would endanger the life or safety of asylum seekers;
- asylum seekers who may endanger the life and / or health of persons staying in accommodation centers.

At the same time, any asylum seeker benefits from the right to be accommodated in the accommodation center during the asylum procedure.

The accommodation center provides:

- reception and temporary accommodation of asylum seekers and beneficiaries of international protection;
- within the limits of the available funds, minimum accommodation conditions in the Center, which include: sleeping place, bed linen, basic necessities, which correspond to the sanitary and hygiene conditions;
- the safety of the persons from the Center and of the goods handed over for storage, by taking the necessary measures;
- carrying out cultural-educational, sports, recreational and creative activities, as well as providing legal, social, psychological services through the creative centers that operate in the Center.

The Center provides access to representatives of the United Nations High Commissioner for Refugees and non-governmental organizations, with which cooperation protocols have been concluded. The activity of the Center is managed

⁴⁸ Government Decision No. 1023/2012 on the approval of the Regulation of the Accommodation center, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=19423&lang=ro

and coordinated by the Asylum and Integration Directorate of the Bureau for migration and asylum of the MIA.

Any unaccompanied minor seeking asylum in the RM is immediately referred to the guardianship authority, which appoints a legal representative for each reported minor. All actions dedicated to unaccompanied minors are coordinated with the guardianship authority of reference through the legal representative. The guardianship authority shall assess the situation of the minor and take measures to provide the necessary assistance and further monitor the situation of the minor at risk.

At the institutional level, the mechanism for referring minors is achieved through the collaboration agreement concluded between the Bureau for migration and asylum and the Municipal Directorate for the Protection of the Rights of the Child of the Chisinau Municipal Council. The cooperation and collaboration of different actors to ensure the immediate support of victims after the discovery of sexual exploitation and sexual abuse is achieved through the implementation of the Intersectoral Cooperation Mechanism for identifying, assessing, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking, approved by Government Decision No. 270/2014⁴⁹.

The intersectoral cooperation mechanism targets the Ministry of Health, the Ministry of Labor and Social Protection, the Ministry of Education and Research, the Ministry of Internal Affairs, local public authorities, as well as structures, institutions and services within or subordinate to them, which work in the fields of social assistance, education, health care, law enforcement agencies, which must cooperate in order to prevent violence, neglect, exploitation, trafficking in children and to combat them through social, educational, public order and medical assistance services. The mechanism establishes intersectoral and sectoral procedures for intervention in cases of violence, neglect, exploitation, trafficking in children, including violence and sexual exploitation, establishes urgent measures to protect the child in case of imminent danger to his/her life and health, as well as assistance measures. The assessment, assistance and monitoring of the child at risk is carried out using the case management method.

Detention measures are not applied to asylum seekers.

21. Describe the framework for cooperation with UNHCR, IOM, UNICEF and NGOs.

⁴⁹ Government Decision No. 270/2014 on approving the Intersectoral Cooperation Mechanism for identifying, assessing, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=18619&lang=ro

The Cooperation Agreement between the United Nations High Commissioner for Refugees (UNHCR) and the Government of the Republic of Moldova, concluded on 2 December 1998, lays down the basic conditions under which UNHCR cooperates with the Government of the Republic of Moldova and provides international protection and humanitarian assistance to refugees and other persons in the host country who fall under its jurisdiction.

The Country program document for the RM 2018-2022 establishes the framework for cooperation between UNICEF and the Government of the RM. In order to effectively manage the national asylum system, the authorities pay particular attention to cooperation with NGOs in the field of protection and assistance of refugees, vulnerable groups, victims of trauma, torture or violence. The Bureau for Migration and Asylum of MIA has concluded cooperation agreements with civil society organizations:

- NGO "Law Center of Advocates" - legal advice, representation in court of refugees and stateless persons;
- NGO "Charity Center for Refugees" - social and legal counseling, humanitarian assistance, socio-cultural and recreational activities, employment counseling;
- NGO "Rehabilitation Center for Victims of Torture "Memoria" - medical, psychological, social and legal counseling, humanitarian assistance to refugees who have suffered trauma, victims of torture or violence;
- NGO "Association for the Empowerment of the Child and Family „Ave Copiii" - medical, psychological, social and legal counseling, humanitarian, educational assistance provided to children and women.

Partner NGOs have access to the Accommodation Center of BMA and the Temporary Placement Center for Foreigners of BMA to provide their services. The cooperation of the General Inspectorate of Border Police of the MIA with the above-mentioned international organizations is based on:

- Cooperation Agreement between the United Nations High Commissioner for Refugees (hereinafter UNHCR) and the Government of the Republic of Moldova, concluded in Chisinau on December 2, 1998.
- Memorandum of Understanding between the United Nations High Commissioner for Refugees and the Border Guard Service of the Republic of Moldova, Bureau of Migration and Asylum, NGO "Law Center of Lawyers" Chisinau, September 16, 2009.
- Along with it, Border Police cooperates within a range of external assistance projects jointly implemented with UNHCR, IOM and UNICEF. Thus, with assistance of UNHCR a range of facilities have been created meant to provide medical support and human treatment within HQ, Regional Directorates and local subdivisions for asylum seekers, refugees and migrants.

- A fruitful cooperation is being developed throughout the years between GIBP and IOM Mission in Moldova. Thus, Border Police managed to improve operational capacities in different fields through a range of external funded projects jointly implemented with IOM in the field of integrated border management, migration and border security.

22. Describe the system put in place to collect data and statistics on asylum and refugee movements.

The methodology for collecting statistical data in the field of asylum and statelessness, approved by BMA Order No. 16 of 09.06.2018, establishes rules for the collection and compilation of statistics on administrative and judicial procedures applied in the Republic of Moldova regarding the granting of international protection, temporary protection and recognition of stateless status. Monthly, quarterly and annual statistical reports on asylum and statelessness shall be compiled on the basis of data stored in the Information System of the Bureau for Migration and Asylum and the State Register of Population.

According to Law No. 270 of 18.12.2008 on asylum in the Republic of Moldova, the authorities competent to receive asylum applications are:

- AID, as well as the structural and territorial subdivisions of the BMA;
- GIBP;
- Police bodies;
- The structures of the National Administration of Penitentiaries of the Ministry of Justice or the subdivisions of provisional detention within the law enforcement bodies.

The BMA has significant responsibilities in the field of migration management. These refer to: the organization of the data collection activity held by the central and local public administration authorities for use in the Integrated Automated Information System "Migration and Asylum" (IAISMA), as well as the storage, processing, provision, and exchange of information on migration processes on internal and external levels; development of the Extended Migration Profile (EMP) and dissemination of data on migration groups and flows, etc.

The IAISMA represents the totality of automated information systems of state importance, which also ensures the control of migrants of different categories (except for internal migrants), integration of departmental information resources in the field of migration and asylum, as well as the development and release of the necessary analytical and statistical information⁵⁰.

⁵⁰ http://ombudsman.md/wp-content/uploads/2020/06/EN_Studiul_Situatia_str%C4%83inilor_FINAL.pdf

23. Describe the activities related to practical cooperation with other countries that the asylum authorities are engaged in (for instance: exchange of country of origin information, organization of seminars, study visits, etc.).

The Bureau for Migration and Asylum of MIA has a close cooperation in the field of migration, asylum and integration of foreigners with the General Inspectorate for Immigration from Romania. Thus, until the COVID pandemic, training measures and exchange of experience on related fields of activity were regularly organized at the bilateral level. In 2016 the project "Strengthening the institutional coordination capacity of the BMA in the field of reception, admission, regulation of residence and integration of foreigners on the territory of the Republic of Moldova" was implemented, funded by the Government of Romania and implemented by the Bureau of the International Organization for Migration from Romania.

During the years 2018-2019, through the TAIEX instrument, several missions of experts from the General Inspectorate for Immigration in the Republic of Moldova were organized. During the expert missions, workshops for BMA employees on migration and asylum management, strengthening the BMA's capacity to develop standard operating procedures on directions of activity were organized.

In cooperation with UNHCR, the Bureau for Migration and Asylum, the "Law Center of Advocates" and the Ombudsman, training activities on the procedure for receiving asylum applications from foreigners and ensure the dissemination of standardized best practices in this field are periodically organized for Border Police employees. At the same time, the Border Police receives external assistance from European development partners and international institutions in the field of asylum, based on the profile of the said authorities, training courses, seminars, workshops on good practices and exchange of experience in the field are organized (Romania, Poland).

III. VISA POLICY

24. Please provide information on legislation or other rules governing the visa policy. Are there any provisions for a seasonal visa free regime?

The list below refers to the rules governing the visa policy of the RM:

- Law No. 200/2010 on foreigners in the Republic of Moldova⁵¹, which sets general rules on entry, stay and exit of foreigners on/from the territory of the Republic of Moldova. Also, inter alia, provisions of the above-mentioned law are related to: a) granting and extension of stay; b) repatriation; c) issuance of the specific IDs for foreigners; d) establishes coercive measures in the event of non-compliance with the granted right to stay or residence; e) sets specific measures and tools of the immigration records.
- Law No. 257/2013 on third-country nationals who are required to hold a visa and third-country nationals who are exempt from the visa requirement when crossing the state border of the Republic of Moldova.⁵²

As per the actual situation, the current legal framework does not contain pertinent provisions related to or which governs a specific seasonal visa free regime.

25. What types of short- long-stay visas and residence permits are issued, including by diplomatic representations abroad?

According to the general provisions which governs visa regime of the RM, both types of visas (short and long term) are granted by the Moldovan diplomatic and/or consular offices. Alternatively, short stay visa applications (only) can be submitted on-line via the national e-visa portal⁵³. For these specific cases visas are not printed and applied in passports as classic stickers, but instead are issued e-visas which are sent by e-mail.

Short stay visas (Type C)

Allows its holder to stay in the Republic of Moldova for a certain period, for a maximum 90 days within any period of 180 days, preceding each day of stay, for the following purposes:

- official mission (C/MI);

⁵¹ Law No. 200/2010 on foreigners in the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130912&lang=ro#

⁵² Law No. 257/2013 on third-country nationals who are required to hold a visa and third-country nationals who are exempt from the visa requirement when crossing the state border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112701&lang=ro

⁵³ On-line via the national e-visa portal, available in Romanian at: www.evisa.gov.md

- tourism (C/T);
- visit (C/V);
- business (C/A);
- transport (C/TS);
- sports activities (C/S);
- cultural, scientific and humanitarian activities, medical treatment for short periods and other activities which don't contradict the national laws.

Long term visas (Type D):

Allows its holders to stay in the Republic of Moldova for a maximum 90 days, within any period of 180 days preceding each day of stay, for the following purpose:

- entrepreneurial activity (D/AI);
- employment (D/AM);
- study (D/AS);
- family reunification (D/VF);
- religious and humanitarian activities (D/RU);
- diplomatic and service activities (D/DS);
- medical treatment (D/TR).

As the main distinction, a long term visa allows its holder to submit further for a residence permit (temporary or permanent) for specific purposes related to the type of the visa. For these cases foreigners are guided to submit their applications directly at the Bureau of Migration and Asylum of the Ministry of Internal Affairs of the RM, as designated as national authority for foreigners. Also, certain categories of foreigners, including EU citizens can perform work activities in the Republic of Moldova with no need to obtain prior a specific residence permit (professional sellers, contract service providers and independent professionals).

26. What criteria and conditions are used as a basis for issuing the different types of visas?

The general criteria and conditions for issuing the visas are the following:

- a valid travel document recognized by the RM, according to the Government Decision No. 765/2014 regarding the approval of the list of the travel documents necessary for foreigners for crossing the border of the Republic of Moldova⁵⁴;

⁵⁴ Government Decision No. 765/2014 regarding the approval of the list of the travel documents necessary for foreigners for crossing the border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120502&lang=ro

- documents justifying the purpose of the intended stay;
- proof of accommodation and the possession of sufficient means of subsistence during the stay;
- reservation of a round-trip ticket valid up to destination;
- valid travel medical insurance;
- compliance with the previous stay term on the territory of the RM;
- in some cases, the invitation issued by the Bureau for Migration and Asylum.

27. What is the standard procedure for the assessment of a visa application? Which institutions are responsible to carry out the assessment?

The procedure of the assessment of a visa application is taken by the diplomatic and/or consular missions (all types of visas), and by the Directorate for consular affairs of Ministry of Foreign Affairs and European Integration (MFAEI), in the case of e-visas. When the consular officer has suspicions about some of the visa applications in terms of illegal immigration and/or security risks, those applications shall be consulted with the Bureau for Migration and Asylum.

The institutions responsible for the assessment of a visa application are:

- diplomatic and/or consular missions of the RM;
- Directorate for consular affairs (DCA) of the MFAEIE (short stay visa/electronic visa);
- General Inspectorate of Border Police of the MIA;
- Bureau for Migration and Asylum of the MIA.

28. How is an application for a short or long-stay visa requested (manually, digitally, in the presence of the person, etc.)?

- The short stay visa (type C) – applications can be submitted in person, by mail or electronically, through the electronic portal www.evisa.gov.md;
- The long stay visa (type D) – applications can be submitted in person or by mail.

29. Does a national visa register/database exist (including granted visas and rejected visa applications)? Which authorities have access to this national visa register/ database, and for what reason? Is there a security plan in place for the operation of the national visa register/ database?

The Ministry of Foreign Affairs and European Integration of the RM (MFAEI) manages a Visa Management System (VMS) which serves as a platform for processing the visa applications submitted in person or by mail at the embassies

and consulates of the Republic of Moldova or through eVisa portal. Main users of the VMS are: MFAEI (specifically: Directorate for consular affairs (DCA) and all the diplomatic missions and consular offices), Bureau for Migration and Asylum of the MIA, General Inspectorate for Border Police of the MIA.

Consular officers within the diplomatic missions and consular offices and DCA use VMS for examining visa applications submitted by foreigners through the e-Visa portal, introducing in the system the applications filled personally by foreigners in the office of diplomatic missions and consulate offices, managing the applications and visas issued in coordination with other government institutions.

The representatives of the General Inspectorate for Border Police use the system to manage the applications filed by foreign citizens at the state border crossing points in cases of emergency. The Bureau for Migration and Asylum use the system for approval the visa applications of citizens from certain countries with high level of risk and potential illegal immigration.

The system doesn't have a security plan, but it's provided with:

- 24/7 remote availability;
- constant monitoring of database and application visa register;
- dedicated tier IT support company resource providing white-glove, hands-on IT support;
- daily backup of database and application;
- authentication and authorization by M-Pass service. This service issues a session token associated with the use permissions in order to facilitate the user interactions in the Visa Management System.

30. Do the visa-issuing authorities have the equipment required to digitally collect biometric identifiers (fingerprints and facial images) from visa applicants? If not, are there plans to install such technical infrastructure?

The Republic of Moldova doesn't have equipment for digital collection of biometric identifiers. According to the Visa Regulation of the Republic of Moldova the collection of biometric identifiers is a requirement that the Republic of Moldova is intending to integrate. While the visa is issued in the border crossing points, the Border Police does not have the obligation and the necessary equipment to collect the fingerprints of the visa applicant. Border Police only captures the facial image which is introduced into the Visa Management Information System and subsequently imprinted on the visa sticker.

31. Do the existing visas allow applicants to work in Moldova without a residence permit or working licence?

In the RM the following categories of foreigners - who do not hold a temporary residence permit or working license - can work based on existing visas:

- employees of diplomatic missions and consular offices accredited in the RM and members of their families;
- employees of international organizations accredited in the RM and members of their families;
- accredited journalists in the RM;
- artists performing in the RM;
- researchers traveling for the purpose of carrying out scientific research for a period of up to 90 days;
- independent professionals;
- persons traveling for business purpose;
- sea crew members;
- persons temporarily transferred by a foreign legal entity;
- employees of religious cults;
- associates, shareholders and members of the board of directors of the applicant beneficiary, who make foreign investments and do not hold remunerated positions within it, for a period not exceeding 90 calendar days during any period of 180 calendar days.

32. In which cases can visas be issued at border crossings? How frequently is this done? What checks are performed in these cases?

Visa shall be granted at state border crossing checkpoints under the following circumstances:

- in case of emergency, as determined by disasters, natural calamities or accidents;
- in the case of death or serious illness, confirmed by documents, of relatives in the territory of the RM;
- in the case of crews and passengers of vessels or aircraft under contingencies, forced to dock or land as a result of breakdowns, bad weather or threat of terrorist attack.

The applicants are checked if they meet the conditions for entering the RM, such as:

- are holders a valid travel document;
- provide documents justifying the purpose of entry and prove the existence of appropriate means both for their support during the stay, and for

returning to the country of origin or transit to another country where there is certainty that they will be allowed entry;

- are not included in the category of foreigners against whom the measure of the prohibition on entry into the Republic of Moldova was instituted pursuant or which have been declared undesirable;
- does not present a danger to national security, order, and public health.

Given that the Republic of Moldova has a liberalized visa regime with a large number of countries and has also implemented the possibility of obtaining visas electronically through the "Electronic Visa" portal, there are not many requests to obtain a visa in the BCPs (up to 10 visas per year). The majority of visas have been issued in the Chisinau International Airport.

In order to issue a visa checks are carried out to ascertain that the foreigner meets the following conditions:

- 1) the applicant possesses a valid document for crossing the state border, recognized or accepted by the Republic of Moldova, unless otherwise provided for by international treaties to which the Republic of Moldova is a party;
- 2) the applicant submits documents justifying the purpose of entry and provides evidence of adequate means of subsistence for the period of stay and for return to the country of origin or for transit to another state where it is certain that he/she will be allowed entry;
- 3) the applicant provides guarantees that he/she will be allowed to enter the territory of the State of destination or to leave the territory of the Republic of Moldova, in the case of an foreigner in transit;
- 4) the applicant is not included in the category of foreigner against whom an entry ban has been imposed in the Republic of Moldova or who have been declared undesirable;
- 5) the applicant is not a threat to national security, public order and public health;
- 6) the applicant has not been able to apply for a visa in advance and submits, upon request, documents proving the existence of unforeseen compelling reasons for entry;
- 7) the applicant's return to the country of origin or residence or transit through other States is deemed certain on the basis of supporting documents submitted by the applicant.

Visa applications in exceptional cases must be coordinated with the competent authority for foreigners and shall be processed within 4 hours⁵⁵.

⁵⁵ Chapter VII of the Regulation on issuing visas, approved by Government Decision No. 50/2013 approving the Regulation on the issuance of visas, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111882&lang=ro

33. Are the border crossing points organized so that the equipment required to read biometric data stored on electronic travel documents is integrated into existing border check processes? If not, are there any plans to install such technical infrastructure?

Currently, all the Border Crossing Points are equipped with biometric travel document readers, with the possibility of reading the data written in the RFID circuit (chip) embedded in the biometric passport. The possibility of extracting fingerprints stored in the biometric passport of Moldovan citizens is implemented in the BCP "Chisinau International Airport" (the interaction with the N-PKD National Public Keys Directory managed by Public Services Agency is ensured), but at this time the fingerprint comparison function for identification purposes is not implemented.

Facial Recognition Systems (software and hardware solutions) are installed in the offices for second line checks within 4 BCPs. The systems are interconnected with the State Populations Registry, managed by the Public Service Agency (ASP) which provides the ability to identify Moldovan citizens.

34. Are there any representation agreements with third countries to issue visas on your/their behalf? In this case, how is the assessment of each request ensured?

Currently, there are no agreements with third countries to issue visas on behalf of the Republic of Moldova, or their behalf.

35. Is Moldova cooperating (or does it intend to cooperate) with third countries to share premises for visa issuing procedures? If so, how is the assessment of each visa request ensured?

The Republic of Moldova does not cooperate with third countries to share its premises for visa issuing procedures.

IV. EXTERNAL BORDERS AND SCHENGEN

36. Please provide information on legislation and other rules governing the area of border management. Which authorities are entitled to carry out border controls (i.e. border checks and border surveillance)?

The border management field is regulated by the following legislative and normative framework:

- Law No. 215/2011 on the state border of the Republic of Moldova.⁵⁶(This law determines the state border control system, the regimes of the state border, border area and border crossing points in order to ensure the security of the state border on land, on water and in the airspace.)

The abovementioned law transposes Regulation (EC) No. 562/2006 of the European Parliament and of the Council from 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), published in the Official Journal of the European Union L 105 of 13 April 2006, and creates the necessary framework for implementing Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, published in the Official Journal of the European Union L 261 of 6 August 2004.

- Law No. 283/2011 on the border police.⁵⁷
- Law No. 619/1995 on the state security institutions.⁵⁸
- Government Decision No. 297/2017 on the implementation of Law No. 215/2011 on the State Border of the Republic of Moldova.⁵⁹
- Government Decision No. 429/2015 for the approval of the Regulation on the Border Security Coordination System.⁶⁰
- Government Decision No. 752/2013 for the approval of the Regulation on mobile teams of the Border Police and supplementing Government Decision No. 357 from 13 May 2009⁶¹.

⁵⁶ Law No. 215/2011 on the state border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121977&lang=ro

⁵⁷ Law No. 283/2011 on the border police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106470&lang=ro

⁵⁸ Law No. 619/1995 on the state security institutions, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109417&lang=ro

⁵⁹ Government Decision No. 297/2017 on the implementation of Law No. 215/2011 on the State Border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111877&lang=ro

⁶⁰ Government Decision No. 429/2015 for the approval of the Regulation on the Border Security Coordination System, available in English at: https://www.legis.md/cautare/getResults?doc_id=111884&lang=ro#

⁶¹ Government Decision No. 752/2013 for the approval of the Regulation on mobile teams of the Border Police and supplementing Government Decision No. 357 from 13 May 2009, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111887&lang=ro

37. Please describe the main components of the integrated border management (IBM) strategy and action plan on IBM, as well as the institutional set-up in charge of managing the IBM concept/policy.

Currently, the IBM System is being developed through the implementation of the National Strategy for the Integrated Management of the State Border for the years 2018-2023, approved by Government Decision No. 1101/2018.⁶² The concerned strategy is implemented through the Action Plans for the periods 2018-2020 and 2021-2023.

The general objective of the IBM Strategy 2018-2023 is to strengthen border security and facilitate the legitimate crossing of the border by persons and goods, while preventing and combating illegal migration, cross-border crime and terrorism.

The general objective will be reached through by achieving 8 specific objectives, as follows:

1. Development of the border security coordination system, and inter-institutional cooperation in order to ensure efficiency and coherence of actions and interoperability between national and international authorities and agencies, regular exchange of information through cooperation tools.
2. Strengthening border control capacities, prevention and fight against cross-border crime.
3. Development of capacities of the authorities of the integrated border management system to participate within international missions and operations.
4. Strengthening the analytical field and enhancing the role of risk analysis in the decision-making process.
5. To make more effective the state's actions in the field of migration, return and readmission, as well as actions to assist persons seeking international protection.
6. Establish and strengthen the quality control mechanisms at the level of the authorities of the integrated border management system, as well as of national mechanisms for the evaluation and implementation of border management legislation.
7. Strengthening the sectoral mechanism for accessing and implementing international technical and investment assistance programs and projects in the field of integrated border management.

⁶² Integrated Management of the State Border for the years 2018-2023, approved by Government Decision No. 1101/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128214&lang=ro#

8. Improving human resources management, development and perfecting of professional training of employees of the authorities from the integrated border management system.

In order to efficiently implement the IBM concept in the Republic of Moldova, the National Council for Integrated State Border Management was established, by Government Decision No. 902/2015⁶³.

It is an advisory body, not a legal entity, composed of representatives of 16 national authorities with responsibilities in the border field. The IBM Council is chaired by the Minister of Internal Affairs and has the mission to streamline communication and collaboration between IBM authorities, as well as to contribute to the substantiation of their decisions regarding the measures to be adopted and the correlated actions to be taken in order to secure the state border and ensure its efficient management.

38. Please describe the means of providing situational awareness and reaction capability on green and blue borders. Is the level satisfactory in relation to the threat analysis? Is there a national coordination centre, coordinating 24/7 the activities of all agencies carrying out border control tasks?

Government Decision No. 429/2015 for the approval of the Regulation on the Border Security Coordination System⁶⁴, partially transposing Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (EUROSUR), created an integrated platform in order to fulfill the tasks of the Operational Coordination Center (OCC) and for the participation in the Border Security Coordination System of the partner authorities, by organizing and carrying out collection, evaluation, comparison, analysis, interpretation, use and exchange of information.

In this context, within the General Inspectorate of Border Police, the OCC (operating 24/7) was created to facilitate participation of the Border Police and MIA units, the Customs Service and other IBM authorities in border security coordination.

Based on the data and information received from the Border Police units, partner authorities and other sources, the OCC produces the following situational pictures:

- The national situational picture, which includes Border Police situational pictures at regional and local level.
- The common pre-frontier/frontier information picture.

⁶³ National Council for Integrated State Border Management established by Government Decision No. 902/2015, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130101&lang=ro#

⁶⁴ Government Decision No. 429/2015 for the approval of the Regulation on the Border Security Coordination System, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111884&lang=ro#

Therefore, depending on the situation at the state border, based on the established analysis elements, the Operational Coordination Center assigns to each incident in the “event layer” of the national situational picture, a level of impact of its severity.

The concerned levels are classified into "low", "medium" and "high" impact severity. The OCC shares classification of events with local and regional coordination centers of the Border Police for application in the decision-making. They are also used for organization and planning of the state border surveillance and border crossing control by the local Border Police subdivisions.

39. Do you have contingency planning and capability development planning for border management in place?

In the RM, the development of state border management capacities is achieved through the National Strategy for Integrated State Border Management for the period 2018-2023 and the Action Plans on its implementation, approved by Government Decision No. 1101/2018⁶⁵, which aims to improve state border control capabilities and specific operational activity, improve the compatibility, interoperability and integration of state border infrastructure, information systems and databases of authorities in the integrated state border management system and the development of mechanisms for international cooperation in order to ensure correlation with international partners.

The purpose of this Strategy is to provide clarity in the application and further development of integrated state border management in the RM and is correlated with the latest developments at the international level and best practices in the field.

Once an emergency state is declared due to potential risks/threats triggering national security or border related crises, a Central Management Group of Situations is set up within the General Inspectorate of Border Police. For the management of specific or border related crises, Situational Plans are implemented that are drawn up in advance.

Thus, the following plans related to the Border Police activity can be mentioned:

- Contingency plan for managing a crisis situation in the event of an increased influx of foreigners/National Mechanism for the unified and coherent management of the situation in the event of an increased influx of foreigners, approved by Government Decision No. 1146/2017⁶⁶;

⁶⁵ National Strategy for Integrated State Border Management for the period 2018-2023 and the Action Plans on its implementation, approved by Government Decision No. 1101/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109892&lang=ro

⁶⁶ National Mechanism for the unified and coherent management of the situation in the event of an increased influx of foreigners, approved by Government Decision No. 1146/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=102495&lang=ro

- The contingency plan for the management of situations in the event of an increased influx of foreigners at the state border, approved by GIBP Order No. 765/2021.

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Additionally, the following documents regulating the actions of GIBP employees in specific situations and border crisis situations have been approved and applied

- the Instruction on strengthening the response capacity, approved by Order No.75/2020;
- the Situational Plan on border searches;
- the Situational Plan on ensuring the security of the headquarters;
- the Situational Plan on ensuring public order in border crossing points;
- the Situational Plan on fire safety.

40. Please describe the training system for the authorities responsible for border management? Are the programmes in line with the Common Core Curriculum on border guard training? Is the staff properly trained and specialized? Are they trained to deal with requests for international protection, including referrals? Are there any joint training activities with other countries, in particular neighboring countries?

Center of Excellence in Border Security is the specialized educational institution designed to ensure the initial professional training of the Border Police agents. CEBS is subordinated to the General Inspectorate of Border Police and has the mission to ensure the initial and continuous training of the GIBP staff. The CEBS' education program is organized through a 2-year full-time education cycle for students who are recruited for studies and initial 6 months training for GIBP employees recruited for agent positions from external sources. The Vocational Training Program code "42120 Border Security", is submitted for approval to the GIBP, the MIA and the Ministry of Education, Culture and Research. It is also accredited by the National Agency for Quality Assurance in Education and Research (series No. 0058-21 in June 10, 2021).

Based on the last assessment provided by FRONTEX experts, the assimilation value of the CCC FRONTEX is 89.2%. Around 77% of CEBS' facilities are equipped with necessary means for organizing seminars, trainings, workshops, therefore are endowed with specialized equipment (computers, interactive whiteboards and video cameras). In the teaching process about 40 multifunctional multimedia devices, printers, scanners, network connectors (servers, routers, HUBs) are used. In order to develop physical abilities and professional intervention, CEBS has a sports complex, which is accoutered with: gym, fighting room, volleyball and basketball stadium, soccer field, obstacle course and shooting range. The professional qualification of the teaching staff in CEBS is in accordance with the professional training program, which has the professional qualification of level 6 ISCED - higher education, compulsory for the didactical posts. To ensure

implementation of the "42120 Border Security", teaching staff attended psycho-pedagogical training courses.

In addition, teaching staff attended different trainings delivered or supported by the following international organizations and initiatives: FRONTEX, IOM, EUBAM, UNHCR, US Embassy, OSCE, DCAF, TAIEX, Polish AID, TIKA, the Romanian Border Police through the Initial and Continuing Training School for Border Police Personnel "Iași" and the Training School for Border Police Agents "Avram Iancu" from Oradea and many other.

The CEBS educational policy includes the following main training aspects:

- border surveillance and control;
- the cognitive and practical skills needed to design creative solutions in crisis situations;
- civil protection;
- professional ethics;
- refugee rights and regulatory framework in the field of asylum;
- occupational safety and health;
- shooting instruction;
- professional communication;
- professional intervention tactics.
- state border control tactics;
- examination of documents;
- legislation in the field of state border control;
- border surveillance tactics;
- UN Convention Relating to the Status of Refugees and their Protocol (1951 Convention, 1967 Protocol);
- General notions on gender equality and non-discrimination;
- Causes, effects and impact of the phenomenon of discrimination. Mechanisms for preventing and combating discrimination in the workplace.

The cooperation is based on experience exchange programs, study visits and organization of training, including in the field of continuing education within different external assistance projects jointly implemented with the following educational institutions.

- Training Center of the State Border Guard Service of Ukraine (Orșanetsk).
- Latvian State Guard College from Rezekne.
- Ketrzyn Border Guard Training Center, Republic of Poland.
- Border Police Officers Training School "Avram Iancu" Oradea (Romania).
- Iași (Romania) Border Police Personnel Training School.

In 2020, CEBS was subjected to capacities and needs assessment within the project “Strengthening the training capacities of the Border Police in the Republic of Moldova (TRABOR)”, jointly implemented with IOM Mission in Moldova. It was concluded by the report on functional evaluation of the CEBS capacities and needs and the Strategic Development Concept which has to be further implemented.

Alongside, the „Ștefan cel Mare” Academy of Ministry of Internal Affairs is implementing a 3-year full-time education process for students that are recruited for studies in the Academy's Public law and border security Department. Following the educational program, students are employed in GIBP in officer positions. In addition, Academy is providing 6 months initial training for GIBP employees recruited from without administrative departments on officer positions.

The main educational policy of the institution addresses the following aspects: constitutional law, administrative law, community law, legal protection of human rights, public international law, international humanitarian law, police and civil society, leadership and professional ethics, basics of border surveillance, special technical equipment for border control and surveillance, Management of border surveillance subdivisions, border crossing control, border control and surveillance planning, migration management, integrated border management, migration management, information systems in IBM.

41. Please describe the risk analysis system applied by the authorities designated to border management tasks. Is there a risk analysis unit put in place? Is border surveillance based on risk analysis? Are there any specific operational mobile units for border surveillance?

In the RM, the field of risk analysis is carried out by the Risk Analysis Directorate of the General Inspectorate of Border Police of the Ministry of Internal Affairs. The basic attributions of the central risk analysis unit aim at elaborating and submitting the approval of the Border Police leadership within the MIA of projects and decisions regarding the prevention, minimization and unitary regulation of risks that endanger the security at the state border.

Furthermore, the unit is responsible for the collection, processing, storage, verification and use of criminal information at the border and its analysis and makes proposals for the improvement of legislation, provisions, instructions, regulations and methodologies in the field. The strategic risk analysis unit also cooperates with partner structures, institutions, organizations and agencies, as well as with foreign border authorities in order to facilitate the exchange of information and risk analysis relevant to the field of activity.

In addition, the staff of the strategic unit prepares thematic analysis and evaluations, quarterly, half-yearly and annual reports on the operational activity of the Border Police, as well as other analyzes, studies, reports, situation tables, etc. on request. The Directorate implements a unitary policy for the management of data, information and risks from the information-analytical activity of the Border

Police. Carries out research, development and implementation of new concepts, techniques, procedures and tools for information analysis, as well as for the use of analytical products in border management.

The risk analysis system of the General Inspectorate of Border Police consists of three hierarchical levels:

1. *Central level* is represented by the Risk Analysis Directorate. It is a structural subdivision of the GIBP in charge of information analysis, risk management, and coordination of risk analysis activities.
2. *Regional level* - risk analysis units within the special investigation and risk analysis units of the Regional Directorates. They are coordinating the analytical activity, information analysis, and risk management within local units.
3. *Local level* is represented by risk analysis and special investigations officers working within the Border Police sectors. Officers are realizing special investigative tasks, risk analysis activities, accumulation of information of institutional interest and cooperation at local level.

Risk analysis units have the mission to ensure the processes for the adoption of management decisions aimed at preventing and minimizing border risks in the long, medium and short perspective.

Risk analysis units elaborate periodical and ad-hoc analytical products based on the CIRAM 2.0.

The analytical unit's cooperation takes place at the following levels:

International – GIBP of Romania, SBGS of Ukraine, FRONTEX, EUBAM etc.

National – JRAG (Joint Risk Analysis Group on the national level).

Regional – JRARG (Joint Risk Analysis Regional Groups), decentralized bodies with competencies in the border area.

Local – Decentralized bodies with competencies in the border area and cooperation with the local population.

42. Please describe the organizational structure of the national service or national services responsible for border control tasks:

a) Legal and regulatory aspects

The organizational structure of the General Inspectorate of Border Police is regulated by Government Decision No. 1145 of 21.11.2018 on the organization and functioning of the General Inspectorate of Border Police.⁶⁷

b) Human resources (number of staff allocated)

The total number of staff allocated in General Inspectorate of Border Police: 3748

- Civilian employees – 240;
- Public officials with a special status (border policeman / woman) – 3508;
- Officers – 2126;
- Non-commissioned officers – 1382.

c) Border control procedures

In accordance with the provisions of the art. 7, para. (1) of the Law No. 215/2011 on the state border of the RM⁶⁸ the border control system represents the totality of the activities of coordination and conducting border surveillance, on the entire territory of the RM, and the control of border crossing, activities of information exchange, cooperation in the fight against cross-border organized crime, analysis and detection of threats and risks.

Border surveillance involves monitoring by static or dynamic means of the state border on segments between the border crossing points for the purpose of prevention, detection, ascertaining and investigation of illegal actions at the state border, as well as combating cross-border crime. It consists of a complex of operational and service actions (guarding, surveillance, observation and control), coordinated and planned in time, space and according to purpose, which can be executed with the use of modern equipment and special means.

On the basis of international treaties, joint patrolling of the state border by national subdivisions and those of neighboring states may be authorized. Control during border crossing – are controls carried out within the border crossing points to ensure that persons, including their means of transport and the objects they are carrying, can be allowed to enter or leave the territory of the Republic of Moldova.

Border crossing control is carried out by:

⁶⁷ Government Decision No. 1145/2018 on the organization and functioning of the General Inspectorate of Border Police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109889&lang=ro

⁶⁸ Law No. 215/2011 on the state border of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121977&lang=ro

- *First line checks* - minimum and thorough control of persons, their belongings and means of transport carried out across state border;
- *Second-line checks* - additional control of persons, including personal property, documents, objects in their possession, means of transport, as well as hidden places within them, separate from those checked within first-line inspection.

For the purpose of combating illegal migration, organized crime, smuggling, international terrorism and other crimes, border guards have the right to carry out checks on goods and other property. An exception is made at border crossing points where these activities are carried out by customs authorities, within the limits of the powers established by the legislation in force.

d) Infrastructure, IT systems and equipment

With reference to the infrastructure managed by the Border Police, it is represented by the following:

- Border Police Headquarters.
- The headquarters of 5 Regional Directorates.
- Headquarters of the Center of Excellence in Border Security.
- The headquarters of 39 Border Police Sectors.

The GIBP IT systems and equipment are structured and managed in the following way:

- Integrated Information System of the Border Police, established according to Government Decision No. 834/2007.⁶⁹
- Servers and network management equipment.
- Special equipment for the set-up and operation of workplaces within the BCPs (local servers, computers, stationary and mobile devices for reading travel documents, information system for data verification through various national and international digitized registers).
- Radio telecommunications system in the "TETRA" standard.
- Fixed and mobile systems for surveillance of the state border.

e) Coordination and co-operation with other relevant services (customs, veterinary and phytosanitary authorities and/or other services/agencies).

Border Police cooperation with other national authorities, including those in the Integrated Border Management System, is based on the concluded agreements. Currently the Border Police has concluded 70 cooperation agreements.

⁶⁹ Integrated Information System of the Border Police, established according to Government Decision No. 834/2007, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111896&lang=ro#

43. Which first and second-line equipment are in place at border-crossing points (BCP)? Is there any major lack of infrastructure or equipment as regards the arrangements for, or organization of, border checks? Describe all the methods used by border guards for carrying out routine checks on national databases and registers.

The crossing points are equipped with integrated mobile and fixed devices for reading travel documents, including reading fingerprints and documents with electronic security elements, analysis capabilities. The requirements for equipping Border Police workplaces in the border crossing points are set out in Annex No. 4 to Government Decision No. 297/2017 for the implementation of Law No. 2015/2011 on the state border of the Republic of Moldova.⁷⁰ The Border Police workplaces within the border crossing points, are equipped as follows:

For the first line checks, at entry/exit to/from the crossing points, General Inspectorate of Border Police staff has provided access to:

- Terminal for consulting automated information systems and national databases;
- Portable terminal;
- Instrument for document examination with infrared, variable ultraviolet light, penetrating light;
- Magnifying glass of at least x10 zoom or monomicroscope with variable focal length;
- Retro-reflecting lamp;
- Entry and exit stamps, including safes for their storage;
- Up-to-date analytical products;
- Examples of available documents stored in the online database and other information required for border checks.
- Special equipment for the detection and identification of radioactive materials and prohibited substances.

The offices for second line checks within the Border Police with intense traffic, may be additionally equipped with the following equipment:

- Equipment providing the possibility of consulting the document examination system for the authentication of travel documents;
- Video spectral comparator (includes infrared and ultraviolet light spectra, filters, vertical white light illumination, penetrating light, etc.);
- Stereo microscope with a focal length of at least x40;
- 'anti-stokes' ink control device;
- Identification equipment and material (including stamp specimens);

⁷⁰ Law No. 2015/2011 on the state border of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113224&lang=ro

- Manual containing original and false passports and identification documents;
- Equipment for access to and consultation of national and international automated information systems.
- Additional special equipment for the detection and identification of radioactive materials and prohibited substances.

The BCPs may also be equipped with video surveillance systems for profiling the flow of passengers, e.g. to select persons for second line checks, as well as mirrors on ceilings/walls to properly view the passenger during the first line checks. The crossing points are equipped with integrated mobile and fixed travel document reading devices, including fingerprint and document reading with electronic security features, scanning capabilities. With reference to the existing infrastructure, it is to be mentioned that out of the total of 39 BP sectors, the infrastructure of 20 BPSs is in an unsatisfactory state. Also, out of 18 infrastructure objects managed by the Center of Excellence in Border Security, 11 objects require major repairs.

Five regional directorates are subordinated to the Border Police HQ. Their infrastructure is characterized as follows:

- North Regional Directorate is in unsatisfactory technical condition. It coordinates activity of 11 BP Sectors, out of which 4 sectors are in a satisfactory technical condition, 7 require reconstruction / construction / capital repair.
- East Regional Directorate is in satisfactory technical condition. It coordinates activity of 8 BPS, out of which 5 sectors are in a satisfactory technical condition, 3 require reconstruction / construction / capital repair.
- South Regional Directorate is in satisfactory technical condition. It coordinates activity of 12 BPS, out of which 6 sectors are in a satisfactory technical condition, 6 require reconstruction / construction / capital repair.
- West Regional Directorate, the technical condition is satisfactory. It coordinates activity of 7 BP Sectors, out of which 2 sectors are in a satisfactory technical condition, 5 require reconstruction / construction / capital repair.
- Infrastructure of the Regional Directorate Center is composed of 23 buildings, out of which 8 are in satisfactory technical condition. The other 15 require reconstruction/construction/capital repair.
- On the territory of the Center of Excellence in Border Security are located 18 buildings, out of which 7 buildings are in satisfactory technical condition, 11 require reconstruction / construction / capital repair.
- Also, the GIBP coordinates activity of 16 local border crossing points which are in unsatisfactory technical condition.

44. Does Moldova have the capacity to secure machine-readability of new documents?

At the moment, all the BCP's are fitted out with necessary equipment in order to perform automatic border checks and documents registration of the people/means of transportation in the database. At the first line check each working place includes a working station (PC), a reader (i.e. Rule 7024) and magnifying equipment (i.e. Rule 1019/1025, Rule 4205). In addition, while scanning the document with the reader, the machine automatically compares security features of the document in different sources of the light (UV, IR) and allows border police officers to check the document during the registration process – with the genuine document from the integrated database (FDS). At the same time, the machine-readable zone is checked for the mistakes and the control digits.

45. Describe what is done to detect falsified documents and, in particular, to improve the exchange of information to combat document fraud. Is there a master documents database?

In order to detect falsified documents, Document expertise directorate is elaborating national Alert Pages with most recent cases of forgeries (detected at the border), which are available at each working place at the BCP via DocBorderPoint integrated system. The above-mentioned system also includes information regarding genuine documents and their security features (Document description) recently introduced in the circulation by Republic of Moldova or other countries, obtained with support of MFAEI or directly upon request of Border Police. At the same time Document expertise directorate is informing officers from the BCP's about international Alert Pages on forgeries, detected by other countries during border check procedures.

In order to improve the exchange of information to combat document fraud, the Document expertise directorate is representing Moldovan border authority as the National Contact Point within PRADO (Public Register of Authentic identity and travel Documents Online), offering information upon requests from other states regarding national documents. To mention, the directorate has the biggest collection in the country of authentic documents (specimens) – around 5400 and of false documents – around 230. Those collections are used for training purposes, exchange of authentic documents with other states, and as comparing material during criminalistics examinations.

We note an important achievement in the development of automated information systems, which underlies the operational processes of providing services in the field of issuing identity documents and population records, the implementation of the Automated information system of facial recognition “Back Office FRS” which ensures the legality of issuing documents, which allows to counter crimes such as fraudulently obtaining identity documents and driving licenses by persons with false identity on the basis of false documents or as a result of identity theft. With

the support of this tool, 1201 cases of identity theft and false identity were solved from 17.03.2017 until 01.04.2022.

Information on identity documents canceled on the grounds of obtaining them by fraud is updated in the State Register of Population, to which the Border Police has access. At the same time, in order to prevent and combat the phenomenon of identity theft, false identity or counterfeiting of issued documents, the Public Services Agency undertakes other normative and administrative actions, namely:

- interacts with the public authorities in order to verify the authenticity of the documents presented when issuing identity documents and establishing the identity of the holders. In case the illegitimate issuance of identity documents is found, they are canceled and criminal prosecution bodies are notified;
- the persons responsible for issuing identity documents, upon receipt of the request, are obliged to establish the legal status and identity of the applicant, to verify the person through the submitted documents and through automated and non-automated information resources as well as verify the authenticity of the documents submitted. In case of any suspicion of identification, portrait photographs shall be investigated by the specialized subdivisions;
- identity documents are produced/ personalized at the unique production center, organized and equipped according to all security requirements. The forms and materials necessary for the production of identity documents are kept centrally at the production center in secure conditions and their strict record shall be ensured;
- the information systems and software used for issuing identity documents contain different verification algorithms and are in the process of continuous improvement. These and the advanced technologies implemented help prevent attempts to obtain identity documents through fraud.

As a result of the actions taken, there has been a significant decrease in cases of fraudulent obtaining of identity documents, and the majority of cases of counterfeiting identified so far have occurred by 2014.

46. Describe the IT equipment and online connections at the borders. Are all border posts equipped to the same level and are all staff trained in the use of the equipment? Are communication systems compatible with those used by neighbouring countries, and/or by EU Member States? Are all BCPs connected to the Interpol Stolen and Lost Travel Documents database?

The Border Police has its own communication and IT infrastructure, namely, the data bus made up of radio relay communication towers that provide several services such as, radio communications in TETRA standard, intranet network that allows the online transmission of data/ voice/video, CCTV, thermal imaging, IP

telephony. The infrastructure managed by BP allows online connections, which include the entire spectrum of services, with the possibility of managing subsystems at central / regional / local level.

Currently, all border crossing points are equipped at the same level in terms of online connections and trained staff. The communication systems are compatible with the EU/Romania, but not with Ukraine. All border crossing points are connected to Interpol's database on lost or stolen documents and allow real time checks of persons crossing the State Border.

47. Which national databases and registers are in place (e.g. wanted and missing persons, stolen vehicles, stolen property, etc.)? Please describe the searching procedures and search tools (e.g. a single search interface querying several information systems simultaneously and producing combined results on one single screen). What procedures are in place in case of unavailability of the database/registers?

Border Police inspectors in the process of controlling the crossing of the state border by persons and means of transport through the computer system "Evidence of state border crossings" have the opportunity to access web services through a single interface the following digitized registers:

- State Register of Population (PUBLIC SERVICES AGENCY);
- State Transport Register (PUBLIC SERVICES AGENCY);
- State Register of Drivers (PUBLIC SERVICES AGENCY);
- Automated information system for recording contraventions, causes of contraventions and perpetrators (Information Technology Service);
- Register of external motor third party liability insurance (Green Card) (National Commission for Financial Markets);
- Register of evidence of national alerts on means of transport (General Inspectorate of Border Police);
- Interpol International Search Information System (International Searched Means of Transport) (General Police Inspectorate);
- State Register of Travel Titles (Ministry of Foreign Affairs and European Integration);
- State Register of Residence Permits (PUBLIC SERVICES AGENCY);
- State Register of visas issued for foreigners (Ministry of Foreign Affairs and European Integration);
- Register of evidence of national alerts on persons and travel documents (General Inspectorate of Border Police);
- INTERPOL International Search Information System (persons searched internationally and stolen or lost travel documents) (General Police Inspectorate);
- The information system of the Customs Service (Customs Service);

- State Register of State Border Crossings (General Inspectorate of Border Police);
- Register of evidence of unauthorized crossings of the state border by persons and means of transport General Inspectorate of Border Police); The “National Directory of Public Keys” (N-PKD) system (PUBLIC SERVICES AGENCY).

48. Please elaborate on the role and powers of the border guards in detecting and investigating cross border crime.

The legal framework governing the role and powers of the border guards is Law regarding the Border Police nr. 283/2011⁷¹. Within the General Inspectorate of Border Police of the MIA, a profile Directorate is established, which organizes, directs, coordinates and controls the special investigation activity carried out by IGPF subdivisions in order to prevent and combat illegal migration, cross-border crime and other harmful actions related to cross-border dimension.

In the field of combating cross-border crime, the Border Police has the following powers:

- carries out, within the limits of its competences, actions to prevent, detect and counteract illegal migration and other cross-border crimes related to the illegal movement of persons and means of transport, related to trafficking in weapons and ammunition, including weapons of mass destruction and materials related, trafficking in radioactive and / or nuclear substances and wastes, hazardous wastes, trafficking in art objects, objects of historical and archaeological value, intellectual property, trafficking in endangered animal species and plant varieties;
- Notes, at the state border, contraventions related to the illegal stay of aliens and the illegal crossing of the state border by persons and means of transport, carries out special investigative measures, and prosecutes.

To exercise the *supra* powers, the board guards can:

- a) control the documents of the persons and of the means of transport necessary for the crossing of the state border;
- b) build technical-genetic installations for the purpose of surveillance and control at the crossing of the state border, to install special communication networks, place and use the equipment, armament and other means on the lands assigned under the law;
- c) use the electronic means of communication, as well as the means of transport in the possession of the persons, with the subsequent compensation, in the manner established by law, of the expenses or the damage caused;

⁷¹ https://www.legis.md/cautare/getResults?doc_id=106470&lang=ro

- d) in exceptional cases, request the owners and beneficiaries of land in the border area access for the movement of patrols;
- e) temporarily restrict the execution of any works in the border area in case of endangering the interests of the Republic of Moldova at the state border, except for works related to removing the consequences of natural disasters or particularly dangerous infectious diseases, informing local public administration authorities and other authorities competent;
- f) temporarily impose restrictions or to prohibit the movement of persons and means of transport, not to allow their access to some lands during border operations; request and receive free of charge from public authorities, natural and legal persons information that is of interest for its activity;
- g) carry and use equipped weapons and special means, apply physical force, use service animals in the case and in the manner established by law;
- h) work with citizens to obtain information on violations of the state border regime, the border area regime and the regime at state border crossing points;
- i) detain border waters in the sector of the Republic of Moldova and to escort foreign non-military ships to the nearest port (keys) or to another point in accordance with the legal provisions;
- j) carry out scientific research, to form working groups of collaborators and invited experts for their development, as well as for the elaboration of documents on priority issues;
- k) take measures to counteract the illegal crossing of the state border of goods, substances and other goods prohibited or with restricted access, in accordance with the legislation.

Whilst the provided list is not exhaustive, the use by the Border Police of the rights established for the performance of functions not provided by law is prohibited..

49. Does Moldova have a legal framework to request Advance Passenger Information (API) from airlines for flights entering to or departing from the territory of Moldova's? If yes, how often does Moldova request API?

With aim of developing a national API system, in March 2021 RM applied to the CT-Travel Program of the United Nations Office of Counter-Terrorism. Currently, the national authorities involved in the implementation of the Programme ensure the implementation of the activities of the Roadmap elaborated by the United Nations Office of Counter-Terrorism in order to operationalize the national API/PNR system.

50. How does Moldova co-operate with neighbouring countries to improve border security (formal bilateral agreements as well as practical arrangements on customs and border police activities)?

The cooperation of the RM with neighboring countries is regulated by a well-developed legal framework based on international treaties.

In total there are 37 treaties concluded with Romania and Ukraine on border related matters. Republic of Moldova works together with its neighboring countries on further development of the bilateral cooperation legal framework in the border field.

The General Inspectorate of Border Police is one of the main Moldovan authorities responsible for implementation of the integrated border management in the Republic of Moldova.

Cooperation with Ukraine and Romania

1. Implementation of the provisions of the bilateral treaties

The cooperation on various aspects concerning border management and security with Romania is governed by 10 treaties and with Ukraine by 27 treaties (for the list of treaties sees Annex to point 50).

2. Meetings of the heads of the border authorities

Annually the heads of the Border authorities meet in order to evaluate the cooperation for the last year, discuss the general situation at the common border, risks, threats, potential solutions and necessary joint actions. Usually, during such events the parties sign annual cooperation plans.

3. Implementation of the Cooperation plans

During the meeting of the heads of Border authorities, the parties sign the Cooperation Plan for the next period (with Ukraine the duration of the plan is 2 years, with Romania 1 year).

In November 2021, the Cooperation Plan between Moldovan and Ukrainian border authorities for 2022-2023 was signed.

In May 2022 the cooperation plan with the General Inspectorate of Romanian Border Police is planned to be signed by the heads of border authorities.

The Cooperation Plans usually schedule the meetings in the following fields of expertise: border control and surveillance, risk analysis, special investigations, documents expertise, human resources and training, internal security, IT&C, external assistance. Upon necessity other topics of mutual institutional interest can be addressed.

4. Implementation of modern concepts related to the integrated border management Joint border patrolling

The Republic of Moldova has signed agreements both with Romania and Ukraine on joint patrolling. Joint patrols are carried out both on the territory of the Republic of Moldova neighboring states. Parties coordinate location and schedule patrols at the operational level.

This activity contributes to the: development of cooperation between parties, familiarization with the terrain of the neighboring state, increases the situational awareness of the officers, facilitates the direct exchange of information.

It also allows Moldovan Border Police to jointly patrol with Ukrainian competent authorities the central segment of the state border not controlled by the constitutional authorities of the Republic of Moldova, thus securing it on the Ukrainian side.

In the period 2019-2021 Border Police carried a total of 3454 joint patrols with neighboring countries as follows:

2019 – with Romania 727 patrols, with Ukraine 1897 patrols;

2020 – with Romania 112 patrols, with Ukraine 400 patrols;

2021 – with Romania 168 patrols, with Ukraine 150 patrols.

The decrease in the number of joint patrols is related to the COVID-19 pandemic.

Joint control within border crossing points

Joint border control has the goal of implementing a single window approach to border crossing. Implementation of this concept involves close cooperation and coordination between participating authorities. Implementation of this concept allows speeding up the crossing time up to 20%.

The Republic of Moldova concluded the first Treaty of joint control at the Moldova-Ukraine border in 1997. Given that the 1997 Treaty contained a number of provisions which limited the number of border crossing points where this concept could be implemented, as well as the need to adjust the provisions to the changes that have occurred during the implementation period on the 6th of October 2017 a new treaty was signed. This Treaty did not limit the number of border crossing points, in which the concept could be implemented and foreseen provisions on the access to international protection in jointly operated BCPs on the territory of one state.

Currently the existing bilateral legal framework covers the organization of joint border control in six road BCP as follows: „Criva-Mamaliga”, „Larga-Kelmenți”, „Briceni-Rossosani”, „Giurgiulesti-Reni”, „Palanca-Maiaki-Udobnoe” and „Pervomaisc-Cuciurgan” (on the central(transnistrian) segment of the Border).

Moldova and Ukraine are in the process of negotiation on the implementation of the concept in 2 new BCPs on the central (transnistrian) segment of the Border.

The General Inspectorate of Border Police is currently jointly with the Customs Service promoting the implementation of joint border control on the Moldovan-Romanian border.

5. Operational and local level cooperation.

Border authorities of Republic of Moldova and neighboring countries cooperate at operational and local level. Thus, there is constant communication between the border authorities by sharing information, joint investigations of border incidents, readmissions under the accelerated procedure of persons that have illegally crossed the border, joint risk assessment at operational level and other.

6. The activity of Border Delegates

It is carried out with the purpose to implement the provisions of international treaties at the Moldovan-Ukrainian state border. In this respect parties confirm that the provision of the concluded international Treaties is fully and correctly implemented. Also, parties are performing analysis of the border surveillance, border control of persons, vehicles and cargo; border incident prevention and speedy resolutions etc.

7. Contact points at the border of the Republic of Moldova.

In order to ensure fast exchange of information and combating cross border crime at the border of the Republic of Moldova with Romania the Common Contact Center Galați operates, and Contact Point Palanca at the Moldova-Ukraine Border. These contact points operate 24/7 and are responsible for the exchange of information between the authorities of the neighboring states.

8. Development of joint analytical products.

Aiming to facilitate coordination of efforts between Border Police and the border authorities of Romania and Ukraine on security of the state border, joint risk analysis is carried with each neighboring border authority. On the strategic level joint risk analysis is carried out once a year to establish existing and future trends that could impact border security. The same exercise is carried on the operational level but once every 3 months.

Additionally, Moldovan and Ukrainian Border and Customs authorities, with the support of EUBAM develop every half year and yearly a Common Border Security Assessment Report (CBSAR) of the Moldova-Ukraine border. The analytical products developed together with the partner authorities are used to then plan the activity on the strategic, operational and tactical levels to tackle the identified risks and threats to the security of the common border.

51. Please provide the current/planned measures to fight corruption at the borders, including all relevant legislation.

The responsibility for developing the national integrity climate, carrying out actions to prevent corruption and establishing integrity instruments, including by systematizing and streamlining the efforts of public entities in the field of anti-corruption are coordinated in a single national document - National Integrity and Anticorruption Strategy (NIAS) for the years 2017-2023 (adopted by Parliament Decision No. 56/2017, extended by Parliament Decision No. 241 of 24.12.2021 on amending Parliament Decision No. 56/2017 to approve the National Integrity and Anticorruption Strategy for 2017– 2020, (in force since 28.01.2022, Official Gazette No. 27-33 art. 32).

This Strategy is the 3rd nationally implemented anti-corruption strategy and comes with an innovative approach on several dimensions, in particular, ensuring the recovery of criminal assets, increasing the integrity of the private sector, guaranteeing respect for human rights and fundamental freedoms, protection of whistleblowers and victims of corruption, strengthening ethics and integrity in the public, private and non-governmental sectors, ensuring the transparency of public institutions, transparency of funding of political parties and the media. The document is based on the analysis of the national integrity system (NIS) conducted by Transparency International Moldova, based on international standards established and agreed by most countries in the world. NIS relies on pillar institutions and sectors that rise from the foundation of society. The dysfunctions of institutions and sectors compromise the NIS and the rule of law in general, affecting social welfare. Thus, the Strategy was developed starting from the evaluation of NIS, being built on 8 pillars of integrity: I. Parliament; II. Government, public sector and local public administration; III. Justice and anti-corruption authorities; IV. Central Electoral Commission and political parties; V. Court of Accounts; VI. People's Advocate; VII. Private sector; VIII. Civil society and the media.

As the impact of national policy documents often does not materialize sufficiently at the sectoral, local level and at the level of citizen's contact with the public service provider, NIAS for 2017-2020 included the sectoral approach to corruption by coordinating approval and implementation of 9 sectoral anti-corruption plans in vulnerable areas, as follows: customs, public order, administration and privatization of public property, taxes, environment, agri-food, education, health and compulsory health insurance and public procurement, as well as local anti-corruption plans by local public authorities of level II. Thus, ensuring the reduction of corruption risks in the most vulnerable areas of public activity, which will allow to achieve quantifiable and sustainable results.

The mechanism of sectoral and local anti-corruption action plans promotes the message of mutual responsibility of all public and private sector actors, reflecting the general concept of integrity pillars, based on which the monitoring and evaluation process of NIAS was developed. The description of the mechanism in

priority II.2 of the Strategy highlights a more detailed approach to the conditions specific to each of the 9 areas and puts the responsibility of the ministries and agencies in the sector to identify solutions and frame them in a harmonized and approved policy document. Such an approach was positively appreciated by civil society representatives and development partners, with the support of which a series of workshops and consultative meetings were organized, in order to promote the commitment of each of the responsible institutions to ensure active involvement in the approval, implementation and reporting of progress towards the implementation of the respective sectoral plan.

As a result, during the targeted period, the 9 sectoral anti-corruption plans were approved and implemented, thus consolidating the common position of the public entities to fulfill the specific responsibilities of the managed sector, towards the population. Subsequently, in order to strengthen the climate of integrity among local public administration authorities, the Action Plan of the Strategy provided for a series of actions aimed at ensuring the capitalization of the impact as well as the efficiency, transparency and integrity of local public administration authorities, the provision of qualitative public services, adequate and efficient use of public money, improving the public image and increasing the company's trust, as well as establishing the conditions for a sustainable development process, thus ensuring the approval and implementation of Local Anti-Corruption Action Plans for 2018-2020 by 97% of District Councils.

One of the vulnerable sectors foreseen in the above-mentioned policy document is the customs field. Thus, by Government Decision No. 410/2018, the Sectoral Plan for anti-corruption actions in the customs field was approved⁷². In order to overcome the existing problems and reduce the risks of corruption in the customs sector, the Customs Service jointly with other responsible entities has established the implementation of the above-mentioned Action Plan which includes 36 measures to ensure the achievement of the following priorities.

Thus, as a result of the implementation of this Sectoral Plan, the customs field will guarantee intolerance to integrity incidents and the denunciation of corruption and related acts. The objective will be achieved once the following results are obtained: legal, stable and coherent environment for external economic activity, excluding cases of abuse by customs employees; localized corruption risks and identified solutions; the employees of the Customs Service and of the General Inspectorate of the Border Police - honest and responsible, feeling protected, assured with decent salaries and non-financial incentives for efficient and inclusive activity; conditions for the facilitation and proper conduct of the established import-export operations; access to managerial positions based on the competition; leaders of any level - involved in the activities and processes of institutional and professional integrity, being a model of professionalism and integrity for the entire workforce, promoting an honest and fair way of working.

⁷² Government Decision No. 410/2018 on the approval of the Sectoral Plan for anti-corruption actions in the customs field, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=13917&lang=ro

Subsequently, to ensure the participatory implementation and monitoring of the Sectoral Plan of Anti-Corruption Actions in Customs Area, with the support of the project "Fight against corruption by consolidating sustainable integrity in the Republic of Moldova" funded by the Ministry of Foreign Affairs of Norway and implemented by UNDP Moldova in cooperation with NAC and the Office of the People's Advocate, within the Small Grants Program - "Monitoring the National Integrity and Anticorruption Strategy by developing alternative reports for monitoring sectoral and local anti-corruption action plans", the alternative report on the implementation of the Sectoral Plan for Anti-corruption Actions in Customs Area⁷³ was developed and presented of anti-corruption actions in the customs field, which allowed the company to be equidistantly informed about the progress and deficiencies in the customs system.

At the same time, in order to ensure the continuity of the process of implementing public anti-corruption policies at sectoral and local level, in accordance with the provisions of action No. 19 of Pillar II, Priority II.2 "Sectoral anti-corruption approach" of the Strategy Action Plan (annex 2 of Parliament Decision No. 241/2021), the responsible public authorities will ensure the approval and implementation of sectoral and local plans for anti-corruption actions, for the next period, having as deadline for adoption, the first quarter of 2022. In order to ensure the personal protection of the border police employees and to increase integrity during the operations, in 2020 the concept of using portable video cameras by the employees of the institution was implemented. Also, based on the National Anticorruption Center's request No. 06/04-7770 of 22.11.2021 the process of assessing the institutional integrity of the Border Police was initiated.

⁷³Government Decision No. 410/2018 on the approval of the Sectoral Action Plan on anti-corruption in the field of customs for the years 2018-2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=13917&lang=ro

V. JUDICIAL CO-OPERATION

A. General

52. How many bilateral agreements (and with which countries) did Moldova sign on judicial cooperation? Which areas of cooperation do these agreements cover (e.g. mutual recognition of judgments and their further enforcement, on delivery of court orders and other documents, mutual legal assistance, extradition)?

The RM has ratified:

- European Convention on Mutual Assistance in Criminal Matters (ETS No. 030) of April 20, 1959 and its additional two protocols (i.e. ETS No. 099 and ETS No. 182);
- European Convention on the International Validity of Criminal Judgements (ETS No. 072) of May 25, 1970; the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No. 073) of May 15, 1972;
- European Convention on Transfer of Sentenced Persons (ETS No. 112) of March 21, 1983 and the additional protocol thereto (ETS No. 167);
- Vienna Convention (Parliament's Decision No. 252-XII of 2 November 1994)
- UN Convention against Corruption (Law No. 158 of 6 July 2007⁷⁴); the TFC (Law No. 1241 of 18 July 2002⁷⁵) and the Palermo Convention (Law No. 15 of 17 February 2005).
- Also, the RM is a state party to the European Convention on Extradition (ETS No. 024) of December 13, 1957 and its additional three protocols (i.e. ETS No. 086, ETS No. 098 and ETS No. 209); and the 2005 Warsaw Convention of the CoE on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198).

The Republic of Moldova has signed 12 bilateral Agreements/Treaties on judicial cooperation in civil, criminal and family matters:

1. Treaty between the Republic of Moldova and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters (Chişinău, 09.02.1993);
2. Treaty between the Republic of Moldova and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters (Riga, 14.04.1993);
3. Treaty between the Republic of Moldova and Romania on legal assistance in civil and criminal matters (Chişinău, 06.07.1996);

⁷⁴ Law No. 158 of 6 July 2007, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=12294&lang=ro

⁷⁵ Law No. 1241 of 18 July 2002, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=28865&lang=ro

4. Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Czech Republic on 26.08.2005;
5. Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Slovak Republic on 26.05.2006;
6. Treaty between the USSR and the People's Republic of Hungary on legal assistance in civil, family and criminal matters (Moscow, 15.07.1958) and the Protocol to this Treaty, implemented by inheritance between Moldova and the Republic of Hungary on 17.11.2005;
7. Agreement between the Government of the Republic of Moldova and the Government of the Italian Republic on legal assistance and recognition and enforcement of decisions in civil matters (Rome, 07.12.2006);
8. Agreement between the Republic of Moldova and the Republic of Turkey on legal assistance in civil, commercial and criminal matters (Ankara, 22.05.1996);
9. Treaty between the Republic of Moldova and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters (Baku, 26.10.2004);
10. Treaty between the Republic of Moldova and Ukraine on legal assistance and legal relations in civil and criminal matters (Kiev, 13.12.1993);
11. Treaty between the Republic of Moldova and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters (Moscow, 25.02.1993);
12. Treaty between the Republic of Moldova and Bosnia and Herzegovina on legal assistance in civil and criminal matters (Chişinău, 19.06.2012);
13. Treaty between the Republic of Moldova and the Republic of Belarus on the transfer of the sentenced persons for continuing the execution of the penalty (Chişinău, 24.09.2014).

These Agreements cover the following areas of cooperation: delivery of documents, interrogation, investigation of parties, expertise, research, transmission of evidence, succession, recognition and enforcement of court decisions, initiating of criminal proceedings, and transfer of criminal proceedings, extradition, presenting information on criminal records.

53. Is there a statistical capacity that follows up on the number and processing of international judicial cooperation requests? What is the authority supervising the enforcement of judicial cooperation? Please provide a description.

Ratione materiae competence in dealing with legal assistance in criminal matters in the Republic of Moldova is split between the General Prosecutor's Office and the Ministry of Justice. According to the art. 532 and art. 540 of the Criminal

Procedure Code, the mutual legal assistance requests can be officially filed via the Ministry of Justice or the General Prosecutor's Office, or through diplomatic channels via the Ministry of Foreign Affairs and European Integration, unless, on the basis of the principle of reciprocity, another procedure is provided. The General Prosecutor's Office (which is competent to grant mutual legal assistance in the pre-trial phase of the criminal procedure) and the Ministry of Justice (which is competent to grant mutual legal assistance formulated in courts or in the stage of enforcement of sentences) are responsible for sending the received mutual legal assistance requests to the respective criminal investigative body or to the competent court. The applicable mutual legal assistance procedures are provided for by the title III Chapter IX of the Criminal Procedure Code and Law No. 371 of December 1st 2006 on International legal assistance in criminal matters⁷⁶.

Statistics on mutual legal assistance in criminal matters are duly reflected in the annual activity reports of the General Prosecutor's Office, [published on the official website](#) of the General Prosecutor's Office⁷⁷. In 2021, the General Prosecutor's Office received 517 requests of legal assistance from abroad and sent 288 rogatory letters. At the same time, during 2021, the Prosecutor's Office received for consideration:

- 41 requests of taking over criminal investigations from abroad and transferring 7 criminal cases abroad for continuing the criminal prosecution;
- 19 extradition requests received from the authorities of foreign states (21 in 2020, 18 in 2019), out of which 9 extradition requests were submitted to the court (13 in 2020, 15 in 2019). The remaining requests are at the court examination stage.
- 237 information on the detention or location on the territory of other states of persons, announced in search by the authorities of the Republic of Moldova (248 in 2020, 267 in 2019).

According to art. 125 para. (3) of the Civil Procedure Code, the courts may delegate foreign courts in order to carry out various procedural acts in accordance with the legislation of the Republic of Moldova and the international treaties to which this party.

In this regard, upon receipt of the documents from the court, following the international regularity check, the Ministry of Justice may send them (depending on the existence and provisions of an international instrument) either to the competent central authority in the requested State, or the diplomatic mission of the Republic of Moldova, through the Ministry of Foreign Affairs and European Integration. The same situation applies to cases when the Republic of Moldova is the requested state. The Ministry of Justice shall, as soon as it receives a request

⁷⁶ Law No. 371/2006 on International legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

⁷⁷ Official website of the General Prosecutor's Office, available at: <http://procuratura.md/md/d2004/>

for legal aid, proceed to the same rigorous review of the annexed documents and shall send it to the court in whose territorial area the addressee or national competent authority resides or is located. Depending on how the request is received, the documents drawn up in connection with the execution of the nominated request will be transmitted by the Ministry of Justice, in the same way.

The legal provisions applicable to requests for international legal assistance in criminal and civil matters are the international instruments stipulated in point 52, Code of Criminal Procedure, Code of Civil Procedure, Law No. 371/2006 on international legal assistance in criminal matters.

54. Is there a practice of direct court to court dealings with third countries? For which areas of cooperation?

There is no practice of direct court to court dealings with third countries. Pursuant to reservations and declarations contained in the instruments of ratification, the RM did not include the possibility to have a practice of direct cooperation between the Moldovan courts and foreign courts in providing mutual legal assistance.

55. What steps is Moldova taking in order to be able to participate in the European Public Prosecutor's Office (EPPO) work?

The Republic of Moldova, being one of the beneficiaries of financial assistance from the EU, collaborates with the EU institutions / agencies to protect the EU's financial interests.

To date, no working arrangement has been signed with EPPO and the Republic of Moldova for effective cooperation in investigating, prosecuting and bringing to justice those who commit crimes affecting the EU budget. At the current stage, negotiations are underway to sign a working arrangement between the Republic of Moldova and the EPPO with a view to establishing effective cooperation in the field of information exchange and establishing points of contact. Also the legislation of the RM does not provide a legal instrument for granting legal assistance in criminal matters to a similar entity as EPPO, or the provisions of art. 531 of the Criminal Procedure Code⁷⁸ shows that international legal assistance can be provided to *foreign countries* or *international courts*. In the context of the fight against crimes that harm external funds, the use contrary to the destination of the funds from EU funds attracts criminal liability according to art. 240 hp. Also, the embezzlement (theft) of funds from EU funds is punishable by imprisonment for up to 15 years according to art. 332/2 Penal Code⁷⁹.

⁷⁸ https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

⁷⁹ https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

B. Judicial co-operation in civil matters

56. Please provide information on legislation or other rules governing the area of judicial cooperation in civil matters, (i.e. on issues of international jurisdiction, recognition, enforcement, access to justice and legal assistance in civil and commercial matters including family law). Please explain the situation as regards the ratification of or accession to relevant international conventions, in particular those adopted by the Hague Conference on Private International Law.

The field of international legal assistance in civil and family matters is governed by the provisions of national law:

- Article 8 of the Constitution of the RM No. 1/1994 (*Published: 29-03-2016 in the Official Gazette No. 78 art. 140*) provides that the RM undertakes to respect the Charter of the United Nations and the treaties to which it is a party, to base its relations with other states on the principles and norms of international law. The entry into force of an international treaty containing provisions contrary to the Constitution must be preceded by a revision of the Constitution.
- Civil Procedure Code of the RM No. 225/2005 (*Published: 03-08-2018 in the Official Gazette No 285-294 art. 436*)⁸⁰
- Family Code of the RM No. 1316/2000 (*Published: 26-04-2001 in the Official Gazette No. 47-48 art. 210*)⁸¹
- Civil Code of the RM No. 1107/2002 (*Published: 22-06-2002 in the Official Gazette No. 82-86 art. 661*)⁸²
- Law No. 595/1999 on international treaties of the RM (*Published: 02-03-2000 in the Official Gazette No. 24-26 art. 137*)⁸³
- Law No. 514/1995 on the judiciary organization (*Published: 19-10-1995 in the Official Gazette No. 58 art. 641*)⁸⁴
- Law No. 23/2008 on arbitration (*Published: 20-05-2008 in the Official Gazette No. 88-89 art. 314*)⁸⁵

⁸⁰Civil Procedure Code of the RM, available in Romanian:

https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

⁸¹ Family Code of the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122974&lang=ro

⁸² Civil Code of the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro

⁸³ Law No. 595/1999 on international treaties of the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=92552&lang=ro#

⁸⁴ Law No. 514/1995 on the judiciary organization, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=127868&lang=ro#

⁸⁵ Law No. 23/2008 on arbitration, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=95607&lang=ro

- Law No. 24/2008 on international commercial arbitration (*Published: 20-05-2008 in the Official Gazette No. 88-89 art. 316*)⁸⁶
- Law No. 246/2018 on notarial procedure (*Published: 01-02-2019 in the Official Gazette No. 30-37 art. 89*)⁸⁷
- Government Decision No. 442 /2015 approving the Regulation on the mechanism for the conclusion, application and termination of international treaties (*Published: 24-07-2015 in the Official Gazette No. 190-196 art. 499*)⁸⁸

Bilateral treaties:

- Treaty between the Republic of Moldova and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters (Chişinău, 09.02.1993);
- Treaty between the Republic of Moldova and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters (Riga, 14.04.1993);
- Treaty between the Republic of Moldova and Romania on legal assistance in civil and criminal matters (Chişinău, 06.07.1996);
- Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Czech Republic on 26.08.2005;
- Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Slovak Republic on 26.05.2006;
- Treaty between the USSR and the People's Republic of Hungary on legal assistance in civil, family and criminal matters (Moscow, 15.07.1958) and the Protocol to this Treaty, implemented by inheritance between Moldova and the Republic of Hungary on 17.11.2005;
- Agreement between the Government of the Republic of Moldova and the Government of the Italian Republic on legal assistance and recognition and enforcement of decisions in civil matters (Rome, 07.12.2006);
- Agreement between the Republic of Moldova and the Republic of Turkey on legal assistance in civil, commercial and criminal matters (Ankara, 22.05.1996);

⁸⁶ Law No. 24/2008 on international commercial arbitration, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110184&lang=ro#

⁸⁷ Law No. 246/2018 on notarial procedure, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125223&lang=ro#

⁸⁸ Government Decision No. 442 /2015 approving the Regulation on the mechanism for the conclusion, application and termination of international treaties, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=83995&lang=ro

- Treaty between the Republic of Moldova and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters (Baku, 26.10.2004);
- Treaty between the Republic of Moldova and Ukraine on legal assistance and legal relations in civil and criminal matters (Kiev, 13.12.1993);
- Treaty between the Republic of Moldova and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters (Moscow, 25.02.1993);
- Treaty between the Republic of Moldova and Bosnia and Herzegovina on legal assistance in civil and criminal matters (Chişinău, 19.06.2012).

Multilateral treaties:

- Statute of the Hague Conference on Private International Law (The Hague, 31.10.1951)
- Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 04.11.1950)
- International Pact on Civil and Political Rights (New York, 16.12.1966)
- Convention on the Law of Treaties (Vienna, 23.05.1969)
- Convention on civil procedure (Hague, 01.03.1954)
- Convention on conflicts of laws relating to the form of testamentary dispositions (Hague, 05.10.1961)
- Convention on the recovery abroad of maintenance (New York, 20.06.1956)
- Convention on the recognition and enforcement of foreign arbitral awards (New York, 10.06.1958)
- Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters (Hague, 15.11.1965)
- Convention on the recognition of divorces and legal separations (Hague, 01.06.1970)
- Convention on information on foreign law (London, 07.06.1968)
- Additional Protocol to the European Convention on information on foreign law (Strasbourg, 15.03.1978)
- Convention on legal assistance and legal relations in civil, family and criminal matters (Minsk, 22.01.1993)
- Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Hague, 05.10.1961)
- Convention on the Civil Aspects of International Child Abduction (Hague, 25.10.1980)

57. How are foreign judicial decisions, in particular originating from the Member States of the European Union, in civil and commercial matters recognised and enforced?

According to article 467 par. (1) of the Civil Procedure Code⁸⁹, foreign judgments, including settlements, shall be recognized and enforced in the RM either if so provided in the international treaty to which the RM is a party, or on the principle of reciprocity as regards the effects of foreign judgments. The foreign judgment may be submitted for enforcement in the RM within 3 years from the date of its finality, according to the law of the State where it was rendered. The court of the RM may request a retrial within the time limit omitted for reasonable grounds in accordance with article 116 of the Civil Procedure Code⁹⁰.

The application for recognition of the foreign judgment shall be examined in a court hearing, with legal notice to the debtor of the place, date and time of the examination, as well as to the Ministry of Justice and, where appropriate, to the National Bank of the RM. The court, after hearing the debtor's explanations and examining the evidence presented, shall issue a decision authorizing enforcement of the foreign judgment or refusing to authorize enforcement. If the foreign judgment contains judgments on several claims which are severable, the declaration of enforceability may be granted separately. Refusal to enforce a foreign judgment is allowed in one of the following cases:

- the judgments, under the law of the State in whose territory it was given, has not become final or enforceable;
- the party against whom the judgment is given, was not given an opportunity to appear in person and was not legally informed of the place, date and time of the hearing;
- the examination of the case falls within the exclusive jurisdiction of the courts of the RM;
- there is a judgment, even if not final, of the court of the Republic of Moldova issued in a dispute between the same parties, on the same subject matter and on the same grounds, or a case is pending before the court of the RM in a dispute between the same parties, on the same subject matter and on the same grounds at the date of the referral to the foreign court;
- execution of the decision may prejudice the sovereignty, threaten the security of the RM or be contrary to its public policy;
- the limitation period for submitting the judgment for enforcement has expired and the creditor's request for its reinstatement has not been complied with by the court of the RM;
- the foreign judgment is the result of fraud committed in the foreign proceedings;
- a court decision orders the transfer of the shares of the licensed bank in the RM. In this case, the recognition of the enforcement of the foreign judgment is allowed only on the condition of the National Bank's

⁸⁹ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

⁹⁰ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

permission to hold the substantial share in the bank's share capital or the National Bank's opinion on the possibility of holding the shares without prior permission.

Recognition of foreign arbitral awards are governed by the provisions of Articles 475-476 of the Civil Procedure Code⁹¹. The international legal instruments applicable to the procedure for recognition and enforcement of foreign judgments are:

- Convention on the recovery abroad of maintenance (New York, 20.06.1956);
- Convention on the recognition and enforcement of foreign arbitral awards (New York, 10.06.1958);
- Convention on legal assistance and legal relations in civil, family and criminal matters (Minsk, 22.01.1993).

58. Are there special, simplified procedures available in Moldova for claiming and recovering noncontested and small claims?

The procedure for small claims is governed by the provisions of Chapter XXI¹ of the Code of Civil Procedure governs the procedure for small claims. If the value of the claim in cases of recovery of a sum of money does not exceed 10 times the average wage in the economy as average monthly salaries in the RM estimated on the date the court is seised, without taking into account interest, penalties, court costs and other incidental income, the claim shall be examined as a small claim.

The procedure for low value claims is written. The judge may order the participants in the proceedings to be summoned if he or she considers this necessary or if he or she accepts the request of one of the parties to examine the application in open court. The judge may refuse such a request if he considers that, having regard to the circumstances of the case, public hearings are not necessary. The rejection shall be ordered by a reasoned decision which may be appealed against together with the merits.

Simplified civil procedure (ordonnance procedure) is set out in Chapter XXXV of the Code of Civil Procedure. A court order is a single-person order issued by a judge, on the basis of materials submitted by the creditor, for the collection of money or the claiming of property from the debtor. A court order is issued if the claim:

- derives from a notarially authenticated legal act;
- results from a legal act concluded by a simple document and the law does not provide otherwise;

⁹¹ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

- is based on a notarial protest of non-payment, non-acceptance or non-receipt of acceptance;
- relates to the collection of child support for a minor child which does not require the establishment of paternity, the contesting of paternity (maternity) or the bringing of other interested persons into the proceedings;
- pursues the collection of wages or other entitlements calculated but not paid to the employee;
- is submitted by the police body or the State Tax Service concerning the collection of expenses related to the search of the debtor or the debtor's property or the property of the debtor or the child taken from the debtor pursuant to a court order, as well as the expenses for the safekeeping of the property seized from the debtor and the property of the debtor evicted from the dwelling;
- arising out of the purchase on credit or leasing of property;
- arising from the non-return of books borrowed from the library;
- arises from the failure of the economic agent to pay the debt to the Social Fund;
- results from overdue tax or state social insurance;
- it follows the exercise of the right of lien;
- result from non-payment by natural and legal persons of compulsory health insurance premiums.
- results from the provisions of Art. 99 para. (4) of the Enforcement Code;
- results from invoices which are due on the date of their submission;
- relate to the return of enforcement under Art. 158 para. (2) of the Enforcement Code;
- is submitted by the prison institution concerning the collection of expenses for escorting prisoners to court hearings in civil cases;
- it is submitted by the person who received or bought a property, if it concerns the eviction of persons from the immovable property transferred or sold by the bailiff, with confirmation of this fact by the court.

The court order is issued by the judge after examining the merits of the case, without summoning the parties for explanations, without judicial debates and without drawing up minutes. The court order shall be issued within 5 days from the date of the filing of the application.

59. How are foreign decisions, in particular originating from the Member States of the European Union, in family law matters (i.e., legal separation, divorce, marriage annulment, parental responsibility, maintenance obligations) recognized and enforced?

The procedure for recognition and enforcement on the territory of the Republic of Moldova of foreign judgments in civil and commercial matters is governed by the provisions of the international legal instruments mentioned, the Civil Procedure Code (Chapter XLII)⁹² and the principle of reciprocity. The general procedure for examining applications for recognition and enforcement of foreign judgments is described in detail in question 57.

Foreign judgments which are not subject to enforcement, they are recognised without further procedure if the person concerned has not objected to recognition. The person concerned shall be entitled to lodge objections to the recognition of the foreign judgment with the court of his domicile or establishment within one month of becoming aware of its receipt. Objections against the recognition of the foreign judgment of the person concerned shall be examined in open court, with legal notice of the place, date and time of the examination. The non-appearance of the person concerned without reasonable cause, when lawfully summoned, shall not prevent the examination of the objections.

Refusal to recognize the foreign judgment which is not subject to enforcement is allowed in the cases set out in Article 471(1) of the Civil Procedure Code⁹³. In the RM, the following foreign court judgments are recognised which, by virtue of their nature, do not require further proceedings:

- judgments relating to the civil status of the national of the State whose court delivered the judgment or whether, having been delivered in a third State, it was first recognised in the State of nationality of each party;
- judgments concerning the dissolution, annulment or declaration of nullity of marriage, as well as other disputes between spouses, with the exception of those concerning property abroad, between a citizen of the Republic of Moldova and a foreign citizen, if at the time of dissolution of marriage at least one of the spouses was domiciled abroad;
- decisions on dissolution, annulment or declaration of nullity of marriage between citizens of the RM if at the time of dissolution of marriage both spouses were domiciled abroad;
- other decisions provided for by the law of the Republic of Moldova.

60. How are cases of international child abduction dealt with under the 1980 Hague Convention on the Civil Aspects of International Child Abduction? Please specify the number of applications received under the Convention for the return of children for the last three years, the outcome of the applications (return or non-return of the child) as well as the average duration of the procedure.

⁹² Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

⁹³ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

The Ministry of Labor and Social Protection is the central authority is designated with the implementation of the Hague Convention on the Civil Aspects of International Child Abduction provisions. Over the last three years (2020 – 2022), the Ministry has examined 35 cases pursuant to the Hague Convention, of which in 17 cases requests were sent to authorities of other states (returning to RM) and in 18 cases RM received requests from foreign authorities.

Law No. 112/2020 for the modification of some normative acts⁹⁴, modifies a series of normative acts to improve the process of examining the files with civil aspects of international child abduction. Respectively, the Civil Procedure Code was supplemented with a new chapter "*The child's return and the exercise the right to visit the child*", which established that the request regarding the return of the child in the state of his usual residence and the request regarding the exercise of the right to visit the child, in accordance with the Hague Convention on the Civil Aspects of International Child Abduction (25.10.1980) are submitted to the Chisinau Court of Appeal by the central authority of the RM for the implementation of the provisions of the mentioned Convention or by the applicant.

Importantly, the law now establishes that set the Chisinau Court of Appeal shall examine with priority the above-mentioned applications and judge the case within 10 working days, and the full judge decision shall be drawn up within 14 days of the date of pronouncing its decision. The fixed terms allow national authorities to take action and examine the cases concerned, respecting the six-week general term stipulated by the Convention. Noteworthy, in cases which correspond to the mentioned requirements of the Convention, civil actions are submitted to the responsible court that examine the applications and issue decisions on them, informing the parties in this respect.

61. Is it possible for parties involved in civil litigation in Moldova but not present in it, to ask for legal aid in the country of their habitual residency? If so, how are these requests received and dealt with? Is the same possibility available to parties present in Moldova who are involved in litigation abroad? If so, how are these requests presented and then transmitted abroad?

⁹⁴ https://www.legis.md/cautare/getResults?doc_id=122632&lang=ro

Article 19 of the Constitution of the RM⁹⁵ establishes that foreign citizens and stateless persons have the same rights and duties as citizens of the RM, with the exceptions established by law.

At the same time, articles 5 and 8 of the Civil Procedure Code⁹⁶ stipulate that any interested person has the right to apply to the court, in the manner established by law, in order to defend their violated or contested rights, freedoms and legitimate interests.

The parties, other participants in the proceedings shall have the right to be assisted in the proceedings by a lawyer chosen or appointed by the coordinator of the territorial office of the National Council for State Guaranteed Legal Aid or by another representative in the cases provided for in this Code. Legal assistance may be granted in any court and at any stage of the proceedings.

The Republic of Moldova is party to the Convention on the recovery abroad of maintenance (New York, 20 June 1956) which aims to facilitate a person (creditor) located in the territory of one of the Contracting Parties to obtain maintenance to which he claims to be entitled from a person (debtor) who is under the jurisdiction of another Contracting Party. The Ministry of Justice is the transmitting authority and the intermediary institution responsible for receiving documents from foreign creditors transmitted via the competent foreign authorities. Thus, the RM has received and forwarded to the States Parties the applications for which the subject matter is the initiation of civil proceedings before the court, based on the provisions of the named Convention.

62. How does the legislation solve conflicts of law for contractual and non-contractual obligations?

Book nr. V (art. 2576 – 2671) of the Moldovan Civil Code regulates the applicable law to cases, transactions or other legal occurrence that have connections to more than one jurisdiction.

The Moldovan International Private Law follows the freedom of contract principle – parties to a contract are free to choose the jurisdiction that shall apply to their respective contracts. More than one jurisdiction may apply to a single contract – parties are free to assign different specifics to be applied to given contractual provisions.

If the contractual parties do not directly specify the applicable jurisdiction, nor do contractual norms imply the governance of a certain jurisdiction over the contract, various international private law rules apply to contractual obligations depending

⁹⁵ Constitution of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro

⁹⁶ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

on their nature. For instance, the normative jurisdiction for sale contracts shall be the country where the seller has their usual residence; same rule applies for contracts of service: the applicable law shall be determined based on the usual residence of the service provider. The general rule for contracts regarding real estate is that the jurisdiction shall be determined by the geographical location of the contract's material object. The 5th book of the Moldovan Civil Code does provide for International Private Law rules for the most common types of contracts and legal institutions from which non-contractual obligation may arise.

The general rule for tort law obligations says that the applicable jurisdiction is the land where the damage, which resulted from tort occurred. However, if both parties reside in the same jurisdiction at the moment when the tort was committed – the respective jurisdiction shall apply. Should however the tort be closer linked to the jurisdiction of another state (via contract between the parties for example), the respective legal system shall govern the non-contractual obligation.

63. How are foreign judicial and extrajudicial documents received and served? How are Moldova's judicial and extra-judicial documents transmitted when they have to be served abroad?

The procedure for communication of judicial and extrajudicial documents is governed by the provisions of the international legal instruments mentioned *infra*, the Code of Civil Procedure (Chapter XLII)⁹⁷ and the principle of reciprocity.

According to international instruments in civil matters, requests for legal assistance are made through the central authority, which is the Ministry of Justice, and/or through diplomatic representations. In this context, upon receipt of the documents from the court, after the international regularity check, the Ministry of Justice may send them, depending on the existence and provisions of an international instrument: either to the competent central authority of the requested State or to the diplomatic mission of the RM, through the MFAEI.

The same applies when the RM is the requested State. As soon as the Ministry of Justice receives a request for legal assistance, it will carry out the same rigorous control of the annexed documents and will send it to the court in whose territorial district of which resides the addressee resides or the legal entity is established. Depending on how the application is received, proof of delivery will be sent by the Ministry of Justice by the same route.

Applicable international legal instruments:

1. Convention on civil procedure (Hague, 01.03.1954);

⁹⁷ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

2. Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters (Hague, 15.11.1965);
3. Convention on legal assistance and legal relations in civil, family and criminal matters (Minsk, 22.01.1993);
4. Treaty between the Republic of Moldova and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters (Chişinău, 09.02.1993);
5. Treaty between the Republic of Moldova and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters (Riga, 14.04.1993);
6. Treaty between the Republic of Moldova and Romania on legal assistance in civil and criminal matters (Chişinău, 06.07.1996);
7. Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Czech Republic on 26.08.2005;
8. Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Slovak Republic on 26.05.2006;
9. Treaty between the USSR and the People's Republic of Hungary on legal assistance in civil, family and criminal matters (Moscow, 15.07.1958) and the Protocol to this Treaty, implemented by inheritance between Moldova and the Republic of Hungary on 17.11.2005;
10. Agreement between the Government of the Republic of Moldova and the Government of the Italian Republic on legal assistance and recognition and enforcement of decisions in civil matters (Rome, 07.12.2006);
11. Agreement between the Republic of Moldova and the Republic of Turkey on legal assistance in civil, commercial and criminal matters (Ankara, 22.05.1996);
12. Treaty between the Republic of Moldova and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters (Baku, 26.10.2004);
13. Treaty between the Republic of Moldova and Ukraine on legal assistance and legal relations in civil and criminal matters (Kiev, 13.12.1993);
14. Treaty between the Republic of Moldova and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters (Moscow, 25.02.1993);

15. Treaty between the Republic of Moldova and Bosnia and Herzegovina on legal assistance in civil and criminal matters (Chişinău, 19.06.2012).

In addition, in practice, the model form annexed to the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters (Hague, 15.11.1965) and the model form annexed to the Agreement between the Government of the Republic of Moldova and the Government of the Italian Republic on legal assistance and the recognition and enforcement of judgments in civil matters (Rome, 07.12.2006) are used.

64. How are requests of taking of evidence from abroad dealt with? Is the use of videoconference allowed?

The procedure for obtaining evidence in the examination of civil cases is provided for in art. 8 of the Convention on Civil Procedure (Hague, 1 March 1954), Art. 7 of the Convention on the recovery abroad of maintenance (New York, 20 June 1956), the bilateral treaties and agreements to which the RM is a party, as well as in art. 125 of the Civil Procedure Code⁹⁸, which stipulates that, in case of the need to take evidence or deliver judicial documents in another city, municipality or district, the court hearing the case shall give the respective court, by order, a delegation to perform certain procedural acts. The courts of the RM may give delegations to foreign courts to perform various procedural acts in accordance with the legislation of the RM and international treaties to which it is a party.

The procedure for hearing a person by videoconference is laid down in Article 213 of the Civil Procedure Code, according to which a participant in a trial who is unable to attend a court hearing due to being outside the RM, due to serving a sentence in a prison in the RM, due to being confined in a medical institution or due to a locomotor disability may be heard by videoconference, upon request or ex officio. The hearing by videoconference of the trial participant shall take place, as appropriate, at the premises of the diplomatic mission or consular office of the Republic of Moldova, at the premises of the penitentiary institution, medical institution, social welfare institution, guardianship authority or probation body, which shall have appropriate technical means and shall verify the identity of the participant.

65. How does the legislation solve jurisdiction, conflicts of law and recognition and enforcement issues for international succession situations?

⁹⁸ Civil Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

International succession situations are covered by Law No. 246/2018 on notarial procedure (*Published: 01-02-2019 in the Official Gazette No. 30-37 art. 89*); Book V of the Civil Code, Civil Procedure Code.

The Law on notarial procedure regulates the application of notarial law to foreign nationals, stateless persons and beneficiaries of international protection, the application of the law of other states, international treaties and agreements.

Foreign citizens, stateless persons, beneficiaries of international protection and foreign legal persons have the right, like citizens and legal persons of the Republic of Moldova, to apply to notaries, diplomatic missions and consular offices of the Republic of Moldova for the drawing up of notarial acts. Persons performing notarial activity shall apply the rules of foreign law in accordance with the legislation of the RM and international treaties to which the RM is a party. Persons performing notarial activity shall accept documents drawn up in accordance with the rules of international law, as well as apply authentication endorsements in the form provided for by the legislation of another state if this is not contrary to the legislation of the RM or if it follows from international treaties to which the RM is a party.

Documents drawn up in other countries, with the participation of the competent authorities of these countries or those issued by them, are accepted by notaries in the RM provided that they are authenticated. Documents drawn up without being authenticated shall be accepted by notaries of the RM under the conditions laid down in bilateral and international agreements to which the RM is a party. Persons carrying out notarial activity shall carry out the tasks entrusted to them by the judicial bodies of other States in the manner prescribed for the drawing up of certain notarial acts, in accordance with the international rules applicable to the RM, except in the following cases: the performance of the mission would be in contradiction with the sovereignty of the RM or would threaten its security; the performance of the mission is not within the competence of notaries of the RM.

The missions of the judicial bodies of other states regarding the drawing up of certain notarial acts are carried out in accordance with the legislation of the RM. Notaries in the RM may, under the conditions laid down in the international agreements in force for the RM, apply through the Ministry of Justice to the judicial bodies of other States with tasks relating to the drawing up of certain notarial acts. Notaries of the RM provide the evidence required for the settlement of cases in the judicial bodies of other states. The acts of securing evidence and the procedure for securing evidence are carried out under the provisions of the Civil Procedure Code.

If the international treaty or agreement to which the RM is a party lays down rules on notarial acts other than those contained in the legislation of the RM, the rules of the international treaty or agreement shall apply to the drawing up of notarial acts. If the international treaty or agreement to which the RM is a party makes the drawing up of a notarial act not provided for by the national legislation the

competence of the notaries of the RM, the notaries shall draw up this notarial act in the manner laid down by the treaty or agreement.

The conflict rules are enshrined in Book V of the Civil Code.⁹⁹ The law applicable to the succession as a whole is that of the State in which the person who left the inheritance had his habitual residence at the time of death. Where, by way of exception, all the circumstances of the case clearly indicate that, at the time of death, the bequeather clearly had a closer connection with a State other than the State whose law would be applicable pursuant to Article 2657 para. (1), the law applicable to the succession is the law of that other State.

A person may choose that the law applicable to his succession shall be the law of the State of which he is a national at the time of his choice of law or at the time of his death. A person who has more than one nationality may choose the law of any of the States of which he is a national at the time of his choice of law or at the time of his death. The choice of law must be expressed explicitly in a declaration in the form of a disposition of property upon death, or it must result from the terms of such a disposition. The substantive conditions of the act by which the choice of law was made are governed by the chosen law. Any modification or revocation of the choice of law must satisfy the formal conditions for the modification or revocation of a disposition of property upon death. The law established under Article 2657 or Article 2658 of the Civil Code governs the succession.

A disposition of property upon death, other than an agreement as to future succession, shall be governed, as to its admissibility and substantive conditions, by the law which would have been applicable to the succession of the person who made the disposition if he had died on the day on which the disposition was made. Notwithstanding the preceding mechanism, a person may choose the law governing his disposition of property upon death, as regards its admissibility and substantive conditions, the law which that person could have chosen under art. 2658 of the Civil Code.

66. How does the legislation solve jurisdiction, conflicts of law and recognition and enforcement issues for divorce and legal separation?

Chapter VI of the Family Code¹⁰⁰ governs the regulation of family relationships with foreign elements. Article 164 of the Family Code stipulates that, in case of application on the territory of the RM of the family law norms of foreign states, their content shall be determined according to the official interpretation or according to the practice of those states. Interested persons have the right to submit documents confirming the content of the family law rules of the foreign state on which they rely or otherwise contribute to the determination of the content of these

⁹⁹Civil Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#

¹⁰⁰ Family Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122974&lang=ro

rules. If the measures taken do not make it possible to determine the content of the family law rules of the foreign states, the legislation of the RM shall apply. The family law rules of foreign states shall not be applicable on the territory of the RM if they are contrary to the morals and public order. In this case, the legislation of the RM shall apply.

The dissolution of a marriage with foreign elements on the territory of the RM takes place according to the legislation of the RM. Citizens of the RM living abroad have the right to have their marriage annulled by the courts of the RM, regardless of the nationality and residence of the other spouse. If, according to the legislation of the RM, the marriage can be annulled by the civil status body, this matter can be settled by the diplomatic missions or consular offices of the RM. The dissolution of a marriage outside the RM shall be recognised as valid if the requirements of the legislation of the corresponding state concerning the competence of the bodies that adopted the decision and the dissolution of the marriage have been respected in the resolution of this issue.

The personal rights and obligations of spouses in matters of property and non-property shall be determined by the law of the State of their common domicile, and in the absence of a common domicile - by the law of the State of their last common domicile. If the spouses do not have and have not previously had a common domicile, their personal non-patrimonial and patrimonial rights and obligations shall be determined in the territory of the RM based on of the legislation of the RM. The marriage contract and the contract for the payment of maintenance, on the basis of an agreement between the spouses, may be subject to the law of the State where one of the spouses is domiciled. In the absence of such an agreement, the contracts in question shall be subject to the provisions of paragraphs (1) and (2) of Article 157 of the Family Code¹⁰¹.

C. Judicial co-operation in criminal matters

67. Please provide information on legislation or other rules governing this area and their compliance with relevant international conventions.

The relevant applicable legal framework in the area of mutual legal assistance (i.e. the Criminal Procedure Code Title III, Chapter IX and the Law No. 371/2006 on international legal assistance in criminal matters¹⁰²) is in full compliance with all international legal instruments governing the area of Mutual Legal Assistance in Criminal Matters (mentioned in question No. 52) covering all aspects therein: notifying individuals or legal entities abroad about procedural acts or court judgments; rogatory letters (i.e. hearing persons as witnesses, suspects, accused, defendants, civilly liable parties; on-site investigations, searches, seizures of

¹⁰¹ Family Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122974&lang=ro

¹⁰² Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

objects and documents and their transmission abroad, sequestration, confrontations, presenting for identification, identification of telephone subscribers, wiretapping, expert reports, confiscation of goods obtained from the commission of crimes and other criminal investigative actions provided by the Criminal Procedure Code, including undercover investigations, controlled deliveries, cross-border surveillance); summoning of foreign experts, witnesses, suspects or other persons pursued by the court; joint investigation teams; searching and extradition of persons who committed crimes or to serve a punishment depriving them of liberty; transfer and taking over of criminal cases; transfer of convicts; acknowledgement of criminal judgments of foreign courts; recognition and enforcement of foreign penal judgements; submitting information on criminal histories; other actions not contradicting with the Criminal Procedure Code and Law No. 371/2006 on international legal assistance in criminal matters.¹⁰³

68. What kind of foreign judicial decisions in criminal matters are recognised and enforced and what is the procedure for recognising and enforcing them?

Pursuant to the art. 558-559 of the Criminal Procedure Code and art. 108-116 of Chapter VI of the Law No. 371/2006 on international legal assistance in criminal matters, the final judgements adopted by the courts following the trial of criminal cases are subjected to be recognized and enforced upon request lodge with the prescribed procedure by the Ministry of Justice.

Relevant legal provisions therein:

- Criminal Procedure Code¹⁰⁴: Article 558. Cases and Condition of Acknowledging Criminal Judgments; Article 559. Procedure for Acknowledging Foreign Court Judgments;
- Law No. 371/2006 on international legal assistance in criminal matters¹⁰⁵: Article 108. General provisions; Article 109. Special provisions of admissibility; Article 110. Limits of enforcement; Article 111. Procedure of recognition; Article 112. Consequences of enforcement; Article 113. The purpose of penalties and confiscated assets; Article 114. Conditions of delegation of enforcement; Article 115. Enforcement procedure abroad decisions on the criminal cases, taken out by national judicial instances; Article 116. Consequences of formulating the request on agreement to enforcement.

Foreign judicial decisions in criminal matters, provided by the European Convention on the international validity of criminal judgments (Hague,

¹⁰³ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

¹⁰⁴ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

¹⁰⁵ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

28.05.1970) and the European Convention on the supervision of conditionally sentenced or conditionally released offenders (Strasbourg, 30.11.1964), are recognized and enforced on the territory of the RM. The procedure for recognition and enforcement of the foreign judicial decisions in criminal matters on the territory of the RM is provided by articles 558-559 of the Criminal Procedure Code of the RM¹⁰⁶ and articles 108-116 of the Law No. 371/2006 on international legal assistance in criminal matters¹⁰⁷.

Final foreign decisions in criminal matters issued by foreign courts as well as those, which, by their nature may produce legal effects, according to the criminal law of the Republic of Moldova, may be acknowledged by the national court upon the request of the Minister of Justice or of the Prosecutor General, based on the international treaty or the reciprocity agreement. The following conditions should be fulfilled when submitting the final foreign decisions in criminal matters:

- the decision is delivered by a competent court;
- the decision does not contravene the public order of the Republic of Moldova;
- the decision may produce legal effects in the country according to the domestic criminal law.

The request of the Minister of Justice or of the Prosecutor General on the acknowledgement of the foreign decision in criminal matter shall be motivated and solved by the court of the same level with the court from the state of conviction, the decision of which shall be acknowledged. If the decision of the state of conviction is adopted by a court of the same level, the request of the Minister of Justice or of the Prosecutor General shall be solved by the court from the territorial jurisdiction of the Ministry of Justice, and if the court of the state of conviction is of the court of appeal's level - the request shall be solved by the Court of Appeal of Chisinau.

The representative of the Minister of Justice or, upon the case, of the Prosecutor General, the sentenced person and his lawyer shall participate in the solution of the request. The court shall hear the opinions of those present and, based on the materials attached to the request, if it finds that the requirements of the law are met, shall acknowledge the decision in criminal matter given by a foreign court. In case the punishment requested by the foreign court was not enforced or was enforced partially, the court shall substitute the non-enforced punishment or the rest of the punishment with a respective punishment, pursuant to national law of the RM. The enforcement of the civil provisions from a foreign decision given in a criminal case shall be made according to the rules provided for the enforcement of a foreign civil decision.

¹⁰⁶ Criminal Procedure Code of the RM, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

¹⁰⁷ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

69. Is it possible for parties involved in criminal litigation in Moldova to ask for legal aid where the persons do not have their habitual residence in that country? If so, how would such requests be presented and transmitted to the competent authority. Do parties involved in criminal proceedings abroad have the possibility to ask for legal aid in Moldova, if they are legally/habitually resident in Moldova? If so, how are these requests presented and then transmitted abroad?

Yes, it is possible for parties involved in criminal litigation in RM to ask for legal aid where the persons do not have their habitual residence in that country. Each person (a suspect, an accused, a defendant, a convict) has the right to be represented by a person, empowered to perform the activity of defense. The way of requesting legal aid is provided by the Criminal Procedure Code of the RM and the Law No. 198/2007 on state-guaranteed legal aid¹⁰⁸, where it is mentioned that the citizens of the Republic of Moldova, foreign nationals and stateless persons shall benefit from state-guaranteed legal aid in accordance with this law in proceedings or cases falling the competence of the public administration authorities and the courts of the RM.

The forms of the state-guaranteed legal aid are the following:

- providing information, by consultations and explanations on legal issues;
- preparation of legal documents;
- representation before the public administration authority;
- defense of the interests of the suspect, the accused, the defendant in criminal proceedings;
- defense and representation of the interests of the convict person;
- defense and representation of the interests of child victims of crime, as well as victims of domestic violence;
- defense of the interests of persons within the procedure on contraventional cases;
- defense and representation of the interests of persons in civil matters;
- defense and representation of the interests of persons in administrative contentious court.

The request for granting state-guaranteed legal aid shall be submitted by the interested persons, who shall attach a declaration regarding the income, in order to benefit from such legal aid. When submitting the request, the person must give his/her written consent for processing his/her personal data. The request for granting the state-guaranteed legal aid may be submitted to the competent authority by the person, by his/her relatives or representatives, in person or by post.

¹⁰⁸ Law No. 198/2007 on state-guaranteed legal aid, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122824&lang=ro

70. How are the records of criminal convictions legally and technically organized? Is the data electronically available? If so, is it stored centrally or regionally/locally? What is the legislative framework in place for data retention, including adequate safeguards for protection of personal data?

Based on art. 20 from the Law No. 216/2003¹⁰⁹, the Register of criminalistic and criminological information was established in the Republic of Moldova (administrator of which is the Ministry of Internal Affairs), maintained exclusively in electronic form and in a centralized manner, contains records of:

- persons who have committed crimes:
 - convicted on the territory of the RM and/or in other countries;
 - indebted individuals;
 - released from criminal liability or criminal punishment;
 - declared wanted by the criminal investigation bodies of the RM or other states;
 - detained and arrested on the territory of the RM for the purpose of extradition;
 - detained as being suspected of having committed a crime;
- searched individuals (missing persons, debtors, mentally ill people who avoid medical coercive measures, etc.).

Furthermore, as stated in art. 25 of the abovementioned Law, ensuring the protection, security and integrity of the information contained in the Register, direct access to this information, in particular ensuring compliance with the principles set out in the legislation on personal data protection, as well as compliance with the requirements for ensuring the security of personal data in governmental systems, is carried out by each participant in the Register independently, in accordance with the legal framework.

In the context of the processing of data relating to criminal convictions we mention the relevant legal framework:

- Law No. 133/2011 on the personal data protection¹¹⁰, which contains general provisions for the processing, storage and use of personal data, including safeguards to ensure the confidentiality and security of personal data. It should be noted that data relating to criminal convictions, procedural measures of constraint or contravention penalties constitute special categories of personal data. According to Article 8 of the said Law, the processing of personal data relating to criminal convictions, coercive

¹⁰⁹ Law No. 216/2003 on the automated integrated information system for evidence of offenses, criminal cases and persons who have committed offenses, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122884&lang=ro

¹¹⁰ Law No. 133/2011 on the personal data protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=10607&lang=ru

procedural measures or administrative sanctions may be carried out only by or under the control of public authorities, within the limits of their competences and on the conditions set by laws regulating these areas.

- Law No. 216/2003 on the automated integrated information system for evidence of offenses, criminal cases and persons who have committed offenses¹¹¹. According to Article 25 of the normative act, the participants in the System shall protect, through appropriate technical and organizational measures, the collected data, technical equipment and program products used for their management, ensuring the confidentiality and security of the data contained in the System against the risks of loss, destruction, modification, blocking, copying, dissemination, as well as against unauthorized use or their disclosure.
- Ensuring the protection, security and integrity of the information contained in the System, the direct access to this information, in particular ensuring compliance with the principles laid down in the legislation on the personal data protection, as well as compliance with the requirements for ensuring the security of personal data when processing them within the framework of personal data information systems approved by the Government shall be carried out by each participant in the System itself, in accordance with the legislation. The rights of individuals to access their personal data, to intervene on such data, to object to the processing of such data and to have access to justice, in accordance with the provisions of the legislation on the personal data protection, shall be respected in the processing of personal data carried out within the System.
- Government Decision No. 633/2007 on the approval of the Concept of the Automated Information System "Register of Forensic and Criminological Information";¹¹²
- Government Decision No. 328/2012 on the approval of the regulation on the organization and functioning of the automated information system "Register of criminal and criminological information";¹¹³
- MIA Order No. 353/2016 on the approval of the Instructions on the order of releasing the criminal records.¹¹⁴ According to point 42 of the Instruction on the order of issuance of criminal records, contravention records and other certificates issued by the Information Technology Service of the MIA, as well as the information on the issuance of the documents and their content is kept in the automated information system

¹¹¹ Law No. 216/2003 on the automated integrated information system for evidence of offenses, criminal cases and persons who have committed offenses, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122884&lang=ro

¹¹² Government Decision No. 633/2007 on the approval of the Concept of the Automated Information System "Register of Forensic and Criminological Information", available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=77953&lang=ro

¹¹³ Government Decision No. 328/2012 on the approval of the regulation on the organization and functioning of the automated information system "Register of criminal and criminological information", available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109824&lang=ro

¹¹⁴ MIA Order No. 353/2016 on the approval of the Instructions on the order of releasing the criminal records, available in Romanian at: https://mai.gov.md/sites/default/files/ordinul_353_din_18.11.2016_instructiuni.pdf

"e-Cazier" and the automated information system "Record of traffic offenses and penalty points accumulated on the basis of penalties imposed" only for the period of validity of the issued document. ITS ensures data confidentiality in accordance with the provisions of the acts on the protection of personal data.

71. What kind of measures do you have in place to ensure that victims of crime can benefit from their rights during criminal proceedings? Do you have measures to ensure that victims of crime benefit from protection measures when they move or travel to another country? Can victims of crime have access to their rights when the criminal offence is committed abroad? Is compensation to victims of crime available? If so, how is it organized?

The victim of an act constituting a criminal offense is entitled to request, under the terms of the Criminal Procedure Code¹¹⁵ that criminal proceedings be instituted, to participate in the criminal proceedings as an injured party and to receive compensation for moral, physical and material damage. According to Article 58(5) of the said Criminal Procedure Code, as soon as the victim has been identified, he or she has the right to protection and compensation under the law, as well as the right to file an application for protective measures.

In each case when hearing victims of crime, prosecution officers or prosecutors inform them of their rights and hand them a list of the rights they enjoy. The same procedure is followed in the case of recognition of the person as an injured party (Articles 58, 59, 60 of the Criminal Procedure Code).

The victim of a particularly serious or exceptionally serious crime against the person, the victim of torture, inhuman or degrading treatment, the victim of trafficking in human beings and the victim of trafficking in children, regardless of whether they are recognized as an injured party or as a civil party, also has the following rights:

- to consult a lawyer throughout the criminal proceedings like other parties to the proceedings;
- to be assisted, under the law, by a lawyer who provides legal assistance guaranteed by the State if he does not have the financial means to pay the lawyer;
- to be accompanied by a reliable person, together with his/her lawyer, at all investigations, including closed sessions;
- to receive a court decision on material compensation for the damage caused by the offence.

¹¹⁵ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

The ways of providing information services to victims of crime are also regulated by the Law no.137/2016 on the rehabilitation of victims of crime¹¹⁶. At the same time, in order to ensure the effective implementation of the mentioned Law and international standards, which concern the segment of assistance and protection of victims of crime and the realization of a comprehensive framework for their assistance, on July 21st 2021, the General Prosecutor's Office issued the General Instruction on the improvement of practice in the field of facilitating the provision of support services to victims of crimes of trafficking in human beings and child-victims of sexual exploitation, by which prosecutors exercising/conducting criminal prosecution were obliged to ensure that appropriate measures are taken by the prosecuting officers to inform the victim about his/her rights in the manner and language he/she can understand, about the Centres, which provide the concerned services at local and regional level.

The Criminal Procedure Code does not make a distinction between victims who are citizens of the Republic of Moldova and stateless persons or foreign citizens. These conclusions are also confirmed by the provisions of Article 5 of the Criminal Procedure Code, which regulates the application of criminal procedural law to foreign citizens and stateless persons: (1) on the territory of the RM, trials in criminal cases concerning foreign citizens and stateless persons shall be conducted in accordance with the provisions of this Code.

According to Art. 9 para. (2) of the Law No. 137/2016 on the rehabilitation of victims of crimes¹¹⁷, psychological counseling at the state's expense shall be provided to victims of crimes referred to in paragraph (1) if the crime was committed on the territory of the RM or if the crime was committed outside the territory of the RM and the victim is a citizen of the RM, a foreigner or a stateless person legally residing in the RM.

According to Article 11 (1) of the Law no.137/2016¹¹⁸, the victim of the crime shall benefit from state-guaranteed legal assistance, in accordance with the provisions of the Criminal Procedure Code and under the conditions of the Law no.198/2007 on state-guaranteed legal assistance¹¹⁹, if the crime was committed on the territory of the RM or if the crime was committed outside the territory of the RM and the victim is a citizen of the RM, a foreigner or a stateless person legally residing in the RM, and the criminal proceedings are conducted in the Republic of Moldova.

Victims of crime are entitled to compensation for material and non-material damage suffered as a result of crime, which can be obtained either by bringing a civil action against the offender in or at the same time as criminal proceedings or

¹¹⁶ Law No. 137/2016 on the rehabilitation of victims of crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

¹¹⁷ Law No. 137/2016 on the rehabilitation of victims of crimes, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

¹¹⁸ Law No. 137/2016 on the rehabilitation of victims of crimes, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

¹¹⁹ Law no.198/2007 on state-guaranteed legal assistance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110632&lang=ro

separately in civil proceedings, or by obtaining financial compensation from the State. The relevant legal provisions can be found in the Criminal Procedure Code and in Law No. 137/2016 on the rehabilitation of crime victims¹²⁰.

According to Article 219 of the Criminal Procedure Code¹²¹ a civil action in criminal proceedings is brought by filing a request, addressed to the prosecutor or the court, by natural or legal persons to whom material or moral damage has been caused directly by the act (action or inaction) prohibited by the criminal law or in connection with its commission. The natural person who brought the civil action shall be recognized as a civil party either by Order of the prosecuting authority or by the court's decision.

According to the same law, urgent measures available to the victim of a crime are:

- the provision of personal security, security of the home, residence or property;
- interception of their communications under the terms of the Code of Criminal Procedure;
- surveillance by audio/video means under the conditions of the Code of Criminal Procedure;
- temporary placement in a safe place;
- protection of movement or restriction of movement;
- release of special active and passive means of personal protection;

With regard to measures for the protection of the victim of a crime in the event of a change of residence abroad, the national legal framework does not contain an express provision to this effect, but it does provide (in the context of certain measures) for the possibility for the body responsible for protection to conclude interstate agreements on international legal assistance in criminal matters with the responsible authorities of other States. The victim of a crime committed abroad benefits from the rules of the State where the crime was committed.

With regard to the mechanism for financial compensation of the damage suffered by victims of crime, they may initiate a civil action against the offender in the framework of criminal proceedings, claiming compensation for material and non-material damage suffered (according to Articles 219-226 of the Criminal Procedure Code¹²²). Civil action in criminal proceedings is brought on the basis of a written request by the victim or his successors (in the event of his death) who has been recognized as a civil party, and may be filed at any time from the commencement of criminal proceedings until the end of the judicial investigation. A person who has not brought a civil action in criminal proceedings has the right

¹²⁰ Law No. 137/2016 on the rehabilitation of victims of crimes, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

¹²¹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

¹²² Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

to bring such an action in civil proceedings. At the same time, if the subject of the crime has failed to compensate the full amount of the damage suffered by the victim, the latter may make use of the mechanism of rehabilitation of victims of crime, in obtaining financial compensation (art. 12-20 of Law No. 137/2016 on the rehabilitation of victims of crime¹²³).

The subject of the right to financial compensation is the victim of the crime committed on the territory of the RM, who is a citizen of the RM, foreigner or stateless person. If the victim died as a result of the crime, the spouse, children or dependants are entitled to financial compensation, including expenses incurred in the victim's burial procedure. Financial compensation for the damage caused by the crime is granted from the state budget if certain conditions are met: the conviction has become final and irrevocable; the application has been submitted within 3 years of the date of entry into force of the judgment; the offender's sources are insufficient to cover the damage caused by the crime. When the state grants financial compensation for the damage caused by the crime, the amount of compensation shall be reduced by the amounts paid by the offender up to that date as compensation, as well as the amounts obtained or entitled to be obtained from other sources for the damage caused by the crime.

The application for financial compensation is examined by an interdepartmental Commission (the secretariat of the Commission is held by the Ministry of Justice) which, according to the law, decides on the award of financial compensation and determines the amount of compensation or refuses to award it with reasons. The decision of the Commission on granting financial compensation is forwarded to the Minister of Justice, who issues an order to this effect. The financial compensation is not taxed and the State, through the Ministry of Justice, is subrogated to the rights of the victim of the crime who has benefited from the financial compensation granted by the State for the recovery from the offender of the amounts paid to the victim.

The amount of financial compensation for the damage caused by the crime is 70% of the amount of the calculated damage, but may not exceed 10 average monthly salaries on the economy forecast for the year in which the victim has applied for compensation (the size of the average monthly salary on the economy is set each year by the Government, for the year 2022 this amount is 9900 lei - equivalent to 490 EUR).

72. How does the legislation solve conflicts of jurisdiction in criminal matters?

In the criminal legislation of the RM, the conflict of jurisdiction is resolved in accordance with the provisions of Article 45 of the Criminal Procedure Code,¹²⁴

¹²³ Law No. 137/2016 on the rehabilitation of victims of crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

¹²⁴ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

which expressly stipulates that if two or more courts consider themselves competent to try the same case (positive conflict of jurisdiction) or decline jurisdiction (negative conflict of jurisdiction), the conflict shall be resolved by the superior court. In the event of a negative conflict, the court that last declined jurisdiction will refer the matter to the higher court. In all cases, the parties to the proceedings may refer the matter to the court.

Pending resolution of the positive conflict of jurisdiction, the procedure is suspended. The court which last declared itself competent or last declined jurisdiction shall perform the acts and take the measures not subject to delay. The joint superior court resolves the conflict of jurisdiction according to the rules for the first instance. In all cases, the time limit for resolving the conflict of jurisdiction shall not exceed 7 days from the date of registration of the case in the superior court.

The decision of the court resolving the conflict of jurisdiction is final, but arguments of disagreement with it may be raised on appeal, or, where appropriate, in an appeal against the decision on the merits. The court to which the case has been referred by a judgment establishing jurisdiction may no longer decline jurisdiction unless, following the new factual situation resulting from the completion of the judicial inquiry, it is established that the act constitutes an offense which is by law within the jurisdiction of another court.

73. How does the legislation regulate extradition? Is extradition of nationals from Moldova permitted? To which relevant international conventions (U.N., Council of Europe, others) is Moldova a party? Are bilateral agreements in place on the issue, and with which countries?

The RM has an extensive legal framework governing the extradition procedure from and to Republic of Moldova (Title III Chapter IX Section 2 art. 541-550 of the Criminal Procedure Code¹²⁵ and Chapter IV, art. 42-83 of the Law No. 371/2006 on international legal assistance in criminal matters¹²⁶). Art. 18 (2) of the Constitution of the Republic of Moldova corroborated with art. 546 (1) and art. 42 (2) of the Law No. 371/2006 on International legal assistance in criminal matters bans the extradition of citizens of the RM and of other persons whom the asylum or refugee status was granted. The international instruments regulating the extradition procedure to which RM is a party are briefly described above in question No. 52 (including the existing bilateral agreements, incl. the 1957 CoE Convention on Extradition and its three protocols, and the 1990 Strasbourg Convention, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988). We also can mention the UNTOC and

¹²⁵ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

¹²⁶ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

UNCAC Conventions as the relevant UN instruments ratified by the RM applicable in the area of mutual legal assistance and extradition.

General overview of the existing procedure: According to art. 541 of the Criminal Procedure Code and art. 42 of the Law No. 371/2006 on International legal assistance in criminal matters a foreign citizen or stateless person under criminal investigation or convicted in a foreign state for the commission of an act subject to punishment in that state may be extradited to this foreign state upon the request of the competent authorities. The extradition for the purpose of criminal investigation or execution of a sentence shall be granted only if the act is punishable under the legislation of the RM and the maximum punishment is at least one year of imprisonment or the sentence issued convicting the subject to imprisonment for at least six months in case of extradition for execution, unless international treaties provide otherwise.

Pursuant to art. 532 of the Criminal Procedure Code¹²⁷ the extradition requests must be submitted directly to the Ministry of Justice or to the General Prosecutor's Office, or through the diplomatic channels via the Ministry of Foreign Affairs and European Integration, unless, on the basis of the principle of reciprocity, another procedure is provided. The General Prosecutor's Office is the competent authority for requests related to pre-trial investigations while the Ministry of Justice is the competent authority for requests related to persons who have been convicted and there are no unduly or unreasonably restrictive conditions on the execution of extradition requests in the Moldovan legislation.

The legislation of the RM regulates the extradition procedure through the provisions of Articles 541-550 of the Criminal Procedure Code and Articles 42-83 of Law No. 371-2006 on international legal assistance in criminal matters. Thus, article 541 of the Criminal Procedure Code provides that the RM may apply to a foreign state for the extradition of a person against whom criminal proceedings are in progress in connection with offenses for which the criminal law provides for a maximum penalty of at least one year's imprisonment or a harsher penalty or against whom a sentence of at least six months' imprisonment has been passed in the case of extradition for enforcement, unless international treaties provide otherwise.

The extradition request shall be made on the basis of the international treaty to which the Republic of Moldova and the requested State are party or on the basis of written obligations under conditions of reciprocity. If the person whose extradition is requested is a criminal defendant, the competent authority to examine all the necessary materials and to submit the extradition request is the General Prosecutor's Office, and if the person whose extradition is requested is a convicted person, the competent authority is the Ministry of Justice. The extradition request

¹²⁷ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

is sent directly to the competent body of the requested State or through diplomatic channels, if provided for by international treaty.

Extradition may take place only if, following the commission of the offense, the arrest warrant or a document with similar legal force or the decision of the competent authority of the requesting State, which is enforceable and which orders the detention of the requested person, and a description of the applicable laws, is presented. The extradition request shall be drawn up in the State language and translated into the language of the requested State or into another language as provided for in or subject to the reservations to the applicable international treaty.

At the same time, according to Article 543 of the Criminal Procedure Code¹²⁸, a person who has been extradited by a foreign state may not be held criminally liable and sentenced, subject to execution of punishment, as well as transmitted to a third state for punishment, for the offense committed by him/her prior to extradition, for which he/she has not been extradited, if the consent of the foreign state that extradited him/her is lacking in this case.

Extradition shall therefore be granted only if it is guaranteed that the person will not be punished in the requesting State without the consent of the RM for a reason arising prior to his or her surrender, except for the offense for which extradition is granted, and his or her personal liberty will not be restricted and he or she will not be persecuted by means of measures that may be taken in his or her absence; the person will not be surrendered, transferred or deported to a third State without the consent of the RM; the person will be able to leave the territory of the requesting State after the conclusion of the proceedings for which extradition has been granted.

The requesting State may waive compliance with the rule of speciality only if the RM has given its consent to prosecute or enforce a sentence or other sanction in respect of an optional offense or to surrender, transfer or deport to another State; the person has not left the territory of the requesting State for 45 days after the end of the proceedings for which extradition was granted, although he or she had the opportunity and the right to do so; the person, after leaving the territory of the requesting State, has returned or has been returned by a third State; simplified extradition is granted. These provisions do not apply to cases of commission of the offense by the extradited person after his/her extradition.

Extradition of persons on the territory of the RM may take place under the conditions provided for in Article 544 of the Criminal Procedure Code¹²⁹. If the Prosecutor General or, where appropriate, the Minister of Justice, considers that the person requested by the foreign State or the international court cannot be extradited, he shall refuse extradition by means of a reasoned decision, and if he

¹²⁸ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

¹²⁹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

considers that the person can be extradited, he shall make an application to the court in whose territorial district the Ministry of Justice is located, to which the request and the documents of the requesting State shall be attached.

The extradition request shall be decided by the investigating judge of the court within the territorial jurisdiction of the Ministry of Justice, with the participation of the prosecutor, the representative of the Ministry of Justice (in case of extradition of convicted persons), the person whose extradition is requested and his/her defense counsel elected or appointed in accordance with Law No. 371/2006 on legal assistance guaranteed by the State¹³⁰. The request for extradition of the arrested person shall be dealt with urgently. The extradition request shall be examined in the manner prescribed by law. The court is not competent to rule on the merits of the prosecution or conviction for which the foreign authority requests extradition.

If the court finds that the conditions for extradition are met, it shall grant the extradition request in a decision and shall order that the person to be extradited remain in custody until he or she is handed over. If the court finds that the conditions for extradition are not met, it shall reject the request and order the release of the person whose extradition is requested. The decision is drawn up within 24 hours of the decision and sent to the Prosecutor General's Office or the Ministry of Justice. The court decision on extradition may be appealed by the prosecutor, as well as by the extradited person or his/her lawyer, within 10 days of the decision, to the Chisinau Court of Appeal. The decision of the investigating judge, which has become final, shall be sent to the General Prosecutor's Office and the Ministry of Justice for execution or for the information of the requesting State.

In a different vein, Moldovan criminal procedural law stipulates a simplified extradition procedure, provided that the person whose extradition is requested consents to such simplified extradition and his consent is confirmed by the court. If the arrested person consents to his or her extradition under the simplified procedure, the submission of a formal extradition request and the documents indicated in Article 542 of the Criminal Procedure Code¹³¹ is not required.

At the same time, the requirements set out in Article 543 of the Criminal Procedure Code do not need to be invoked if the foreign national or stateless person, after having been made aware of his or her rights, expressly waives his or her right to apply the rule of speciality and this is confirmed by the court. The investigating judge of the competent court shall, in a court hearing with the participation of the public prosecutor, the person whose extradition is requested and his/her lawyer, examine the identification data of the extraditable person, inform him/her of

¹³⁰ Law No. 371/2006 on legal assistance guaranteed by the State, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

¹³¹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

his/her right to a simplified extradition procedure and its legal effects, and then record the statement made, which shall be signed by all participants in the hearing.

The consent given by the person to be extradited cannot be revoked once it has been confirmed by the court. At the same time, we inform that according to the provisions of Art. 18 of the Constitution of the Republic of Moldova¹³², Art. 546 para. (1) of the Criminal Procedure Code and art. 42 para. (2) of the Law No. 371/2006 on international legal assistance in criminal matters¹³³, the RM does not extradite its own citizens and persons to whom it has granted asylum.

At the same time, we would like to mention that extradition will also be refused if the offence was committed on the territory of the RM; a national court or a court of a third country has already pronounced a judgment of conviction, acquittal or termination of the criminal proceedings for the offence for which extradition is requested, or an order of the criminal prosecution body to terminate the proceedings has already been pronounced against the person concerned, or criminal proceedings are being carried out by the national authorities; the statute of limitations for prosecution for the offence in question has expired under national law, or an amnesty has been granted; according to the law, prosecution may be initiated only on the victim's prior complaint, but no such complaint has been lodged; the offence for which extradition is requested is considered by national law to be a political offence or an act connected with such an offence; the Prosecutor General, the Minister of Justice or the court deciding the extradition case has substantial grounds for believing that the extradition request has been made for the purpose of prosecuting or punishing a person on account of race, religion, sex, nationality, ethnic origin or political opinion, and if the person is extradited, he or she will be subjected to torture, inhuman or degrading treatment or will not have access to a fair trial in the requesting country.

If the offence for which extradition is requested is punishable under the law of the requesting country by the death penalty, extradition of the person may be refused unless the requesting Party gives assurances, considered sufficient, that the death penalty will not be imposed on the extraditable person who is being prosecuted or convicted. If the RM refuses extradition, at the request of the requesting State, consideration shall be given to the possibility of taking over the prosecution of the person who is a citizen of the RM or a stateless person.

The arrest of the person with a view to extradition shall take place upon receipt of the extradition request, when the Prosecutor General or, as the case may be, the Ministry of Justice shall immediately take measures under the conditions provided for in the Criminal Procedure Code for the preventive arrest of the person whose extradition is requested. The term of the person's remand in custody may not

¹³² Constitution of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro

¹³³ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

exceed 180 days from the moment of detention until the surrender of the requesting party.

In case of urgency, the person whose extradition is requested may be arrested before the extradition request is received, on the basis of an arrest warrant for a period of 18 days, which may be extended up to 40 days, following a request by the Attorney General's Office or at the request of the foreign State or the international court, if the request contains information on the arrest warrant or on the final decision taken in respect of that person and an assurance that the extradition request will be sent subsequently. The request shall state the offense for which extradition is requested, the date and place where the offense was committed and, as far as possible, the characteristic features of the person sought. The request for arrest may be made by post, telegraph, telex, fax or any other means that leaves a written record. The requesting authority will be informed as soon as possible of the action taken on its request.

A person arrested under the above provisions shall be released if, within 18 days of arrest, the court deciding on the admissibility of the person's arrest does not receive the extradition request and the relevant documents. This period may be extended at the request of the foreign State or the international court, but in no case may it exceed 40 days from the date of arrest. However, provisional release is possible at any time, provided that other measures can be taken in respect of the requested person in order to avoid his or her escape from prosecution.

The release of the arrested person does not prevent re-arrest and extradition if the extradition request is subsequently granted. At the same time, if the person, whose extradition is requested, in the RM is indicted in a criminal prosecution or trial, or has been convicted of an offense other than that for which extradition is requested, the execution of the extradition may be postponed until the end of the criminal proceedings or until the full execution of the sentence imposed by the national court or until the final release before the expiry of the sentence.

If postponement of extradition would be likely to result in the expiry of the statute of limitations for criminal proceedings or would seriously prejudice the establishment of the facts, the person may be extradited temporarily, on the basis of a reasoned request, under conditions to be determined in agreement with the requesting party. The person temporarily extradited shall be returned immediately after the procedural steps for which he or she was extradited have been taken. On the basis of the above, if the extradition of the person is accepted by the court, after the entry into force of its decision, the Attorney General or, as the case may be, the Minister of Justice shall inform the requesting State or the international court of the place and date of the surrender of the extradited person, as well as of the duration of the detention served in connection with the extradition.

If the requesting Party does not take over the extradited person on the date set for surrender and if no request for postponement of extradition has been made, the person may be released on the expiry of 15 days from that date and, in any event,

shall be released on the expiry of 30 days from the date set for surrender, unless international treaties to which the RM is a party provide for more favorable conditions for that person.

We also note that the RM may grant transit to a person extradited to its territory in the case of an offense which would allow extradition under Moldovan law. Transit is not granted if the person is a citizen of the RM. The request for transit is dealt with by the General Prosecutor's Office or, where appropriate, by the Ministry of Justice. The decision of the General Prosecutor's Office or the Ministry of Justice shall be immediately communicated to the requesting State or, where appropriate, to the Ministry of the Interior for the organization of the supervision of the transit of the extradited person. The extradited person in transit shall remain in preventive custody during his/her stay on the territory of the RM.

74. Are there any bilateral agreements on transfer of proceedings and, if so, what are the scope and limitations of these agreements? With which countries do agreements exist?

The main instrument used in examining the requests of taking over the criminal proceedings from abroad as well the examination of grounds of the possible transfer of criminal cases from the RM to other countries is the European Convention on the transfer of proceedings in criminal matters (ETS No. 073) of May 15, 1972.

Article 35 of the Law No. 371/2006 on international legal assistance in criminal matters¹³⁴ establishes the grounds of taking over of the criminal investigation pursuant to art. 9-11 of the European Convention on the Transfer of Proceedings in Criminal Matters.

The procedure for taking over criminal proceedings and criminal cases in the judicial phase is governed by the provisions of Articles 34-38 of Law No. 371/2006 on international legal assistance in criminal matters¹³⁵, which expressly stipulates that the request of the competent court of another State for taking over criminal cases in the judicial phase, submitted in accordance with the Criminal Procedure Code, and the Law No. 371/2006 and international treaties, is examined by the Ministry of Justice, which decides on admissibility.

The taking over of criminal prosecutions and criminal cases at the judicial stage may be allowed if:

- the suspected or accused person is a citizen of the RM;
- the foreign citizen or stateless person has permanent residence in the RM;

¹³⁴ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

¹³⁵ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

- the person is serving or is to serve a custodial sentence in the RM;
- the person is prosecuted in the RM for the same offense;
- the act constitutes an offense under the legislation of the RM;
- the person who committed an offense is liable to criminal liability under the legislation of the RM.

The taking over of criminal proceedings or cases under judicial procedure may be refused if:

- the offense is not provided for in the Criminal Code of the RM;
- the person has been convicted of the same offense by the competent court of another State;
- the statute of limitations under Moldovan law has expired, as well as its extension by 6 months under international provisions;
- the offense was committed outside the territory of the requesting State;
- the person is not a citizen of the RM or a foreign citizen, or a stateless person who has no permanent residence in the RM;
- there are grounds for believing that the request to take over the criminal prosecution or the criminal cases in judicial proceedings is motivated by political, religious, racial and ethnic considerations;
- political, military or related offenses are involved;
- the prosecution contravenes international commitments undertaken by the RM.

According to the provisions of Article 37 of the Criminal Procedure Code¹³⁶ the procedure for taking over criminal proceedings is carried out on the basis of a request by the competent law enforcement bodies of the requesting State, with the attachment of materials or authenticated copies of the criminal case file and other material evidence. After examining the request to take over the prosecution and the documents transmitted by the requesting State, the General Prosecutor's Office may take one of the following decisions: admit the request; reject the request; request new information, documents and data.

If the admissibility of the request for prosecution is concluded, the Prosecutor General shall issue a resolution for the prosecution, which, in addition to the elements provided for by the Criminal Procedure Code, shall include the legal classification of the offense according to the Criminal Code of the RM and the order to transmit the file for prosecution to the competent body. Criminal prosecution in such cases shall be carried out in accordance with the provisions of the Criminal Procedure Code. If it is concluded that the requesting State's request to take over the prosecution is inadmissible, the General Prosecutor's Office shall inform the requesting State of the reasons for the refusal and return the materials of the criminal case. When a decision is taken to close, drop or discontinue the

¹³⁶ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

prosecution, the General Prosecutor's Office shall inform the requesting State and send it a certified copy of the decision.

In the same vein, we inform you that the provisions of Article 37 of Law No. 371/2006 on international legal assistance in criminal matters¹³⁷ also apply to the procedure for taking over criminal cases in the judicial phase of criminal proceedings. The Ministry of Justice is the competent authority to decide whether or not to take over such cases. If the Minister of Justice issues a decision granting the request to take over criminal cases from the requesting State, the documents containing the request of the Minister of Justice shall be submitted to the court, in accordance with the jurisdiction provided for in the Criminal Procedure Code, which will examine the merits of the case. In the event of a decision refusing the request to take over criminal cases, the Ministry of Justice shall inform the requesting State of the reasons for the refusal. In the event of a final court decision on a criminal case taken over under the terms of this article, the Ministry of Justice shall inform the requesting State and provide it with a certified copy of the decision.

Therefore, the legal relations between the RM and other states in the area of taking over criminal proceedings are based on the following bilateral international instruments:

- Treaty between the Republic of Moldova and Ukraine on legal assistance and legal relations in civil and criminal matters (Kiev, 13.12.1993);
- Treaty between the Republic of Moldova and Romania on legal assistance in civil and criminal matters (Chişinău, 06.07.1996);
- Treaty between the Republic of Moldova and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters (Moscow, 25.02.1993);
- Treaty between the Republic of Moldova and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters (Chişinău, 09.02.1993);
- Treaty between the Republic of Moldova and the Republic of Latvia on legal assistance and legal relations in civil, family and criminal matters (Riga, 14.04.1993);
- Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters (Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Czech Republic on 26.08.2005;
- Treaty between the USSR and the Czechoslovak Socialist Republic on legal assistance and legal relations in civil, family and criminal matters

¹³⁷ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

(Moscow, 12.08.1982), implemented Treaty by inheritance between the Republic of Moldova and the Slovak Republic on 26.05.2006;

- Treaty between the USSR and the People's Republic of Hungary on legal assistance in civil, family and criminal matters (Moscow, 15.07.1958) and the Protocol to this Treaty, implemented by inheritance between Moldova and the Republic of Hungary on 17.11.2005;
- Treaty between the Republic of Moldova and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters (Baku, 26.10.2004).

75. How does the legislation regulate mutual assistance (including for the purpose of evidence) in criminal matters? Are direct contacts between prosecutorial/judicial authorities possible? Is there a legislative framework on video-conferencing? How are foreign judicial documents received and served? How are Moldova's judicial documents transmitted when they have to be served abroad? To which relevant international conventions (U.N., Council of Europe, others) is Moldova a party? Are bilateral agreements in place on the issue, and with which countries?

Direct contacts between prosecutorial/judicial authorities are possible in principle (including the use of direct means of communication via liaison magistrates/prosecutors or other representatives deployed in the foreign representatives accredited for or in the RM), with acknowledgment of Central Authorities in granting Mutual legal assistance in criminal matters (i.e. the General Prosecutor's Office or Ministry of Justice).

Pursuant to art. 90 (12) a witness has the right to be informed about the possibility of testifying via a teleconference (videoconference) with his/her image and voice distorted so that he/she cannot be recognized and in conjunction with art. 110 (5) of Criminal Procedure Code¹³⁸ the witness may be examined via a closed teleconference with his/her image and voice distorted so that he/she is not recognized.

The art. 28 paragraph 1) - 7) of the Law No. 371/2006 on International legal assistance in criminal matters¹³⁹ foresees the procedure of conducting hearings by videoconference. The procedure of transmitting of foreign judicial documents to be served is set forth by art. 13 of the Law No. 371/2006 on International legal assistance in criminal matters.¹⁴⁰ Requests for international legal assistance shall be addressed through the central authorities, which in the prosecution phase is the Public Prosecutor's Office and in the trial phase - the Ministry of Justice, and/or

¹³⁸ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

¹³⁹ Law No. 371/2006 on International legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

¹⁴⁰ Law No. 371/2006 on International legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

through the Ministry of Foreign Affairs and European Integration, unless, on the basis of reciprocity, another means of address is provided for.

Requests for international legal assistance under the Rome Statute of the International Criminal Court and related documents shall be transmitted through the Ministry of Foreign Affairs and European Integration through diplomatic channels. Thus, international legal assistance may be requested or granted in the execution of certain procedural activities provided for by the criminal procedure legislation of the Republic of Moldova and of the respective foreign state in particular:

- service of procedural documents or judicial decisions on natural or legal persons abroad;
- the hearing of persons as witnesses, suspects, accused, defendants, civilly liable parties;
- carrying out on-the-spot investigation, search, seizure of objects and documents and their transmission abroad, seizure, confrontation, presentation for recognition, identification of telephone subscribers, interception of communications, carrying out forensic expertise, confiscation of property derived from the commission of offenses and other criminal prosecution actions;
- the summoning of witnesses, experts or persons prosecuted by the prosecuting authorities or the court;
- prosecution at the request of a foreign State;
- the search for and extradition of persons who have committed offenses or are serving custodial sentences;
- recognition and enforcement of foreign judgments;
- transfer of sentenced persons;
- communication of the criminal record;
- to carry out actions required by the International Criminal Court under the Rome Statute of the International Criminal Court;
- other actions not contrary to the Code of Criminal Procedure.

Preventive measures are not the object of international legal assistance. In this respect, we hereby state that international legal assistance may be refused if:

- the request concerns offenses considered in the RM as political offenses or offenses connected with such offenses. Refusal shall not be admissible if the person is suspected of, charged with or has been convicted of having committed offenses referred to in Articles 5 to 8 of the Rome Statute of the International Criminal Court;
- the request relates to an act constituting exclusively a breach of military discipline;

- the prosecuting authority or court requested to grant legal assistance considers that its execution is likely to prejudice the sovereignty, security or public order of the State;
- there are reasonable grounds for believing that the suspect is being prosecuted or punished on account of his race, religion, nationality, membership of a particular group or political conviction, or if his situation will deteriorate further for any of the reasons listed;
- it is established that in the requesting State the person will not have access to a fair trial;
the offence in question is punishable by death under the law of the requesting State and the requesting State offers no guarantee that the death penalty will not be imposed or carried out;
- according to the Criminal Code of RM, the act or acts alleged in the request do not constitute a crime;
- according to national law, the person cannot be held criminally liable.

Thus, the prosecution body or the court, if it deems it necessary to carry out a prosecution on the territory of a foreign state, shall apply by rogatory commission to the prosecution body or the court of that state, or to an international criminal court in accordance with the international treaty to which the RM is a party or through diplomatic channels, under conditions of reciprocity. The conditions of reciprocity shall be confirmed in a letter by which the Minister of Justice or the Prosecutor General undertakes to provide, on behalf of the RM, legal assistance to the foreign state or international criminal court in carrying out procedural actions, guaranteeing the procedural rights, provided for by national law, of the person in respect of whom the assistance is provided. The rogatory commission in the RM shall be submitted by the prosecution body to the Prosecutor General, and by the court - to the Minister of Justice for transmission for execution to the respective State.

The request for a rogatory letter and the documents annexed thereto shall be drawn up in the State language and translated into the language of the requested State or into another language in accordance with the provisions of or reservations to the applicable international treaty. The procedural document drawn up in the foreign State in accordance with the provisions of the law of that State shall be valid before the criminal prosecution authorities and courts of the RM. We also point out that the criminal prosecution body or the court executes rogatory letters requested by the respective foreign bodies on the basis of international treaties to which the RM and the requesting country are parties or under conditions of reciprocity. The rogatory commission shall be sent by the General Prosecutor's Office to the prosecution body or, where appropriate, by the Ministry of Justice to the court of the place where the requested procedural action is to be taken.

Service of procedural documents is effected by simple transmission to the addressee. If the requesting State expressly requests, the RM shall effect service in

one of the forms provided for by its national law for similar service or in a special form compatible with that law. Procedural documents shall mean, in particular, summonses for parties or witnesses, committal orders, other acts of criminal prosecution, judgments, applications for judicial review or acts relating to the enforcement of a sentence, the payment of a fine or the payment of costs. Proof of service shall be furnished by a document dated and signed by the addressee or by a declaration by the requested body stating the fact, form and date of service.

The document or declaration shall be transmitted by the requested body without delay, via the central authorities, to the requesting State. At the request of the latter, the RM will indicate whether the notification was made in accordance with national law. If the communication could not be effected, the RM shall immediately inform the requesting State of the reason for non-communication, which shall also be specified in the document concerned. The summons of a person present in the territory of the RM shall be served on the competent authorities at least 50 days before the date of appearance, which shall be taken into account when fixing the date of appearance and serving the summons.

Representatives of the foreign State or of the international court may be present at the execution of the rogatory letters if so provided by the international treaty in question or by a written obligation of reciprocity. In such cases, at the request of the requesting party, the body responsible for executing the letters rogatory shall inform the requesting party of the time, place and time limit for the execution of the rogatory letters so that the party concerned may be present. If the address of the person in respect of whom execution of the rogatory letters is requested is incorrect, the body responsible for execution shall take the necessary steps to establish the address. If it is not possible to determine the address, the requesting party shall be informed.

If the request for rogatory letters cannot be executed, the documents received shall be returned to the requesting party via the institutions from which they were received, stating the reasons which prevented execution. The request for rogatory letters and the documents attached thereto shall also be returned in cases of refusal to grant legal assistance. Rogatory letters requesting the search, seizure or delivery of objects or documents, as well as seizure or confiscation shall be executed in accordance with the legislation of the RM. The competent authorities of at least two States may, by mutual agreement, set up a joint investigation team for a specific purpose and for a limited period of time, which may be extended with the agreement of all parties, for the purpose of conducting criminal proceedings in one or more of the States constituting the team. The composition of the joint investigation team shall be decided by mutual agreement. At the same time, Moldovan criminal procedural law provides for the hearing of the suspects by teleconference.

Thus, if a person who is on the territory of the RM has to be heard as a witness or expert by the prosecuting authorities or the courts of a foreign State, or by an international court, and it is convenient or impossible for that person to appear in person

on the territory of that State, the foreign State may request that the hearing take place by teleconference. The request for a hearing by teleconference may be accepted by the RM under the conditions laid down in the Criminal Procedure Code concerning the special arrangements for hearing the witness and his protection, provided that the necessary means are available to enable the hearing to take place by teleconference. The request for a hearing by teleconference must state the reason why it is inconvenient or impossible for the witness or expert to be present at the hearing, as well as the name of the court or the prosecuting authority and the names of the persons who will attend the hearing. The witness or expert shall be summoned in accordance with the procedure laid down in the Criminal Procedure Code¹⁴¹.

Without prejudice to the agreed measures for the protection of witnesses, the statements of the witness or of the expert, heard by teleconference, shall be recorded by video technical means and recorded in the minutes, concluded in accordance with the provisions of the Criminal Procedure Code. The record shall be forwarded to the competent authority of the requesting State via the central authorities and through diplomatic channels. The provisions of this Article may also apply to the hearing of accused persons or defendants if the person concerned consents and if there is an agreement to that effect between the RM and the requesting State.

76. How does the legislation regulate the transfer of sentenced persons? To which relevant international conventions (U.N., Council of Europe, others) is Moldova a party? Are bilateral agreements in place on the issue, and with which countries? Is time spent in foreign pre-trial detention deducted from the final sentence or otherwise taken into account?

Section 3 of Chapter IX of Title III of the Criminal Procedure Code regulates the procedure of sentenced persons¹⁴²: Article 551. *Grounds for Transferring Convicts*; Article 552. *Conditions for Transfer*; Article 553. *Communication of Information*; Article 554. *Request for a transfer, attached documents and reply thereto*; Article 555. *Consent to Transfer*; Article 556. *Resolving a request for transfer*; Article 557. *Continuing serving the sentence and changing the conviction*.

Similar provisions are contained in the Chapter V (art. 84-107) of the Law No. 371/2006 on international legal assistance in criminal matters¹⁴³. The relevant international tool used therein is the European Convention on Transfer of

¹⁴¹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

¹⁴² Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

¹⁴³ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

Sentenced Persons (ETS No. 112) of March 21, 1983 and the additional protocol thereto (ETS No. 167), both ratified by the Republic of Moldova on March 11, 2004.

The principle of reciprocity can also serve as a basis for the transfer of a sentenced person. The principle of reciprocity applies when there is no international instrument in this area to which both States are parties. The transfer of sentenced persons is carried out on the basis of the international treaty to which the RM and the State concerned are parties or under conditions of reciprocity established by a written agreement between the Ministry of Justice of the RM and the respective institution of the foreign State.

The grounds for transfer of sentenced persons may be the request of the person sentenced to imprisonment by a court of the RM to be transferred for serving the sentence in another state and/or the request of the person sentenced to imprisonment by a foreign court to be transferred for serving the sentence in the RM. Therefore, the request for transfer can be submitted either by the sentencing State or by the executing State.

The transfer of sentenced persons may take place if the sentenced person is a national of the executing State or has a permanent residence; the sentencing decision is final; the term of the custodial sentence that the sentenced person still has to serve is at least 6 months at the date of receipt of the request for transfer or is indefinite; the transfer is consented to by the sentenced person and - in view of the age, physical or mental condition of the sentenced person, one of the two States considers it necessary - by the sentenced person's legal representative; the offence for which the person has been sentenced constitutes an offence under the criminal code of the country of which the sentenced person is a national; both States Parties have agreed to the transfer.

The transferring court is satisfied that the transferred person will not be subjected to a possible risk of inhuman and degrading treatment in the State to which he or she is to be transferred. Any sentenced person must be informed by the competent authority of the sentencing State of the right to obtain his or her transfer for enforcement of the sentence in the State of which he or she is a national. If the sentenced person has expressed to the sentencing State his wish to be transferred, the State must inform the State of which he is a national as soon as possible after the judgment has become final. This information shall contain the name, date and place of birth of the sentenced person and, if possible, the address of the State of which he or she is a national, a statement of the offences for which he or she has been sentenced, the nature of the sentence, its duration and whether enforcement has begun.

The sentenced person must be informed in writing of any decision taken by one of the two States on the request for transfer. The request for transfer must be made in writing and must be accompanied by the following documents confirming that the sentenced person is a national of or permanently resident in the executing State;

the sentenced person's written statement of consent to the transfer; a copy of the judgment of conviction, stating that it is final, and a copy of the text of the laws applied; a certificate indicating the length of the sentence already served and of the pre-trial detention and the length of the sentence to be served. The request must be addressed by the Minister of Justice of the requesting State to the Minister of Justice of the requested State.

The executing State shall indicate in the court decision on the request for transfer whether or not it accepts the transfer of the sentenced person and, if it accepts, shall attach to the reply a copy of its legal provisions showing that the acts which led to the person's conviction would constitute a criminal offence if committed in its territory and the penalty provided for by its criminal law for such offences. If one of the States considers it necessary, it may request additional documents and information. The sentenced person must consent to the transfer voluntarily and in full knowledge of the legal consequences arising therefrom, in accordance with the procedural law of the sentencing State, and the sentencing State must give the executing State the possibility of verifying that consent to the transfer has been given in accordance with the relevant procedures.

Thus, in case of acceptance of the transfer, the request for transfer of Moldovan citizens sentenced in another state is forwarded by the Minister of Justice, with his request for resolution to the court equal in rank to the court of the sentencing state, whose decision is to be executed. If the decision of the sentencing State is adopted by a court of the same level as the court of law, the request of the Minister of Justice and the request for transfer shall be addressed to the court of law in whose territorial jurisdiction the Ministry of Justice is located, and if the court of the sentencing State is of the same level as the Court of Appeal, the request and the request for transfer shall be addressed to the Court of Appeal of the municipality of Chisinau. The request of the Minister of Justice shall be decided in a hearing by a judge in the absence of the sentenced person in the manner prescribed by the criminal procedure legislation of the RM for the settlement of matters related to the execution of the sentence, but with the participation of the representative of the Ministry of Justice and the defence counsel of the sentenced person. If the sentenced person does not have a chosen defence counsel, he shall be appointed *ex officio*.

In deciding on the request for transfer, the court shall verify whether the conditions for transfer laid down in this Chapter and in the international treaty under which the transfer is requested or in the reciprocity agreement are met. Following the decision on the request, the court shall adopt a decision indicating the name of the court of the foreign State, the date and place of the decision; the last place of residence of the convicted person in the RM and his occupation; the legal classification of the offence for which the person was convicted; the criminal law of the RM providing for liability for an offence similar to that committed by the convicted person; its decision on the acceptance or, where appropriate, rejection of the requested transfer. In case of acceptance of the requested transfer, the court

will indicate which enforcement procedure it will choose: continuation of the execution of the sentence or change of conviction.

A copy of the court decision is sent to the Ministry of Justice for transmission to the sentencing State and the convicted person. If the sentencing State accepts the transfer of the sentenced person, the court decides on the following:

- if, by the conclusion adopted under the criminal procedure legislation of the Republic of Moldova, the procedure for the continuation of the execution of the sentence has been indicated, the court shall determine the term of the sentence that has not been served and is to be served, the type of prison where the sentence will be served;
- if, in the conclusion adopted under the criminal law provided for, the procedure for the change of sentence has been indicated, the court shall indicate the legal classification of the offence for which the sentenced person was convicted; the criminal law of the RM providing for liability for an offence similar to that committed by the sentenced person; the category and term of the principal and additional penalty established, the term of the penalty to be served in the RM, the type of prison and the manner of compensation for damages in the case of a civil action.

If the category or length of the sentence imposed in the sentencing State does not correspond to the criminal law of the RM, the court may, by its decision, adapt it to the penalty prescribed by national law for offences of the same category. This penalty must be as appropriate as possible to the penalty imposed by the judgment of the sentencing State. By its nature or duration, this penalty may not be more severe than that imposed in the sentencing State and may not exceed the maximum penalty provided for by national law. The part of the sentence which has been served in the sentencing State shall be deducted from the length of the sentence determined by the national court if the sentences are of the same category. Where the national court determines a category of sentence other than that imposed by the sentencing State, the part of the sentence served shall be taken into account in determining the category and the duration of the sentence.

The decision of the court on the execution of the sentence may be appealed under the conditions provided by the Criminal Procedure Code of the RM. The Minister of Justice of the RM shall forward a copy of the decision on enforcement of the sentence, which has entered into force, to the Minister of Justice of the sentencing State. The procedure for the transfer of sentenced persons is based on the following international instruments:

- European Convention on the Transfer of Sentenced Persons (Strasbourg, 21.03.1983);
- Treaty between the Republic of Moldova and Romania on legal assistance in civil and criminal matters (Chisinau, 06.07.1996);

- Treaty between the Republic of Moldova and the Republic of Belarus on the transfer of persons sentenced to deprivation of liberty for the further execution of their sentence (Chisinau, 24.09.2014).

77. Under what conditions can a person be tried in his/her absence?

According to art. 312 paragraph (1) of the Criminal Procedure Code¹⁴⁴, a case shall be heard in the first instance and in the court of appeals with the participation of the defendant. However, the criminal procedure law allows the possibility of examining the case in the absence of the defendant, indicating exhaustively the situations and conditions to be met, namely:

- if the defendant evades appearing in court;
- if the defendant, being under arrest, refuses to be brought before the court to the case hearing and if his/her refusal is confirmed also by his/her defense counsel;
- if cases related to commission of minor crimes are examined and the defendant requires that the case is heard in his/her absence.

The court shall decide on a case hearing in the absence of the defendant for the reasons that the defendant evades appearing in court, only if the prosecutor submits sound evidence that the person accused and in whose regard the case was sent to court expressly waived his/her right to appear before the court and to defend himself/herself personally and has evaded criminal investigation and trial. (art. 312 para. (6) Criminal Procedure Code). If the defendant unjustifiably fails to appear at a case hearing, the court shall be entitled to order the summoning by force of the defendant and to apply a preventive measure or to replace it with another measure that would ensure his/her presence, or upon a motion of the prosecutor to order an official search for the defendant. A ruling on an official search for the defendant shall be executed by the home affairs bodies (art. 312 paragraph (5) Criminal Procedure Code).

If the defendant, being in a state of arrest, refuses to be brought to court for the trial of the case, the court may order his forced bringing before the court to confirm his refusal to participate in the trial of the case. In order to guarantee the observance of the rights and interests of the defendant, in his absence from the trial the participation of the defense counsel and, as the case may be, of his legal representative is obligatory. At the same time, if the case is examined in the absence of the defendant, from the moment he is informed of the decision adopted on the case, he is entitled to challenge it in the ordinary way, within 15 days (art. 404 para. (1) Criminal Procedure Code).

¹⁴⁴ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110260&lang=ro

The trial of the case in the first instance and in the court of appeal shall take place with the participation of the accused, except in cases provided for in Article 321 of the Procedure of Criminal Code. Thus, the trial of the case in the absence may take place when the accused is hiding from the court; when the accused, being under arrest, refuses to be brought to court for the trial of the case and his refusal is also confirmed by his defence counsel or by the administration of the place of his detention; when cases concerning the commission of minor offences are examined when the accused requests the trial of the case in his absence.

If the case is heard in the absence of the accused, the participation of the defence counsel and, where appropriate, his legal representative is mandatory. The court, in the event of the defendant's unjustified non-appearance at the trial, has the right to order the defendant to be brought before the court and to apply a preventive measure or to replace it with another measure that will ensure his appearance in court, and, at the request of the prosecutor, to order the defendant to be put on the wanted list. The order to put the accused person on the wanted list shall be executed by the internal affairs authorities. The court decides to try the case in the absence of the defendant for reasons when the defendant, being in custody, refuses to be brought to court for the trial and his refusal is confirmed by his defence counsel or the administration of the place of his detention, only if the prosecutor has presented credible evidence that the person charged and in respect of whom the case has been referred has expressly waived the exercise of his right to appear in court and defend himself in person and is evading prosecution and trial.

78. How does the legislation regulate cooperation for purposes of asset freezing and confiscation to which relevant international conventions (U.N., Council of Europe, others) is Moldova a party? Are bilateral agreements in place on the issue, and with which countries?

In accordance with art. 540¹⁴⁵ of the Criminal Procedure Code, the rogatory letters requesting search, seizure or the return of objects or documents, and sequestration or confiscation shall be executed in line with the legislation of the RM. Authorities are, after recognition of a foreign request, in a position to confiscate assets and impose penalties. Pursuant to art. 558(2) of the Criminal Procedure Code, the authorities can provide assistance to requests for cooperation on the basis of non-conviction based confiscation proceedings if the following requirements are met: a decision was rendered by a competent court, the decision is not contrary to the Moldovan public order, and the decision may produce legal effects in the country according to the national criminal law.

The Art. 109(2) of Law No. 371/2006 on legal assistance in criminal matters¹⁴⁶ limits the art. 558 (2) mentioned above with the following requirements: the

¹⁴⁵ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

¹⁴⁶ Law No. 371/2006 on legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

convicted person is a citizen of the RM or ordinarily resides on its territory; in regard to the offence for which the conviction was handed down, there are no proceedings initiated in the RM; the enforcement of the decision in the RM is likely to improve the prospects for the social rehabilitation of the convicted person; the enforcement of the decision is likely to repair the damage caused by the offence; and the sanction or provisional measures duration imposed by the decision is longer than one year.

A request in this regard will be received by the Ministry of Justice and transmitted to the competent court for recognition and enforcement of the foreign criminal decision. The authorities may refuse decisions of foreign judicial instances for offences with a tax or religious character; when the sanction for the offence falls under the exclusive competence of an administrative authority; when time for imposition of the sanction has elapsed under Moldovan law; or when the sentence is rendered in absentia or *ordonnances penales*¹⁴⁷ (Art. 110 (2) of Law No. 371/2006 on legal assistance in criminal matters).¹⁴⁸

Pursuant to art. 540 (1) of the Criminal Procedure Code,¹⁴⁹ coordinated actions on search, seizure, sequestration or confiscation can be executed on the basis of a rogatory letter. Criminal assets found in the RM remain on Moldovan territory or may be returned to the requesting state, all within the framework of international cooperation (Art. 229⁵ of the Criminal Procedure Code). The Ministry of Finance is responsible for the valuation and administration of the criminal assets, including the storage, maintenance and administration of seized assets, based on the court's decision (Art. 229⁶ of the Criminal Procedure Code). Bilateral agreements on mutual legal assistance in criminal matters with different countries (*see above the question No. 52*) foresees general provisions of seizing and confiscation measures. According to art. 113 (4) of the Law No. 371/2006 on Legal assistance in criminal matters confiscated assets may be transferred upon demand of the foreign state which requested confiscation, if they are of special interest and as long as reciprocity is guaranteed. No priority consideration is given to sharing of confiscated property in case of coordinated law enforcement actions.

The Criminal Assets Recovery Agency is responsible to decide and ensures the seizure of the identified criminal assets. The Criminal Assets Recovery Agency shall issue the order for freezing the criminal assets for a period of up to 15 days, based on the written request of the competent foreign authorities. The freezing of assets on the basis of the order issued by the Agency does not prevent seizure in criminal proceedings. On the basis of the freezing order issued by the Criminal

¹⁴⁷ According to the European Convention on the International Validity of Criminal Judgments (The Hague, 28.V.1970), an "*ordonnance pénale*" means any of the decisions delivered in another Contracting State and listed in Appendix III to the convention.

¹⁴⁸ Law No. 371/2006 on legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

¹⁴⁹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

Assets Recovery Agency, the owners, possessors and beneficial owners of criminal assets, other natural persons and public and private legal persons involved in operations and transactions whose object is criminal assets may be obliged to suspend any operations and transactions with respect to such assets or participation in any form in them.

The freezing order issued by the Criminal Assets Recovery Agency shall be communicated to the persons covered by the order immediately, but not later than 3 days from the moment of issuance, in writing, by telephone or telegraphic note or by electronic means. The freezing order issued by the Criminal Assets Recovery Agency may be challenged in the administrative court without prior procedure. Violation of the freezing order issued by the Criminal Assets Recovery Agency shall give rise to criminal liability in accordance with the provisions of the Criminal Code.

The relevant international conventions to which the RM is party are the following:

- UN Convention against corruption (31.10.2003);
- UN Convention against transnational organized crime (15.11.2000);
- UN Convention against illicit traffic in narcotic drugs and psychotropic substances (20.12.1988);
- Convention on laundering, search, seizure and confiscation of the proceeds from crime (Strasbourg, 08.11.1990);
- Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (Warsaw, 16.05.2005);
- Criminal law Convention on corruption (Strasbourg, 27.01.1999);
- European Convention on the international validity of criminal judgments (The Hague, 28.05.1970);
- Treaty between the Republic of Moldova and Bosnia and Herzegovina on legal assistance in civil and criminal matters (Chişinău, 19.06.2012).

VI. POLICE COOPERATION AND FIGHT AGAINST ORGANISED CRIME

79. Please provide information on policy (strategy/ action plan), as well as legislation or other rules governing the police and police cooperation, and their alignment with relevant international conventions.

Legislation governing the police:

- Constitution of the Republic of Moldova of 29.07.1994;¹⁵⁰
- Administrative Code No. 116/2018;¹⁵¹
- Road Transport Code No. 150/2014;¹⁵²
- The Code on Administrative Offenses No. 218/2008;¹⁵³
- Executive Code no.443/2004;¹⁵⁴
- Criminal Procedure Code no.122/2003;¹⁵⁵
- Civil Procedure Code No. 225/2003;¹⁵⁶
- Criminal Code no.985/2002;¹⁵⁷
- Civil Code no.1107/2002;¹⁵⁸
- Law No. 122/2018 on integrity warnings;¹⁵⁹
- Integrity Law No. 82/2017;¹⁶⁰
- Law No. 288/2016 on the civil servant with special status within the Ministry of Internal Affairs;¹⁶¹
- Law No. 320/2012 on the activity of the Police and the status of the police officer;¹⁶²

¹⁵⁰ Constitution of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro#

¹⁵¹ Administrative Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129135&lang=ro#

¹⁵² Road Transport Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

¹⁵³ The Code on Administrative Offenses of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=131058&lang=ro#

¹⁵⁴ The Executive Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=131036&lang=ro#

¹⁵⁵ Criminal Procedure Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro#

¹⁵⁶ Civil Procedure Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro#

¹⁵⁷ Criminal Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

¹⁵⁸ Civil Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#

¹⁵⁹ Law No. 122/2018 on integrity warnings, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=105486&lang=ro#

¹⁶⁰ Integrity Law No. 82/2017, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=120706&lang=ro#

¹⁶¹ Law No. 288/2016 on the civil servant with special status within the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125233&lang=ro#

¹⁶² Law No. 320/2012 on the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120699&lang=ro#

- Law No. 218/2012 on the application of physical force, special means and firearms;¹⁶³
- Law No. 98/2012 on the specialized central public administration;¹⁶⁴
- Law No. 133/2011 on the protection of personal data;¹⁶⁵
- Law No. 25/2008 on the Code of Conduct for Civil Servants;¹⁶⁶
- Law No. 239/2008 on transparency in the decision-making process;¹⁶⁷
- Law No. 158/2008 on the civil service and the status of the civil servant;¹⁶⁸
- Law No. 245/2008 on state secrets;¹⁶⁹
- Law No. 131/2007 on road traffic safety;¹⁷⁰
- Law No. 45/2007 on preventing and combating domestic violence;¹⁷¹
- Law No. 333/2006 on the status of the criminal investigation officer;¹⁷²
- Law No. 59/2012 on special investigation activity;¹⁷³
- Law No. 241/2005 on preventing and combating trafficking in human beings;¹⁷⁴
- Law No. 212/2004 on the state of emergency, siege and war;¹⁷⁵
- Law No. 982/2000 on access to information;¹⁷⁶
- Law No. 595/1999 on international treaties;¹⁷⁷

¹⁶³ Law No. 218/2012 on the application of physical force, special means and firearms, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110364&lang=ro

¹⁶⁴ Law No. 98/2012 on the specialized central public administration, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129125&lang=ro#

¹⁶⁵ Law No. 133/2011 on the protection of personal data, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107130&lang=ro

¹⁶⁶ Law No. 25/2008 on the Code of Conduct for Civil Servants, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107130&lang=ro

¹⁶⁷ Law No. 239/2008 on transparency in the decision-making process, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro

¹⁶⁸ Law No. 158/2008 on the civil service and the status of the civil servant, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130341&lang=ro#

¹⁶⁹ Law No. 245/2008 on state secrets, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112337&lang=ro

¹⁷⁰ Law No. 131/2007 on road traffic safety, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129568&lang=ro#

¹⁷¹ Law No. 45/2007 on preventing and combating domestic violence, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122823&lang=ro

¹⁷² Law No. 333/2006 on the status of the criminal investigation officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123541&lang=ro

¹⁷³ Law No. 59/2012 on special investigation activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro

¹⁷⁴ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107319&lang=ro

¹⁷⁵ Law No. 212/2004 on the state of emergency, siege and war, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124336&lang=ro

¹⁷⁶ Law No. 982/2000 on access to information, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108552&lang=ro

¹⁷⁷ Law No. 595/1999 on international treaties, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=92552&lang=ro

- Law No. 1545/1998 on the manner of repairing the damage caused by the illicit actions of the criminal investigation bodies, of the prosecutor's office and of the courts;¹⁷⁸
- Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police;¹⁷⁹
- Government Decision No. 557/2018 for the approval of the Regulation on the manner of lifting, transport, storage and restitution of means of transport in the contravention process¹⁸⁰;
- Government Decision No. 210/2018 on the creation of the National Commission for monitoring the movement of small arms and light weapons;¹⁸¹
- Government Decision No. 629/2017 for the approval of the Code of Ethics and Deontology of the civil servant with special status within the Ministry of Internal Affairs;¹⁸²
- Government Decision No. 589/2017 for the approval of the Regulation of road transport of dangerous goods;¹⁸³
- Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the civil servant with special status within the Ministry of Internal Affairs;¹⁸⁴
- Government Decision no.1447 / 2016 on the State Commission for the evaluation, reclamation and rejection of weapons;¹⁸⁵
- Government Decision no.1176 / 2010 approving the Regulation on securing the secret regime within public authorities and other legal entities;¹⁸⁶

¹⁷⁸ Law No. 1545/1998 on the manner of repairing the damage caused by the illicit actions of the criminal investigation bodies, of the prosecutor's office and of the courts, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=108548&lang=ro

¹⁷⁹ Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118948&lang=ro

¹⁸⁰ Government Decision No. 557/2018 for the approval of the Regulation on the manner of lifting, transport, storage and restitution of means of transport in the contravention process, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122268&lang=ro

¹⁸¹ Government Decision No. 210/2018 on the creation of the National Commission for monitoring the movement of small arms and light weapons, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=123222&lang=en

¹⁸² Government Decision No. 629/2017 for the approval of the Code of Ethics and Deontology of the civil servant with special status within the Ministry of Internal Affairs, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=102524&lang=en

¹⁸³ Government Decision No. 589/2017 for the approval of the Regulation of road transport of dangerous goods, available in Romanian at: https://www.legis.md/search/getResults?doc_id=123212&lang=en

¹⁸⁴ Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the civil servant with special status within the Ministry of Internal Affairs, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=100644&lang=en

¹⁸⁵ Government Decision no.1447 / 2016 on the State Commission for the evaluation, reclamation and rejection of weapons, available in Romanian at: https://www.legis.md/search/getResults?doc_id=123207&lang=en

¹⁸⁶ Government Decision no.1176 / 2010 approving the Regulation on securing the secret regime within public authorities and other legal entities, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=67278&lang=en

- Government Decision no.201 / 2009 on the implementation of the provisions of Law no.158-XVI of 4 July 2008 on the civil service and the status of the civil servant;¹⁸⁷
- Government Decision No. 357/2009 on the approval of the Road Traffic Regulation;¹⁸⁸
- Government Decision No. 296/2009 on the approval of the Regulation on the mode of alcohol testing and medical examination to establish the state of intoxication and its nature¹⁸⁹;
- Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the civil servant with special status within the Ministry of Internal Affairs;¹⁹⁰
- Government Decision No. 284 of 24.04.2013 on the approval of the uniform, insignia and norms of equipping uniforms of police officers;¹⁹¹
- Ministry of Internal Affairs Order on the temporary limitation of the circulation of heavy vehicles on the roads of the Republic of Moldova No. 179-193 of 19.06.2017;
- Ministry of Internal Affairs Order „Measurement of the ethanol concentration in the exhaled air by the tested persons, with the analyzer of the ethanol concentration in the exhaled air of Drager type Alcotest 7510” No. 22 from 18.01.2019;
- Ministry of Internal Affairs Order „Measurement of ethanol concentration in expired air by the tested persons, with the ethanol concentration analyzer in expired air of Drager type Alcotest 6820” no.23 from 2019;
- MIA Order for the approval of the Regulation on the organization and conduct of special investigative measures in electronic communications networks No. 405 of 15.09.2020;
- MIA Order on the approval of the legal measurement procedure PML 10-01: 2018 "Measuring the speed of vehicles by means of the device (laser) for measuring the speed of movement of vehicles type LTI 20/20" TruCAM "" No. 266 from 01.08.2018;¹⁹²

¹⁸⁷ Government Decision no.201 / 2009 on the implementation of the provisions of Law no.158-XVI of 4 July 2008 on the civil service and the status of the civil servant, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130131&lang=ro#

¹⁸⁸ Government Decision No. 357/2009 on the approval of the Road Traffic Regulation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130224&lang=ro#

¹⁸⁹ Government Decision No. 296/2009 on the approval of the Regulation on the mode of alcohol testing and medical examination to establish the state of intoxication and its nature, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=123200&lang=en

¹⁹⁰ Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the civil servant with special status within the Ministry of Internal Affairs, available in Romanian at:

https://www.legis.md/search/getResults?doc_id=100644&lang=en

¹⁹¹ Government Decision No. 284 of 24.04.2013 on the approval of the uniform, insignia and norms of equipping uniforms of police officers, available in Romanian at:

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=347874>

¹⁹² MIA Order on the approval of the legal measurement procedure PML 10-01: 2018 "Measuring the speed of vehicles by means of the device (laser) for measuring the speed of movement of vehicles type LTI 20/20"

TruCAM "" No. 266 from 01.08.2018, available in Romanian at:

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376915>

- Order of the Head of GPI No.129 of 27.04.2020 on Standard Operating Procedures regarding the detention, escort, transportation and placement of the detained person in the Temporary Detention Isolator of the Police;
- Order of the Head of GPI No. 444 of 15.09.2019 on Standard Operating procedures on the mechanism of providing medical assistance to persons detained and in pre-trial detention;
- Order of the Head of GPI No. 797 of 10.12.2019 on Standard Operating Procedures regarding the assurance of the right to an interpreter or translator for persons detained, transported, escorted and detained in pretrial detention facilities;
- Regulation approved by Joint Order No. 77/572/408/639o / 197/1389 of 31.12.2013 of the General Prosecutor, the Minister of Justice, the Minister of Internal Affairs, the Customs Service, the National Anticorruption Center and the Minister of Health, the procedure for identifying, registering and reporting the alleged cases of torture, inhuman or degrading treatment.

Police strategy/action plans:

- Government Decision No. 587/2016 for the approval of the Police Development Strategy for the years 2016-2020 and of the Action Plan regarding its implementation¹⁹³
- Government Decision No. 972/2011 on the approval of the Action Plan on the implementation of the National Strategy for Road Safety¹⁹⁴
- Government Decision No. 360 /2012 for the approval of the National Program on alcohol control for the years 2012-2020¹⁹⁵
- Government Decision No. 811/2015 on the National Cyber Security Program of the Republic of Moldova for the years 2016-2020[4]¹⁹⁶
- Government Decision No. 835/2016 on the approval of the Action Plan for the years 2016-2020 on the implementation of the Strategy for Child Protection¹⁹⁷
- Government Decision No. 734/2016 on the approval of the Action Plan to support the Roma population in the Republic of Moldova for the years 2016-2020¹⁹⁸

¹⁹³ https://www.legis.md/cautare/getResults?doc_id=92696&lang=ro

¹⁹⁴ <http://lex.justice.md/md/341597/>

¹⁹⁵ https://www.legis.md/cautare/getResults?doc_id=19843&lang=ro

¹⁹⁶ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=361818&lang=1>

¹⁹⁷ https://www.legis.md/cautare/getResults?doc_id=93739&lang=ro

¹⁹⁸ https://www.legis.md/cautare/getResults?doc_id=110246&lang=ro

- Government Decision No. 748 /2017 for the approval of the Action Plan on reducing ill-treatment, abuse and discrimination against persons in police custody for the years 2017-2020¹⁹⁹
- Government Decision no.1015/2017 on the approval of the National Program on tobacco control for the years 2017-2021 and the Action Plan²⁰⁰
- Government Decision No. 212 /2017 for the approval of the Action Plan on promoting the safety of children and adolescents on the Internet for the years 2017-2020²⁰¹
- Government Decision No. 354 /2017 on the approval of the National Strategy for Public Order and Security for the years 2017-2020 and the Action Plan on its implementation²⁰²
- Government Decision No. 723/2017 on the approval of the National Program for Social Inclusion of Persons with Disabilities for the years 2017-2022.²⁰³

80. How are the law enforcement agencies organized (ministries responsible, structure, manpower, horizontal co-operation structures, budget)? What are the laws, regulations and administrative rules incumbent on the police and the exercise of police functions? How is police primacy ensured in dealing with internal security?

According to the Government Decision No. 693/2017 on the organization and functioning of the Ministry of Internal Affairs²⁰⁴, the maximum number of staff of the central apparatus of the MIA is 135 units, with an annual work pay fund in accordance with the applicable legislation. The Ministry of Internal Affairs shall have a Minister, four Secretaries of State, a Secretary General of the Ministry and a College. The Structure of the central apparatus of the MIA is:

- Minister
- Minister's Office (with the status of a department)
- Secretaries of State
- Secretary General of the Ministry
- Directorate for Analysis, Monitoring and Evaluation of Policies
- Directorate for Public Order and Security Policies
- Directorate for Prevention and Fighting Crime Policies
- International Cooperation Directorate
- Directorate for Integrated State Border Management Policies

¹⁹⁹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=371642>

²⁰⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=373037>

²⁰¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=369782>

²⁰² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=370469>

²⁰³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=371431>

²⁰⁴ Government Decision No. 693/2017 on the organization and functioning of the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119192&lang=ro

- Directorate for Migration and Asylum Policies
- Directorate for Emergency and Exceptional Situations Policies
- Directorate for Personnel and Education Policies
- Directorate for Institutional Development Policies
- Directorate for Citizenship, Population, Vehicles and Drivers Policies
- Service for State material reserves and mobilization policies
- Special Affairs Service
- Internal Audit Directorate
- Directorate of Institutional Management
- Legal Section
- Human Resources Section
- Financial and Administrative Section
- Document Management Section
- Information and Communication Service
- Assets and Equipment Section

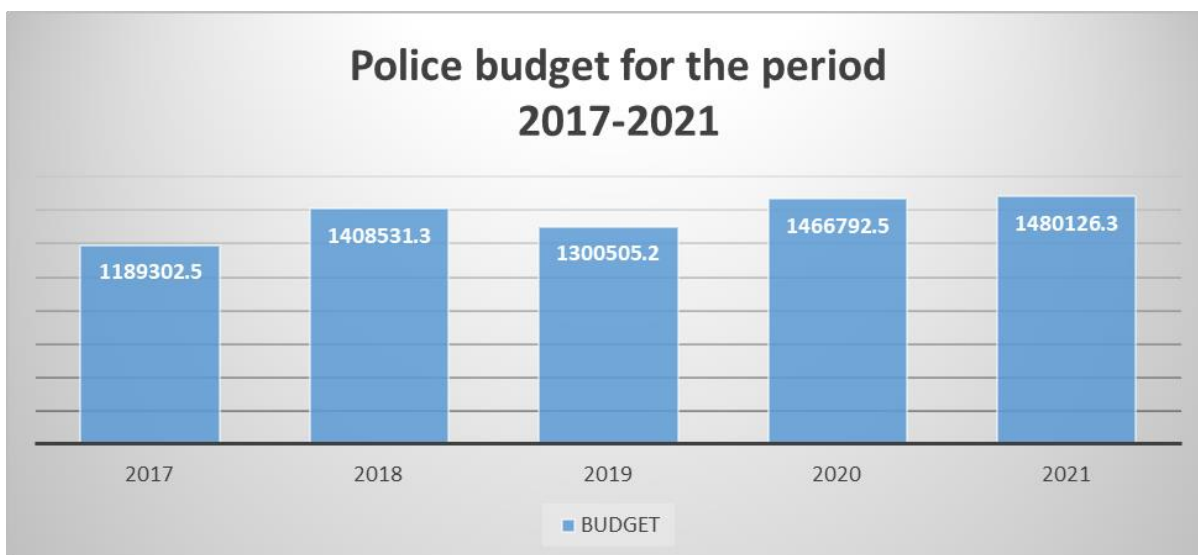
The MIA has the following subordinated institutions:

- General Police Inspectorate
- General Border Police Inspectorate
- General Inspectorate for Emergency Situations
- General Inspectorate of Carabineers
- Police Academy “Stefan cel Mare”
- Bureau for migration and asylum
- Central Sport Club “Dinamo”
- Agency of Material Reserves
- Internal Protection and Anticorruption Service
- Information technology Service
- Inspectorate for Operational Management
- Medical Service

The MIA cooperates with the Parliament, specifically with the specialized parliamentary committees and plenary sessions, including through the Government representative in Parliament, with other central and local government authorities, business and civil society. The budget of the MIA is approved annually by the Parliament (*in 2022, it represented 5,76 % from the State Budget, and in 2021 - 5, 71 %*).²⁰⁵The Police is a specialized public institution of the state, subordinated to the Ministry of Internal Affairs, whose mission is to defend the

²⁰⁵ Government Decision No. 693/2017 on the organization and functioning Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119192&lang=ro#

fundamental rights and freedoms of the person through activities of maintaining, ensuring and restoring public order and security, prevention, investigation and detection of crimes and misdemeanors. The Police budget is established for each year separately (in MDL-lei) and it is part of the State Budget Law (*in 2021, the Police budget represented 2.59 % of the State budget, and 45.95% of the total budget allocated to the MIA*).



The Government Decision No. 547/2019²⁰⁶ on the organization and functioning of the General Police Inspectorate sets a limit of 9156 police personnel and provides the following structure:

I. General Police Inspectorate - the central unit of administration and control of the Police (220 employees)

II. Specialized Police Subdivisions - units of the Police with general territorial competence, subordinated to the General Police Inspectorate (2327 employees):

- 1) National Inspectorate of Investigations
- 2) National Inspectorate of Public Security
- 3) Witness Protection Directorate
- 4) Operational Assistance Directorate
- 5) “Fulger” Special Destination Police Brigade
- 6) General Directorate of Criminal Prosecution

²⁰⁶ Government Decision No. 547/2019 on the organization and functioning of the General Police Inspectorate, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118948&lang=ro

- 7) Technical Criminalistic and Judicial Expertise Center
- 8) International Police Cooperation Directorate
- 9) Technical-material Supply Directorate
- 10) Justice Interaction Directorate
- 11) Canine Directorate

III. Territorial subdivisions of the Police- with territorial competence corresponding to the administrative-territorial division of the country, subordinated to the General Police Inspectorate (6609 employees):

- Chisinau Police Department;
- Gagauzian Autonomous Territorial Unit Police Department;
- 34 Police Inspectorates.

The activity of the Police is strictly regulated by Law no.320 / 2012²⁰⁷ on the activity of the Police and the status of the police officer, in conjunction with Law no.288 / 2016²⁰⁸ on civil servants with special status within the Ministry of Internal Affairs and Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the civil servant with special status within the Ministry of Internal Affairs²⁰⁹.

The basic duties of the Police are:

- 1) prevention of crimes and misdemeanors;
- 2) investigation of crimes and misdemeanors, as well as criminal prosecution;
- 3) maintaining, ensuring and restoring public order and security, protecting the rights and legitimate interests of the person and the community;
- 4) ensuring the administration of justice;
- 5) providing assistance to the population and local public administration authorities.

²⁰⁷ Law No. 320/2012 on the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120699&lang=ro

²⁰⁸ Law no.288/2016 on civil servants with special status within the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110602&lang=ro

²⁰⁹ Government Decision No. 409/2017 on the approval of the Disciplinary Statute of the of civil servants with special status within the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=100644&lang=ro

National Anti-corruption Center (NAC)²¹⁰ is the national authority specialized in the prevention and fight against corruption, corruption related acts and acts of corruptive behavior. NAC has organizational, functional and operational independence in accordance with the terms established by the law.

NAC has the following tasks:

- preventing, detecting, investigating and curbing corruption contraventions and offenses and those related to corruption offenses, as well as acts of corrupt behavior;
- performing anti-corruption expertise of draft normative acts of the Government, as well as other legislative initiatives submitted to Parliament, to ensure their compliance with state policy to prevent and combat corruption;
- performing the institutional integrity assessment, according to Law No. 325/2013 on institutional integrity assessment, monitoring the implementation of integrity plans and assessment of the progress that is achieved;
- carry out operational and strategic analysis of corruption and related acts, as well as acts of corrupt behavior, of information on analytical studies on the corruption phenomenon;
- recovery of criminal assets.

NAC is an unitary body, centralized and hierarchically structured, composed of a central office and territorial subdivisions (North, Center and South).

The structure of the headquarters of NAC²¹¹:

- The leadership (Director and two deputy directors)
- General Corruption Prevention Directorate
- General Corruption Combating Directorate
- General Criminal Investigation Directorate
- General Operative Support Directorate
- Criminal Assets Recovery Agency (with the status of Directorate)
- Professional Integrity Testing Directorate
- Analytical Directorate
- International Cooperation Directorate
- Internal Security Directorate
- Logistics and Administration Directorate
- Commandant`s Office Directorate
- Human Resources Department

²¹⁰ Law No. 1104/2002 on the National Anti-Corruption Center, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=127720&lang=ro

²¹¹ https://www.legis.md/cautare/getResults?doc_id=119758&lang=ro

- Operational Management Department
- Accounting and Remuneration Department
- Secretariat and Archive Department
- Legal Service
- Public Relations Service
- Internal Audit Service

NAC is funded entirely from the state budget, operating a treasury account and endowed with other necessary attributes. NAC is independent in its activity and is subject only to the law, having organizational, functional and operational independence.

The Customs Service is an administrative authority subordinated to the Ministry of Finance, which exercises the functions and duties incumbent on it and implements the state customs policy through uniform and impartial application of customs legislation in order to ensure, within its competencies, the economic security of the state. The Customs Service has administrative and decision-making autonomy, respecting the provisions of the legislation in force. The activity of the Customs Service is a special kind of activity in the public service consisting in the exercise of the functions and duties of the Customs Service, which is part of the system of law enforcement and state security bodies. According to the Law No. 302/2017²¹² the Customs Service is a separate organizational structure in the administrative system of the Ministry of Finance. The Customs Service includes:

- the central apparatus;
- customs offices, as territorial subdivisions subordinated to the central apparatus;
- customs posts, as territorial subdivisions subordinated to the customs offices.

The structure of central apparatus of Customs Service consists of:

- The Director of the Customs Service;
- The Deputy Director, Head of Anti-fraud and Compliance Department, to which are subordinated:
 - Canine center;
 - Customs Fraud Investigation Directorate;
 - Criminal Investigation Directorate;
 - Post- Release Control Directorate;
 - Risk Analysis Directorate.
- The Deputy Director, Head of Customs Revenues and Control Directorate, to which are subordinated:

²¹² Law No. 302/2017 On the Customs Service, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128024&lang=ro#

- Customs Laboratory;
- Customs Control Organization and Trade Facilitation Directorate;
- Customs Value;
- Classification and Origin of Goods Directorate;
- Customs Revenues Directorate;
- Training Center;
- Institutional Coordination Unit;
- Public Relations Unit;
- Security Unit;
- Legal Control and Enforcement Directorate;
- Strategic Management and Customs Cooperation Directorate;
- Finance and Accounting Directorate;
- Personnel Management Directorate;
- Information Development and Security Directorate;
- Integrity and Supervision Directorate;
- Internal Audit Directorate;
- Management Support Directorate;
- Custom Offices to which is subordinated:
 - Southern Customs Office;
 - Central Customs Office;
 - Northern Customs Office.

81. Which administrative, parliamentary and/or judicial control bodies and procedures exist? How is (a) internal and (b) judicial oversight organized and enforced?

The control over the activity of the Police is exercised by the Ministry of Internal Affairs, the General Prosecutor's office, other public administration authorities, as well as by national and international organizations on the basis and within the limits provided by the legislation and international treaties to which the Republic of Moldova is a part (art. 8 of Law No. 320/2012 on the activity of the Police and the status of the police officer²¹³).

The control over the use of the budgetary means allocated for the maintenance of the Police is carried out by the Ministry of Internal Affairs, Court of Accounts of Republic of Moldova (art. 32 of Law No. 260/2017²¹⁴ on the organization and

²¹³ Law No. 320/2012 on the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=95281&lang=ro

²¹⁴ Law No. 260/2017 on the organization and functioning of the Court of Accounts of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=126160&lang=ro

functioning of the Court of Accounts of the Republic of Moldova) and other authorities empowered with such attributions.

The control over the compliance with the legal provisions in carrying out the criminal investigation is exercised by the court and the prosecutor (according to art. 7 of Law No. 333/2006²¹⁵ on the status of the criminal investigation officer).

The internal control of the Police, according to the Government Decision No. 547/2019 regarding the organization and functioning of the General Police Inspectorate²¹⁶, is exercised by the General Police Inspectorate.

In order to accomplish the mission, the central unit of administration and control of the Police ensures the execution of basic functions such as:

- implementation of state policies in the field of maintaining, ensuring and restoring public order and security, prevention, investigation and detection of crimes and misdemeanors;
- ensuring the defense of the life, bodily integrity, health and liberty of the person, private and public property, other legitimate rights of the person and the community;
- ensuring cooperation with central and local public administration authorities, civil society, the media, as well as with international bodies;
- ensuring the efficient management of human resources, discipline and legality, training and continuous improvement, legal and social protection of employees, as well as the development and consolidation of the technical-material base;
- strengthening the managerial capacities of the Police subdivisions by monitoring compliance with legislation, implementing policies developed by the Ministry of Internal Affairs and controlling their application by all subordinate structures in their areas of responsibility, as well as controlling the distribution and use of resources administrative, human, financial and logistical.

By GPI Order No. 35 of 31.01.2022 the Internal Audit Book of the General Police Inspectorate was approved, which regulates the role and purpose of the internal audit. The mission of the Internal Audit Directorate is to assess whether the internal management control system works in a way that ensures:

- effectiveness and efficiency of operations;
- compliance with the normative framework and with the internal regulations;
- security and optimization of assets and liabilities;

²¹⁵ Law No. 333/2006 on the status of the criminal investigation officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110641&lang=ro

²¹⁶ Government Decision No. 547/2019 regarding the organization and functioning of the General Police Inspectorate, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118948&lang=ro

- information security and integrity.

The following types of audit missions are carried out within the internal audit activity:

- assurance missions, which involve an objective analysis of evidence by the internal auditor in order to formulate opinions and conclusions regarding a system, activity or process within the audited public entity;
- counseling missions, which have a consultative character and are carried out at the request of the beneficiary of the mission, with the consent of the manager of the public entity.

According to art.1 para. (1) of the Law No. 753/1999 on the Security and Intelligence Service of the RM²¹⁷, (hereinafter – SIS) is a state body specialized in ensuring national security by carrying out appropriate intelligence and counterintelligence measures, aimed to collect, process, verify and use information needed for knowing, preventing and countering any actions which, according to law, pose an internal or external threat to the independence, sovereignty, unity, territorial integrity, constitutional order, democratic development, internal security of the state, society and citizens, statehood of the RM, stable functioning of all vital branches of the national economy, both on the territory of the Republic of Moldova and abroad.

The activity of the SIS is coordinated by the President of the RM, within his/her competence, and is subjected to parliamentary control. The SIS is a single centralized body, comprising central office units and its territorial bodies. The staff of the SIS is determined and approved by the Parliament, upon the proposal of the SIS Director. The structure of the SIS is approved by the SIS Board, upon the proposal of the SIS Director. The territorial bodies are subordinated directly to the SIS leadership. Their location may not correspond to the administrative and territorial division of the RM. The SIS is a legal entity, has an official and conventional name, other necessary attributes, bank accounts, including currency accounts.

National Anticorruption Center's activity is subject to monitoring by the society, parliamentary oversight and judicial control within the powers established by the law. The control of the manner of performing by NAC employees of the duties within the criminal procedure, as well as of the special investigation activities, is exercised by the prosecutor, in accordance with the law.

External public auditing of the use of budgetary funds allocated to NAC are performed by the Court of Accounts. The Parliamentary control of NAC's activity is exercised by the Parliamentary Committee for national security, defense and public order and the legal, appointments and immunities Committee. NAC annually presents (*to the President, Government and the Parliament*), till March

²¹⁷ Law No. 753/1999 on the Security and Intelligence Service of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121235&lang=ro#

31, the report on carrying out its institutional activities. At the MPs' request, NAC Director can be heard on the report in a Parliamentary plenary meeting.

The MPs' can request the hearing of NAC director in a Parliamentary plenary meeting, at the meetings of the permanent committees, special committees or of the committees of inquiry regarding other issues. NAC director is in right to refuse his participation at those meetings if the disclosure of the requested information affects the interest of the criminal prosecution, the principles of legality, presumption of innocence, protection of personal data and confidentiality of the criminal investigation. In accordance with the Decision of the Parliament No. 34/2016 on the approval of the structure and the staff limit of the NAC and the Order of the NAC Director No. 197/2018 on the approval of the Regulations of NAC subdivisions and their structural units, the Internal Security Directorate was established. The Internal Security Directorate of NAC has the mission to contribute to the achievement of the NAC's objectives by combating and preventing acts of corruption, acts related to corruption and corruptible deeds, committed by NAC employees, with the initiation of special investigation measures, methods or tactics.

82. Which powers does the police have: a) In terms of preventing and detecting potential threats? b) In terms of criminal investigation?

In the field of prevention of crimes and misdemeanors, in accordance with the provisions of art. 19 of the Law on the activity of the Police and the status of the police officer No. 320/2012, the Police has the following powers:

- collects information for the purpose of knowing, preventing and combating crimes, as well as other illicit acts;
- elaborates and undertakes measures to prevent crimes and misdemeanors, attributed to the Police, according to the law;
- has its own preventive, forensic and operative records in order to support its own activity;
- ensures prompt reaction to notifications of crimes and misdemeanors, informs the respective public administration authorities about events that have become known and that endanger personal, social and state security and calls for prompt reaction;
- ascertains the causes and conditions that may generate or contribute to the commission of crimes and misdemeanors that are within the competence of the Police, with the notification, according to the law, of the competent body or of the person with positions of responsibility regarding the necessity of taking measures causes and conditions;
- collaborates with educational institutions and non-governmental organizations for the purpose of anti-crime training of the population;

- ensures the supervision and organizes the control, according to the law, over the possession, carrying and use of civilian weapons and ammunition, on the manner in which the operations with civilian weapons and ammunition are carried out, on the activity of licensed gunsmiths to repair weapons and operation of firearms. firing, as well as on the technical examination and carrying out of experimental firing of weapons, regardless of the form of ownership and destination;
- exercises control, according to the law, over the observance by the competent institutions of the legal norms regarding the circulation of narcotic, toxic and radioactive substances, as well as of other objects and substances subject to authorization, which present an advanced public danger or which can be used illicit deeds;
- undertakes measures to ensure the integrity of the property of the owner, in the possession of which he entered, until its transmission to the persons entitled to possess it.

In the field of investigation of crimes and misdemeanors and of criminal prosecution, according to the provisions of art. 20 of the Law on the activity of the Police and the status of the police officer No. 320/2012, the Police has the following attributions:

- carries out special investigations in accordance with the law;
- carries out, according to the competence, crime finding activities and carries out the criminal investigation in connection with them;
- fulfills the tasks and written provisions of the prosecutor, the criminal investigation officer regarding the performance of criminal prosecution actions, as well as the court decisions;
- finds misdemeanors and applies contravention sanctions according to the law;
- search for the persons who evade the criminal investigation and trial, the missing persons, as well as the goods that served for the commission of the crime, kept on them the traces of the criminal actions or were the object of these actions;
- detain persons under the conditions established by the legislation;
- ensures the measures for the protection of witnesses and other participants in the criminal proceedings in accordance with the law;
- uses technical-scientific methods and means to investigate the place of crimes and to examine the evidence and material means of evidence, performing, through laboratories and accredited specialists, forensic expertise and technical-scientific findings, provided by law.

According to the provisions of par. (1) Article 166 of the Criminal Procedure Code²¹⁸ of the Republic of Moldova the police have the right to detain the person

²¹⁸ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ro

if there is a reasonable suspicion of committing an offense for which the law provides for imprisonment for more than one year, only in cases:

- if the person was caught red-handed;
- if the eyewitness, including the victim, directly indicates that it was the person who committed the crime;
- if obvious traces of the crime are found on the person's body or clothes, at his / her home or in his / her transport unit;
- if the traces left by this person are discovered at the place of committing the crime;
- if the person tried to hide or her identity could not be ascertained.

The detention of the suspect may also be ordered if there are reasonable grounds for believing that he or she will evade prosecution, prevent the finding of the truth or commit other crimes.

The detention of the mature person on the grounds provided above may take place until the registration of the crime in the manner established by law. The registration of the crime is carried out immediately, but not later than 3 hours from the moment of bringing the detained person to the criminal investigation body. Detention cannot exceed 72 hours, and in the case of a minor - 24 hours (there is a separate procedure for detaining a minor).

If the detention of the person is carried out to establish his / her identity, the detention period may not exceed 6 hours. By Order of MIA No. 284 of 19.09.2016 the letter of rights was implemented, which is mandatory in case of de facto detention or red-handed detention of a person who does not know the state language. The content of the letter was translated into Russian, Bulgarian, English, French, German, Italian, Turkish, Ukrainian, Gagauz and Arabic.

The letter contains information about:

- right to assistance from a lawyer,
- right to information on the reasons for detention,
- the right to silence,
- right to access documents relating to detention,
- the right to contact relatives or other persons by phone,
- right to healthcare,
- duration of detention.

The employees of the police are obliged to respect all the procedural rights of the detained person, implicitly to grant them a treatment that cannot harm their self-esteem and dignity. Police do not enforce, encourage or tolerate torture, inhuman or degrading treatment. The application of physical force, special means and firearms is allowed only in strict accordance with the law and if the nonviolent methods do not ensure the fulfillment of the duties of the Police.

The activity of the Police is carried out exclusively on the basis of and for the execution of the law, in the interest of the person, of the community and in support of state institutions, for the defense of fundamental rights and freedoms and human dignity, provided in the Universal Declaration of Human Rights, fundamental freedoms, the European Police Code of Ethics and other international acts, in accordance with the principles of legality, respect for fundamental human rights and freedoms, impartiality and non-discrimination, permanent hierarchical control, personal responsibility and professionalism, transparency, of other official information with limited accessibility.

83. What are the competencies of the different forces (legal and administrative, geographical organization, cross-regional cooperation, local, regional law enforcement agencies etc.)?

The competences and actions of all state authorities participating in the fight against organized crime are regulated by the national legal framework, the most important being the following:

- Criminal Procedure Code of the RM (published: 05-11-2013 in the Official Gazette No. 248-251 art. 699)²¹⁹;
- Criminal Code of the RM (published: 14-04-2009 in the Official Gazette No. 72-74 art. 195);²²⁰
- Government Decision No. 480/2011 for the approval of the National Strategy for Preventing and Combating Organized Crime for 2011-2019,
- Law No. 50 of 22.03.2012 on the prevention and fight against organized crime.

By Government Decision No. 288/2012²²¹ there was established the National Coordination Council for the prevention and fight against organized crime and the modification of some Government decisions).

The National Coordination Council has the following duties:

- coordinate activities to prevent and combat organized crime, as well as cooperation in this field with public authorities, non-governmental organizations, representatives of civil society and international organizations;
- submits to the Government proposals on the principles of state policy in the field of combating organized crime and recommendations aimed at

²¹⁹ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

²²⁰ Criminal Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

²²¹ Government Decision No. 288/2012 on the establishment of the National Coordination Council for the prevention and fight against organized crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=99224&lang=ro

improving the activity of detection and liquidation of the causes and conditions that contribute to the realization of organized criminal activities;

- monitors the implementation of the actions provided for in the policy documents in the field of preventing and combating organized crime and the provisions of the legislation on preventing and combating organized crime by state organizations and institutions.

The specialized subdivision with specific attributions to fight organized crime within the Police is the National Investigation Inspectorate (INI). The National Investigation Inspectorate coordinates the activity of all police subdivisions specialized in fighting crime (criminal police), which are subordinated to the General Police Inspectorate and have jurisdiction over the entire territory of the Republic of Moldova.

In order to fight crimes, INI coordinates and ensures the process of prevention, investigation and cessation of crimes, according to the functional competence, on the entire territory of the country:

- investigates economic fraud, according to the powers established by the legislative and normative acts in force;
- investigates cases of illicit trafficking in drugs, Psychotropic Substances, their analogues and precursors;
- investigates cases of trafficking in human beings and related crimes of particular complexity;
- investigates cybercrimes, those committed with electronic means of payment, in the field of cyber security and telecommunications, financial and child crimes, including child pornography and the accosting of children for sexual purposes;
- investigates crimes committed by criminal groups or organizations;
- supervises, ensures monitoring and carries out special investigative and preventive measures regarding compliance with the legislation, during the holding of meetings, social-political, cultural, economic and mass demonstrations of citizens, paramilitary formations and armed gangs on the territory of the Republic of Moldova, with the identification of risk factors;
- investigates crimes of money laundering, terrorist financing and separatism, proliferation of weapons of mass destruction and related materials;
- ensures the security of the participants in the criminal process in accordance with the law, through its authorized subdivision;
- verifies the Special Investigation activity of the specialized subdivisions in the territory, in order to operative processing of criminals, criminal groups and their members, in order to prevent and stop the crimes in preparation and to discover those committed in the territory;

- studies and analyzes the general trend of development of crime, the dynamics of crimes, especially serious ones, committed against the person, patrimony and other interests defended by law, throughout the territory of the Republic of Moldova;
- analyzes and appreciates the operative situation and reacts immediately in case of its aggravation. Plans and carries out practical and organizational measures in order to reduce the level of crime, provides practical and methodical help to the profile subdivisions, to detect criminals and neutralize criminal groups.

In order to organize, control and carry out the informational-analytical activity in combating organized crime, the National Investigation Inspectorate:

- creates and manages its own databases and uses centralized records information systems;
- extracts and manages information from the databases of subdivisions subordinated to National Investigation Inspectorate, General Police Inspectorate and Ministry of Internal Affairs, ÎS "Registru", ÎS "Cadastru", National Administration of Penitentiaries, Tax Service, Customs Service and other authorities, including international;
- ensures the exchange of information through existing electronic systems with mobile operators, internet providers, financial institutions and other organizations in accordance with the legislation in force.

NII carries out special investigation activities, carries out control and supervision of the special investigation activity carried out by the specialized subdivisions within the General Police Inspectorate. Concerning cross-regional cooperation in the space of Commonwealth of Independent States, the Information Technology Service of the Ministry of Internal Affairs, based on Government Decision No. 82/2016 on the approval of the Agreement between the Governments of the Member States of the Commonwealth of Independent States on the exchange of information in the field of the fight against crime, signed at Astana on 22 May 2009²²², ensures data exchange on: criminal information on individuals in interstate search, result of these searches; stolen or lost means of transport, stolen firearms and other criminal data.

In accordance with the Law No. 283/2011 on Border Police²²³, Border Police has competences in the following fields:

- border control (border checks and surveillance);
- combating illegal migration;

²²² Government Decision No. 82/2016 on the approval of the Agreement between the Governments of the Member States of the Commonwealth of Independent States on the exchange of information in the field of the fight against crime, signed at Astana on 22 May 2009, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=91060&lang=ro

²²³ Law No. 283/2011 on Border Police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106470&lang=ro

- combating cross-border crime.

In the field of combating illegal migration and cross border crime Border Police fights against the illegal movement of persons and means of transport, crimes related to arms and ammunition trafficking, including weapons of mass destruction and related materials, trafficking in radioactive and/or nuclear substances and waste, hazardous waste, trafficking in art objects, objects of historical and archaeological value, objects of intellectual property, trafficking in animal species and plant varieties on the verge of extinction, as well as taking offensive measures and actions in order to prevent and combat terrorist activities and mitigate their consequences.

Based on the provisions of the Law No. 215/2011 on the state border, the general area of operations of Border Police related to border control is carried out within the 10 km of the state border - the border zone. Nonetheless the activity of Border Police is not limited exclusively to this zone. Units such as Special Investigations, Criminal Investigations and Mobile Teams can operate on the whole territory of the Republic of Moldova. The Special Investigations Directorate of Border Police is intended to lead, coordinate and control the special investigation activity carried out in order to prevent and combat illegal migration and cross-border crime.

According to art.1 para. (1) of the Law No. 753/1999 on the Security and Intelligence Service of the RM²²⁴, (hereinafter – SIS) is a state body specialized in ensuring national security by carrying out appropriate intelligence and counterintelligence measures, aimed to collect, process, verify and use information needed for knowing, preventing and countering any actions which, according to law, pose an internal or external threat to the independence, sovereignty, unity, territorial integrity, constitutional order, democratic development, internal security of the state, society and citizens, statehood of the RM, stable functioning of all vital branches of the national economy, both on the territory of the Republic of Moldova and abroad.

The activity of the SIS is coordinated by the President of the RM, within his/her competence, and is subjected to parliamentary control. The SIS is a single centralized body, comprising central office units and its territorial bodies. The staff of the SIS is determined and approved by the Parliament, upon the proposal of the SIS Director. The structure of the SIS is approved by the SIS Board, upon the proposal of the SIS Director. The territorial bodies are subordinated directly to the SIS leadership. Their location may not correspond to the administrative and territorial division of the RM. The SIS is a legal entity, has an official and conventional name, other necessary attributes, bank accounts, including currency accounts.

²²⁴ Law No. 753/1999 on the Security and Intelligence Service of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121235&lang=ro#

National Anti-corruption Centre (NAC)²²⁵ is the national authority specialized in the prevention and fight against corruption, corruption related acts and acts of corruptive behavior. NAC has organizational, functional and operational independence in accordance with the terms established by the law. NAC has the following tasks:

- preventing, detecting, investigating and curbing corruption contraventions and offenses and those related to corruption offenses, as well as acts of corrupt behavior;
- performing anti-corruption expertise of draft normative acts of the Government, as well as other legislative initiatives submitted to Parliament, to ensure their compliance with state policy to prevent and combat corruption;
- performing the institutional integrity assessment, according to Law No. 325/2013 on institutional integrity assessment, monitoring the implementation of integrity plans and assessment of the progress that is achieved;
- carry out operational and strategic analysis of corruption and related acts, as well as acts of corrupt behavior, of information on analytical studies on the corruption phenomenon;
- recovery of criminal assets.

NAC is an unitary body, centralized and hierarchically structured, composed of a central office and territorial subdivisions (North, Center and South).

84. How are the police staffed and equipped and how are they financed (quantitative overview of staff, buildings, equipment, communication tools, hard- and software, etc.). Is an integrated computer-based investigation system available? Is an integrated crime intelligence system available?

The Police use the Integrated Information System on crime:

1) the Automated Information System „*Register of criminalistic and criminological information*”, to provide operative and veracious information on crimes, criminal cases, as well as about persons who have committed crimes and other information objects subject to record, data protection in the process of collection, accumulation, updating, storage, processing and transmission of criminal information. The access to the information from the Register for other participants (the specialized entities that carry out special investigational activity, the authorities/bodies that conduct and/or exercise criminal cases, judicial courts and bodies responsible for the execution of criminal sentences) is granted to users

²²⁵ Law No. 1104/2002 on the National Anti-Corruption Center, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=127720&lang=ro

by the Registry administrator on the basis of an official request, specifying the required number of workstations and personal data of users.

2) *Automated information system for recording misdemeanors, misdemeanor cases and perpetrators*, that provides the following information:

- means of collection, registration, processing, storage and updating of information of a misdemeanor nature, as well as the archiving of actions performed within the System;
- insurance of unique evidence, at the state level, of:
 - misdemeanors and the persons who committed them, as well as of the court rulings and other decisions issued in misdemeanor cases;
 - misdemeanor cases;
 - any relevant information of a misdemeanor nature.
- operative and statistical information the state bodies and public authorities;
- ensuring the exchange of information on misdemeanors between state authorities and other public institutions, within the limits of their competence, as well as similar bodies from other countries with which the respective agreements have been signed;
- maintains the discipline of registration and record of the misdemeanors and of the persons who committed the contraventions, of all other relevant misdemeanor information, as well as providing the information for implementing the necessary measures of timely reaction to the negative tendencies and manifestations in society.

Currently, the Ministry of Internal Affairs is promoting the Project No. 314/MAI/2021²²⁶ in the Government of the RM, in order to integrate into the System all of the national authorities²²⁷, that have the right to document misdemeanors and apply the respective fines/other sanctions, in order to efficiently centralize this type of information and ensure its proper analytical usage.

3) *Automatized fingerprint identification system* (“AFIS”).

In 2015, the Ministry of Internal Affairs has benefited from the European Union assistance project on the support of the Government of the Republic of Moldova in the development of forensic laboratories of the Ministry of Internal Affairs "EuropeAid/134656/C/SUP/MD", the implementation of which was completed at

²²⁶ Draft Government Decision on the approval of the Concept of the Automated Information System of contraventions, cases of contraventions and persons who have committed them. contraventions and the Regulation on the single record of contraventions, cases of contraventions and persons who have committed them contraventions, available in Romanian at: <https://cancelaria.gov.md/ro/content/cu-privire-la-aprobarea-conceptului-sistemului-informatiional-automatizat-de-evidenta-0>

²²⁷ Contravention Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130832&lang=ro#

the end of 2017. The beneficiaries of the MIA are the Information Technology Service and the Forensic Department of the General Police Inspectorate.

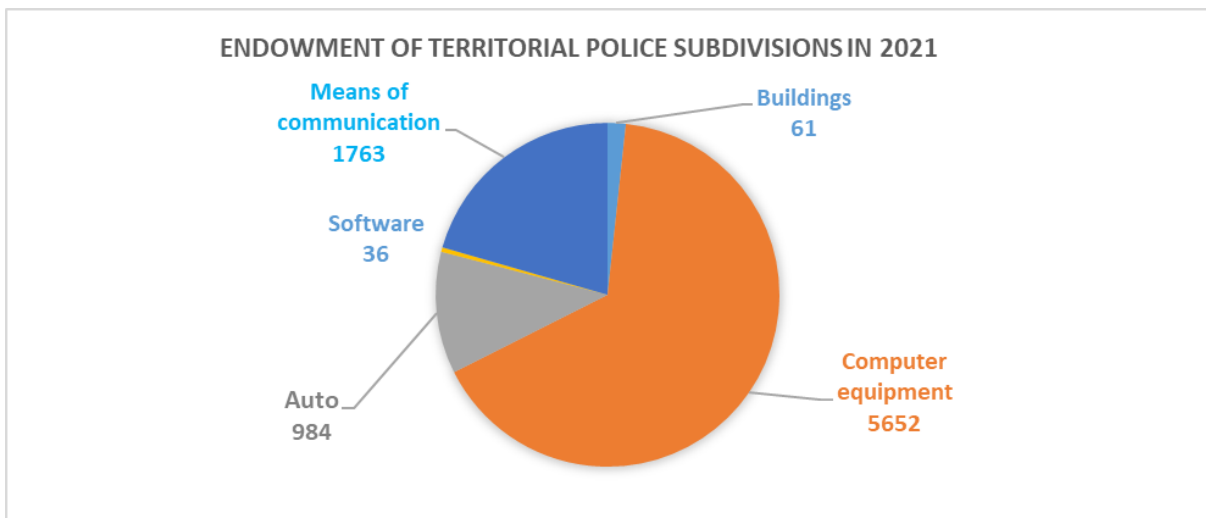
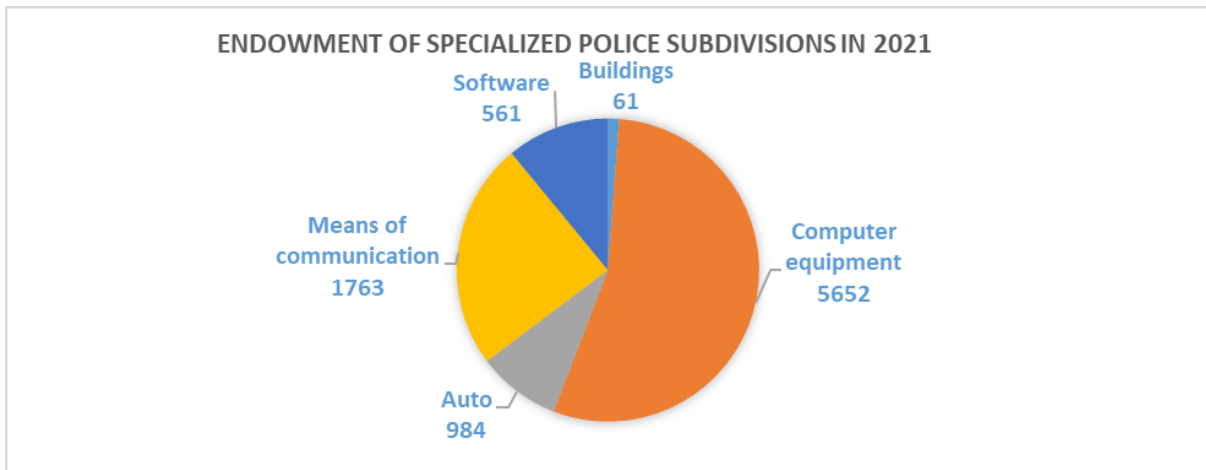
The Information Technology Service, as manager and administrator of the National Dactyloscopic Register, has obtained a new product-program “AFIS” and modern technical equipment. Furthermore, 11 fully automated and technologically equipped work stations were created (5 within the Information Technology Service, 6 within the General Police Inspectorate, out of which: 4 in the Forensic Department and 1 station in both North and South areas of the RM - Balti and Cahul Police Inspectorates).

By obtaining the mentioned above, new possibilities for managing dactyloscopic information have been created, namely:

- reconceptualization of the automation of the processes related to the Dactyloscopic register by decentralizing a part of the activities related to state dactyloscopic registration, by means of delegating attributions to new work stations created in the North and South of the RM (Bălți and Cahul Police Inspectorates).
- system interoperability with other state Registers.
- the possibility of carrying out an informational exchange of dactyloscopic information in digital format with the law enforcement agencies of the member states of the European Union.
- essentially increased information storage space (currently it contains 410.651 ten-print cards of the categories of individuals as provided by art. 10 of Law No. 1549/2002 on state dactyloscopic registration²²⁸ and 22,796 latent print cards obtained from crime scenes).

4) „*e-Data*” module - is a functional module/tool of the Automated information system for recording misdemeanors, misdemeanor cases and perpetrators of the Ministry of Internal Affairs, intended to automate the functions of accessing and/or updating information from the mentioned System in the process of documenting the detected misdemeanors, that is available on mobile equipment provided by the police – smartphones, tablets and laptops.

²²⁸ Law No. 1549/2002 on state dactyloscopic registration, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110677&lang=ro#



85. Please describe the training system for police officers. Which training facilities and training programmes exist (schools, training content, target groups, knowledge networks, special skills, assessment of on-going development training)? Is training obligatory? What is the average amount of training and where and by whom is it offered and on what subjects?

The vocational training system within the Ministry of Internal Affairs of the RM is based on the institutional normative acts that regulate the initial and continuous training process. In order to ensure the professional training of officers, including police officers, the necessary training analysis is carried out annually, on the basis of which the Training Courses Plan for the next period is elaborated and approved. The courses are organized within the Police Academy "Ștefan cel Mare".

The initial professional training of the officers employed from the external source is carried out within the Police Academy, with a duration of 3 months. At the same time, internally, the continuous training of police officers is organized within the Police Academy. The subjects of the continuous training courses are identified according to the training needs and ends with the award of a certificate of graduation from the program. The training programs addresses topics in specific

areas such as: public order, cybercrime investigation, combating domestic violence, juvenile delinquency, on-site investigation, special investigation activity, prosecution, professional intervention, anti-trafficking of human beings, etc. The process of initial training of police officers employed from an external source is mandatory. At the same time, according to the conditions of career development and of the Regulation of continuous professional training, for the development of professional capacities each officer must participate in training programs.

In 2021, the Police Academy organized 41 continuing education courses and 6 initial training courses for officers. At the same time, according to the Collaboration Agreement between the Ministry of Internal Affairs and the Academy of Public Administration of the RM, 8 professional development programs were organized. The MIA have collaboration agreements with the following partners to cover the necessary professional training, as follows:

- 1) based on the partnership Agreement between MIA of the RM and the MIA of Romania, within the educational institutions of the MIA of Romania, professional training programs for officers / non-commissioned officers from the MIA of the RM are organized annually, in specific fields: crisis management in the field of public order, forensics, specific training programs for rescuers and firefighters, professional intervention, conflict management and crisis management, use of weapons, etc.
- 2) based on the Memorandum of understanding between MIA of Turkey and MIA of the RM in the field of training cooperation, the Moldovan police officers benefit from several training courses in the field of cross border crimes, types of drugs and current trends, etc.

The training system within the police is carried out in three stages:

1. The initial professional training represents the initial training of the newly hired staff and is carried out according to the provisions of the Regulation on the initial professional training of the staff with special status from the MIA. According to the training programs, initial professional training courses are organized for the number of non-commissioned officers from external sources, for a period of 4 months, within the Directorate "Integrated Law Enforcement Training Center" of the Academy "Stefan cel Mare" of MIA and for the number of officers from external sources, for a period of 3 months (2 weeks internship), within the Professional Development Department of the "Stefan cel Mare" Academy of MIA.
2. Continuous professional training is the training organized including at the workplace and within the educational institutions of the MIA.

The continuous training of Police employees is carried out in accordance with the provisions of the MIA Order No. 114 of 04.05.2017 „Regarding the approval of the Regulation on the continuous professional training of civil servants with special status within the MIA”. The plan of the courses (subjects and topics of continuous training) within the "Stefan cel Mare" Academy of the Ministry of

Internal Affairs is established annually and is approved by order of the Minister of Internal Affairs, based on the training needs identified within the MIA subdivisions.

The organization of training at work is provided in the following departments: General Training, specialized training, shooting training, physical training and professional intervention.

3. Managerial training is organized for police employees, who are going to occupy leadership positions. According to the provisions of the regulation on managerial training and development of the MIA staff, approved by the MIA Order no.552 of 12.09.2019, managerial training courses of Level I (basic management-for service heads/department heads) are organized and carried out with achievement of 160 hours and Level II (higher management - for head of direction/heads of subdivision) with achievement of 80 hours. Upon completion of every training program, the process of assessing competencies and skills is ensured by the MIA Evaluation Commission.

86. How is the cooperation with the International Law Enforcement Academy (ILEA) or any other regional training academy / institution)?

The MIA of the RM also have opportunities to train staff in international institutions, such as: NATO School Oberammergau, Geneva Center for Security Policy, CEPOL, International Law Enforcement Academy (ILEA), Turkey Police Academy, George C. Marshall (European Center for Security Studies); Training Center of the State Border Guard Service of Ukraine (Orşanetsk); Latvian State Guard College from Rezekne; Ketrzyn Border Guard Training Center, Republic of Poland; "Avram Iancu" Border Police Officers Training School Oradea (Romania) Initial and Continuing Training School for Border Police Staff Iași (Romania); Border Management Staff Colleague of OSCE.

Regarding the collaboration with ILEA, the RM has a long collaboration, during which this institution has significantly contributed to the training of the personnel of the law enforcement agencies of the RM. Between 2017 – 2022, there were organized 24 training courses, within the Academy International Academy of Law Bodies "ILEA", with the participation of 59 prosecutors, 3 investigation officers and 1 criminal investigation officer. Between 09-27 May 2022, ILEA plans to organize a training program entitled "Developing Leadership in Law Bodies" with the participation of 10 officers from the MIA.

National Police employees participate, with the support of the U.S. Embassy, annually in training in ILEA Budapest. The courses focus primarily on the following areas: anti-corruption; cybercrime; combating violent extremism; trafficking in human beings and drugs; combating hate crimes; financial investigations; domestic violence; gender equality.

Since 2018, police officers have been trained annually at the Caserta-based International Advanced Training Institute for the Prevention and Fight against Organized Crime in the following areas: terrorism and conspiracy; trafficking in human beings; cybercrime and digital investigation; preventing and combating organized crime.

The National Anti-corruption Centre (NAC) is one of the national institutions invited to participate at the training sessions organized by the International Law Enforcement Academy (ILEA). Among the recent trainings, to which NAC officers have participated are: *Public Corruption and Financial Investigations*; *Public Corruption and Internal Affairs*; *Public Corruption*; *Leadership and Fight Against Corruption*; *Corruption and Trafficking of Human Beings*.

NAC officers have participated at an online training course organized by the International Anti-Corruption Academy (IACA): *Successful Strategies and Best Practices in Whistleblower Casework: Defense, Investigations and Resolution*" (8 November – 4 December 2021).

87. Are there liaison officers posted in other countries? If yes, is there a strategy on how and where to deploy liaison officers? Please provide description of their tasks and competencies.

According to the provisions of the article 34 of the Law No. 288/2016 concerning the civil servant with special status in the Ministry of Internal Affairs²²⁹, the secondment of civil servants with special status, as a means of modifying the employment relationship, is carried out by an order of the employer or the person authorized by the employer, with the written consent of the civil servant and in accordance with the provisions of the regulations in force.

Civil servants with special status may be seconded:

- to institutions of the Republic of Moldova, on the basis of a decision of the Parliament, by decree of the President of the Republic of Moldova, on the basis of a decision of the Government, by an order of the Minister of Internal Affairs, the employer or the person authorized by him;
- to diplomatic missions or international organizations, in accordance with the legislation in force and international treaties to which the Republic of Moldova is a party.

Secondment of civil servants with special status shall be carried out within the terms and conditions laid down by the legislation in force. During the period of secondment, the civil servant with special status shall retain his/her special status and enjoy the rights established by this Law and other normative acts. If the salary for the function to which the civil servant with special status is seconded differs

²²⁹ Law No. 288/2016 concerning the civil servant with special status in the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125233&lang=ro#

from that of the basic place of work, the civil servant shall benefit from the most advantageous conditions.

Secondment abroad shall be carried out by written agreement of the employee and the employer. In accordance with the provisions of the Law No. 761/2001 on the diplomatic service²³⁰ secondment by transfer to the diplomatic missions of the RM is made by order of the Minister of Foreign Affairs and European Integration, on the proposal of the Minister of Internal Affairs. The procedure for the selection, training and appointment of liaison officers of the Ministry of Internal Affairs in the diplomatic service shall be agreed between the MIA and the MFAEI. The evaluation of the work of liaison officers in the diplomatic missions of the RM shall be carried out by the MIA and the MFAEI.

Based on the above mentioned laws, the RM seconds, for a period of three years, on a position of Counselor (Liaison Officer at Europol and for internal affairs), the representative of the Ministry of Internal Affairs at the Embassy of the RM in the Kingdom of the Netherlands, based at the European Police Office Europol. Basic duties of the EUROPOL Liaison Officer are:

- is the focal point for communication and exchange of information between the MIA and Europol through secure communication channels set up for this purpose;
- makes operational use of the data on cross-border crime provided by the law enforcement agencies of the EU Member States and Europol;
- participates in planned or ad hoc representation actions to resolve situations of mutual interest;
- facilitates fluent communication with the relevant authorities in the state of accreditation (the Netherlands) to resolve issues of common interest, including those relating to the fight against transnational crime.

Within the Embassy of the RM to the Kingdom of Belgium (located in Brussels) there is a position of adviser/defence attaché. This person has a liaison officer status being responsible, inter-alia, for representing the Republic of Moldova to the European defense and security institutions (European Defence Agency, Military Committee of the European Union, European Union Military Staff etc.) as well as coordinating the interaction of Moldovan governmental organizations with the EU institutions on defence matters.

According to the provisions of the Government Decision No. 1759/2002 concerning the plenipotentiary representative of the RM in the Bureau for the Coordination of the Fight against Organised Crime and Other Dangerous Crime in the territory of the member states of the Commonwealth of Independent States, the RM seconded as Plenipotentiary Representative of the RM to the mentioned Bureau a liaison officer from the MIA, for a period of 3 years. Basic duties of the

²³⁰ Law No. 761/2001 on the diplomatic service, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107826&lang=ro

Bureau for the Coordination of the Fight against Organised Crime and Other Dangerous Crime Liaison Officer are:

- is the focal point for communication and information exchange between the MIA and the Bureau through secure communication channels set up for this purpose;
- operational use of data on cross-border crime provided by law enforcement agencies of CIS member states;
- participates in planned or ad-hoc representation actions to resolve situations of mutual interest;
- prepares periodically and at the request of the MIA management, reports and summaries on the current state of international cooperation, as well as factors that can improve or affect relations between the MIA and the Bureau of the CIS.

In accordance with the provisions of the Government Decision No. 740/2006 on the activity and conditions of secondment of specialists to the South East Europe Cooperation Initiative (SECI) Regional Centre for combating trans-border crime in Bucharest, Romania²³¹ and also based on the provisions of the Government Decision No. 93/2006 on the creation of the SELEC/GUAM National Virtual Counter-Terrorism Centre, organized crime, illicit drug trafficking and other types of serious crime²³², the RM deploys, for a period of 2 years, a liaison officer from the MIA and one liaison officer from the Customs Service. Basic duties of the SELEC Liaison Officer are:

- participates in the effective implementation of data and information exchange between the MIA and Customs Service, its subdivisions, law enforcement agencies of the RM, as appropriate, and SELEC, immediate and timely communication of information on the current situation, proposals, opportunities within their competence;
- is the focal point for communication and exchange of information between MIA and SELEC through secure communication channels created for this purpose;
- operational use of data on cross-border crime provided by Romanian law enforcement agencies and SELEC;
- facilitates fluent communication with the relevant authorities in the state of accreditation (Romania) to resolve issues of common interest, including those related to the fight against transnational crime.

²³¹ Government Decision No. 740/2006 on the activity and conditions of secondment of specialists to the South East Europe Cooperation Initiative (SECI) Regional Centre for combating trans-border crime in Bucharest, Romania, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=25201&lang=ro

²³² Government Decision No. 93/2006 on the creation of the SELEC/GUAM National Virtual Counter-Terrorism Centre, organized crime, illicit drug trafficking and other types of serious crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27436&lang=ro#

- puts forward proposals for the development of national home affairs programmes and identifies potential areas where the diplomatic mission/international organization/institution could provide assistance.

Also, according to art. 26 para. (1) letter a) of the Law No. 170/2007 on the status of the security and intelligence officer²³³, an intelligence officer can be deployed on the basis of a Parliament's Decision, Decision of the President of the RM, Government Decision or based on an international treaty, to carry out functions in the interest of the national security in an international organization, diplomatic mission, public authority, organization, company, or institution.

88. Is there a communication line with liaison officers during their deployment, which allows for the secure transfer of sensitive information?

Cooperation with foreign liaison officers on issues of operational police cooperation and the actual police activities is carried out on a daily basis through following communication channels: INTERPOL's global secure police communications system, EUROPOL Secure Information Exchange Network Application – SIENA and secured channel- SELEC.

Ministry of Internal Affairs benefits of secure data exchange between authorities on the territory of the Republic of Moldova provided by Public Administration Authorities Telecommunication System, in accordance with the provisions of Government Decision No. 840/2004 on the creation of the Public Administration Authorities Telecommunication System.²³⁴

89. Describe the cooperation with neighboring countries. Which police cooperation agreements exist or are planned? What do those agreements cover (e.g. training, rights and obligations of police officers on foreign territory, liaison officers, joint operations (such as joint patrols) etc.)?

The cooperation Agreements concluded between the Ministry of Internal Affairs of the RM with the same entity of other country, usually includes provisions regarding the cooperation in the field of prevention, detection, suppression and investigation of the crimes; protection of public order and ensuring public safety; ensuring road traffic safety; scientific research activity, development of information and telecommunication systems, application and use of communication means and systems, special means, technique and equipment; exchange of working experience, including organizing and holding trainings,

²³³ Law No. 170/2007 on the status of the security and intelligence officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107155&lang=ro

²³⁴ Government Decision No. 840/2004 on the creation of the Public Administration Authorities Telecommunication System., available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113814&lang=ro

consultations, seminars and courses for improving qualification, training and professional development of personnel.

The Agreements concluded between the Ministry of Internal Affairs of the RM with the same entity of other country does not govern the relationship of the Parties in dealing with requests for legal assistance in criminal matters, including requests for extradition and transfer of sentenced persons, transfer of information considered official and state secrets under the national legislation of the States of the Parties. This type of assistance and cooperation shall be provided only in international treaties concluded at governmental or state level, because other entities have to be included, such as: General Prosecutor's Office, Information and Intelligence Service, Customs Service, National Anticorruption Center, Ministry of Justice, etc.

Bilateral Agreements on police cooperation/fight against organized crime:

1. Agreement between the Government of the Republic of Moldova and the Federal Government of Austria on cooperation in the fight against crime, signed in Chisinau on 25.09.2010, in force since 01.02.2011²³⁵.
2. Agreement on cooperation between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of the Republic of Azerbaijan, signed in Baku on 17.02.1994, in force since 17.02.1994.
3. Cooperation Agreement between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of the Republic of Belarus, signed in Chisinau on 21.04.1993, in force since 21.04.1993.²³⁶
4. Agreement between the Government of the Republic of Moldova and the Government of the Republic of Belarus on cooperation in the fight against crime, signed in Chisinau on 06.10.2002, in force since 12.07.2003.²³⁷
5. Agreement between the Government of the Republic of Moldova and the Council of Ministers of Bosnia and Herzegovina on cooperation in the fight against organized crime, illicit trafficking in drugs and psychotropic substances, terrorism and other serious crimes, signed in Bucharest on 18.10.2013.
6. Agreement between the Government of the Republic of Moldova and the Government of the Republic of Bulgaria on cooperation in combating organized

²³⁵ Government Decision No. 1101/2010 approving the Agreement between the Government of the Republic of Moldova and the Federal Government of Austria on cooperation in the fight against crime, signed in Chisinau on 25 September 2010, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=20197&lang=ro

²³⁶ Agreement No. 1993 of 21.04.1993 on cooperation between the Ministry of the Interior of Republic of Moldova and the Ministry of Internal Affairs of the Republic of Belarus, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=356478>

²³⁷ Agreement No. 2002 of 06.10.2002 between the Government of the Republic of Moldova and the Government of Republic of Belarus on cooperation in the field of the fight against crime, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=359918>

crime, illicit trafficking in drugs, psychotropic substances and precursors, terrorism and other types of serious crime, signed in Sofia on 20.05.2004.²³⁸

7. Agreement between the Government of the Republic of Moldova and the Government of the Republic of Croatia on cooperation in combating organized crime, illicit trafficking in drugs and psychotropic substances, terrorism and other serious crimes, signed in Chisinau on 16.02.2006, in force since 28.03.2010.

8. Cooperation Agreement between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of the Republic of Georgia, signed in Minsk on 16.02.1995, in force since 16.02.1995.

9. Cooperation Agreement between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of the Kyrgyz Republic, signed in Yerevan on 25.10.1995, in force since 25.10.1995.²³⁹

10. Agreement between the Government of the Republic of Moldova and the Government of the Republic of Macedonia on police cooperation, signed in Bucharest on 18.10.2013, in force since 28.07.2015.

11. Protocol of cooperation between the Police Service of the Republic of Moldova and the Supreme Commander of the Police Service of the Republic of Poland on the fight against organized crime and other types of crimes, signed in Kroschenko on 20.09.2011, in force since from 20.09.2011.

12. Protocol between the Border Guard Service of the Republic of Moldova and the General Inspectorate of the Romanian Border Police of the Ministry of Administration and Interior of Romania on the exchange of information for the performance of specific missions, signed in Chisinau on 22.11.2005, in force since 31.03.2006.

13. Protocol of cooperation between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Administration and Interior of Romania in the field of preventing and combating illicit trafficking and consumption of narcotic drugs, psychotropic substances and precursors, signed in Bucharest on 24.03.2011, in force since 07.09.2011.

14. Protocol between the Border Guard Service of the Republic of Moldova and the Ministry of Administration and Interior of Romania through the General Inspectorate of Border Police on strengthening cooperation at central and territorial level, signed in Iasi on 29.11.2011, in force since 02.02.2013.

²³⁸ Agreement No. 2004 from 20.05.2004 between the Government of the Republic of Moldova and the Government of the Republic of Bulgaria on cooperation in combating organized crime, illicit trafficking in drugs, psychotropic substances and precursors, terrorism and other types of serious crime, signed in Sofia, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=359933>

²³⁹ Cooperation Agreement No. 1995 from 25.10.1995 between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of the Kyrgyz Republic, signed in Yerevan on 25.10.1995, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=356663>

15. Agreement between the Government of the Republic of Moldova, the Government of Romania and the Cabinet of Ministers of Ukraine on cooperation in the fight against crime, signed in Kiev on 06.07.1999, in force since 05.04.2001.
16. Protocol between the Ministry of Interior of the Republic of Moldova, through the General Inspectorate of Border Police, and the Ministry of Interior of Romania, through the General Inspectorate of Border Police, on the establishment and activities of joint patrol teams at the common state border, signed in Bucharest on 22.11.2018, in force from 07.05.2019.²⁴⁰
17. Protocol between the Border Guard Department of the Republic of Moldova and the Federal Border Guard Service of the Russian Federation on the way of mutual information on the situation on international traffic routes and at the state border of the Republic of Moldova and at the state border of the Russian Federation, signed in Moscow on 29.11.2001, in force since 29.11.2001.
18. Protocol on cooperation between the Department of Border Guard of the Republic of Moldova and the Federal Border Guard Service of the Russian Federation in the field of operational pursuit in the interest of guarding the state border on international traffic routes, signed in Moscow on 29.11.2001, in force since 29.11.2001.
19. Cooperation Agreement between the Ministry of Interior of the Republic of Moldova and the Ministry of Interior of the Russian Federation, signed in Moscow on 11.09.2012, in force since 20.11.2016.
20. Agreement between the Government of the Republic of Moldova and the Government of the Slovak Republic on cooperation in the fight against organized crime, signed in Chisinau on 20.06.2007, in force since 16.09.2007.
21. Agreement between the Republic of Moldova and the Kingdom of Spain on cooperation in the field of security and the fight against crime, signed in Madrid on 22.10.2013, in force since 01.01.2015.
22. Cooperation Agreement between the Ministry of Interior of the Republic of Moldova and the Ministry of Interior of the Republic of Tajikistan, signed in Minsk on 16.02.1995, in force since 16.02.1995.
23. Cooperation Agreement between the Government of the Republic of Moldova and the Government of the Republic of Turkey on combating illicit international drug trafficking, international terrorism and other organised crimes, signed in Chisinau on 03.06.1994, in force since 05.08.1999.

²⁴⁰ Government Decision No. 1273/2018 approving the Protocol between the Ministry of Internal Affairs of Republic of Moldova, through the General Inspectorate of Border Police, and the Ministry of Internal Affairs of Romania, through the General Inspectorate of the Border Police, on the establishment and activities of joint teams patrol teams at the common state border, signed on 22 November 2018, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=378683>

24. Protocol between the Government of the Republic of Moldova and the Government of the Republic of Turkey on cooperation in combating trafficking in human beings within the framework of the Agreement on combating illicit drug trafficking, international terrorism and other organised crime, signed in Ankara on 08.02.2006, in force since 26.02.2007.
25. Protocol of cooperation between the Government of the Republic of Moldova and the Government of the Republic of Turkey in the field of police training, signed in Ankara on 02.07.2011, in force since 15.03.2013.
26. Cooperation agreement between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of Ukraine, signed in Chisinau on 03.11.1992, in force since 03.11.1992.
27. Memorandum of the Presidents of the Republic of Moldova, Romania and Ukraine on cooperation in the fight against crime, signed in Chisinau on 22.10.1998, in force since 22.10.1998.
28. Protocol between the Border Guard Service of the Republic of Moldova and the Administration of the State Border Guard Service of Ukraine on cooperation of operational bodies, signed in Chisinau on 22.04.2005, in force since 22.04.2005.
29. Protocol between the Border Police Department of the Ministry of Internal Affairs of the Republic of Moldova, the Customs Service under the Ministry of Finance of the Republic of Moldova and the Administration of the State Border Service of Ukraine, State Tax Service of Ukraine on the organization of joint control at the international crossing point "Pervomaisc-Cuciurgan" on the territory of Ukraine, signed in Chisinau on 04.11.2015, in force since 04.11.2015.
30. Protocol between the Border Police Department of the Ministry of Internal Affairs of the Republic of Moldova, the Customs Service of the Republic of Moldova and the Administration of the State Customs Service of Ukraine, the State Tax Service of Ukraine on the organization of joint control at the international crossing point "Palanca-Maiaki-Udobnoe" on the territory of the Republic of Moldova, signed in Soroca on 05.06.2017, in force from 05.06.2017.
31. Protocol between the Border Police Department of the Ministry of Internal Affairs of the Republic of Moldova, the Customs Service of the Republic of Moldova and the Administration of the State Customs Service of Ukraine, the State Tax Service of Ukraine on the organization of joint control at the international crossing point "Giurgiulesti-Reni" on the territory of the Republic of Moldova, signed in Soroca on 05.06.2017, in force from 05.06.2017.
32. Agreement between the Government of the Republic of Moldova and the Government of the Republic of Hungary on cooperation in combating terrorism, illicit drug trafficking and organized crime, signed in Budapest on 04.06.1997, in force since 05.01.1998.

33. Protocol between the Ministry of Interior of the Republic of Moldova and the Ministry of Interior of the Republic of Hungary on the implementation of the Agreement between the Government of the Republic of Moldova and the Government of the Republic of Hungary on the taking back and transfer of persons illegally staying in the territory of the Republic of Moldova and the Republic of Hungary, signed in Budapest on 20.02.2003, in force since 21.03.2003.

34. Cooperation agreement between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of Georgia on cooperation in the field of operational and investigative work and exchange of information on crime, signed in Batumi on 22.10.2011.

34. Memorandum of Understanding between the Ministry of Interior of the Republic of Moldova and the Association of Head Police Officers, the Royal Crown Prosecution Service of England and Wales, the Serious Fraud Office, Her Majesty's Revenue and Customs, the National Crime Squad and the National Criminal Intelligence Service of the United Kingdom of Great Britain and Northern Ireland on cooperation in combating serious crime, organized crime, illicit drug trafficking and other similar matters of mutual interest, signed in Chisinau, on 17.01.2001.

At the same time, a series of bilateral agreements in the field of police cooperation are being negotiated with the following countries: Albania, Kingdom of Belgium, Lithuania, Estonia, Austria, Israel, Serbia, France.

90. What are the current and future priorities of the police? Is a distinction made between local and national priorities? What is the method for assessing priorities (e.g. threat assessment) and is this done together with other law enforcement authorities and the judiciary?

The actions and priorities of the Police derive from the Government's Action plan for 2021-2022, approved by Government Decision No. 235/2021²⁴¹, elaborated in order to achieve the Sustainable Development Goals set in the governance program "Moldova of good times", approved by Parliament decision No. 88/2021, as well as the international commitments of the Republic of Moldova, in particular those deriving from the Association Agreement between the Republic of Moldova and the European Union and the European Atomic Energy Community and their member states, and the Sustainable Development Agenda 2030, as well as from the public, sectoral and intersectoral policies in which the MIA, finds itself as a responsible institution. The current priorities of the Police were established in the Annual Activity Plan of the General Police Inspectorate (GPI) for 2022, approved by the Order of the Head of the GPI no.66 of 18.02.2022, which derives also from

²⁴¹ Government's Action Plan for 2021-2022, approved by Government Decision No. 235/2021, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128407&lang=ro

the Activity Plan of the Ministry of Internal Affairs for 2022, approved by the Order of the MIA No. 550 of 30.12.2021:

- capacity building in intervention, prevention, examination / investigation of cases of domestic violence, violence against women, sexual offenses;
- strengthening the capacity of the police in the field of human rights, including national minorities, persons with disabilities, victims of crime and persons in police custody;
- annihilating the activities of organized criminal groups specialized in human being and drug trafficking, arms smuggling, counterfeiting and money laundering, terrorism and cybercrime;
- increasing traffic safety on public roads;
- digitization of processes in police activity in order to exclude the human factor;
- ensuring a quick, professional and efficient response to specific challenges starting with 2023
- improving police response and response capabilities to citizens ' calls by reducing the average response time by 13 minutes by the end of 2024;
- maintaining a constructive dialogue with the society, ensuring transparency in the decision-making process and increasing the level of trust of the population in the police;
- extending the concept of community policing in 80% of Police sectors by 2025;
- modernization of the infrastructure and endowments of public order and security services in the security area, until 2025.

At present, the MIA is in the process of finalizing the development strategy in the field of internal affairs 2022-2030, with 8 sectoral development programs that will include also the police field:

1. Public Order and security program for the years 2022-2025;
2. Program for preventing and combating crime for the years 2022-2025;
3. State border management Program for the years 2023-2026;
4. The program on managing the migration flow and integration of foreigners for the years 2022-2025;
5. Emergency prevention and management Program for the years 2022-2025;
6. Digitization Program for the years 2022-2025;
7. The Program for preventing and combating corruption within the Ministry Internal Affairs for the years 2022-2025;

8. The Program for the development of education, scientific research and professional training within the MIA for the years 2022-2025.

The analysis of criminal phenomena and threats is carried out on the basis of instructions on the procedure for initiating and carrying out information analysis and risk assessment within the GPI, approved by the Order of the Head of the GPI No. 424/2020. Analytical products are developed at local, regional and national levels. The setting of priorities is carried out both in accordance with the police activity plans, but also with the application of the recommendations of the National Threat Assessment Reports.

The distinction between local and national priorities is made, based on the limit of functional competencies of subdivisions. By Order of the Head of GPI No. 417/2020, the Police Consultation and Coordination Council was established with the following competencies:

- setting strategic guidelines and priorities on complex and sensitive issues related to police activity;
- monitoring the unitary and coherent implementation of the policies relevant to the field of responsibility;
- facilitating the dialogue between the GPI management and the subordinate subdivisions;
- solving the essential problems regarding the activity of the subdivisions of the institution;
- criminal analysis and coordination of prevention activities.

Depending on the topics discussed at Council meetings, representatives of civil society, police subdivisions, the Ministry of Internal Affairs, public authorities and other stakeholders may be invited. At the national level, the Joint Analytical Risk Analysis Group was established by inter-ministerial Order No. 220/71/41/327 of 2014, between the Ministry of Internal Affairs, the General Prosecutor's Office, the Customs Service and the Information and Security Service, which aims to assess risks and identify threats to crime phenomena at the national level.

91. Please describe the reforms of the police that have been implemented in recent years. Is there any plan for further reforms?

Police reform had the next course:

- By Government Decision No. 1109/2010²⁴² the concept of reforming the MIA and its subordinate and deconcentrated structures was approved. Thus, if previously the Police was a department within the Ministry of

²⁴² Government Decision No. 1109/2010 for the approval of the Concept for the reform of the Ministry of Internal Affairs and its subordinate and deconcentrated structures, available in English: https://www.legis.md/cautare/getResults?doc_id=31772&lang=ro

Internal Affairs, without its own identity and without its own administration and coordination center, through the reform actions the strict delimitation of the functions of the Ministry's subdivisions according to their specialization was achieved, with clear identification and establishment. of their competencies, being ensured the independence from each other and the complementarity of the attributions.

- Adoption of the new Law No. 320/2012 of the police regulates the activity and duties of the police, as well as the status of the police officer, and functionally separates the police from the MIA. It removes the character of an armed body, establishes the General Police Inspectorate (GPI) as the central unit of administration and control of the police. The powers of the head of the IGP were clearly separate and distinct from those of the Minister.
- In 2013, the Foreign Policy Association and the Friedrich Ebert Foundation carried out the first study “Reform of the Ministry of Internal Affairs. Objectives, activities, results”, and in 2014 the Institute of Public Policy with the support of the Soros Foundation conducted the study „Assessing the degree of implementation of the law” on police activity and police status.
- In the period 2014 - 2016, the National Police implements the Action Plan on visa liberalization (SBS VLAP Policy Matrix) in order to:
 - strengthening institutional capacity,
 - crime prevention, detection and discovery,
 - ensuring public order and security,
 - strengthening the rule of law and the protection of human rights in accordance with European standards and best practices.
- In 2015, with the support of the U.S. Embassy in the Republic of Moldova, the functional analysis of the Ministry of Internal Affairs was carried out in order to realize the impact of the reform, to identify the accumulated deficiencies and to recommend ways to continue and develop the process of modernization and institutional change.
- As a result, the Police Development Strategy for 2016-2020 and the action plan on its implementation were developed, and approved by Government Decision No. 587/2016.²⁴³

The strategy represents an alignment of the planned actions with the provisions of the European Union – Republic of Moldova Association Agreement on Title II "political dialogue and reform, cooperation in the field of foreign and security policies" and Title III "Justice, Freedom and security", on the areas of modernization of the police, according to European standards and international best practices, improving the capacities to fight crime, enhancing the integrity of

²⁴³ Government Decision No. 587/2016 on the approval of the Police Development Strategy for 2016-2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=92696&lang=ro

employees and institutionalizing the principles of approach from the perspective of ensuring the rights of the person.

Main objectives of the Police Development Strategy:

1. strengthening police accountability, efficiency, transparency and professionalism.
2. fair, efficient and effective application of human rights-based legislation in police work.
3. strengthening police capacities to combat organized crime, human trafficking, cybercrime, violence including gender-based crime, drugs and arms smuggling, counterfeiting and money laundering.
4. creating a modern police service, in accordance with the best standards and practices of the European Union and International, able to respond proactively and equally to the needs of citizens and society as a whole. (Approval of the concept and Action Plan for 2018-2020 on community police activity, by GD no.100 of 30.01.2018, published: 02-02-2018 in the Official Gazette No. 33-39 art.116).
5. Promote and implement the principle of zero tolerance against corruption, discrimination and ill-treatment in police activity.
 - Following the monitoring of the degree of implementation of the police reform in the Republic of Moldova, the public association "Promo-LEX" made 5 reports of civic monitoring of the Police reform.²⁴⁴
 - Currently, the Ministry of Internal Affairs is in the process of finalizing the development strategy in the field of internal affairs 2022-2030, with 8 sectoral development programs that also include the police field:
 - Public Order and Security Program for the years 2022-2025;
 - Program on Prevention and combating crime for the years 2022-2025;
 - State border management Program for the years 2023-2026;
 - The Program on managing the migration flow and integration of foreigners for the years 2022-2025;
 - Emergency prevention and management Program for the years 2022-2025;
 - Digitization program for the years 2022-2025;
 - The program for preventing and combating corruption within the Ministry of Internal Affairs for the years 2022-2025;
 - The program for the development of education, scientific research and professional training within the MIA for the years 2022-2025.

²⁴⁴ Civic monitoring reports on police reform, available in Romanian at: <https://politia.md/ro/content/rapoarte-de-monitorizare-civica-reformei-politiei>

92. Please describe the recruitment criteria and whether they are communicated and applied in a transparent and merit-based manner. Which is their legal basis? Is there a clear merit-based career path? How are decisions on the assignment of staff to other sectoral or geographical areas taken, and what kind of criteria are followed? Is there a system to ensure moral integrity of newly-recruited police staff as well as regular re-screening of staff in service? How is the performance of the individual police officer assessed?

The transparency criterion for recruitment is ensured by publishing vacant or temporarily vacant public positions with special status on the police website. The Government Decision No. 460/2017²⁴⁵ on the Regulation on the occupation of public positions with special status within the MIA ensures the principles of open competition, transparency and meritocracy, as well as the principle of equal access to public positions with special status.

Article 13 of Law No. 288/2016 regarding the civil servant with special status within the Ministry of Internal Affairs²⁴⁶, stipulates the requirements for employment in public positions with special status. For the implementation of the provisions of Law No. 288/2016 (regarding the civil servant with special status within the Ministry of Internal Affairs) a unitary set of rules for conducting personnel procedures within the Police was approved by the GPI Order No. 451 of 13.11.2017.

The standard operating procedures within the police Human Resources Service established the procedure for:

- transfer / promotion and stimulation of employees;
- granting special degrees;
- termination of employment;
- recruitment within the Police; attracting more candidates; attracting highly qualified candidates; quick and low-cost filling of vacancies; promoting the image of the Police;
- organizing the activity on the field of human resources service within the police departments of the PGI;
- establishing the responsibilities regarding the elaboration, endorsement and approval of the documents related to the performance of these personnel procedures, as well as of the performed procedures;
- simplification of the procedure of elaboration, examination and approval of the materials by the management of the Inspectorate.

²⁴⁵ The Government Decision No. 460/2017 on the Regulation on the occupation of public positions with special status within the MIA, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124099&lang=ro#

²⁴⁶ Law No. 288/2016 regarding the civil servant with special status within the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110602&lang=ro

The performance evaluation is carried out annually based on the MIA Order No. 561 of 31.12.2020 "For the approval of the Regulation on the evaluation of the professional performance of the civil servant with special status and of the carabinieri within the Ministry of Internal Affairs".

The police evaluation system is based on:

- annual testing at the theoretical compartments: General Training, specialized training and professional intervention;
- mandatory support of control norms for Physical Training, which is carried out depending on the level of demand: "ordinary", "advanced" and "Special", taking into account also the scales structured by gender and age groups;
- normative control and practical exercises for firing from the equipment armament to the shooting instruction compartment, intended for each employee of the police, depending on the position held.
- achievement of individual objectives and performance indicators for the assessed period.

After the evaluation, the evaluation sheet is completed, the evaluation interview with the evaluated employee is carried out, the evaluation rating is given and the employee's professional development needs are identified. The development and evaluation of professional training is a service obligation of every civil servant with a special status. Thus, the level of professional training of the civil servant with special status is recorded in the evaluation of his professional performance, and the results of his training are used to substantiate decisions regarding the evolution of his career.

93. Please detail the inspection and internal control systems to ensure police ethics, fairness, transparency and accountability in the security forces, at all levels, including at the central level and among senior officers.

The professional behavior of the civil servant with special status is regulated by the Code of ethics and deontology of the civil servant with special status within the MIA, approved by the Government Decision No. 629/2017²⁴⁷ and is based on the following principles: legality, humanism, equality and non-discrimination, impartiality, transparency, availability, professionalism, confidentiality, respect, professional integrity, loyalty, intolerance to corruption, public interest priority, presumption of innocence, intolerance (zero tolerance) regarding torture, inhuman or degrading treatment or punishment, moral integrity.

Also, in order to ensure the good governance, within the MIA system is implemented the internal managerial system, that includes all the policies,

²⁴⁷ Government Decision No. 629/2017 for the approval of the Code of Ethics and Professional Conduct of the civil servants with special status within the Ministry of Internal Affairs, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=102524&lang=ro

procedures, internal rules, processes and activities accomplished within the public entity in order to manage the risks and to offer a reasonable assurance for achieving the planned objectives and results, being regulated by the MIA Order no 350/2020 on the approval of the Regulation on the organization and functioning of the internal managerial control within the Ministry of Internal Affairs. Another instrument for achieving the internal control of the MIA civil servant with special status activity is represented by the internal *financial* control.

According to the provisions of the Law No. 229 from 23.09.2010 on the internal public financial control,²⁴⁸ this represents a general and consolidated system created within the public sector, that includes the internal managerial control, internal audit and centralized harmonization of all these elements, aimed at the promotion of the public entities management according to the good governance principles.

In the same time, we mention that the principle of transparency regarding the activity of the MIA civil servant with special status is established by the Law No. 239/2008 on the transparency in the decision-making process²⁴⁹, that stipulates the obligation of the public authorities, to provide, under this Law, all the information regarding their activity, openly and explicitly, and to advise the citizens, the associations created according to the legal framework, other stakeholders, in the process of developing and adoption of the decisions.

According to article 9 pct. 6) letter f) of the Government Decision No. 547/2019 on the organization and functioning of the General Police Inspectorate, the General Police Inspectorate exercises control over the observance of service discipline and legislation by the subordinate staff, the legality of their actions in the exercise of functional duties. The Internal Security Directorate is the subdivision within the General Police Inspectorate empowered, by Order of the Chief of GPI No. 93/2020 (amended by Order of the Chief PGI No. 329/2020), to ensure within the limits of legal competence the supervision, control of compliance with the law and service discipline by the staff of the General Police, including the finding of crimes committed by employees of the authority, or, as the case may be, with their involvement, planning, organizing and carrying out special investigative measures according to the normative framework related to the respective activity.

The Internal Security Directorate of the GPI analyses the petitions targeting the police employees and starts service investigations, self-processes the cases that appeared in the media and implements specific measures in accordance with the provisions of the MIA Order No. 160/2017 applicable to civil servants with special status “Lifestyle monitoring”.

²⁴⁸ Law No. 229 from 23.09.2010 on the internal public financial control, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110521&lang=ro

²⁴⁹ Law No. 239/2008 on the transparency in the decision-making process, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro

94. Is there a civilian police oversight mechanism in place, which inter alia deals with cases of police misconduct or violence? Is there a mechanism in place to detect abuse of public power/governmental means by law enforcement agencies?

The competences of prevention and investigation of the misbehavior within the MIA are assigned to the:

- Service of internal protection and anti corruption (hereinafter – SIPA), that is invested with general competences regarding the whole MIA staff;
- Internal security subdivisions of the MIA administrative authorities – only regarding their staff.

The cases of violence (torture) committed by the MIA employees are investigated only by the Prosecution. Furthermore, the cases of application of violence by the MIA employees during the exercise of their duties and its proportionality (depending on the circumstances of the respective situation, the danger type and degree, as well as on the individual characteristics and identity of the person against whom it is applied) are regulated by the provisions of the Law No. 218/2012 on the application of physical force, special means and firearms²⁵⁰ and by Interdepartmental Order No. 4 from 11.01.2018 on the approval of the Guidelines on the professional intervention during the performance of the duties.

The mechanisms of detection of the cases of power abuse committed by the MIA staff is the following:

- The citizens` denunciations (examined according to the provisions of the Criminal Procedure Code of the RM).
- Telephone communication to the specialized anti-corruption line with short number “1520” that works on the basis of the Law No. 252/2013 on the approval of the Regulation on functioning of the anticorruption phone lines²⁵¹ and the MIA Order no 232 from 08.08.2014 on anti corruption phone lines and information.
- The notifications from the territorial subdivisions of the MIA administrative authorities.
- Information gathering through operational means, according to the provisions of the Law No. 59/2012 regarding the special investigation activity²⁵²;

²⁵⁰ Law No. 218/2012 on the application of physical force, special means and firearms, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110364&lang=ro

²⁵¹ Law No. 252/2013 on the approval of the Regulation on functioning of the anti corruption phone lines, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=21752&lang=ro

²⁵² Law No. 59/2012 regarding the special investigation activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro

- Code of ethics and deontology of the civil servant with special status within the Ministry of Internal Affairs approved by Government Decision No. 629/2017;²⁵³
- By Government Decision No. 409/2017 the disciplinary status of the civil servant with special status of the MIA was approved in order to establish the norms of professional conduct of employees with special status.

Hereby, in the result of the accomplished activities in the framework of the mentioned legal provisions, on the basis of the information gathered by the SIPA employees, during 2017 - first quarter of 2022, several criminal cases were initiated by the SIPA criminal investigation subdivision and Prosecution, according to the Article no 327 from the Criminal Code of the RM (*Power abuse*)²⁵⁴:

Article 327 Power Abuse					
First quarter of 2022	2021	2020	2019	2018	2017
1	7	7	20	13	27

95. Are there any specific police-related anti-corruption measures in place? Are independency, professionalism and integrity throughout the investigation (and prosecution) of corruption cases guaranteed?

The responsibilities for developing the national integrity climate, carrying out actions to prevent corruption and establishing integrity instruments, including by systematizing and streamlining the efforts of public entities in the field of anti-corruption are coordinated in a single national document - National Integrity and Anticorruption Strategy (NIAS) for the years 2017-2023 (adopted by Parliament Decision No. 56/2017, extended by Parliament Decision No. 241 of 24.12.2021 on amending Parliament Decision No. 56/2017 to approve the National Integrity and Anticorruption Strategy for 2017– 2020, (in force since 28.01.2022, Official Gazette No. 27-33 art. 32).

This Strategy is the 3rd nationally implemented anti-corruption strategy and comes with an innovative approach on several dimensions, in particular, ensuring the recovery of criminal assets, increasing the integrity of the private sector,

²⁵³ Code of ethics and deontology of the civil servant with special status within the Ministry of Internal Affairs approved by Government Decision No. 629/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=102524&lang=ro

²⁵⁴ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

guaranteeing respect for rights and fundamental freedoms, protection of whistleblowers and victims of corruption, strengthening ethics and integrity in the public, private and non-governmental sectors, ensuring the transparency of public institutions, transparency of funding of political parties and the media.

Subsequently, to ensure the participatory implementation and monitoring of the Sectoral Plan of Anti-Corruption Actions in Public Order Area²⁵⁵, with the support of the project "Fight against corruption by consolidating sustainable integrity in the Republic of Moldova" funded by the Ministry of Foreign Affairs of Norway and implemented by UNDP Moldova in cooperation with NAC and the Office of the People's Advocate, within the Small Grants Program - "Monitoring the National Integrity and Anticorruption Strategy by developing alternative reports for monitoring sectoral and local anti-corruption action plans", the alternative report on the implementation of the Sectoral Plan for Anti-corruption Actions in Public Order Area²⁵⁶ was developed and presented of anti-corruption actions in the customs field, which allowed the company to be equidistantly informed about the progress and deficiencies in the public order assurance system.

At the same time, in order to ensure the continuity of the process of implementing public anti-corruption policies at sectoral and local level, in accordance with the provisions of action No. 19 of Pillar II, Priority II.2 "Sectoral anti-corruption approach" of the Strategy Action Plan (annex 2 of Parliament Decision No. 241/2021²⁵⁷), the responsible public authorities will ensure the approval and implementation of sectoral and local plans for anti-corruption actions, for the next period. The deadline for adoption is the first quarter of 2022.

The institutional integrity assessment at the institutions subordinated to the Ministry of Internal Affairs is periodically carried out, according to the provisions of Law No. 325/2013 on institutional integrity assessment²⁵⁸. Institutional integrity assessment is the process of externally assessing the risks of corruption within the public entity in order to identify corruption risks using analytical and practical methods (professional integrity testing), describing the factors that determine the identified risks and their consequences, as well as providing recommendations to diminish them. The responsibility for assessing the institutional integrity of public entities lies with the National Anticorruption Center.

According to the provisions of the Regulation on the organization and functioning of the Service of internal protection and anticorruption of the Ministry of Internal Affairs, approved by the MIA Order 325 from October 15, 2018, the Service of

²⁵⁵ Government Decision No. 597/2018 on the approval of the Sectoral Anti-Corruption Action Plan in the field of public order for the years 2018-2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108725&lang=ro

²⁵⁶ Alternative report on the implementation of the Sectoral Plan for Anti-corruption Actions in Public Order Area, available in Romanian at: <http://www.promarshall.md/?go=news&n=157>

²⁵⁷ Parliament Decision No. 241/2021 amending the Parliament Decision No. 56/2017 approving the Integrity Strategy and Anti-Corruption Strategy for the years 2017-2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129663&lang=ro

²⁵⁸ Law No. 325/2013 on institutional integrity assessment, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106168&lang=ro

internal protection and anti corruption (hereinafter – SIPA) is the Ministry of Internal Affairs` subdivision that is responsible for the prevention and combating of the manifestations of corruption involving the MIA staff, as well as for the surveillance and observance of the legal framework and work discipline within the MIA administrative system.

Thus, in order to prevent, investigate and control the corruption cases involving the MIA staff, the SIPA employees develop:

- Training courses, campaigns, prevention activities, inclusively in order to raise the MIA employees and the citizens' awareness on the consequences of the involvement in corruption manifestations. Also, the SIPA employees take part in analogous activities initiated by other public authorities, MIA subdivisions or NGOs.
- Activities of information gathering, storage and processing in order to ensure the security of the MIA administrative system.
- Cooperate and support, upon request, the Prosecution and criminal investigation bodies within the criminal cases proceedings. On the basis of the Criminal Procedure Code of the RM No. 122 from 14.03.2003²⁵⁹, Law No. 3/2016 on the Prosecution²⁶⁰ and Law No. 333/2006 on the criminal investigation officer statute²⁶¹, the SIPA investigation officers, in the joint investigation teams, accomplish special investigation actions and criminal investigation actions, including regarding the corruption cases committed by the MIA employees, led by the Prosecution.
- Ensure, within the limits of competence, the control of the manifestations of corruption involving the MIA staff.

The SIPA employees' independence, professionalism and integrity during the corruption investigation cases are guaranteed by the following legal mechanisms:

- Law No. 59/2012 on the special investigation activity²⁶² (Article 6, Paragraph 3 stipulates that the investigation officer who carries out the special investigation activity accomplishes his tasks independently, excepting when the special investigation action runs or is coordinated within the criminal case by the prosecutor or by the criminal investigation officer, or in cooperation with the confidential employees).
- The initial, continuous and special professional trainings of the MIA employees are accomplished within the MIA Police Academy “Ștefan cel

²⁵⁹ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

²⁶⁰ Law No. 3/2016 on the Prosecution, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=117461&lang=ro

²⁶¹ Law No. 333/2006 on the criminal investigation officer statute, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=25549&lang=ro

²⁶² Law No. 59/2012 on the special investigation activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro

Mare”, as well as within the training courses organized and developed by other national authorities and those from other countries.

- Also, according to the Regulation on the MIA civil servant with special statute and carabineer professional performances assessment approved by the MIA Order no 561 from 31.12.2020, every year the theoretical and practical capabilities of the MIA employees are tested.
- Monitoring the MIA employees’ lifestyle within the limits and according to the legal framework in force (this is one of the SIPA competence, according to the Regulation on the organization and functioning of the Service of internal protection and anticorruption of the Ministry of Internal Affairs).
- the promotion of integrity in the public area and zero tolerance regarding corruption within the public authorities from the RM according to the Law on Integrity No. 82/2017²⁶³:
 - encouragement of the corruption manifestations denunciation by the civil servants, as well as assurance of their protection against retaliations;
 - corruption risks identification and their removal within the public authorities;
 - punishment of the civil servants and of the public authorities leading staff for corruption manifestations, lack of institutional and professional integrity;
 - according to the provisions of Article 31/1 from the Law on Integrity No. 82/2017, at the request of the public authorities leading staff, in the cases of the employment procedures through contest, or regarding the individuals who intend to apply for public positions, the National Authority of Integrity issues integrity certificates.

The integrity certificate contains the information regarding the final findings during the last 3 years concerning the respective persons, about unjustified assets found, closed conflicts of interests, infringed restrictions found, unresolved incompatibilities found, breached limitations and interdictions found for taking in charge a public position or a position of public dignity, according to the findings of the National Authority of Integrity or to the unappealable court decisions.

96. Which cooperation exists with international police cooperation bodies? How is this cooperation organised?

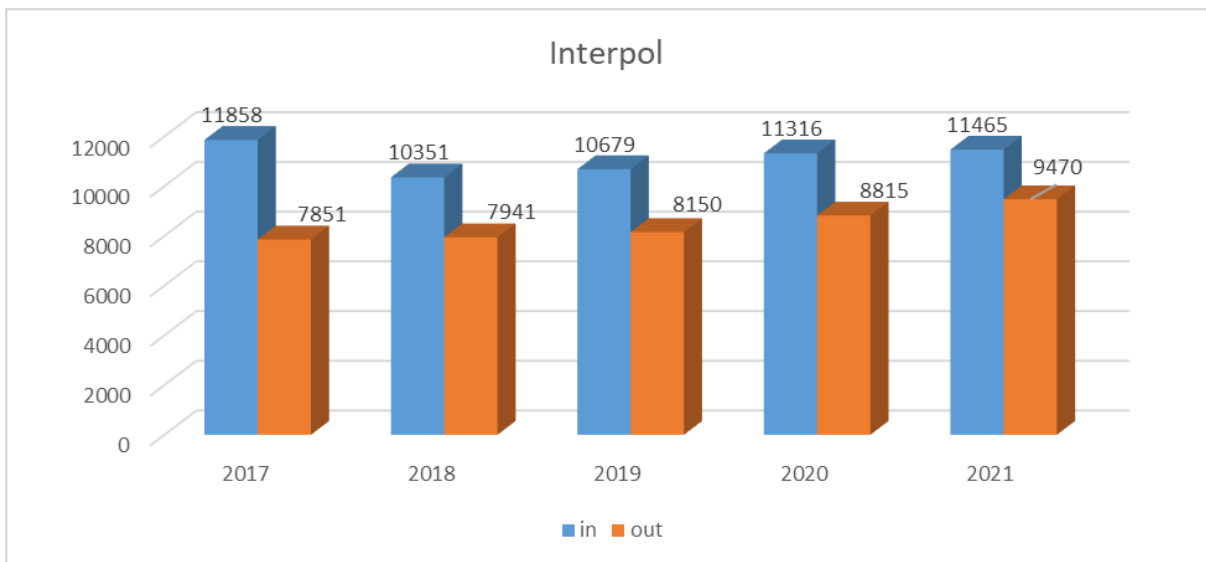
In the last decades the Ministry of Internal Affairs adhered to several international police cooperation instruments of global and regional dimension, as listed below.

²⁶³ Law on Integrity No. 82/2017, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=120706&lang=ro

International Criminal Police Organization INTERPOL (ICPO).

The RM has been a member of the International Criminal Police Organization INTERPOL since 28th September 1994. The NCB Interpol Chisinau provides support and instruments to the law enforcement agencies across the country, serving as a cooperation platform between the national law enforcement authorities and the similar authorities from the 194 Interpol member states, acting under the principle Single Point of Contact (SPOC). The exchange of information via Interpol channels is ensured by NCB Interpol Chisinau according to the methodology “one way in / one way out”, avoiding data duplications.

Law enforcement authorities from RM are exchanging intelligence and police information with law enforcement authorities from abroad via the secured communication system of INTERPOL I-24/7, respecting the Interpol standards. Hereby, the statistical data for the period 2017-2021 show the extent of information flow (incoming and outgoing messages) via INTERPOL:

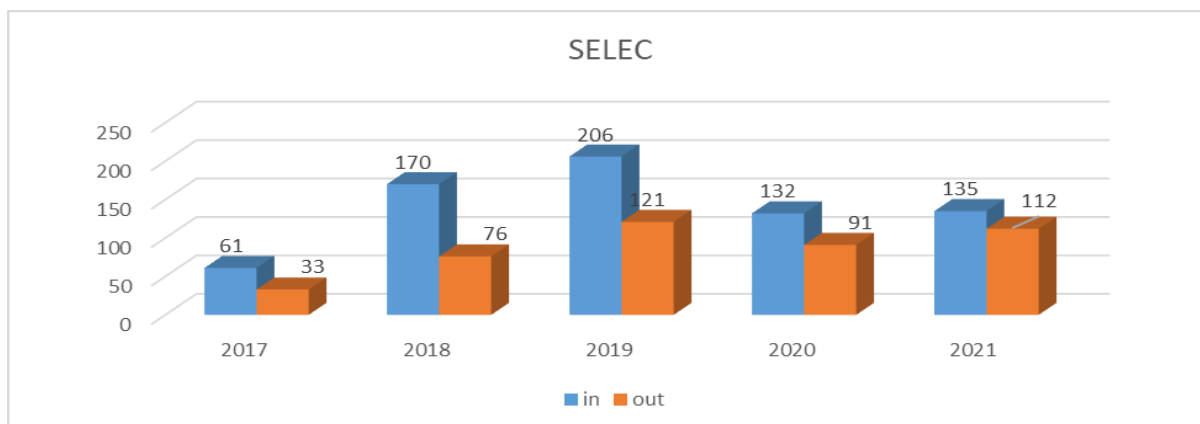


EU Agency for Law Enforcement Cooperation (EUROPOL)

The RM signed the Strategic Cooperation Agreement with Europol in 2007 and in 2015 ratified the Agreement on strategic and operational cooperation between the RM and Europol, framing up the principles and instruments of cooperation. Starting with 2013, the Republic of Moldova has seconded a liaison officer to Europol, who facilitate the strategic and operational cooperation.

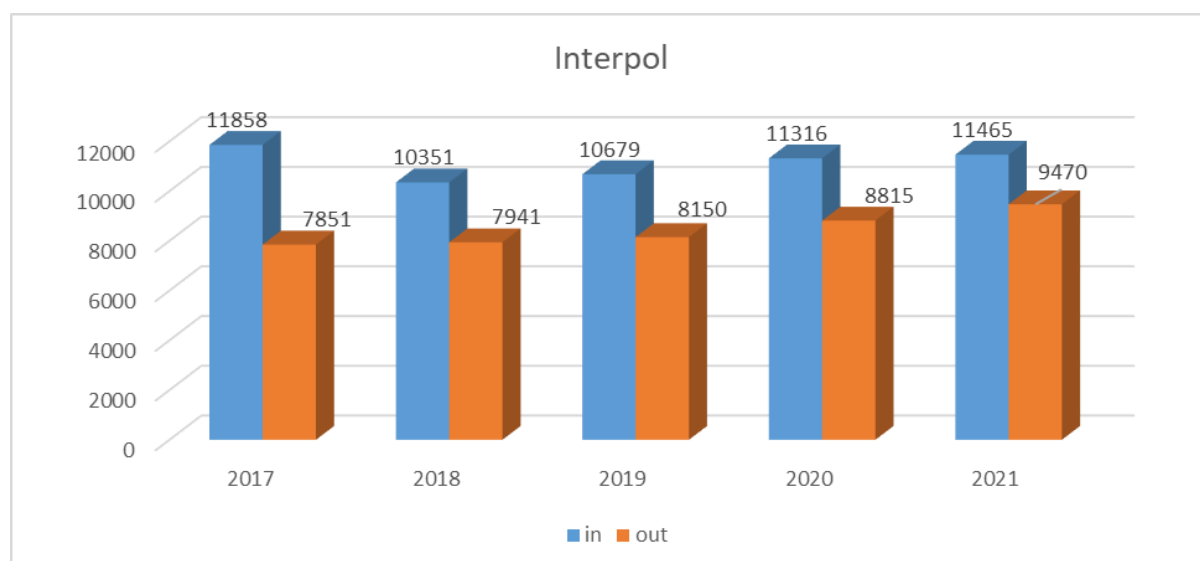
In June 2014 the Bilateral Agreement between the RM and EUROPOL on Interconnection of Computer Networks was signed and the SIENA secure communication channel was installed and became operational on 22 April 2015. In 2018 Europol installed an additional server to facilitate the communication with Europol member states. The RM achieved all the preconditions to step in the implementation of the new version of the Siena 4, planned to be done this summer.

The cooperation between the law enforcement agencies from our country with the LEAs from the Europol member states is streamlined via the Europol National Point of Contact both at strategic and operational levels. The flow of data exchange (incoming and outgoing messages) via SELEC channel throughout 2017-2021 is shown in the figure below:



The South-East European Law Enforcement Centre - SELEC

Since May 1999 the RM is a party to the Agreement on Cooperation in Preventing and Combating Transborder Crime (the SECI Regional Centre), which in December 2009 turned into South-East European Law Enforcement Centre (SELEC) by signing the Convention for the establishment of SELEC by all the member states, including the RM. The Republic of Moldova has deployed to SELEC Headquarters, on a permanent base, a liaison officer dealing with police cooperation and another one for customs issues. The communication and the operational exchange of information between the SELEC member states is organized via the secured communication channel SIRAT, put in place in October, 2020. The figure below represents the communication flow via Interpol for the last 5 years:



Police Cooperation Convention for Southeast Europe – PCC SEE

The Police Cooperation Convention for Southeast Europe (PCC SEE) was signed on 5 May 2006 in Vienna and ratified by the RM in 2008. The Republic of Moldova held the rotational presidency of PCC SEE in the first half of 2011 and in the first half of 2016. At the moment, the Presidency is held again by the RM taking over this role since 01.01.2022. The Convention is a multilateral platform for regional cooperation aiming to prevent and combat organized crime, in particular cross-border crime, as well as threats to public order and security, risk analysis, cross-border surveillance, controlled deliveries, undercover investigations, transmission and comparison of DNA profiles, witness protection, etc.

Expert Working Groups supervise the application and implementation of the Convention and to make recommendations to the Committee of Ministers which is held twice a year. The RM has actively participated in the activities of 7 expert working groups in the areas related to combating the activity of mobile criminal groups, improving the work of joint investigation teams, education and training of police officers, training of trainers in the areas of the PCC SEE, protection and exchange/supply of personal data, including on the cross-border segment etc.). In 2018 the Agreement between the Parties to the Police Cooperation Convention for Southeast Europe on the Automated Exchange of DNA Data, Dactyloscopic Data and Vehicle Registration Data and its Implementing Agreement were signed by the RM.

At the end on 2021, the RM signed the Protocol amending the Agreement between the Parties to the Police Cooperation Convention for South East Europe on the automatic exchange of DNA data, dactyloscopy and vehicle registration data, which will substantially facilitate strategic and operational cooperation by ensuring the automatic exchange of data between the Parties.

Southeast European Police Chiefs Association – SEPCA

In 2016 Moldova joined the Southeast European Police Chiefs Association (SEPCA), which is a strategic cooperation platform between the police chiefs of 9 countries from the Southeast of Europe. Twice a year, the leadership of the Moldovan Police attend the SEPCA General Assemblies, where they discuss and share information concerning the latest police developments and the issues/threats faced at a regional level. In 2019 the Republic of Moldova held the rotational presidency of SEPCA.

Under the Presidency of the Republic of Moldova, the following strategic documents have been drafted and approved:

- the SEPCA Methodology for the drafting of the Threat Assessment Report based on the insights given by EUROPOL SOCTA methodology;

- SEPCA Threat Assessment Report 2019, the public version and the restricted one.

97. Which international instruments regarding police are adhered to and implemented (Council of Europe, UN, Interpol Convention etc.)?

The RM is part of the following international multilateral instruments on police cooperation/combating organized crime and other cooperation in the field of home affairs:

1. Working Arrangement on the establishment of operational cooperation between the Border Guard Service of the Republic of Moldova and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), concluded in Chişinău on 12.08.2008.
2. Statute of the South European Police Chiefs Association (SEPCA), adopted in Bucharest, on 24.10.2002, signed by the RM on 06.12.2007.
3. Agreement between the parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data, signed in Vienna on 13.09.2018, in force for the RM from 26.11.2019.
4. Agreement on the implementation of the Agreement between the parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, Dactyloscopic data and vehicle registration data, signed in Vienna on 13.09.2018, in force for the RM from 26.11.2019.
5. Jahorina Declaration of the 11th Annual Ministerial Review Conference on Cooperation in the Field of Border Security in Southeast Europe, adopted in Jahorina on 01.06.2016, in force for the RM from 01.06.2016.
6. Agreement on cooperation between member states of the Commonwealth of Independent States in combating illicit trafficking in narcotic drugs, psychotropic substances and precursors, adopted in Minsk, on 30.11.2000, signed by the RM on 30.11.2000.
7. Agreement on cooperation between the Member States of the Commonwealth of Independent States in combating trafficking in human beings, human organs and tissues, done at Moscow on 25.11.2005, in force for the RM from 04.07.2013.
8. Decision on the Regulation on the Bureau for the coordination of the fight against organized crime and other dangerous crimes on the territory of the Commonwealth of Independent States member states, signed in Moscow on 25.11.2005, in force for the RM from 25.11.2005.

9. Cooperation Agreement between the Ministries of the Interior (Police) of the Member States of the Commonwealth of Independent States on combating trafficking in human beings, adopted on 17.09.2010, in force for the RM since 17.01.2012.
10. Agreement on Cooperation of Ministries of Internal Affairs in combating illicit trafficking in narcotic drugs and psychotropic substances, signed in Kyiv on 21.10.1992, in force for the Republic of Moldova since 21.10.1992.
11. Agreement on cooperation to prevent and combat trans-border crime, signed in Bucharest, on 26.05.1999, in force for the RM since 01.02.2000.
12. Agreement between the Republic of Moldova and the European Police Office on liaison officers, concluded in Hague, on 11.03.2013, in force for the RM since 11.03.2013.
13. Agreement on Operational and Strategic Cooperation between the Republic of Moldova and the European Police Office, signed in Chisinau on 18.12.2014.
14. Memorandum of Understanding on confidentiality and information assurance between the Republic of Moldova and the European Police Office, signed in Sankt Polten on 04.05.2015.
15. Police Cooperation Convention for Southeast Europe, signed in Vienna, on 05.05.2006, in force for the RM since 01.07.2008.
16. Agreement on the procedure for the transmission of narcotic drugs, psychotropic substances and their precursors, signed in St. Petersburg on 18.10.2011.
17. Agreement of Commonwealth of Independent States member states on inter-state tracing of persons, signed in Moscow on 10.12.2010.
18. Agreement on the exchange of information in the fight against crime, signed in Astana on 22.05.2009.
19. Agreement on cooperation of Commonwealth of Independent States member states in combating transport crime, signed in Astana on 15.09.2004.
20. Agreement on cooperation of Commonwealth of Independent States member states in the fight against crime, signed in Moscow on 25.11.1998.
21. Agreement between the Government of the Republic of Moldova and the International Criminal Police Organization - INTERPOL (INTERPOL ICPO), signed on 28 September 1994.
22. Council of Europe Convention on Cybercrime, ratified by the Republic of Moldova on 02.02.2009.

23. Memorandum of Understanding between the Government of the Republic of Moldova, the European Commission and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and Ukraine, signed on 07.10.2005.

24. Council of Europe Convention on action against trafficking in human beings, done at Warsaw on 16.05.2005, signed by the RM on 16.05.2005.

25. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) of 16.05.2013.

26. Convention for the establishment of the South-East European Law Enforcement Center (SELEC), signed in Bucharest on 09.12.2009, in force for the Republic of Moldova since 07.04.2011.

27. Council of Europe Convention on preventing and combating violence against women and domestic violence, concluded in Istanbul on 11.05.2011, signed by RM in Strasbourg on 06.02.2017, in force for the RM since 01.05.2022.

28. European Convention on mutual assistance in criminal matters concluded in Strasbourg on 02.05.1996, ratified by RM on 04.02.1998, in force since 05.05.1998.

98. What information tools exist and are used (databases (owner, content, access); data registers, online sources etc.)? Describe how police officers access these tools. What are the regimes in place for ensuring data quality and data protection within the databases and systems?

The Information Technology Service of the Ministry of Internal Affairs administrates and offers access to the following databases:

1) *Register of criminalistic and criminological information*, used to provide operative and veracious information on crimes, criminal cases, as well as about persons who have committed crimes and other information objects subject to record, data protection in the process of collection, accumulation, updating, storage, processing and transmission of criminal information. The access to the information from the Register for other participants (the specialized entities that carry out special investigational activity, the authorities/bodies that conduct and/or exercise criminal cases, judicial courts and bodies responsible for the execution of criminal sentences) is granted to users by the Registry administrator on the basis of an official request, specifying the required number of workstations and personal data of users.

2) *Automated information system for recording misdemeanors, misdemeanor cases and perpetrators*, that provides the following information:

- means of collection, registration, processing, storage and updating of information of a misdemeanor nature, as well as the archiving of actions performed within the System;
- ensurance of a unique evidence, at the state level, of:
 - misdemeanors and the persons who committed them, as well as of the court rulings and other decisions issued in misdemeanor cases;
 - misdemeanor cases;
 - any relevant information of a misdemeanor nature.
- operative and statistical information the state bodies and public authorities;
- ensuring the exchange of information on misdemeanors between state authorities and other public institutions, within the limits of their competence, as well as similar bodies from other countries with which the respective agreements have been signed;
- maintains the discipline of registration and record of the misdemeanors and of the persons who committed the contraventions, of all other relevant misdemeanor information, as well as providing the information for implementing the necessary measures of timely reaction to the negative tendencies and manifestations in society.

Currently, the Ministry of Internal Affairs is promoting Project No. 314/MAI/2021²⁶⁴ in the Government of the RM, in order to integrate into the System all of the national authorities²⁶⁵, that have the right to document misdemeanors and apply the respective fines/other sanctions, in order to efficiently centralize this type of information and ensure its proper analytical usage.

3) *Automatized fingerprint identification system* (“AFIS”).

In 2015, the Ministry of Internal Affairs has benefited from the European Union assistance project on the support of the Government of the Republic of Moldova in the development of forensic laboratories of the Ministry of Internal Affairs "EuropeAid/134656/C/SUP/MD", the implementation of which was completed at the end of 2017. The beneficiaries of the MIA are the Information Technology Service and the Forensic Department of the General Police Inspectorate.

The Information Technology Service, as manager and administrator of the National Dactyloscopic Register, has obtained a new product-program “AFIS” and modern technical equipment. Furthermore, 11 fully automated and technologically equipped work stations were created (5 within the Information Technology Service, 6 within the General Police Inspectorate, out of which: 4 in the Forensic

²⁶⁴ Draft Government Decision on the approval of the Concept of the Automated Information System for recording contraventions, contravention cases and persons who have committed contraventions and the Regulation on the single record of contraventions, contravention cases and persons who have committed contraventions, available in Romanian: <https://cancelaria.gov.md/ro/content/cu-privire-la-aprobarea-conceptului-sistemului-informatiional-automizat-de-evidenta-0>

²⁶⁵ Contravention Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130832&lang=ro#

Department and 1 station in both North and South areas of the RM - Balti and Cahul Police Inspectorates).

By obtaining the mentioned above, new possibilities for managing dactyloscopic information have been created, namely:

- reconceptualization of the automation of the processes related to the Dactyloscopic register by decentralizing a part of the activities related to state dactyloscopic registration, by means of delegating attributions to new work stations created in the North and South of the RM (Bălți and Cahul Police Inspectorates).
- system interoperability with other state Registers.
- the possibility of carrying out an informational exchange of dactyloscopic information in digital format with the law enforcement agencies of the member states of the European Union.
- essentially increased information storage space (currently it contains 410.651 ten-print cards of the categories of individuals as provided by art. 10 of Law no.1549/2002 on state dactyloscopic registration²⁶⁶ and 22,796 latent print cards obtained from crime scenes).

4) „*e-Data*” module - is a functional module/tool of the Automated information system for recording misdemeanors, misdemeanor cases and perpetrators of the Ministry of Internal Affairs, intended to automate the functions of accessing and/or updating information from the mentioned System in the process of documenting the detected misdemeanors, that is available on mobile equipment provided by the police – smartphones, tablets and laptops.

National Center for Personal Data Protection, as controller and holder of evidence/database systems, in the environment in which personal data are stored, which can be processed/accessed for various purposes, including for the purpose of tasks to the police, they may be various public and private legal entities, but not limited to the following:

- I.P. "Public Services Agency" - the holder of the State Register of Population, the State Register of Transport, the State Register of Drivers, the Register of Real Estate and the Registers of the Civil Status Service;
- Ministry of Internal Affairs - holder of the Register of forensic and criminological information, of the dactyloscopic Register, etc.;
- General Inspectorate of Border Police - holder of the Integrated Information System of the Border Police;
- Ministry of Justice;
- Credit history bureaus;
- Commercial banks;

²⁶⁶ Law No. 1549/2002 on state dactyloscopic registration, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110677&lang=ro#

- Notaries;
- Lawyers;
- Electronic communications companies, etc.

Regulations regarding the way in which police officers access these tools are provided in Law No. 320/2012 regarding the activity of the Police and the status of the police officer²⁶⁷, which at art. 16 states that, in order to carry out its duties efficiently, the Police have the right to collect, process and store information about persons who have committed illicit or harmful acts, to create and use their own databases, to use the databases of other authorities, in compliance with the provisions of the legislation on the protection of personal data. The police ensure the protection of information, including personal data, against destruction, loss, unauthorized access.

At the same time, art. 5 para. (2) of the same normative act guarantees that the Police, at the request of the person, in the manner provided by the legislation, must provide the information about this person contained in the institutional registers, information systems and in the databases held. It is forbidden to disclose to other persons the personal information contained in the institutional registers, information systems and in the databases held by the Police, except for the cases provided by law.

Last but not least, it should be noted that at the institutional level, the Ministry of Internal Affairs by the Order No. 444 of 28.12.2012 approved the Regulation on the regulation of personal data processing by the subdivisions of the Ministry of Internal Affairs (adjusted by MIA Order No. 260 of 04.09.2017), which establishes the legal relationships that appear in the processing process by the subdivisions of the MIA data of all personal data, including those that constitute special categories of personal data, that are part of a record system or that are intended to be included in such a system, carried out in whole or in part by means as well as by means other than automated. It also regulates the procedure for accessing personal data from records containing personal data, as well as the rules and conditions for accessing them (*preparation of information notes/reports on the need to access data, keeping records of all access operations, in manual or electronic registers etc.*).

Also, the representatives of the law enforcement bodies have the obligation to ensure the protection of personal data according to the requirements established by Law No. 133/2011²⁶⁸, in particular the existence on the basis of data processing / access of the purpose and legal basis, the causal link between the accessed data and the material (criminal / contravention / complaint file) under examination, respecting the principles of non-enforceability, relevance, accuracy, legitimacy and so on.

²⁶⁷ Law No. 320/2012 regarding the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=95281&lang=ro

²⁶⁸ Law No. 133/2011 on the protection of personal data, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=10607&lang=ru

99. Are secured communication systems in place, both for internal use as well as to allow connection with neighbouring countries and upon accession with EU MS to exchange data in a safe and secure manner?

Public administration authorities benefit from the Public Administration Authorities Telecommunication System, which allows secure data exchange between authorities on the territory of the Republic of Moldova, in accordance with the provisions of Government Decision no 840/2004 on the creation of the Public Administration Authorities Telecommunication System²⁶⁹.

For internal use, the Ministry of Internal Affairs uses the TETRA standard critical communications system. The system was implemented in the 2017-2020 period, in accordance with the objectives of the National Action Plan for the implementation of the Moldova-EU Association Agreement 2017-2019, as well as the Police Development Strategy 2016-2020, approved by Government Decision No. 587 from May 12, 2016. Presently, 96% coverage is provided at the district centers level of, as well as a 70% coverage at the level of the entire Republic of Moldova. Within the Joint Operational Program Romania-Ukraine-Republic of Moldova 2007-2013 the project "Cross border infrastructure" - MIS-ETC code 981, financing contract No. 70313 of 04.09.2013, was implemented, which regulated the development of a state-of-the-art communications infrastructure generation destined to provide modern services in the eligible areas on the territory of the RM and Romania.

Currently, the project implementation works are carried out at a 100% level, while the created infrastructure is used by all subdivisions of the Ministry of Internal Affairs, including for the implementation of the TETRA radio communication system, as well as by the General Border Police Inspectorate of the MIA at checkpoints of the state border in the southeastern part of the Republic.

Within the Joint Operational Program Romania - Republic of Moldova 2014-2020, the Information Technology Service of the MIA received financing for the implementation of the "Communication infrastructure" project - COMINF/3.1/1 by signing on 27.06.2019 the grant contract No. 87467. It is worth mentioning that the "Communication infrastructure" project can be considered as a continuation of the "Cross border infrastructure" project and will increase the coverage of rural areas with modern communications services. The MIA of the RM, through the "Communication infrastructure" project will have the opportunity to build a radiocommunication highway (radio relay), which will interconnect 28 locations and cover with services 10 Police Inspectorates from the North of the RM, on the Chisinau-Lipcani segment, and will also create and operate the Trilateral Center for police cooperation LIPCANI. At the same time, the communications

²⁶⁹ Government Decision no 840/2004 on the creation of the Public Administration Authorities Telecommunication System, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=113814&lang=ro

infrastructure (data transport) built as a result of the mentioned projects will be a basic platform for the implementation of radiocommunication systems for end users such as TETRA, LTE, etc.

This project will have a positive influence on increasing the efficiency of cross-border cooperation, will increase the interaction of public authorities in the two states in case of calamities or emergencies, will raise the level of secure exchange of information in the public segment, will benefit people's access to information and public services, will positively influence regional development, raising the economic potential of the eligible area.

For connection with neighboring countries and upon accession with EU Member States are used:

- *SIENA channel*, the RM cooperates with the European Police Office (Europol) on the basis of the Strategic Cooperation Agreement signed in 2007 and the Operational Cooperation Agreement signed on December 18, 2014, in Chisinau. On June 23, 2014 the Bilateral Agreement between the Republic of Moldova and EUROPOL on Interconnection of Computer Networks was signed.
- *Interpol channel*, RM is a member of the International Criminal Police Organization INTERPOL since 28th September 1994. Law enforcement authorities from the Republic of Moldova are exchanging intelligence and police information with law enforcement authorities from abroad via the secured Communication System of INTERPOL I-24/7.
- *SELEC channel*, since May 1999 the RM is a party to the Agreement on cooperation in preventing and combating Transborder Crime (the SECI Regional Center), which in December 2009 turned into South-East European Law Enforcement Center (SELEC) by signing the Convention for the establishment of SELEC by all the member states, including the Republic of Moldova. The communication and the operational exchange of information between the SELEC member states is organized via the secured communication channel SIRAT, put in place in October, 2020.
- *Cooperation within 24/7 national contact points* established in order to implement the provisions of Article 4 of Law No. 6/2009 on the ratification of the Council of Europe Convention on Cybercrime²⁷⁰ and approved by the Order of the Ministry of Internal Affairs No. INI/9-6150/2014 on the establishment of the contact point responsible for international cooperation in the fight against cybercrime.

²⁷⁰ Law No. 6/2009 on the ratification of the Council of Europe Convention on Cybercrime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=23601&lang=ro

100. Is there a centralised database on ongoing investigations (national case management systems), in order to avoid the risk of overlapping criminal cases and failure to match cases that often have a large geographical and even international scope? Does it cover all facets of the investigation/prosecution chain, including information on asset recovery, freezing and confiscation?

The risk of overlapping criminal cases is fully eliminated due to the Register of criminalistic and criminological information, administered by the Information Technology Service of the Ministry of Internal Affairs, which ensures the attribution of a unique case number to every criminal case, proper identification of any perpetrators involved at any stage of a criminal case, as well as provides any criminal information requested by the authorities. The access to the information from the Register for other participants (the specialized entities that carry out special investigational activity, the authorities/bodies that conduct and/or exercise criminal cases, judicial courts and bodies responsible for the execution of criminal sentences) is granted to users by the Registry administrator on the basis of an official request, specifying the required number of workstations and personal data of users.

101. Is there a DNA database, a DNA profiling capacity, a fingerprints database, a vehicle registration database and in general a sufficient forensic expertise including the capacity to exchange forensic data in international investigations?

Concerning the existence of a fingerprint database, the Ministry of Internal Affairs has implemented the Automated fingerprint identification system (AFIS), which is used by the General Police Inspectorate and administered by the Information Technology Service.

Among other benefits as the system's interoperability with other state Registers and modern compatible software, it offers the possibility of carrying out an informational exchange of dactyloscopic information in digital format with the law enforcement agencies of the member states of the European Union ("NIST" format). The AFIS System has been configured particularly so that the information will match the format mandatory requested as stated in the Agreement between the Parties to the Convention on Police Cooperation in South East Europe on the Automated Exchange of DNA, Fingerprinting and Vehicle Registration Data.

102. Is the police connected to/actively using INTERPOL databases?

The RM is a member of the International Criminal Police Organization INTERPOL since 1994, having established the National Central Bureau INTERPOL Chisinau within the Ministry of Internal Affairs, which fulfills its commitments in compliance with INTERPOL Constitution, INTERPOL Rules of Processing the Data and the domestic legal framework.

The exchange of information is established through the Protected Communication System INTERPOL I-24/7. The International Police Cooperation Department is working 24/7.

The International Police Cooperation Department is actively using INTERPOL databases as follows: NOMINALS, SMV, I-ARMS, ASF, I-LINK (in I-LINK database having the rights to access, edit and delete data).

INTERPOL databases are used based on membership agreements of the country within INTERPOL Organization and subsequently, by concluding internal agreements, the connection to INTERPOL databases can be extended to the competent law enforcement agencies requesting direct access. Currently, the following law enforcement agencies are connected directly to the Interpol databases:

- National Investigation Inspectorate -NOMINALS, SMV, SLTD databases;
- National Inspectorate of Public security - I-ARMS data base;
- General Border Police Inspectorate- SAD, NOMINALS, SMV, SLTD databases;
- Migration and Asylum Bureau- NOMINALS, SLTD databases;
- International Police Cooperation Department- NOMINALS, SMV, I-ARMS, I-LINK databases (in I-LINK database having the rights to access, edit and delete data);
- Centre for Combating Trafficking in Human Beings - NOMINALS, SLTD databases;
- Directorate for Combating Cybercrime of the National Investigation Inspectorate – ICSE;
- Intelligence and Security Service -NOMINALS, SMV, SLTD, I-ARMS databases;
- Forensic and Judicial Expertise Center - I-ARMS, IBIN databases.

103. Is there a strategy setting out the conditions under which national or international databases may be used (e.g. purpose, scope, contributors, rights to access, right to edit, right to delete information)?

The Law No. 467/2003 on computerization and state information resources²⁷¹ establishes that for information systems and resources in the RM, a minimum of the following documents must be elaborated and approved:

- the concept of the information system, in which shall be defined: the purpose of establishing the information resource, the functional space, the

²⁷¹ Law No. 467/2003 on computerization and state information resources, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122810&lang=ro

organizational structure, informational space, technological space, information system security and information protection;

- the regulation of the information resource, which should include: regulations regarding the rights and obligations of the subjects of the legal relations related to the creation and maintenance of the information resource; order of maintaining the information resource; the procedure for recording, modifying, completing and deleting data; the procedure for interacting with data providers; measures to ensure the security of the information resource.

The documents of the state information systems are elaborated in accordance with the methodological normative framework regarding the creation, administration, maintenance, development and decommissioning of the state information systems, approved by the Government. At the same time, the obligation to elaborate and approve these documents based on a Government decision for public authorities and institutions is established by the provisions of the Government Decision regarding the creation of state automated information systems and resources No. 562/2006²⁷².

The law enforcement agencies from the RM have direct on-line access to several Interpol databases. The guidelines and conditions of accessing these databases are set up in the ICPO-INTERPOL Constitution and the INTERPOL's Rules on the Processing of Data, in which the general principles, the responsibilities and the arrangements for the functioning of the INTERPOL Information System are laid down.

104. Please provide details about the use of special investigative means (sort of measures, capacities, bodies responsible, conditions for use, procedures oversight etc.).

Legal basis for implementation of special investigation methods is defined by following legal framework:

- Law No. 59/2012 on special investigation activity (Published: 08-06-2012 in the Official Gazette No 113-118 art. 373)²⁷³;
- Criminal Procedure Code of the RM No. 122 from 14.03.2003 (Published: 05.11.2013 in Official Gazette No. 248-251 art. 699)²⁷⁴;
- Government Decision No. 100/2009 (Published: 20-02-2009 in the Official Gazette No. 37-40 art. 164) on the approval of the Regulation on the import, export, design, production and trading of special technical

²⁷² Government Decision No. 562/2006 regarding the creation of state automated information systems and resources, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=114036&lang=ro

²⁷³ Law No. 59/2012 on special investigation activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123543&lang=ro

²⁷⁴ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110260&lang=ro

means for secret obtaining of information and the Nomenclature of special technical means for secret obtaining information;²⁷⁵

- Order of the General Inspectorate of Police No. 559/2018 on the approval of the Standard Norms on the minimum equipment of specialized subdivisions with competence to carry out special investigative activities within the Police with technical means, accessories and special technical equipment.
- Law No. 59/2012 sets out the rules for special investigative measures, the procedures for ordering and carrying them out, as well as the control of their legality.

Special investigative activity is carried out by investigative officers of specialized subdivisions within or subordinated to the Ministry of Internal Affairs, the Ministry of Defence, the National Anti-Corruption Center, the Security and Intelligence Service, The State Protection and Guard Service, the Customs Service, the State Tax Service and the National Administration of Penitentiaries. Special investigative measures shall be ordered and carried out if the following cumulative conditions are met:

- 1) achieving the goal of the criminal proceeding is otherwise impossible and/or administration of evidence can be considerably damaged;
- 2) there is reasonable suspicion that a serious, especially serious or exceptionally serious crime is prepared or committed, with the exceptions provided by the law;
- 3) the action is necessary and proportionate with the restriction of fundamental human rights and freedoms.

The following special investigative measures shall be carried out in order to detect and investigate offenses:

1. with the authorization of the investigative judge, at the request of the prosecutor:

- investigation of the domicile and/or installation of equipment ensuring audio and video surveillance and recording, as well as of photo and video devices;
- surveillance of the domicile by using technical means that ensure recording;
- wiretapping and recording of communications or images;
- monitoring the connections of telegraph and electronic communications;
- monitoring or control of financial transactions and access to financial information;

²⁷⁵ Government Decision No. 100/2009 on the approval of the Regulation on the import, export, design, production and trading of special technical means for secret obtaining of information and the Nomenclature of special technical means for secret obtaining information, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=13391&lang=ro

- documentation by technical methods and means, as well as localization or surveillance through Global Positioning System (GPS) or other technical means;
- collection of information from electronic communication service providers;

2. with authorization of the prosecutor:

- identification of the subscriber, the owner or user of an electronic communication system or of an access point to an information system;
- visual surveillance;
- monitoring of transmission of money or other alleged, accepted, swindled or offered material or nonmaterial valuables;
- undercover investigation;
- cross-border surveillance;
- controlled delivery;
- acquisition of control;
- collection of samples for comparative research;
- research of objects and documents.

3. with the authorization of the head of the specialized subdivision:

- questioning;
- gathering information on persons and facts;
- identification of the person.

The prosecutor leading or conducting criminal investigation shall transfer, by a reasoned order, the competence to carry out special investigative measure to the specialized subdivisions of the authorities indicated in the Law No. 59/2012 on special investigative activity²⁷⁶. The authorized special investigative measures shall begin on the date specified in the act ordering the measure or no later than the date of expiration of the term for which they were authorized.

Special investigative measures authorized by investigative judge may be authorized, as an exception, based on a reasoned order of the prosecutor in flagrant cases, and when there are circumstances that do not allow delay and when the court order cannot be obtained without the risk of an essential delay which may lead to the loss of evidence or immediately endanger the security of persons. The investigative judge shall be informed, within 24 hours, about these measures, and all materials justifying the need to carry out special investigative measures shall be submitted to the investigative judge. In case there are sufficient grounds, the investigative judge shall confirm, by a reasoned ruling, the lawfulness of such measures.

²⁷⁶ Law No. 59/2012 on special investigative activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro

In cases when the special investigative measure is authorized by the investigative judge, the prosecutor shall submit to him/her for legality control all materials collected by the investigative officer. If during examination of the report it is established that the conditions of prolongation of the special investigative measure are not observed or the rights and legitimate interests of individuals are disproportionally or manifestly violated by the ordered measure, or the grounds for the interference have disappeared, the prosecutor or the investigative judge shall order termination of the measure.

Special investigative measures shall be ordered for 30 days with the possibility of reasonable extension for up to 6 months, with exceptions provided by this Code. Each prolongation of the special investigative measure may not exceed 30 days.

If authorization of the special investigative measure was extended for up to 6 months, repeated authorization of the special investigative measure based on the same grounds and on the same subject shall be prohibited, except for the use of undercover agents or occurrence of new circumstances, examination of the facts related to the investigation of organized crime and financing of terrorism, as well as searching for the accused.

The prosecutor must order termination of the special investigative measure as soon as the grounds and reasons justifying its authorization have disappeared, without the right to order resumption of the measure.

If the grounds for carrying out special investigative measures no longer exist, the criminal investigative officer or the investigative officer shall propose to the prosecutor their immediate termination.

Special investigative activity is subject to Parliamentary oversight, exercised by the Committee for national security, defense and public order.

The authorities carrying out the special investigative activity are obliged to submit to the Prosecutor General, by 15 January of the following year, a report on the special investigative activity, which shall include:

- the number of special investigative measures authorized;
- the number of special investigative measures canceled;
- the results of the special investigative measures.

The Prosecutor General, on the basis of the reports submitted and on the basis of the information available to the Prosecutor's Office, shall submit the final report on the special investigative activity to the Committee for national security, defense and public order by 15 February each year. The Committee for national security, defense and public order may request, within the limits of its competence, any additional information on the special investigative activity, with the exception of special files, if it considers that the submitted report is incomplete.

The Security and Intelligence Service of the RM carries out special investigative measures according to Law No. 59/2012 on special investigative activity²⁷⁷ and Criminal Procedure Code of the RM²⁷⁸. Measures that imply a serious interference with the privacy of a person, especially wiretapping, are carried out only with the authorization of the investigating judge and only within a criminal case (art. 132² para. (1) subpoint 1) Criminal Procedure Code). According to art. 38 point (2) of the Law No. 59/2012 on special investigative activity: authorities that carry out special investigative activity are obliged to submit a report on special investigative activity to the Prosecutor General, until January 15 of the following year.

105. What are the modalities of and conditions for cooperation of the police with other public security bodies (customs, security and intelligence services)?

Police officers of the General Police Inspectorate, as part of their daily duties, perform activities related to cooperation with various institutions and bodies, according to the following agreements and laws:

Legal framework:

- The Law No. 320/2012 on the activity of the Police and the status of the police officer²⁷⁹. It coordinates the activities of the national and local police and participates in working out and implementing programs to combat criminal activities and maintain public order;
- The Law No. 120/2017 on preventing and combating terrorism²⁸⁰. It establishes the legal and institutional groundwork for counter-terrorism efforts in the RM.

Agreements:

- Cooperation agreement between the MIA and the Customs Service from 2013. The agreement establishes the way of activity of the Customs Service and of its employees;
- Cooperation agreement between the General Police Inspectorate and the National Institute of Justice on training of Police employees and beneficiaries of the Institute from 2018, which includes the methods and techniques of trainings of the Police employees, in order to develop their capacities and capabilities;

²⁷⁷ Law No. 59/2012 on special investigative activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123543&lang=ro

²⁷⁸ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

²⁷⁹ Law No. 320/2012 on the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=95281&lang=ru

²⁸⁰ Law No. 120/2017 on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

- Cooperation agreement between the State Environmental Inspectorate and the General Police Inspectorate, from 2014, which includes the way of cooperation and interaction between GPI and the State Environmental Inspectorate;
- Cooperation agreement between the Department of Penitentiary Institutions of the Ministry of Justice and the General Police Inspectorate, since 2014. It welcomes the general trend towards improving material conditions in police detention facilities;
- Cooperation agreement between the National Administration of Penitentiaries and the General Police Inspectorate of 21 August 2020. It describes the tools and instruments for prison administration and line-level staff to recognize signs of radicalization at an early stage within their specific facility; provide common, consistent and effective instruments to help staff report their observations to the appropriate intelligence staff; provide model procedures for intelligence staff to vet the data they receive from prison staff and to appropriately interpret it; establish a series of training programs and tools for all staff within a prison to respond appropriately to potential vulnerable individuals at risk of radicalization;
- Cooperation agreement between the General Inspectorate of Police and the National Probation Inspectorate of 30 September 2020. It reflects the modalities for the supervision of offenders in the community and the provision of reports to the criminal courts to assist them in their sentencing duties.

Interdepartmental Orders:

- The Interdepartmental Order of the Ministry of Internal Affairs, the Security and Intelligence Service, the General Prosecutor Office of the Republic of Moldova and the Customs Service No. 220/71/41/327-0 of 28.07.2014, based on this, risks are being developed to combat cross border crime, trafficking in human beings, and migrant smuggling.
- The Interdepartmental Order of the General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 121/254/286-O/95 of 18.07.2008, that regulates a unique and centralized recording of crimes, criminal cases and persons who have committed crimes.
- The Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center, No. 198/84/11/166/10/2-30/44 of 04.05.2007, which regulates unique and centralized records of perpetrators and criminal proceedings results, as well as the way of managing primary record documents, that are used in criminal cases
- The Interdepartmental Order No. 93/1286 of 07.08.2013 on the interaction and collaboration between the State Tax Service and the General Police Inspectorate in the areas of mutual assistance, combating economic crime and tax evasion. It includes how to ensure tax administration by creating

tax compliance conditions for taxpayers and monitoring the compliance process, and uniformly enforcing fiscal policy and regulation.

- Cooperation Agreement between the Service of Intelligence and Security and the General Inspectorate of the Border Police of 29.05.2020;
- Cooperation Agreement between the Service of Intelligence and Security and the Ministry of Internal Affairs of 18.02.2021;
- Intelligence Cooperation Agreement between the Service of Intelligence and Security and the General Police Inspectorate of the Ministry of Internal Affairs on the segment of ICPO Interpol;
- Intelligence Cooperation Agreement between the Service of Intelligence and Security and the Bureau for Migration and Asylum of 01.12.2014;
- Memorandum of Cooperation between the Service of Intelligence and Security and the Customs Service of 01.02.2006;
- Cooperation Agreement between the Service of Intelligence and Security and the Office for Prevention and Combating of Money Laundering of 15.03.2019;
- Cooperation Agreements between the Service of Intelligence and Security and the National Anticorruption Center of 04.11.2019 and 09.04.2021;
- Joint Order nr. 36/33/147/111-0/25 of 20.02.2009, signed by the General Prosecutor's Office, CCCEC (currently National Anticorruption Center), Ministry of Internal Affairs, Customs Service, Security and Intelligence Service to approve the Guidelines on investigation of the connections between organized crime, money laundering and corruption. The Order stipulates mutual and prompt exchange of information on connection elements between organized crime, corruption, and money laundering.

106. What statistical data exist (police activities, crime, prevention, convictions)? Please provide details about the methods and quality of these statistical data. How are statistics used to guide policy development?

The Register of criminalistic and criminological information, administered by the Ministry of Internal Affairs, provides comprehensive data on:

- crimes and the persons who have committed them (including Moldova's citizens who committed crimes on the territory of other states), as well as the sentences to them;
- criminal cases and criminal prosecution actions;
- marked objects and art pieces that are stolen, disappeared, as well as those found;
- wanted persons;
- detainees and those in penitentiary institutions;
- persons released from places of detention;
- other relevant criminal information.

All of the data mentioned above is collected and/or presented by the Participants in the System (the specialized entities that carry out special investigational activity, the authorities/bodies that conduct and/or exercise criminal cases, judicial courts and bodies responsible for execution of criminal sentences) on the basis of legislative and normative framework²⁸¹²⁸²²⁸³. On the subject of quality assurance of the statistical data, The Ministry of Internal Affairs, at least twice a year, at the end of each semester, verifies the correctness and veracity of the information entered in the System by the participants and presents the results to the Prosecutor General, who may order subordinate prosecutors or a joint commission to perform additional control measures, the general responsibility for data quality being bared by every Participant in particular.

Specific rules of collection, processing and introduction are regulated by the Interdepartmental Order of the General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 121/254/286-O/95 of 18.07.2008, that regulates a unique and centralized recording of crimes, criminal cases and persons who have committed crimes. Another relevant framework which ensures proper collection and registration of criminal data by law enforcement authorities is the Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center, No. 198/84/11/166/10/2-30/44 from 04.05.2007, which regulates unique and centralized records of perpetrators and criminal proceedings results, as well as the way of managing primary record documents, that are used in criminal cases.

107. What actions have been taken to increase the efficiency of operational police cooperation between national agencies, especially border guards, police, customs officers, as well as cooperation with the prosecution and judicial authorities? How is data exchanged? How is co-operation between actors (judges, prosecutors, investigators, clerks, judicial police etc.) in the criminal justice system ensured to facilitate the functioning of the system? Are there agreements / memoranda of understanding in place and what is their role? Please give examples.

Concerning the informational cooperation between police investigators, prosecutors and judges, as was stated above, the process is fully functional, all of the data being stored in the Register of criminalistic and criminological information, administered by the Ministry of Internal Affairs, while being fully regulated by national legal framework.^{6,7,8} At the same time, specific rules of

²⁸¹ Government Decision No. 328/2012 on the approval of the Regulation on the organisation and functioning of the Automated Information System "Register of forensic and criminological information, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130677&lang=ro

²⁸² Government Decision No. 633/2007 on the approval of the Automated Information System Concept "Register of forensic and criminological information", available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130670&lang=ro#

²⁸³ Law No. 216/2003 on the Information integrated computerized system for the recording of offences, criminal cases and persons who have committed offences, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122884&lang=ro

collection, processing and introduction are regulated by the Interdepartmental Order of the General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 121/254/286-O/95 of 18.07.2008, that regulates a unique and centralized recording of crimes, criminal cases and persons who have committed crimes. Another relevant framework which ensures proper collection and registration of criminal data by law enforcement authorities is the Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center, No. 198/84/11/166/10/2-30/44 from 04.05.2007, which regulates unique and centralized records of perpetrators and criminal proceedings results, as well as the way of managing primary record documents, that are used in criminal cases.

More examples on agreements / memoranda of understanding in place are presented in answer to the question No. 105.

108. What actions have been taken to improve the capacity of the specialised police services to investigate financial crime and to establish an efficient system of special investigative techniques tackling cross-border crime?

Chapter X of the Criminal Code establishes the acts that qualify as economic crimes in the Republic of Moldova, which also include the financial crimes that are established by art. 241¹, 245–245¹² of the Criminal Code. Exercising criminal prosecution for financial crimes established in art. 245–245¹² of the Criminal Code is in the jurisdiction of the Prosecutor's office, and for the offense established in art. 241¹ of the Criminal Code is in the competence of the criminal investigation body within the State Tax Service.

On March 22nd, 2018, based on the Order of the Ministry of Internal Affairs no.100, the Department for Prevention and Control of Money Laundering was created within the National Investigation Inspectorate of the General Police Inspectorate. By the General Police Inspectorate Order No. 180 dated 22.03.2018, the Regulation regarding the organization and functioning of the Anti-Money Laundering Department was approved.

109. Do the different actors have clear roles and responsibilities? How is it ensured that an overlap of responsibilities is avoided? How is efficient cooperation, coordination and communication between the different actors ensured?

The legal framework of the RM clearly defines the responsibilities and obligations of the institutions competent in the field of countering organized crime. It excludes any overlap of responsibilities. The duties of the national actors in this field arise from:

- Art. 6 of the Law No. 50/2012 on preventing and countering organized crime²⁸⁴ – responsibilities in the field of preventing and countering organized crime are carried out by “specialized units of the Police Department, Criminal Prosecution Department of the Border Police of the Ministry of Internal Affairs, National Administration of Penitentiaries, Security and Intelligence Service, Center for Combating Economic Crimes and Corruption, Customs Service”.
- Art. 3 letter f) of the Law No. 619/1995 on state security bodies²⁸⁵ – state security bodies are responsible for countering terrorism, organized crime, and corruption that undermines national security.
- Art. 9 letter l) of the Law No. 753/1999 on the Security and Intelligence Service aims to support internal affairs bodies and other law enforcement bodies with available forces and means, including technical ones, in the preventing and countering organized crime: theft and smuggling of weapons, ammunition, military equipment, explosive substances, radioactive, poisonous, narcotic, toxic substances, and of other nature, their illegal manufacturing, use, transportation and storing, if it affects interests of ensuring the national security”; “establishment of illegal organizations and groups that pose a threat to national security or being involved in their activity; countering terrorism, countering financing and logistical supply of terrorist acts.

110. Please describe if, and to what extent, criminal investigation in Moldova aim at disrupting the financial means of criminal groups and which authorities are involved?

When investigating corruption and related crimes and especially when investigating crimes in some socio-economic fields, attention is drawn to the persistence of certain financial interests of some criminal groups. By detecting and investigating the crimes of these criminal groups, their illicit activities and the possibility of obtaining illicit income are disrupted. At the same time, when investigating corruption crimes, the financial profiles of the persons involved in committing crimes in terms of money laundering, tax evasion, illicit enrichment, etc. are analyzed. Several authorities are involved in this exercise (Criminal Assets Recovery Agency, State Tax Service, Office for Prevention and Fight Against Money Laundering (Financial Intelligence Unit), Intelligence and Security Service, Analytical Directorates, etc.).

According to the amendments operated in the Criminal Procedure Code by Law No. 49/2017²⁸⁶, a new chapter “*Recovery of criminal assets*” was introduced, which describes the stages of the recovery process: tracing, seizure, confiscation

²⁸⁴ Law No. 50/2012 on preventing and countering organized crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110212&lang=ro

²⁸⁵ Law No. 619/1995 on state security bodies, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109417&lang=ro

²⁸⁶ Law No. 49/2017 for the amendment of some legislative acts, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=99129&lang=ro

and return of criminal assets. The tracing of criminal assets is carried out by the criminal investigation body conducting parallel financial investigations. With regard to the tracing of assets in the case of crimes of money laundering, corruption, organized crime, cybercrime, smuggling, this is done by the Criminal Assets Recovery Agency, by conducting parallel financial investigations.

According to the provisions of the Criminal Procedure Code²⁸⁷, parallel financial investigations include all criminal investigation actions and special investigative measures undertaken in order to gain evidence on the suspect, accused, defendant or convicted person, his patrimony and assets it holds as the beneficial owner, the patrimony of the owner and manager of assets held by the suspect, accused, defendant or convicted person as beneficial owner, in order to recover the criminal assets. Therefore, the recovery of criminal assets is an integral part of the criminal process, aimed at identifying and making unavailable the illegally obtained financial means.

111. Is there an official investigation (police) or prosecution policy to trace crime proceeds (financial investigation)? If so, on what is it based?

The financial investigation is an important proactive tool in conducting criminal prosecution, especially in economic and financial cases, organized crime and corruption, which involves collecting and analyzing all available information to track assets and tools obtained or used in the commission of crimes and their confiscation. The importance of conducting investigations to reveal the financial aspects of each crime is determined by the need to identify the means used to commit the crimes, but also their financial results, as their confiscation will discourage perpetrators from committing new crimes.

When investigating corruption offenses, the financial profiles of the persons involved in committing crimes in terms of money laundering, tax evasion, illicit enrichment, etc. are also analyzed. Several authorities are involved in this exercise (Criminal Assets Recovery Agency, State Tax Service, Office for Prevention and Fight Against Money Laundering (Financial Intelligence Unit), Intelligence and Security Service, Analytical Directorates, etc.). The mentioned authorities carry out concrete actions, based on the acts of disposition of the criminal investigation body, in accordance with the competences granted by law.

According to Law No. 48/2017, the Criminal Assets Recovery Agency (*an autonomous division within the National Anti-corruption Center*) conducts parallel financial investigations and makes unavailable criminal assets in case of intentional commission of one or more offenses, at least one of which is provided in art. 141, 144, 158, 164, 165, 165¹, 166¹, 167, 168, 181², 206, 217¹, 217³, 218, 220, 239–240, 2421–244, 248, 249, 259, 260, 260²–260⁴, 260⁶, 279, 283, 284,

²⁸⁷ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

324–329, 330¹, 330², 332–335¹, 352¹ și 362¹ from the Criminal Code²⁸⁸ and in case of crimes committed by use of office, provided in articles 190 and 191 from the Criminal Code.

The objectives of the financial investigation are:

- identification of the goods obtained from crimes, pursuit of these goods, initiation of insurance and confiscation procedures;
- identification of the goods used or destined for committing a crime;
- initiating the procedure for investigating the crime of money laundering, when there are indications of the commission of this crime;
- the discovery of other premise crimes and the identification of other natural or legal persons, related to the persons initially investigated;
- identifying the lifestyle of suspects and creating the financial profile.

In order to ensure the correct and uniform application of the law, to streamline the process of preventing and combating criminal activities generating illicit income, to ensure the recovery of criminal assets, as well as to achieve punitive policy by effectively enforcing security measures of special confiscation and extended confiscation, the following acts were adopted by the General Prosecutor's Office:

- Indication of the General Prosecutor no.11-3d/17-1854 of 18.04.2017;
- Order of the Prosecutor General no.18/11 of 09.04.2019 on approving the Methodological Instructions "Guide on conducting parallel financial investigations". In this context, the provisions of art. 106 *Special confiscation* and art.106¹ *Extended confiscation* of the Criminal Code²⁸⁹ are relevant.

112. Are the tracing, seizing and confiscation of assets a goal of criminal investigations?

The purpose of the criminal investigation is to protect persons against crimes, their rights and freedoms, property, environment, constitutional order, sovereignty, independence and territorial integrity of the RM, peace and security, and the entire rule of law. Thus, the seizure and confiscation of goods from illicit activities is in itself a restoration of the rule of law. Likewise, the criminal law also aims to prevent the commission of new crimes. The recovery of criminal assets (*tracing, seizure and confiscation*) is an integral part of the criminal proceedings.

According to art. 202 of the Criminal Procedure Code²⁹⁰, a criminal investigative body ex officio or the court at the request of the parties may undertake during a criminal proceeding measures for securing the recovery of damages caused by the

²⁸⁸ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

²⁸⁹ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

²⁹⁰ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ru#

crime, for special confiscation or extended confiscation of property, and to guarantee the execution of a punishment by fine. Thus, the pursuit, seizure and confiscation of property have the purpose of recovering the damage caused by the crime committed.

At the same time, according to art. 106 of the Criminal Code²⁹¹ (*Special confiscation*), the following assets (*including currency values*) are subject to confiscation:

- used or intended to commit an offence;
- resulting from offences, as well as any proceeds from the capitalization of such assets;
- delivered to determine the commission of an offence or to reward the offender;
- held contrary to the legal provisions;
- converted or transformed, partially or entirely, from the assets resulting from offences and from proceeds of these assets;
- which make the object of money laundering or financing of terrorism offences.

113. Are there national statistical instruments for measuring the crime rate and the clear-up rate?

The Register of criminalistic and criminological information is used in order to centralize all of the data on crimes, accumulated in the Republic of Moldova²⁹². Due to this fact, a large specter of statistical data is generated, which is used both by law enforcement agencies and any other public or private entities implied in data analysis. Furthermore, in order to guarantee transparency in this domain, all statistical data is published monthly on a public portal – <https://date.gov.md>.

The Ministry of Internal Affairs, while being the holder of the above mentioned data, is in a permanent collaboration with the National Statistical Bureau, establishing in common the forms of generalized statistical reports on the state of crime in the country, the manner and deadlines for submitting these reports²⁹³. Furthermore, general statistical data is presented by the Ministry of Internal Affairs on a monthly basis to the National Statistical Bureau.

²⁹¹ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

²⁹² Government Decision No. 328/2012 on the approval of the Regulation on the organization and functioning of the automated information system "Register of forensic and criminological information, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130677&lang=ro

²⁹³ Law No. 216/2003 on the Information integrated computerized system for the recording of offences, criminal cases and persons who have committed offences, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122884&lang=ro

114. Which type of information is stored and, if it is, who has access to: a) Data on persons wanted for extradition? b) Data on aliens to whom entry was refused? c) Data on missing persons? d) Data on persons to be placed under police protection for their own protection or to prevent threats? e) Data on witnesses, on persons summoned to appear before judicial authorities and on persons who are to be served with a criminal judgement or summons to report in order to serve a penalty involving deprivation of liberty? f) Data on persons (or vehicles used) for whom there is clear evidence or, based on an overall assessment, reasons to suppose that serious criminal offences will be committed? g) Data on convicted persons (citizens of Moldova, European citizens, third country nationals)? h) Data on objects (stolen, misappropriated or lost vehicles, trailers, firearms, blank official documents, and issued identity papers including invalidated, vehicle number plates and registration certificates, banknotes)? i) Criminal intelligence data?

The types of data stored in the Register of criminalistic and criminological information, administered by the Ministry of Internal Affairs, as well as relevant collection and introduction procedures, besides the legal framework²⁹⁴, are regulated by:

- Interdepartmental Order of the General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 121/254/286-O/95 of 18.07.2008, that regulates a unique and centralized recording of crimes, criminal cases and persons who have committed crimes;
- Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center, No. 198/84/11/166/10/2-30/44 from 04.05.2007;
- Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 62/290/325/158 of 21.10.2011 on the unique record of search (identification) files, wanted persons, persons with unknown identity, unidentified corpses and the formation of centralized search records.
- Interdepartmental Order of the Ministry of Justice, General Prosecutor's office, Ministry of Internal Affairs, Customs Service, National Anticorruption Center No. 158/279/50/144-O / 80 of 06.08.2004 regarding the unique record of marked, antique and art objects, including missing and found objects.
- Ministry of Internal Affairs Order No. 47 of 06.02.2013 regarding the record of stolen and ownerless means of transport.
- Ministry of Internal Affairs Order No. 229 of 17.06.2003 regarding the unique record of firearms.

²⁹⁴ Government Decision No. 633/2007 on the approval of the Automated Information System Concept "Register of forensic and criminological information", available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130670&lang=ro#

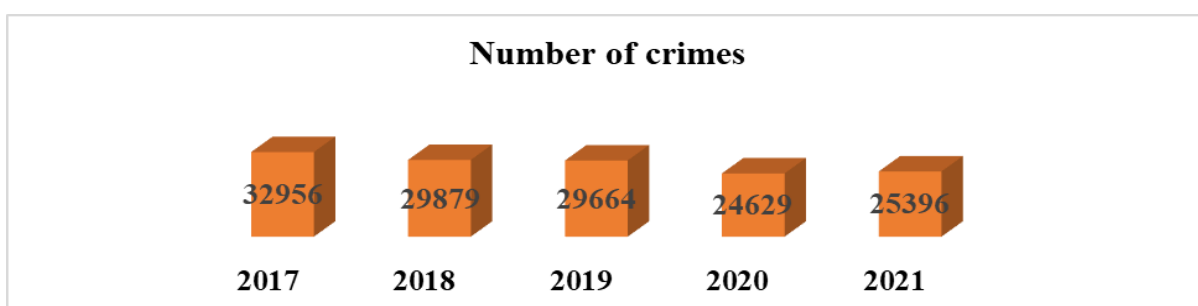
The abovementioned normative and legal framework ensures the collection of the following data in the Register of criminalistic and criminological information, besides the basic criminal case information:

- Data on persons wanted for extradition;
- Data on missing persons;
- Data on convicted persons (citizens of Moldova, European citizens, third country nationals);
- Data on objects (stolen, misappropriated or lost vehicles, trailers, firearms, marked objects).

Access to these data is offered to Participants to the Register of Criminalistic and criminological information, represented by individual users, that are created within the database based solely on an official request. Access to information from the Register for participants (the specialized entities that carry out special investigational activity, the authorities / bodies that conduct and / or exercise criminal cases, judicial courts and bodies responsible for the execution of criminal sentences) is granted to users by the Registry administrator on the basis of an official request, specifying the required number of work stations and personal data of users.

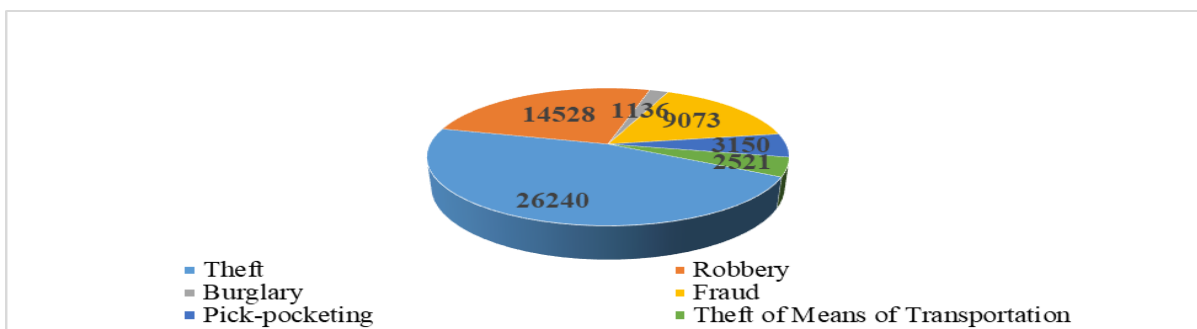
115. What particular types of crime, especially organized and serious crime, does Moldova have to deal with?

In the period 2017-2021, on the territory of the Republic of Moldova, 142 526 crimes were recorded.

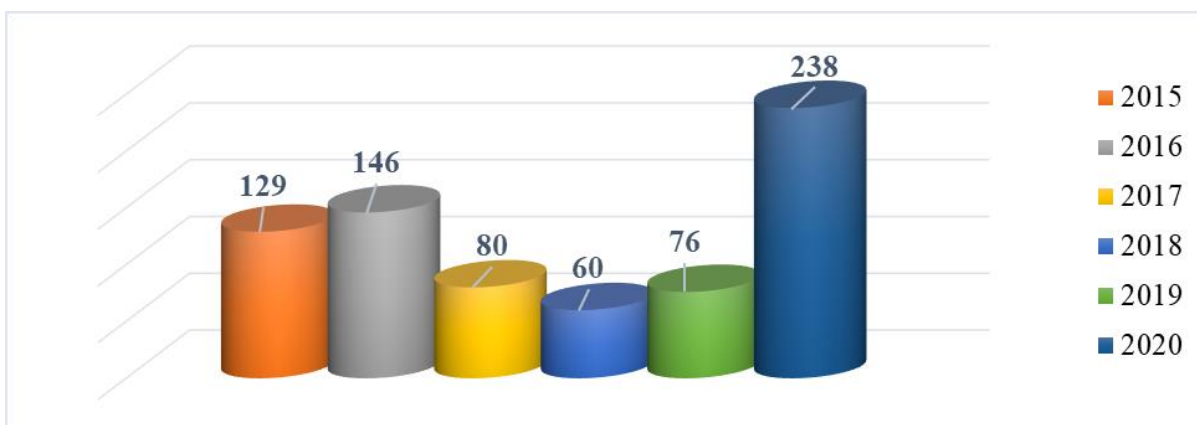


Crime structure by crime areas

Crime against property is the most widespread phenomenon in the RM. According to the type of crime, theft prevails with 26 240 cases, followed by robbery with 14 528 cases.



During the period 2015 - 2020 at national level, 729 criminal cases were registered committed by organized criminal groups or criminal organizations (association):



Areas of criminal activity in criminal organizations:

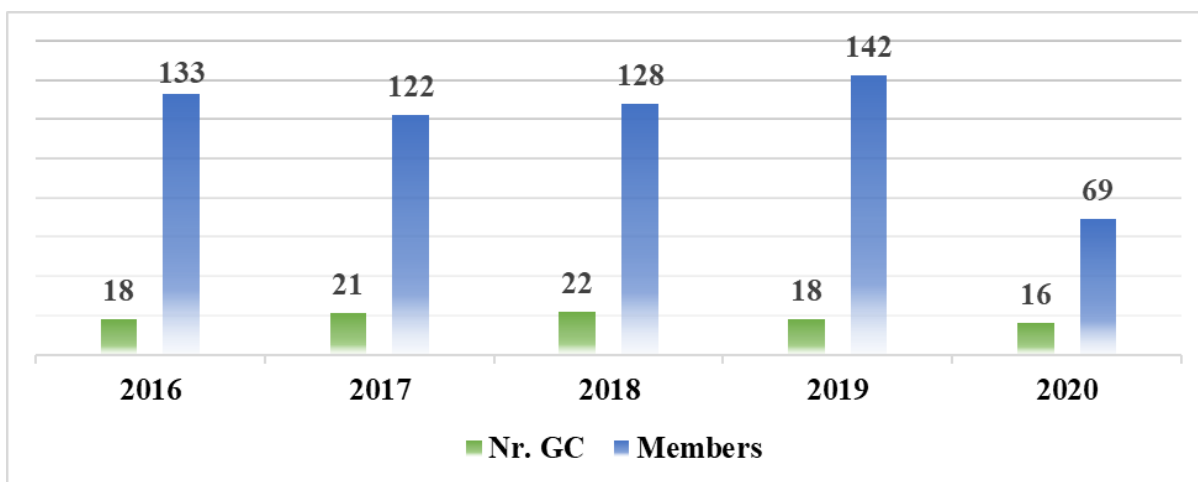
- illicit drug trafficking;
- human trafficking;
- smuggling of criminally obtained goods;
- money laundering;
- cybercrime;
- counterfeiting of money, securities, cards, etc.

There is an evolution of organized criminal groups based on the increase of financial power, including through substantial illegal accumulations of income. In the last 10 years there has been a tendency of development of other forms of organization and development of criminal organizations, their orientation being towards financial means, assets of economic agents and public money. At the same time, with the advancement and development of information technologies, there is evidence of an increase in "smart" crimes, committed via mobile applications in prisons, by organized groups with members including those at liberty, such as fraud by stealing money from citizens' credit cards.

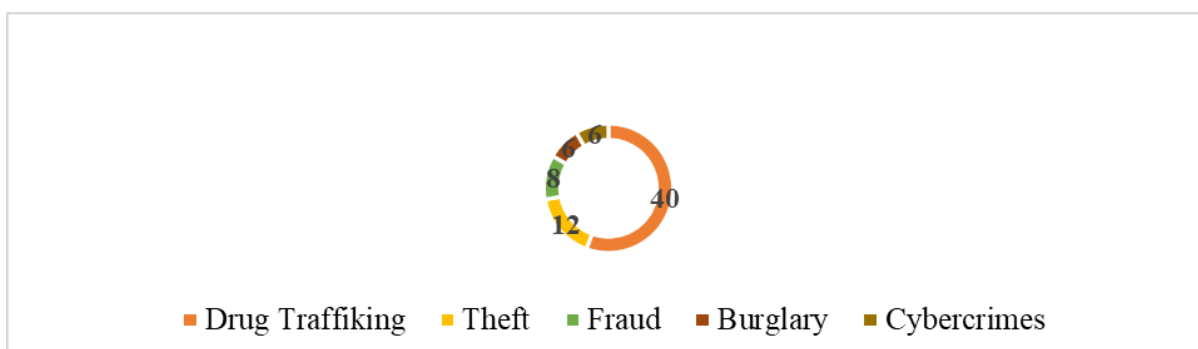
The concrete methods used by members of the criminal organization to accumulate funds are very diverse, starting with numerous bank transactions on behalf of intermediaries, bank card transactions, transactions on electronic accounts (B-pay,

RunPay, Qiwi, etc.), hand-to-hand transmission and many other methods, which ultimately aim to lose track of the money.

In the period 2016-2020 on the territory of the RM, 95 criminal groups have been documented/eliminated by the national police.



According to the specific activity of the criminal groups, most of the annihilated criminal groups have as their main activity the illicit drug trafficking:



116. Specify if there is a proven international dimension of organized crime in Moldova.

Organized crime displays patterns of criminal activity with an international dimension. It has been identified in some investigations conducted by the General Police Inspectorate together with counterparts. It is reflected in international links among persons – members of organized criminal groups or movements in goods being subject to criminal offenses.

In the process of investigating organized criminal groups or criminal organizations, it was found that their activities are coordinated with similar structures operating both in the territory of the Commonwealth of Independent States and in the territory of some European Union countries. In fact, there is evidence of a relatively close connection between members of organized criminal

groups or criminal organizations in Romania, Ukraine, the Russian Federation, Georgia, Belgium, Italy.

The types of organized crime that have an impact on our country and that are also reflected in the EU area are the following:

- manufacture and production of cigarettes (members of organized criminal groups on the territory of the RM identify and recruit employees of clandestine factories located on the territory of the EU);
- cash withdrawals from ATMs (members of organized criminal groups on the territory of the RM identify and recruit new accomplices as well as prepare special means for committing crimes);
- international drug trafficking/money laundering (taking into account the geographical location of the RM, our country is transited by international drug trafficking routes, their destination being both European Union countries and the Commonwealth of Independent States area);
- itinerant crime with a focus on the attack of valuable heritage, burglary of luxury houses, historical objects.

The current trend is determined by the involvement of organized crime networks in several types of illegal activities. This is all to maximize profit and reduce risk. In fact, this is the main reason for the involvement of important networks in all kinds of complementary illegal activities, such as illegal migration, human trafficking, forgery of personal documents, prostitution, drug trafficking and money laundering, as well as the provision of specialized services. At the same time, there is the criminal activity of some criminal groups specialized in illegal crossing the Republic of Moldova of groups of migrants, usually from Afghanistan, Sri Lanka, Pakistan, Bangladesh, China and Thailand, who are recruited from their countries via Singapore, Moscow, Chisinau and seek to reach Western European countries. Those involved in transporting Asians to Moldova and then to Romania and transporting them to the West collect huge amounts of money, which in many cases are laundered through private companies and agencies established in our country;

The National Police organizes and conducts, together with counterparts from other countries, several operations, operational meetings as well as joint investigation teams to investigate transnational criminal groups and organizations, as follows:

Drugs and money laundering

- Under the auspices of SELEC, in the framework of the operation „HIDROPON”, a criminal organization comprising Moldovan and Bulgarian nationals dealing with the cultivation and selling of cannabis drugs was investigated. The Moldovan Police Unit involved in this investigation was awarded with the Second Place during the SELEC Biannual;

- Together with their Romanian counterparts, they investigated the criminal activity of members of a criminal group made up of Bulgarian and Moldovan citizens, involved in the organization of illicit cocaine trafficking from Latin America to European countries;
- On 09.04.2021 a JIT "JI NOVAC" was signed between Moldovan and Montenegrin authorities, under the aegis of SELEC, in cooperation with EUROPOL, on the fact of the illicit drug trafficking by an OCG and money laundering derived from the drugs sale in particularly large quantities;
- Together with counterparts from the Kingdom of Belgium, the activity of an international criminal group specializing in trafficking drugs in particularly large quantities from Suriname/South America was documented
- During January-June 2021, a joint investigation was carried out by the Moldovan authorities in cooperation with the Ukrainian authorities with the purpose of investigation and dismantling of an OCG dealing with this heroin smuggling.

Proprety crimes

- In the operation „ROOFTOP" was carried out in cooperation with the German law enforcement authorities with regards to the activity of an OCG (comprising Moldovan nationals) dealing with large scale thefts from houses (money, precious metals, works of art, car thefts) and burglaries;
- Operation "JACKPOT" under the auspices of Europol and EUROJUST, regarding the joint investigation with the authorities from Luneburg, Germany, of thefts from ATM terminals by explosion;
- Operation "TAIEX" under the aegis of the Europol OEP Terminal Focal Point, in which several operational meetings were held to investigate a case of a particularly large-scale robbery and malware infection of an ATM network in Taiwan, Romania, Belarus, Armenia.
- Together with German counterparts, there was investigated the activity of a group that stole two tons of pine oil from an enterprise on German territory, which was intended to be illegally transported to the Republic of Moldova.
- JIT signed with Germany, Lunenburg (involving citizens of RM and RO)
 - investigation of an organized crime group, which commits ATM robberies. In the framework of the documentation of the case, investigative measures and exchange of information have taken place and are currently taking place, through Europol, with several EU member countries, namely Finland, France, Czech Republic, Slovakia, Switzerland and Romania.

Combating trafficking in human beings

- In cooperation with Spanish Law enforcement authorities conducted an investigation with regards to a group of Moldovan nationals exploited for agriculture labor purposes on the territory of Spain. The victims (17 people) were repatriated from Spain to RM.
- The Moldovan-Italian joint operation "Women Transfer" carried out under the aegis of EUROPOL and EUROJUST, for the investigation of an organized criminal group involved in trafficking in human beings for labor exploitation was identified and dismantled.
- On 28.05.2020, between France, Romania and the RM, under the auspices of EUROJUST, a JIT agreement was concluded on the establishment of a JIT on the offenses of trafficking in human beings, actions committed within an organized criminal group, facilitation illegal entry, transit and residence of foreigners on French territory.
- A JIT agreement was concluded with the French authorities on the creation of a JIT in a criminal case filed in April 2020 on the commission of the crime of trafficking in human beings for the purpose of sexual exploitation of women from the Republic of Moldova to Marseille, France.

Smuggling of immigrants

- Under the auspices of Europol and Eurojust, the Regional Operation "NOMAD" 2020 took place, the main objectives of the operation being to combat the phenomenon of smuggling of immigrants and illegal migration, while connecting with other criminal activities, including terrorism. During the operation, 36 people were documented, aiming for illegal migration.
- On 04.01.2021 a JIT agreement (JI NALUCA) was signed with Romanian law enforcement authorities, with the support of SELEC, EUROPOL and EUROJUST, for the investigation of a criminal group specialized in organizing illegal migration.

Crimes related tobacco products

- In cooperation with the Polish law enforcement an OCG specialized in counterfeiting tobacco products (the material prejudice amounting at about 25 mln Euro) and organizing illegal migration was disclosed;
- In cooperation with the Polish authorities the activity of an OCG comprising Moldovan, Ukrainian and Polish nationals, dealing with producing and selling counterfeit cigarettes was investigated;
- Operation "ECLIPSE IV", under the auspices of the South - East European Law Enforcement Center (SELEC). The main objective of the operation was to monitor and combat the smuggling of cigarettes and tobacco

products in South-Eastern Europe. During the targeted periods, 25563 packs of cigarettes and 350 kg of tobacco were detected;

- Within the international operation "Dniestr", two criminal groups specialized in the manufacture and sale of cigarettes, consisting of Ukrainians, Poles, Moldovans, Romanians and Georgians, were dismantled by the police;
- Common investigation with Dutch, Polish and Ukrainian law enforcement authorities with regards to a OCG running a clandestine factory of tobacco products and counterfeit cigarettes selling

Cybercrime

- With the support of EUROPOL, jointly with the law enforcement from Bulgaria, Georgia, Ukraine and the USA, in the framework of the operation "GozNym", the activity of an OCG focused on developing malware for attacking banks, credit unions and electronic trade platforms was investigated;
- The international operation "QUIMA" launched by BNC Interpol Germany, aims to identify users of software specialised in the secret distribution of files containing child pornography;
- The international operation "Operation Leine - Foreigners" launched by BNC Interpol Germany. Users of software specialised in the secret distribution of files containing child pornography were identified;
- Operation VANILA, cooperated with law enforcement authorities in Romania, Belgium, Spain, under the aegis of Europol in documenting a criminal group consisting of Moldovan and Romanian citizens who obtain financial means by skimming from various European countries, the money being subsequently invested in real estate in Spain, cars and other goods.

117. Has Moldova developed the capacity to make a strategic analysis of the organised crime situation on its territory (based on the EU SOCTA methodology developed under the auspices of Europol)? Has the country developed a risk analysis capacity that allows is to introduce the concept of intelligence-led policing?

Within the General Inspectorate of Police of the MIA, the intelligence analysis component is ensured through three analysis entities, as follows:

- *The Intelligence Analysis Directorate of General Police Inspectorate*, set up by the Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police (Published: 22-11-2019 in the Official Gazette No. 346-351 art. 857)²⁹⁵. The Information Analysis

²⁹⁵ Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118948&lang=ro

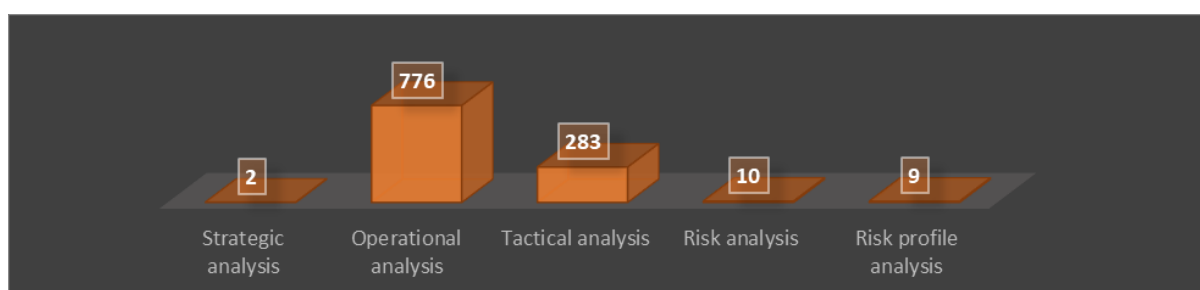
Directorate is created as a central analysis unit that has competences in developing strategic and tactical analysis.

- *The Analytical Directorate of the National Investigation Inspectorate*, set up by the GPI Order No. 77 of 22 May 2014. The activity of the Analytical Directorate of the National Investigation Inspectorate is dedicated to the performance of the operational analysis, tactical analysis, risk analysis and open-source and behavior analysis.
- *The Intelligence Analysis Unit of the Chisinau Municipality Police Directorate*, set up by the MIA Order No. 217 of 20.07.2016, and has the competence to perform operational, tactical and open source analysis at the Chisinau municipality level.

Analysis component is defined by following departmental framework:

- General Police Inspectorate Order No. 424/2020 on the approval of the Guidelines on the procedure for initiating and conducting intelligence analysis and risk assessment in the Police;
- General Police Inspectorate Order No. 258/2017 on the approval of Intelligence Led Policing Concept;
- GPI Order No. 324/2017 on the approval of Action Plan on the implementation of the Intelligence Led Policing concept;
- GPI Order No. 291/2018 on the approval of Standard Operating Procedure for the use of the Intelligence Led Policing System.

Since 2017, analytical reports have been drawn up as follows:



For the purpose of source and intelligence assessment, based on the Europol methodology the 4x4 Report was implemented by Joint Order 04/2012 on the approval of the Regulation on the organization and carrying out of special investigation activities.

- In the field of Intelligence-Led Policing concept, during January 14-25, 2019, with the support of the Technical Assistance Program on Police Reform, there was carried out an assessment mission on Gap analysis on specific needs concerning equipment, training and procedures in the area

of Intelligence Led Policing (ILP). On January 25, the final report of the mission was presented and approved.

- An analysis officer from the General Police Inspectorate is Analysis Single Points of Contact within TOPCOP project (Training and Operational Partnership against Organised Crime), coordinated by the EU Agency for Law Enforcement Training (CEPOL) and supported by the EU Agency for Law Enforcement Cooperation (Europol).
- During the Chairmanship of the Republic of Moldova within the South-East Europe Police Chiefs Association for 2019, was approved the Methodology based on the insights given by EUROPOL SOCTA methodology. At the same time the GPI analysts, together with the analysts of the SEPCA network, drafted the Threats Assessment report in the SEPCA member states for the period 2017-2018, the public and confidential version, which were approved on December 12, 2019, in Chisinau, within the General Assembly of the SEPCA.

In order to strengthen strategic analysis capabilities, the employees of the General Police Inspectorate of the MIA attended the following training courses:

- Europol Strategic Analysis Training, held in 2018, 15 participants;
- video training conference aimed to enhancing strategic analysis capabilities for the development and implementation of the SOCTA with a focus on the national platform, held in 2020, 8 participants;
- online training session on strategic analysis organized by EU Border Assistance Mission to Moldova, held in 2021, 2 participants.

118. Does the legislation criminalize the sole fact of belonging to a criminal organisation? Please provide a description (offences covered, exceptions, level of sanctions etc.).

The national legislation criminalizes creation or directing of a criminal organization as a stand-alone offence in the special part of the Criminal code (art. 284)²⁹⁶:

- Article 284. Creating or directing a criminal organization shall be punished by imprisonment from 8 to 15 years; Creating or directing a criminal organization or an organized criminal group to the purpose of committing one or more terrorist offences is punishable by imprisonment from 15 to 20 years or by life imprisonment. These provisions allow to hold accountable those who organize and direct the activity of the criminal organization, but who themselves do not commit, or have not yet committed, a specific criminal offence involving the criminal organization.
- The article 47 of the Criminal code defines the Criminal organization (association) and states as following: a criminal organization (association)

²⁹⁶ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

is considered a reunion of criminal groups organized in a stable community, whose activity is based on division between the members of the organization and its structures, the functions of management, assurance and execution of the criminal intentions of the organization to the purpose of influencing the economic and other activities of natural and legal entities or controlling it, in other forms, in view of obtaining advantages and achieving economic, financial or political interests.

Additionally, Chapter IV of the general part of the Criminal code of RM²⁹⁷ includes general provisions on criminal participation. According to art. 43 of the Criminal code the criminal organization is considered as a form of participation, and respectively, as an aggravating circumstance- when a certain offence from the special part of the criminal code is committed by or in the interest of an organized criminal group (art. 77, (1) c)).

119. Does Moldova have a specific legal framework for financial investigations, or are they carried out in the context of normal criminal investigations? Is there an overarching, financial crime and financial investigations policy/strategy covering all relevant authorities, including the prosecution, aimed at speeding up complex and lengthy investigations in the field of financial crime? Does the policy/strategy include an element of evaluation to check its effectiveness?

Parallel financial investigations are carried out within the criminal proceedings by the Criminal Assets Recovery Agency (CARA) or the criminal investigation body/prosecutor, depending on the crime committed. The guide on conducting parallel financial investigations was approved by the Prosecutor General of the rm by Order No. 11/18 from 09.04.2019. Currently, the working group of national authorities responsible for the recovery of criminal assets is in the process of developing a strategic document (Criminal Assets Recovery Program), which will establish a single mechanism for interaction in the recovery process.

Article 258 from the Criminal Procedure Code states that the criminal investigative body instructs, by delegation, CARA to carry out parallel financial investigations to follow up the criminal assets, to gather evidence in relation thereto and to preserve the assets in the cases provided by art. 229/2 par. (2) CARA shall inform, by a protocol confirming the results of the parallel financial investigations, the criminal prosecution body of the measure taken under the delegation. The time for the completion of the delegation issued to the Agency for the Recovery of the Criminal assets shall not exceed the reasonable period of criminal prosecution, with the notification at each 60 days of the criminal prosecution body on the results of the parallel financial investigation carried out to recover the criminal assets²⁹⁸.

²⁹⁷ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

²⁹⁸ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

The process of criminal assets recovery shall cover the following stages: tracing the criminal assets and accumulating evidence; making the criminal assets temporarily unavailable; confiscating the criminal assets and repairing the damages; return of criminal assets.

In order to trace the criminal assets and accumulate evidence regarding these assets, the criminal investigative body shall carry out parallel financial investigations. In case of criminal investigation of one or more crimes, of which at least one is provided at the following articles 141, 144, 158, 164, 165, 165¹, 166¹, 167, 168, 181², 206, 217¹, 217³, 218, 220, 239–240, 242¹–244, 248, 249, 259, 260, 260²–260⁴, 260⁶, 279, 283, 284, 324–329, 330¹, 330², 332–335¹, 352¹ and 362¹ from the Criminal Code, and in case of crimes committed by use of one's office, provided in article 190 and 191 from the Criminal Code, the criminal investigative body shall order, through a delegation act, to CARA the tracing of criminal assets, gathering the evidence on these assets, according to article 258 from the Code²⁹⁹.

The special confiscation and extended confiscation of criminal assets, as well as repairing the damages caused by the crimes shall be ordered via a court judgment, under the conditions of the Criminal Procedure Code and of the Criminal Code. The valuation and management of criminal assets, i.e. storage, maintenance and management of seized assets shall be ensured by the Ministry of Finance, based on the decision to apply the seizure ordered by the court and Regulation adopted by the Government.

In the cases provided for in Article 207¹ of the Criminal Procedure Code, the Ministry of Finance shall conduct the capitalization of criminal assets that were seized. The Ministry of Finance shall record amounts of money obtained from capitalization of the criminal assets on a temporary escrow account, opened on the name of the suspect, accused or defendant. The receipt recording the amount in question shall be given to the criminal investigative body that requested the seizure within no more than 3 days from the time of capitalization of the assets.³⁰⁰

120. Are there special legal powers/tools available to investigate the proceeds/financial aspects of criminal activities?

Parallel financial investigations, conducted by the criminal investigation body or Criminal Assets Recovery Agency, are an effective tool for investigating the proceeds of criminal activities. Please refer to the legal provisions, mentioned in the answer to the **question 119**.

²⁹⁹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

³⁰⁰ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

121. Is it possible to involve private experts (accountants, financial experts) in order to investigate the proceeds/financial investigations of criminal activities? If so, please explain the legal and other parameters under which this can be done.

In the RM, it is possible to involve private experts (accountants, financial experts) to investigate the financial proceedings of criminal activities. Under current national law, where there is a danger of disappearance of evidence or of a change in facts and an urgent explanation of some facts or circumstances of the case is needed, the prosecutor, the criminal investigation body, the fact-finding body or the court may use the knowledge of a specialist, ordering, at the request of the parties, the technical-scientific finding, which may also be performed by a judicial expert registered in the State Register of judicial experts.

The criminal investigation body, the prosecutor, the fact-finding body or the court that orders the technical-scientific finding establishes its object, formulates the questions to be answered and establishes the time-limit in which the work shall be performed. The technical-scientific finding is made on the materials and information provided or indicated by the criminal investigation body, the prosecutor, the fact-finding body or the court. The person in charge of the finding cannot be delegated, nor can he/she assume the duties of a criminal investigation body, prosecutor, fact-finding body or control body. In cases where specialized knowledge is required to ascertain, clarify or evaluate the circumstances that may be of probative importance for the criminal case, judicial expertise is ordered.

Possession of such specialized knowledge by the person conducting the criminal investigation or by the judge does not exclude the need for the order of judicial expertise. The order of the judicial expertise is made, at the request of the parties, by the criminal investigation body, prosecutor or by the court, as well as ex-officio by the criminal investigation body or the prosecutor. The parties, on their own initiative and on their own account, have the right, through the criminal investigation body, the prosecutor or the court, to submit to the public institution of judicial expertise/office of judicial expertise a request regarding the performance of the judicial expertise for ascertaining the circumstances that, in their opinion, can be used to defend their interests. In this case, the criminal investigation body, the prosecutor or the court is obliged to submit to the public institution of judicial expertise/the office of judicial expertise the materials necessary for the performance of the judicial expertise.

The report of the judicial expertise drawn up at the request of the parties shall be presented by the party to the criminal investigation body, the prosecutor or the court, shall be annexed to the materials of the criminal case and shall be assessed in conjunction with other evidence. If, based on the conclusions formulated by the experts in the previous expert reports, it is found that a judicial expertise requested by the parties cannot be ordered, and the performance of another expertise will condition the postponement of the criminal process, the criminal investigation

body, the prosecutor or the court rejects the request of the parties. The judicial expertise is performed by the judicial expert registered in the State Register of Judicial Experts.

If there are no experts with the necessary specialization in the State Register of Judicial Experts or if another judicial expert cannot be appointed for reasons of incompatibility, a person competent in specialization required for conducting judicial expertise may be recognized ad-hoc as a judicial expert. Each of the parties has the right to recommend an expert to participate with full rights in the conduct of the judicial expertise. Voluminous judicial expertise or those with an increased degree of complexity are carried out by a commission of several experts of the same specialization or, as the case may be, of different specializations. At the request of the parties, the experts invited (recommended) by them may be included in the committee of experts. Judicial expertise in the commission is also ordered if the previously performed expertise presents divergent conclusions.

Within the judicial expertise in the commission, questions can be formulated regarding the causes of the divergences between the conclusions of the previous expertise. At the end of the investigations within the judicial expertise in the commission, a single report of the judicial expertise is drawn up, which is signed by all the experts of the commission. If there is no common conclusion, unanimously accepted, the judicial expertise report shall present the conclusion accepted by the majority of the experts participating in the judicial expertise in the commission or the impossibility of presenting a common conclusion shall be declared. The divergent opinions of the experts are set out in separate conclusions which are annexed to the judicial expertise report and presented to the authorizing officer of the judicial expertise.

The requirement of the criminal investigation body, the prosecutor or the court that the judicial expertise be performed by a commission of experts is mandatory for the head of the institution of judicial expertise, as well as for the appointed experts. If the judicial expertise is entrusted to the institution of judicial expertise and the head, analyzing the complexity of the investigations to be carried out, considers that a judicial expertise is necessary in the commission, he communicates to the criminal investigation body, the prosecutor or the court the proposal to order judicial expertise.

Relevant provisions of the Criminal Procedure Code:

- Article 139. Conditions for the performance of the technical-scientific and medico-legal inspections;
- Article 140. The Manner of Performance of Technical and Scientific or Medical and Forensic Investigations;
- Article 142. Grounds for Requesting and Providing an Expert Opinion;
- Article 146. Commissions of Experts.

122. Are there specialized units/ persons/ authorities that deal exclusively/ mainly with financial crime and/or financial investigations within or among:

a) Investigative authorities (police, customs ...)

According to art. 269² of the Criminal Procedure Code³⁰¹, the investigation of financial offenses is the responsibility of the criminal investigation body of the State Fiscal Service (offenses provided in art. 241–242, 244, 2441, 250–253 and 3351 of the Criminal Code³⁰²), and according to art. 268 of the Criminal Procedure Code the investigation of smuggling offenses and the avoidance of payment of import duties (offenses provided in art. 248, 248¹, 248² and 249 of the Criminal Code³⁰³) is within the competence of the criminal investigation body of the Customs Service.

b) Prosecuting authorities

Based on art. 270² of the Criminal Procedure Code, the Prosecutor's Office for Combating Organized Crime and Special Cases conducts the criminal investigation in cases where the criminal investigation is carried out by the State Tax Service and the Customs Service. At the same time, if the customs value of the goods, import duties or damage caused by the offenses provided by art. 244, 248, 248¹, 248¹, 249 of the Criminal Code exceeds the value of 50,000 conventional units (2,500,000 lei), criminal prosecution is carried out exclusively by the Prosecutor's Office for Combating Organized Crime and Special Cases.

c) Judges involved in the pre-trial phase

In the investigation of financial crimes, in the phase of criminal prosecution, only the investigating judge is involved who according to the provisions of art. 300 paragraph (1) of the Criminal Procedure Code examines the prosecutor's steps regarding the authorization the application of coercive procedural measures that limit the constitutional rights and freedoms of the person.

d) Any other authorities involved (please describe)

The involvement of the Agency for the Recovery of Criminal Assets (ARCA), which is an autonomous specialized subdivision within the National Anticorruption Center, whose activity is regulated by Law No. 48/2017³⁰⁴, may be requested when investigating financial crimes. According to art. 5 of the specified Law, the Agency for the Recovery of Criminal Assets has the following attributions:

³⁰¹ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

³⁰² Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

³⁰³ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

³⁰⁴ Law No. 48/2017 on the Agency for the Recovery of Criminal Assets, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105676&lang=ro

- carrying out parallel financial investigations and drawing up the minutes recording their results, as well as making unavailable the criminal assets under the conditions of the Criminal Procedure Code;
- the evaluation, administration and capitalization of the unavailable criminal assets;
- keeping records of criminal assets made unavailable, including on the basis of requests from foreign competent authorities;
- negotiating the repatriation of criminal assets, under the conditions of art. 13 paragraph (2);
- international cooperation and exchange of information with foreign competent authorities;
- the collection and analysis of statistical data regarding the offenses provided by this law.
- the representation of the interests of the state and of legal persons under public law in civil proceedings for the recovery of criminal assets, as well as for the reparation of the damage caused by violating the legislation of the RM and other states;
- the cooperation with the public authorities that exercise relevant attributions for the activity carried out by the Agency for the Recovery of Criminal Property;
- the support, in accordance with the law, of the judicial bodies for the use of the best practices in the matter of identification and administration of the goods that can be the object of the measures of unavailability and confiscation within the criminal process.

The Security and Intelligence Service, according to the law in force, is not a criminal prosecution body responsible for investigation of financial crimes. However, according to the law in force, the SIS carries out intelligence and counterintelligence activities. The result of this activity is forwarded to criminal prosecution bodies under art. 9, letter g) of the Law No. 753/1999³⁰⁵, which binds the institution to ensure, within the limits of its powers, safety of the financial and banking system.

³⁰⁵ Law No. 753/1999 on the Intelligence and Security Service of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121235&lang=ro#

123. Please indicate whether there are databases and registers, related to financial investigation capacity for the following categories: bank accounts, real estate, companies, vehicles, boats. Please provide for each register or database: a) The content of the database/register (type of data contained, number of entries). b) Which authorities have access to the database/register at national level? c) The type of access to the database/register (direct/indirect, need for a judicial authorization, etc.).

The Criminal Assets Recovery Agency (CARA) has access to registers and databases from which information can be extracted on:

Bank account: The information is collected by the State Tax Service for bank accounts held, including credit and electronic wallets on both individuals and legal entities. The search is made by the ID of the person or identification number of the company. CARA has direct access to the State Tax Service database called Infoview³⁰⁶ by having a user name and a customized password. The information includes: account number; opening date; the name of the bank; account type; account currency; account closing date.

Company information can be obtained in several ways:

1. *State Tax Service Database* by having a user name and a customized password – the search is made only by the identification number of the company. The generated report includes the following information: company name, tax code, registration date, closing date, or in the process of liquidation; the size of the share capital, legal address and phone no.; name/surname and ID of the director; name/surname and ID of the accountant; name/surname and ID of the founder; the history of change of directors and founders; bank accounts opened/closed with the name of the bank and the currency; offices/deposits held and their address; type of activity; information on registration as a VAT payer; information on income filed; information on employees with an indication of annual salary income; information on dividends paid; delivery and purchase records.

2. *Database ACCES - Population Register* – accessed directly through user name and personalized password.³⁰⁷ The information can be searched by company name or the identification number of the company. The report contains the following information: company name; tax code, registration date, size of share capital; date of liquidation of the company; legal address; name/surname, ID and address of the director of the founder and of the beneficial owner; partner country in case of founder from abroad; type of activity, including licensed activity; movable property owned; previously owned movable property.

3. *Date.gov.md Platform* - via a WEB browser where the access is authorized by MPASS - Government Service for Authentication and Access Control "MPaSS" with electronic certificate. Reports include: information on the legal person (extended set of data) - search by tax code (tax code, name; registration date;

³⁰⁶ Infoview State Tax Service database, available in Romanian at: <https://reports.fisc.md/BOE/BI>

³⁰⁷ Database ACCES, available in Romanian at: acces.registru.md

current status; share capital; legal address, type of activity by codes; name/surname, ID and address of the administrator; name/surname, ID, address, settlement accounts, account number and bank name of the founders. Data about the legal person (restricted set of data) - search by tax code - the company name is generated. Additionally, it generates the information on vehicles owned by the companies.

Vehicles:

1. *Database ACCES* - Population Register – accessed directly through username and personalized password.³⁰⁸ Reports are generated by:

- vehicles owned currently or previously owned by a natural or legal person;
- search by car registration number (both active and previous);
- search by VIN Code No. or engine no.;

The report contains: *Owner: name/surname, dob, ID; *Usufructuary: name/surname, dob, ID; *Car history (all previous owners); *Date of import of the vehicle; *Restrictions on this vehicle; *Vehicle accidents.

2. *Date.gov.md Platform* - via a WEB browser where the access is authorized by MPASS - Government Service for Authentication and Access Control "MPaSS" with electronic certificate. The search is made by the owner or by the individual number of the car. In addition, the Reports on the technical inspection of transport units, compulsory insurance and border crossings of the National Car Transport Agency, can be accessed. It should be noted that CARA has separate access to both the Border Police database as well as to the National Car Transport Agency Reports and the database of the National Commission of the Financial Market regarding the improvement of car insurance. At the border police database - the connection is provided by desk-top application, access being authorized with username and password. The access to the National Car Transport Agency database - is ensured through the WEB browser to their information system with the use of personalized username and password.

Real estate: It is searched based on the information from the cadastral Register, of the real estate - it is ensured by WEB connection to their portal³⁰⁹ with personalized username and password. The search is made by inserting the natural or legal person with an indication of name and ID. It generated a general report on cadastral number and address, type of property, share held, active or extinguished status, date and year of acquisition, the document that formed the basis of the acquisition. Also, can be generated a developed report: cadastral number, surface, type of property, address, data about the current and previous owner with the indication of the quota, name, surname, dob, ID, document that was the basis of the acquisition; the date of registration in the Cadastral Register, information on pledge or seizures applied / withdrawn. An asset valuation report can be generated

³⁰⁸ Database ACCES, available in Romanian at: acces.registru.md

³⁰⁹ Cadastral Register, available in Romanian at: <https://cadastru.md/ecadastru/f?p=100:1:1246702269972830>

as well. The real estate can be searched as well by inserting the required address or cadastral number.

124. Describe the specific institutions/bodies/departments/court chambers set up to fight organized crime (including data on staff, budgetary allocations and equipment in this area).

According to Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police,³¹⁰ the National Investigation Inspectorate is a specialized subdivision directly subordinate to the General Police Inspectorate of the MIA. The mission, basic functions, powers, rights and organization and functioning of the National Investigation Inspectorate are established by the Order of the Ministry of Internal Affairs no.213/2013.

National Investigation Inspectorate has jurisdiction over the whole territory of the Republic of Moldova and performs duties in the following areas of activity:

- detecting, investigating and uncovering especially serious and exceptionally serious crimes, as well as those with increased social resonance;
- prosecuting and punishing dangerous criminals;
- carrying out special investigative activities;
- fighting against organized crime.

The total number of staff of the National Investigation Inspectorate is 405 employees. In its structure the National Investigation Inspectorate includes the following directorates:

- Organized Crime Investigation Directorate (there are, in total, 42 staff);
- Investigation of Drug Crimes Directorate (there are, in total, 39 staff);
- Cybercrime Investigation Directorate (there are, in total, 35 staff);
- Combating Trafficking in Human Beings Centre (there are, in total, 40 staff);
- Money Laundering and Terrorist Financing Investigation Directorate (there are, in total, 16 staff);
- Directorate of Complex Investigations (there are, in total, 42 staff);
- Criminal Investigation Directorate (there are, in total, 42 staff);
- Directorate for Investigations North (there are, in total, 29 staff);
- Directorate for Investigations Center (there are, in total, 27 staff);
- Directorate for Investigations South (there are, in total, 25 staff).

³¹⁰ Government Decision No. 547/2019 on the organization and functioning of the General Inspectorate of Police, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118948&lang=ro

- Analytical Directorate (there are, in total, 18 staff);
- Special Surveillance Directorate (there are, in total, 17 staff).

The financing and technical and material provision is carried out from the funds provided for in the General Police Inspectorate budget. Of the total budget of the General Inspectorate of Police about 16% covers the expenses of the National Investigation Inspectorate. The National Investigation Inspectorate has in use:

- special technical means for carrying out special investigative measures;
- weapons;
- software;
- lethal and non-lethal weapons;
- ammunition for the staff arming;
- computing technique – 670;
- transport units – 89.

125. How do you co-operate internationally in fighting organized and serious crime and how do you ensure national coordination in this combat? How do you co-operate with the private sector, notably the banking sector?

International police cooperation is determined in many cases by the content of treaties, conventions, pacts or agreements concluded or ratified by two or more states, or by some agreements and protocols concluded on their own initiative, which involve the execution of police activities. In the RM, the international exchange of information on the police segment is ensured through the Europol, Interpol and SELEC channels, which carry out special investigative measures with an emphasis on international cooperation to fight organized crime by exchanging information, operational strategies and good practices in combating the most alarming transnational crime.

International cooperation also takes place through the exchange of information and the preservation of data through the 24/7 contact point of the Budapest Convention. Cooperation with the banking sector takes place through the "Agreement on the exchange of information between the National Bank of Moldova and the General Inspectorate of Police" signed on 03.03.2014, where the object of this Agreement is the regular exchange of information between the Parties on fraud, crime information and communications in the field of communications related to the activity carried out by payment service providers, as well as those related to the use of non-cash payment instruments.

126. How do you cooperate and ensure cooperation in the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT)?

The cooperation mechanism in the framework of the European Multidisciplinary Platform Against Criminal Threats was established through the national contact

point CAPASPOC (Institutional Development Policy Department of the Ministry of Interior Affairs of the RM), appointed in the framework of the TOPCOP project (implemented by CEPOL), and subsequently cooperation was ensured at strategic level in the context of EMPACT activities. At the same time, an investigation officer from the National Investigation Inspectorate of the General Inspectorate of Police of the MIA has been appointed as national contact point on EMPACT (*responsible for the operationalization of processes*). The facilitation of information exchange will be ensured through the International Police Cooperation Department of the General Inspectorate of Police of the MIA. The Moldovan liaison officer seconded to EUROPOL will also ensure cooperation within the limits of his functional powers.

The RM is part of the Fighting Organized Crime in Eastern Partnership region Project under EMPACT and will participate in July 2022 at the MD National EMPACT Coordinator's meeting. Also, due to a constructive dialogue, the EMPACT support team supported the RM initiative to be part of the implementation of the Strategic Objectives of the Operational Action Plan (OAP) for 2021-2025.

During 2022, the Republic of Moldova is involved as an active participant in 19 activities under 10 Operation Action Plans on the following EMPACT priorities: high-risk criminal networks; excise fraud; criminal finance; child sexual exploitation; money laundering and asset recovery; organized property crime; environmental crime; firearm trafficking. Taking into account the refugee flow situation, significant efforts are being made in order to involve the General Police Inspectorate of MIA in all OAPs for 2023, as well as the proposal to participate as an action leader or co-action leader.

The European Border and Coast Guard Agency (FRONTEX) facilitates and promotes operational cooperation between other actions, programs and instruments implemented with the support of European Union, on all areas covered by the Agency's mandate, including operational activities under the European Union Policy Cycle/EMPACT for organized and serious international crime. In 2021, for the first time, under FRONTEX auspices, GIBP participated in two operational activities within the EU-EMPACT Policy Cycle in field of excise goods smuggling, facilitation of illegal immigration and associated document fraud.

According to the provisions of the Cooperation Operational Plan between the General Inspectorate of Border Police of MIA of the Republic of Moldova and the European Border and Coast Guard Agency (FRONTEX) for 2022-2024 years, Frontex engaged GIBP in Frontex led/co-led, or supported Joint Action Days under the EU Policy Cycle/EMPACT. In 2022 GIBP will participate at the Operational Action (OA) 2.10 Border checks and surveillance measures focused on the Western Balkans Operational Area 2022, led by FRONTEX Agency. The measure is also linked to Trafficking in Human Beings EMPACT Priority OA 8.1 as

approved by COSI (13607/1/21 REV 1) on 30 November 2021 and to the Document Fraud Common Horizontal Strategic Goal.

127. Witness protection – Please briefly describe the witness protection system. How is cooperation done between law enforcement and judiciary? Is sufficient budget in place for implementing security measures? Are there legal cooperation agreements with other countries?

The security of the participants in criminal proceedings when their life, physical integrity, freedom or property are endangered, due to their knowledge of information that they agreed to provide to judicial authorities, which serve as conclusive evidence of commission of serious, extremely serious or exceptionally serious offenses is provided by the Law No. 105/2008 on the protection of witnesses and other participants in criminal proceedings (Published on 27/06/2008 in the Official Gazette No.112-114, art. No. 434)³¹¹.

The competent authority for the protection of witnesses and other participants in criminal proceedings is the Witness Protection Directorate of the General Police Inspectorate of the Ministry of Internal Affairs. The following information may serve as grounds for inclusion in the protection program of participants in criminal proceedings:

- availability of a state of danger for persons;
- giving or agreeing to give testimony relating to serious, very serious or exceptionally serious offences or providing or agreeing to provide information before commencement of criminal proceedings;
- testimony amounting to conclusive evidence for detection of offenses;
- objective judgment of a criminal case relating to serious, very serious or exceptionally serious offences.

The information about the actual identity or other data about the protected person shall be stored in maximum confidentiality conditions, in compliance with the Law No. 105/2008 on the protection of witnesses and with the Law No. 245/2008 on the state secret³¹².

Disclosure of information about the protected person shall be punished according to the effective legislation. Persons who take part in the protection program shall sign a confidentiality statement to this end.

³¹¹ Law No. 105/2008 on the protection of witnesses and other participants in criminal proceedings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110503&lang=ro

³¹² Law No. 245/2008 on the state secret, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112337&lang=ro

The person, who is exposed to danger, may apply to the prosecutor conducting legal proceedings or, when appropriate, to the court, for inclusion in a protection programme.

The prosecutor, or, when appropriate, the court, reviews the application in a confidential manner, and issues a decision on the application of protection measures.

The prosecutor or the court may recommend to the competent authority the application of some specific protection measures.

The protection programme is carried out using confidential methods and techniques developed within the competent authority. The documents relating to inclusion of a person in the programme are stored under maximum confidentiality conditions.

In criminal proceedings the following protection measures may be applied to the protected person:

- protection of identity data;
- hearing by using special means and methods;
- change of residence, workplace or place of study;
- change of identity, change of physical appearance;
- installation of an alarm system in a dwelling or residence;
- change of telephone number;
- protection of property.

Emergency measures may be applied separately or cumulatively, together with assistance measures. The criminal investigation authority may apply emergency measures to the participant in criminal proceedings who is exposed to danger, calling for immediate security measures. Emergency measures applicable to participants in the criminal proceedings by the criminal investigation authority are:

- provision with a body-guard and a guard for the dwelling, residence or property;
- interception of his/her communication in accordance with the provisions of the Code of Criminal Procedure;
- supervision, using audio/video devices, in accordance with the provisions of the Code of Criminal Procedure;
- temporary relocation in a safe place;
- protection of movement or restriction of movement;
- provision with special active and passive means for personal protection.

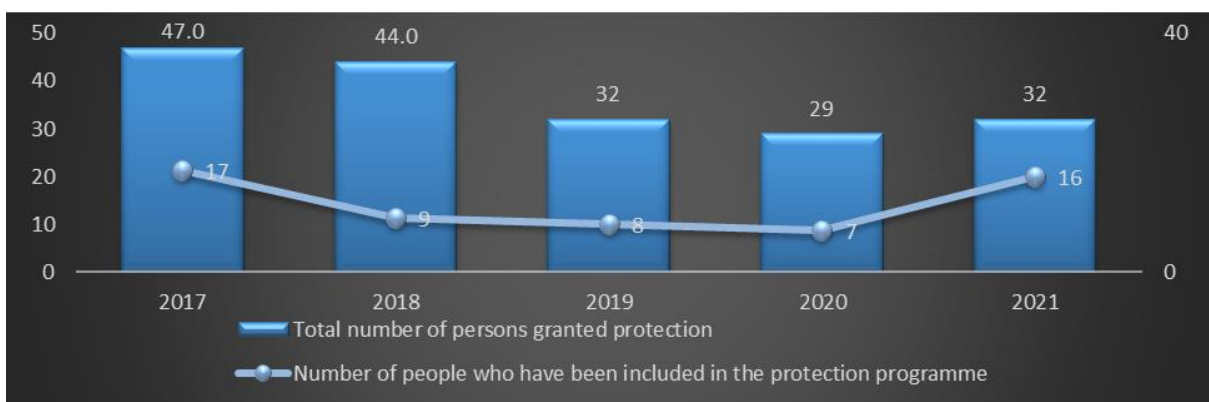
When appropriate, the authority applying emergency measures may determine their duration.

International cooperation in the area of witness protection is carried out in compliance with the norms for international legal assistance in criminal matters.

The expenditures for the enforcement of this law shall be covered by the state budget, from external sources and from programmes for meeting the needs for the protection of witnesses, in accordance with the provisions of the Government Decision No. 950/2010 on the approval of the Regulation on the management of financial means of the activity of protection of witnesses and other participants in criminal proceedings.

The fund management methods are determined by a regulation approved by the Government.

Persons granted protection



128. How is cybercrime tackled? Is there a strategy/action plan? If so, how does it address:

a) attacks against information systems (cyber-dependent / high-tech crimes) or phishing (e.g. fake bank websites to solicit passwords enabling access to victims' bank accounts) b) online fraud and forgery (incl. through: large-scale fraud can be committed online through instruments such as identity theft, phishing, spam, fraudulent use of non-cash means of payment, etc. c) illegal online content, including incitement to racial hatred, incitement to terrorist acts and glorification of violence, terrorism, racism and xenophobia d) Online child sexual abuse and exploitation including the production, dissemination and consumption of child sexual abuse material and grooming and extortion of children for the purpose of extracting such material from them.

The Republic of Moldova adopted by Parliament Decision No. 257/2018³¹³, the Information Security Strategy for 2019-2024, which presents an assessment of the current situation in the field of information security, lists the recorded performances and points out new trends in the development of the information

³¹³ Parliament's decision No. 257/2018 on the approval of the Information Security Strategy of the Republic of Moldova for the years 2019-2024 and the Action Plan for its implementation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111979&lang=ro

society. The area of cybercrime is covered by point. 4.1. Pillar I, of mentioned Strategy, under the following approach:

- Creating an integrated system for communicating and assessing threats to information security and developing operative response measures;
- Continuously monitoring and ensure a high level of cyber security;
- Strengthening cyber defense capabilities;
- Protection of the special communication networks of the Republic of Moldova and of information with limited accessibility for maintaining the vital functions of the state;
- Ensuring control over the import, certification and use of means of information protection;
- Fight against cybercrime (cybercrime investigation);
- Protection of children from any form of abuse in the online space;
- Combating fraud by using electronic means of payment;
- Developing institutional capacities in the fight against cybercrime;
- Performing some applied scientific researches in the field of information security;
- Develop cyber security resilience capacities and raise ICT culture.

b) online fraud and forgery (incl. through: large-scale fraud can be committed online through instruments such as identity theft, phishing, spam, fraudulent use of non-cash means of payment, etc.

Point 8 Pillar I of the Information Security Strategy for 2019-2024 is addressed to fight fraud using electronic means of payment through the exchange of information between the Centre for Combating Cybercrime of the MIA and the security departments of financial institutions; the promotion of enhanced security measures for ATMs in terms of hardware and software; identification of common mechanisms to combat fraud in card and card-not-present transactions.

The General Police Inspectorate, by Order no.189 of 27.06.2016 approved the standard operational procedures regarding the investigation of computer crimes and crimes in the field of telecommunications, according to which the following objectives are outlined:

- (a) to establish a set of rules for the conduct of cybercrime investigation activities;
- b) to establish responsibilities for the preparation, endorsement and approval of documents related to this activity
- c) to establish a set of rules for the conduct of searches of premises where computer systems or other computer data storage media are identified as well as the collection of computer systems and computer data storage media identified as a result of searches.

d) to establish a single set of rules for securing computer evidence.

c) illegal online content, including incitement to racial hatred, incitement to terrorist acts and glorification of violence, terrorism, racism and xenophobia:

Point 21 Pillar III of the Information Security Strategy for 2019-2024 is addressed to develop capabilities of prevention, detection and counter extremist, terrorist and other action that could endanger security information. Thus, an important objective of this pillar is the synchronization and rational distribution of the forces of national institutions towards the preventive detection of actions carried out from outside and/or inside the country, conceived as complex diversions against information security. On the other hand, it is important to include the reporting of information on the state of risk to information security by state institutions with competences in this field to the Intelligence and Security Service.

d) Online child sexual abuse and exploitation including the production, dissemination and consumption of child sexual abuse material and grooming and extortion of children for the purpose of extracting such material from them.

In order to ensure a system of protection and development of the information space, the Republic of Moldova adopted the Information Security Strategy for 2019-2024³¹⁴, which presents an assessment of the current situation in the field of information security, lists the recorded performances and points out new trends in the development of the information society.

The phenomenon of combating cybercrime is approached as a component part of the Information Security Strategy for 2019-2024, and the objective of protecting children from any form of abuse in the online space consists of the following actions:

- 1) Combating the phenomenon of child pornography on the Internet;
- 2) Combating the phenomenon of grooming and sexual harassment of children through the Internet;
- 3) Promoting a safer Internet for children through on-line counselors and encouraging reporting through specialized informational projects.

At the same time, the Action Plan of the Ministry of Internal Affairs for the implementation of the Information Security Strategy of the Republic of Moldova for the years 2019–2024, approved by the Order of the Ministry of Internal Affairs no.143 of 14.03.2019, objective No. 6 child protection from any form of abuse in

³¹⁴ Parliament's decision No. 257/2018 on the approval of the Information Security Strategy of the Republic of Moldova for the years 2019-2024 and the Action Plan for its implementation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111979&lang=ro

the Internet lead to realize of a series of actions in order to prevent and combat the online sexual abuse and exploitation of children.

Point 7 Pillar I of the Information Security Strategy for 2019-2024 is addressed to ensure child protection from abuse in on-line space through combating child pornography on the Internet; fighting grooming and sexual harassment of children on the Internet; promoting a safer Internet for children through online counsellors and encouraging reporting through specialised information projects.

129. Are there any specialized units / authorities for tackling cybercrime within the police and prosecution? If so, please describe their composition, mission and powers.

Within the General Prosecutor's Office there is the Information Technology and Fighting Cybercrime Section within the Criminal Investigation and Forensic Directorate, consisting of: 1 chief prosecutor, 4 prosecutors, 2 consultants of the prosecutor, 2 specialists. The attributions of the Section are reduced to the unitary implementation by the Prosecutor's Office of the national and international policy of the state at the registration and investigation of the cases of cybercrime; generalization and contribution to the unification of the practice in the field of examination of notifications, exercise and management of criminal prosecution on cybercrime cases and related to them; practical and methodological assistance in the field of cybercrime investigation; collecting and analyzing information on the state of affairs in the field of cybercrime investigations; organizing, coordinating and controlling the activity of prosecutors in the field of preventing and combating cybercrime, in accordance with the law, etc.

Within the Prosecutor's Office for Combating Organized Crime and Special Cases there are 2 specialized prosecutors, who according to article 270² point (1) letter c) of the Criminal Procedure Code³¹⁵ have the competence to investigate computer and telecommunications crimes, in cases if the value of the damage caused by the crime exceeds the value of 50,000 conventional units. In 2018, Article 270 (1) point 2), letter c) of the Criminal Procedure Code was amended and supplemented, assigning exclusive powers to prosecutors to prosecute in cases of cybercrime and telecommunications.

The Directorate on Investigation Cyber Crimes is a specialized subdivision under the National Inspectorate of Investigations of the General Police Inspectorate and was created on March 5, 2013, as a result of the reform of the Ministry of Internal Affairs in accordance with Government Decision No. 986/2012 in order to combat the offences committed through online media, later renamed in Directorate of cybercrime investigations.

³¹⁵ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro#

The Directorate has the following competences:

- investigate information security crimes;
- investigate crimes encroaching upon the sexual inviolability of minors;
- investigate crimes committed using electronic payment means;
- investigate financial crimes committed by using information systems and modern technical means;
- carry out criminal prosecution;
- examine and analyze information systems using modern equipment and software.

The cybercrime investigation department consists of 5 units:

Cybercrime investigation - dealing with preventing and combating at national level the computer crimes, as well as the crimes in the field of telecommunications provided in Chapter XI of the Criminal Code.

Investigations of crimes committed with electronic payment means - ensure the prevention and detection of crimes related to carding, phishing, theft of funds from accounts, including electronic payment systems, card fraud, fraud committed with crypto currencies etc.

Investigations of the offenses of child pornography - dealing with preventing and combating child pornography, online sexual abuse and exploitation of children, spreading illegal content, stalking children for sexual purposes and related crimes; identifying victims of child pornography and online sexual abuse.

Operational technique - provide technical assistance in special activity and criminal prosecution, using modern techniques and software ensures the examination and analysis of computer systems, devices of all kinds.

The criminal prosecution section - ensures the exercise of criminal prosecution on computer and related crimes, committed with modern computer systems and technical means.

By Order No. 429 of November 7 2019 of the General Police Inspectorate, a network of persons was created within the territorial inspectorates of the General Police Inspectorate, responsible for preventing and combating cybercrime and related crimes (including sexual exploitation and child abuse via the Internet).

130. Have you signed/ratified/implemented the Council of Europe Budapest Convention on Cybercrime and its additional protocols? Are you participating in any of the cybercrime capacity building programs or other activities of the Council of Europe?

The RM, by the Law No. 6-XVI/2009, ratified the Council of Europe Convention on Cybercrime³¹⁶, adopted in Budapest on 23 November 2001. By the Law No. 302 of 22.12.2016³¹⁷, the Additional Protocol to the Council of Europe Convention on Cybercrime was ratified, regarding the incrimination of racist and xenophobic acts committed through computer systems. In order to implement the provisions of the Additional Protocol to the Council of Europe Convention on Cybercrime, on the criminalization of racist and xenophobic acts committed through computer systems, Parliament adopted in its first reading Law No. 277 of 20.06.2016, which was subsequently merged with a draft law from the Ministry of Justice (Law No. 301/2016). The draft Law No. 301/2016 for amending and supplementing certain legislative acts (Criminal Code - Articles 77, 134'14, 135'1, etc.; Misdemeanour Code - Articles 43, 46'1, 46'2, etc.) has been adopted in the second reading by the Parliament of the RM in April 2022³¹⁸.

The RM is a part of the Council of Europe project CyberEast, implemented in the Eastern Partnership countries Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. CyberEast is a joint project of the EU and the Council of Europe, implemented in the Eastern Partnership (EAP) region by the Council of Europe under the European Neighborhood East Instrument (ENI). The project aims at adopting legislative and policy frameworks compliant to the Budapest Convention on Cybercrime and related instruments, reinforcing the capacities of judicial and law enforcement authorities and interagency cooperation, and increasing efficient international cooperation and trust on criminal justice, cybercrime and electronic evidence, including between service providers and law enforcement.

131. Does the criminal code define cybercrimes, including online child sexual abuse? What is the level of sanction for cybercrimes and on-line child sexual abuse?

The national legislation does not include a definition for cybercrime. The Chapter XI of the Criminal code³¹⁹ criminalizes *cybercrimes and offenses in the telecommunication field* and includes:

- Article 259. Illegal access to computerized information (up to 3 years' imprisonment);
- Article 260. Illegal production, import, sale or making available technical means or program products (from 2 to 5 years' imprisonment);
- Article 260¹. Illegal interception of an information data transmission (from 2 to 5 years' imprisonment);

³¹⁶ https://www.legis.md/cautare/getResults?doc_id=23601&lang=ro

³¹⁷ https://www.legis.md/cautare/getResults?doc_id=97014&lang=ro

³¹⁸ <https://www.parlament.md/%d0%97%d0%b0%d0%ba%d0%be%d0%bd%d0%be%d0%b4%d0%b0%d1%82%d0%b5%d0%bb%d1%8c%d0%bd%d1%8b%d0%b9%d0%bf%d1%80%d0%be%d1%86%d0%b5%d1%81%d1%81/Proiectedeactelegislative/tabid/61/LegislativId/3349/language/ro-RO/Default.aspx>

³¹⁹ Criminal Code of the Republic of Moldova, available at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

- Article 260². Altering the integrity of information data stored in an information system (from 2 to 5 years' imprisonment);
- Article 260³. Disturbance of the operation of an information system (from 2 to 7 years' imprisonment);
- Article 260⁴. Illegal production, import, marketing or making available in any other form passwords, access codes or similar data (from 2 to 7 years' imprisonment);
- Article 260⁵. Information counterfeit (from 2 to 5 years' imprisonment);
- Article 260⁶. Information fraud (from 2 to 9 years' imprisonment);
- Article 261. Violation of the rules on the security of information system (from 2 to 5 years' imprisonment);
- Article 261¹. Unauthorized access to telecommunication networks and services (up to 5 years' imprisonment).

The online child sexual abuse is criminalized according to following provisions:

- Article 175. Perverse actions (obscene discussions regarding sexual relations, incitement of the child to attend or assist pornographic performances, provision of pornographic materials to the child);
- Article 175¹. Luring a minor for sexual purposes;
- Article 208¹. Child pornography.

The penalties for child sexual abuse, when committed online, range from three to 7 years' imprisonment for perverse actions, from two to 8 years' imprisonment for luring a minor for sexual purposes and from one to 3 years' imprisonment for child pornography.

132. Have you signed/ratified/implemented the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse? Are you participating in any of the capacity building programmes of the Council of Europe relating to the fight against child sexual abuse and exploitation?

The Republic of Moldova ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse in 2011 (Ratification Law No. 263/2011³²⁰). Currently, the Council of Europe Office in Chisinau, in collaboration with national authorities, conducts the project on preventing and protecting children from violence including in the digital environment in the RM. The project objective is to strengthen the response of to violence against children, including online child sexual exploitation and abuse.

The Committee of the Parties to the Convention, also known as the Lanzarote Committee, is responsible for monitoring the implementation of the Convention.

³²⁰ Law No. 263/2011 on the ratification of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse in 2011, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=13045&lang=ro

The Republic of Moldova participated in the first round of monitoring dedicated to child protection against sexual exploitation and sexual abuse in the circle of trust (2014-2018), also in the second part (2017-2022) that presume protecting children against online sexual exploitation and sexual abuse, facilitated by information and communication technologies.

On 14.01.2022, an officer participated online at the programs on combating the sexual abuse and exploitation of children organized under the aegis of the Council of Europe, with representatives of the project management teams of the CoE Office in Chisinau and of the CoE's Children's Rights Division, regarding the activities to be implemented this year within the new project of the Council of Europe "Protecting children against violence and preventing it, including in the online environment".

The General Police Inspectorate actively participated at:

- The CoE project "Combating violence against children in the Republic of Moldova" – initiated in 2018 until 2020, the aim of the project is to support child protection framework and the country's justice system, being focused on the child protection against sexual violence, the promotion of child-friendly practices and the rights of the child in the digital environment;
- The project "EndOCSEA" "Stopping the online sexual exploitation and abuse among children @Europa" – initiated in 2018 until 2020, the purpose being to develop the mechanism for preventing and combating the sexual abuse and exploitation of children on the Internet.
- Within the Cyber East program 3 employees of the Moldovan Police graduated the master program on Forensic Computing and Cybercrime Investigation of the University College Dublin 2020-2022. All the costs have been borne by the Council of Europe.

133. How are crimes relating to child sexual abuse and sexual exploitation tackled? Is there a strategy/action plan in place?

The Information Security Strategy for 2019-2024 approved by Parliament Decision No. 257/2018³²¹ covers crimes related to child sexual abuse and sexual exploitation of children, which presents an assessment of the current situation in the field and lists the recorded performances and points out new trends in the development.

The phenomenon of combating cybercrime is approached as a component part of the Information Security Strategy for 2019-2024, and the objective of protecting children from any form of abuse in the online space consists of the following actions:

³²¹ The Information Security Strategy for 2019-2024 approved by Parliament Decision No. 257/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111979&lang=ro

- combating the phenomenon of child pornography on the Internet;
- combating the phenomenon of grooming and sexual harassment of children through the Internet;
- promoting a safer Internet for children through on-line counselors and encouraging reporting through specialized informational projects.

The Action Plan of the Ministry of Internal Affairs for the implementation of the Information Security Strategy of the Republic of Moldova for the years 2019–2024, approved by the Order of the Ministry of Internal Affairs no.143 of 14.03.2019, led to the realization of a series of actions in order to prevent and combat the abuse and sexual exploitation of children online, which had a direct impact on the achievement of objective No. 6 "protection of the child against any form of Internet abuse".

134. What is the state of play regarding cyber-security? Are there any Computer Emergency Response Team (CERT) capacities in place?

The Public Institution "Information Technology and Cyber Security Service" as the Governmental Cyber Security Incident Response Center is the single point of contact and reporting of cyber security incidents for the Government's departmental CERT structures, in accordance with the provisions of the Government Decision No. 482/2020 on the approval of certain measures necessary for ensuring cyber security at the government level³²² and in accordance with the Government Decision No. 414/2018 on measures to consolidate data centers in the public sector and streamline the administration of state information systems³²³.

There are 2 CERT organizations within public authorities of the Republic of Moldova – Military CERT and Governmental CERT.

135. What are - in order of importance - the main forms of trafficking (drugs, cigarettes, firearms, vehicles, cultural goods, counterfeited goods, counterfeited Euros etc.) and smuggling and which specific strategies - if any - are in place to tackle them?

The phenomenon of illicit trafficking in cigarettes and tobacco products prevails over other forms of illicit trafficking existing at the state border of the Republic of Moldova.

In order to tackle drug use and trafficking, the National anti-drug Strategy for the years 2020-2027 and the National anti-drug Action Plan for the years 2020-2021

³²² Government Decision No. 482/2020 on the approval of certain measures necessary for ensuring cyber security at the government level, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122272&lang=ro

³²³ Government Decision No. 414/2018 on measures to consolidate data centers in the public sector and streamline the administration of state information systems, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=119166&lang=ro

were approved, by the Government Decision No. 233/2020³²⁴. The Strategy aims at a multidisciplinary and balanced approach to drug use problems, based on interdepartmental, interdisciplinary and intersectoral cooperation at all levels, building on the lessons learned from the implementation of previous strategies and action plans and based on three general strategic areas of modern drug policy, which complement each other:

- 1) drug demand reduction (primary prevention of drug use, treatment, rehabilitation and re-socialisation of drug users);
- 2) harm reduction conditional on drug use (harm reduction projects and programmes through health education, information about the risks of drug use, needle exchange, substitution treatment, HIV testing, STI screening, psychological counseling);
- 3) reducing the supply of drugs (exercising control over the legal circulation of drugs and combating illicit drug trafficking and distribution).

As regards the fight against illicit cigarette trafficking, the RM has taken the following legislative measures:

- By Government Decision No. 131/2022³²⁵, the draft law on the accession of the Republic of Moldova to the Protocol on the elimination of illicit trade in tobacco products to the World Health Organization Framework Convention on Tobacco Control, adopted on 12 November 2012, was approved;
- adopted Law on tobacco control No. 278-XVI/2007³²⁶;
- adopted Government Decision no.1065/2016 approving the health regulations on tobacco and tobacco-related products³²⁷;
- adopted Government Decision No. 613/2017 approving the Health Regulation on health warnings and labeling of tobacco products, tobacco intended for the rolling of cigarettes and related products³²⁸.

³²⁴ National anti-drug Strategy for the years 2020-2027 and the National anti-drug Action Plan for the years 2020-2021 approved by the Government Decision No. 233/2020, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=121214&lang=ro

³²⁵ Government Decision No. 131/2022 on the approval of the draft law on the accession of the Republic of Moldova to the Protocol on the elimination of illicit trade in tobacco products to the World Health Organization Framework Convention on Tobacco Control, adopted on 12 November 2012, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130166&lang=ro

³²⁶ Law No. 27/2007 on tobacco control, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=128322&lang=ro#

³²⁷ Government Decision No. 1065/2016 approving the health regulations on tobacco and tobacco-related products, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113693&lang=ro

³²⁸ Government Decision No. 613/2017 approving the Health Regulation on health warnings and labeling of tobacco products, tobacco intended for the rolling of cigarettes and related products, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121486&lang=ro

136. What are the estimated volumes and value of different categories of illegal trafficking?

The below listed statistics reflect Border Police and Customs Service activity on combating illicit trafficking:

No	Phenomenon	No. of cases/ Quantity	2019	2020	2021	Dynamics compared to 2020	
1	Illicit cigarette trafficking	Cases	135	122	85	-30 %	
		Quantity (pieces/kg)	160191	161887/1705,5	67647/161,08	-58 %	
2	Illicit trafficking in alcohol and alcohol products	Cases	4	5	7	40%	
		Quantity (liters)	126	1223	5 530	4,5 times	
3	Trafficking in narcotics, psychotropic substances and precursors	Cases	15	2	5	2,5 times	
		Quantity narcotics (kg)	13,703	0,05	2,292	45 times	
		Quantity psychotropic substances (pieces)	-	30	200	6,6 times	
4	Illicit trafficking in arms and ammunition	Cases	48	11	19	73 %	
		Quantity arms (pieces)	19	6	11	83 %	

		Quantity ammunition (pieces)	3108	5547	893	- 6 times	
5	Illicit trafficking in goods / goods	Cases	138	103	77	-25 %	

By the reports of the National Inspectorate of Investigations, during the years 2017-2021, the following volumes and value of different categories of illegal trafficking were detected:

Year 2017. Art.248 (*Smuggling*)

- Criminal cases initiated: 7
- Documented groups: 7

Object of the offense:

- Used metals (gold, silver) - 32 kg, worth 72 million lei;
- Ethyl alcohol - 10 tons, worth 1 million lei;
- Bee honey - 900,000 kg, value approximately 55 million lei;
- Car parts - worth 3 million lei;
- Amber - 80 kg worth 3 mln. lei;
- Consumer goods - approximate value of 5 million lei.

Year 2018. Art. 248 (*Smuggling*)

- Criminal cases initiated: 18
- Documented groups: 18

Object of the offense:

- Tobacco products 159,000 packages, value approximately 2 million lei;
- Consumer goods - worth about 1 million lei.

Year 2019. Art. 248 (*Smuggling*)

- Criminal cases initiated: 15
- Documented groups: 15

Object of the offense:

- Agricultural production - 40 million lei;
- Hookah - value approximately 620,000 lei.
- Fermented tobacco - 3000 kg, valued approximately 250,000 lei.

- Ethyl alcohol - 12 tons worth 1,200,000 lei.

Year 2020. Art. 248 (*Smuggling*)

- Criminal cases initiated: 6
- Documented groups: 6

Object of the offense:

- Tobacco articles - 200,000 packages, worth 2 million lei;
- Ethyl alcohol - 1000 liters, approximate value of 100,000 lei;
- Bulk wine - 20,000 liters, value 400,000 lei.

Year 2021. Art. 248 (*Smuggling*)

- Criminal cases initiated: 1
- Documented groups: 1

Object of the offense: Consumer goods.

During the same period, the following volumes of drugs were detected:

- Year 2018 - 90 kg at an estimated price of 630,000 euros;
- Year 2019 - 204 kg at an estimated price of 818,000 euros;
- Year 2020 - 153 kg at an estimated price of 753 000 euros;
- Year 2021 - 318 kg at an estimated price of 35 000 000 euros.

137. Do the law enforcement agencies include specific units for combating trafficking (drugs, cigarettes, firearms, stolen vehicles etc.)?

The following subdivisions have been created within the General Inspectorate of Border Police specialized in combating illicit trafficking: combating smuggling, illicit trafficking in means of transport, illicit drug trafficking.

At the same time, within the Anti-Fraud and Compliance Department of the Customs Service, there are 2 specialized services in this regard, namely - Anti-Drug Service and Anti-Tobacco Service.

The specialized units of the Service of Intelligence and Security dealing with such issues are the Department of Cross-Border Threats and General Department on Economic Security.

The National Inspectorate of Investigations is a specialized subdivision, with the status of general directorate, which reports directly to the General Police Inspectorate of the Ministry of Internal Affairs of the Republic of Moldova. The mission of the National Investigation Inspectorate is to investigate and detect serious crimes, the prosecution of particularly dangerous offenders, the organization and conduct of special investigative activities and the combating of organized crime.

The National Inspectorate of Investigations coordinates the activity of all police subdivisions specialized in fighting crime, which are subordinated to the General Police Inspectorate and have competences throughout the territory of the Republic of Moldova.

The National Inspectorate of Investigations has 6 specialized subdivisions:

- Directorate No. 1 (fight against serious crimes) is a subdivision specialized in organizing and carrying out the activity of prevention and detection of crimes, protection of the legitimate interests of individuals, legal entities;
- Directorate No. 2 (fight against organized crime) is a subdivision specialized in preventing and combating crimes that according to the Criminal Code, are considered committed by a group or a criminal organization (association).
- Directorate No. 3 (investigation of fraudulent transactions) is a subdivision specialized in preventing and combating economic crimes, crimes in the field of intellectual and industrial property, the internal consumer market, within the limits and in accordance with the powers established by law.
- Directorate No. 4 (anti-drug) is a subdivision specialized in investigating offenders in cases of illicit trafficking in drugs, psychotropic substances and their analogues.
- Center for Combating Trafficking in Human Beings (with Directorate status) is a specialized subdivision in the investigation and prosecution of trafficking in human beings.
- Directorate of cybercrime investigations is a subdivision specialized in the prevention and investigation of cybercrime;
- Money Laundering and Terrorist Financing Crime Investigation Directorate.

138. Does the legislation cover credit card fraud? Please provide a short description. How many cases are reported each year since 2017?

Fraudulent operations of stealing financial means from bank cards (fraudulent payments at online stores, transfers to other electronic accounts, other fraudulent financial operations performed from compromised bank cards) are currently qualified under a general rule: theft, art.186 of the Criminal Code of the Republic of Moldova³²⁹. There is a proposed initiative to introduce the credit card fraud in the Criminal Code within the following articles:

- Article 260⁷ Fraudulent conduct of financial transactions;
- Article 260⁸ Acceptance of fraudulent financial transactions.

³²⁹ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

During 2021, the General Police Inspectorate registered over 1000 crimes of theft of financial means from the bank cards of the citizens of the Republic of Moldova, with a damage of approximately 14.57 million MDL.

139. Is there a system allowing for confiscation/seizure of proceeds from crime? Which body is competent for the confiscation/seizure? Number of people? Is confiscation linked to a criminal conviction?

The Criminal Procedure Code³³⁰ provides the procedure and conditions for confiscation, seizure and recovery of criminal property. The seizure procedure, the goods that can be seized, the determination of their value, the basis for seizure and removal from seizure, are provided by art. 203-210 of the Criminal Procedure Code. The seizure of the property is applied on the basis of the order of the criminal investigation body, with the authorization of the investigating judge or, as the case may be, of the conclusion of the court. By Law No. 48/2017³³¹ there was established the Agency for the Recovery of Criminal Assets as an autonomous specialized subdivision within the National Anticorruption Center, which implements the process of recovery of criminal assets.

During 2021, seizure was applied to 865 assets worth 736,198,779.70 lei, out of which 68.59% is for assets identified as beneficial owners. The amount seized on the criminal case with the generic name "bank fraud" constitutes 35.48%. In 2021, the Agency received 10 requests on 4 criminal cases related to bank fraud for parallel financial investigations as a result of which seizures were applied. As a result of examinations in parallel financial investigations, in order to recover criminal assets, 1,237 criminal assets (real estate - 943, 279 means of transport and 15 firearms) of a total worth of 1,176,231,179.21 lei were valued.³³²

Relevant provisions from the Criminal Code: Article 106. *Special Confiscation*; Article 106¹. *Extended confiscation*.

³³⁰ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110260&lang=ro

³³¹ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105677&lang=ro#

³³² The Activity Report of the National Anti-corruption Center for 2021, available in Romanian at: https://cna.md/public/files/Raport_de_activitate_CNA_2021.pdf

140. Please provide information on the legislation on confiscation. Has value confiscation been introduced? Do extended confiscation powers apply in case of serious crimes and organized crime? Has non-conviction based confiscation been introduced at least in the cases where a conviction would have been reachable, had it not been for the defendant fleeing or being too ill to attend trial? In the affirmative, please describe the relevant provisions.

The Criminal Code of the Republic of Moldova provides for the notion of *Special confiscation* in Article 106 and *Extended confiscation* - Article 106¹ of the Criminal Code³³³, as well as the conditions for their application. If the goods no longer exist, cannot be found or cannot be recovered, their value is confiscated.

If the goods resulting from the offenses and the proceeds of such goods have been merged with the legally acquired goods, that part of the goods or their equivalent corresponding to the value of the goods resulting from the offenses and the income from these goods shall be forfeited. If the goods used or intended for the commission of an offense or the result of the offenses belong or have been transferred for consideration to a person who did not know or should not have known about the purpose of the use or origin of the goods, their value is confiscated. If the goods were transferred free of charge to a person who did not know or should not have known about their use or origin, the goods shall be confiscated. Special confiscation does not apply to offenses committed through a media outlet or any other mass media. At the same time, other goods than those mentioned in art. 106 of the Criminal Code if the person is convicted of less serious, serious, particularly serious crimes, if the act was committed out of material interest, including organized crime.

Extended confiscation is ordered if the following conditions are cumulatively met:

- The value of the property acquired by the convicted person for 5 years before and after the commission of the crime, until the date of the adoption of the sentence, substantially exceeds the income legally acquired by him;
- The court finds, on the basis of the evidence presented in the file that the respective goods come from criminal activities of the nature of the above.

When applying the extended confiscation, the value of the goods transferred by the convicted person or by a third person to a family member, to the legal persons over which the convicted person has control or to other persons who knew or should have known about the illicit acquisition of goods will also be taken into account. When determining the difference between the lawful income and the value of the acquired goods, the value of the goods at the date of their acquisition and the expenses incurred by the convicted person shall be taken into account. If the goods subject to confiscation are not found or have been merged with the

³³³ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

lawfully acquired goods, money and goods covering their value are confiscated in their place.

Also confiscated are goods and money obtained from the exploitation or use of confiscated goods, including goods in which the proceeds of criminal activity have been transformed or converted, as well as income or profits from such goods. The confiscation may not exceed the value of the goods acquired during the period of 5 years before and after the commission of the crime, which exceeds the level of lawful income of the convicted person.

In accordance with art.162, paragraph (1) of the Criminal Procedure Code³³⁴, in case the prosecutor orders the cessation of the criminal investigation or in case of solving the case on the merits, the issue regarding the bodies of crimes is decided. In this case, the tools that were used to commit the crime will be confiscated and handed over to the respective institutions or destroyed. In accordance with art. 377 of the Code of Criminal Procedure, the operative part of the sentence of conviction, as well as of the one of acquittal or termination of the criminal process, must also include the decision regarding the special confiscation. The precautionary measures for the possible special confiscation can be initiated and ordered regardless of whether or not the accused/defendant has evaded the criminal investigation, implicitly regardless of whether the person is ill or healthy.

141. Does Moldova have an Asset Recovery Office (ARO) in charge of tracing the proceeds of crime? Is the ARO well connected to other relevant institutions? Does Moldova have an Asset Management Office (AMO) in charge of managing frozen and confiscated assets? Are there cooperation agreements with AROs in third countries? Please provide the legal requirements concerning CTRs and STRs.

By Law No. 48/2017³³⁵, the Criminal Assets Recovery Agency was created (*an autonomous subdivision within the National Anti-corruption Center*) which has also the task of tracing the assets derived from crimes. At the national level, the Agency is connected to other relevant authorities such as the Prosecutor's Office, Police, FIU and both state and private intelligence providers. Internationally, the Agency is connected to counterparts in other jurisdictions through the UNCAC, CARIN, BAMIN platforms, as well as through the EUROPOL/SIENA secure channel. Within the Agency, there is also a subdivision responsible for the valuation, administration and capitalization of assets made temporarily unavailable. Both types of agencies - ARO and AMO are found within the Criminal Assets Recovery Agency.

³³⁴ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

³³⁵ Law No. 48/2017 on the Criminal Assets Recovery Agency, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105676&lang=ro

142. Does Moldova have provisions allowing confiscating the proceeds of crime independently from a criminal conviction? In the affirmative, please describe the relevant provisions. Can foreign freezing or confiscation orders based on non-conviction based confiscation be executed?

In accordance with art.106 para. (4) of the Criminal Code³³⁶, special confiscation may be applied even if a criminal punishment is not established for the perpetrator.

According to art.162, paragraph (1) of the Code of Criminal Procedure³³⁷, in case the prosecutor orders the cessation of the criminal investigation or in case of solving the case on the merits, the issue regarding the criminal bodies is decided. In this case, the tools that were used to commit the crime will be confiscated and handed over to the respective institutions or destroyed.

According to art. 377 of the Code of Criminal Procedure, the operative part of the sentence of conviction, as well as of the one of acquittal or termination of the criminal process, must also include the decision regarding the special confiscation. In accordance with Article 10, paragraph (2) of Law No. 48/2017 on the Agency for the Recovery of Criminal Property³³⁸, the Agency for the Recovery of Criminal Property issues the order to freeze criminal property for a period of up to 15 days, based on the written request of the competent foreign authorities. Freezing the goods on the basis of the order issued by the Agency does not prevent their seizure in the criminal proceedings.

143. Are the provisions of the Council of Europe Strasbourg Convention of 1990 and Warsaw Convention of 2005 fully implemented?

On July 24, 1997, the Republic of Moldova ratified the European Convention on Human Rights. By Law no.165/2007³³⁹ the Republic of Moldova ratified the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, CETS No. 198, signed by the Republic of Moldova on 16 May 2005.

³³⁶ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

³³⁷ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130985&lang=ro

³³⁸ Law No. 48/2017 on the Agency for the Recovery of Criminal Property, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105676&lang=ro

³³⁹ Law No. 165/2007 on the ratification of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107161&lang=ro

144. How have the authorities responded to requests of EU authorities to provide information on assets located in Moldova? How have the authorities responded to requests of EU judicial authorities to freeze or confiscate assets in Moldova?

Both on the basis of the platforms to which it is a party and on the basis of the principle of reciprocity, the Criminal Assets Recovery Agency permanently provides similar EU authorities with information on assets located on the territory of the Republic of Moldova owned by domestic or foreign nationals. According to the provisions of art. 10 para. (2) of Law No. 48/2017 the Criminal Assets Recovery Agency issues the order to freeze the criminal assets for a period of up to 15 days, based on the written request of the foreign competent authorities. Freezing the assets on the basis of the order issued by the Agency does not prevent their seizure in the criminal proceedings.

Upon receiving a request for a rogatory commission, the criminal investigation body carries out the requested procedural actions, with the guarantee of the procedural rights, provided by the national law, of the person in respect of whom the assistance is provided. Even if the seizure is requested, this action shall be taken if the necessary procedural documents for carrying out the action are attached to the request.

Relevant provisions in Criminal Procedure Code: Article 540. *Joint Investigation Teams*; Article 540¹. *Searches, Seizures, Return of Objects or Documents, Sequestration and Confiscation*. Rogatory commissions requesting search, seizure or the return of objects or documents, and sequestration or confiscation shall be executed in line with the legislation of the Republic of Moldova.

VII. FIGHT AGAINST TERRORISM

145. How is terrorism and financing or terrorism defined in the domestic legislation? What is the legal framework and legal basis for counter-terrorist action? Is it in line with the relevant international conventions and other instruments of international law?

How is terrorism and financing terrorism defined in the domestic legislation?

- *Terrorism* – phenomenon with a high level of social danger, characterized by a radical ideology and a practice of influencing through violence the decisions taken by public authorities and institutions or international organizations, accompanied by intimidation of the population and/or other illegal violent actions - art. 3 of the Law No. 120/2017 on preventing and combating terrorism³⁴⁰;
- *Act of terrorism* - offense provided for in art. 278 of the Criminal Code of the RM³⁴¹;
- *Financing terrorism* - offense provided for in art. 279 of the Criminal Code of the RM, meaning deliberately offering or collecting by any person and through any means, directly or indirectly, goods of whatsoever nature obtained through any means or providing certain financial services aimed at the use of such goods or services knowing that they will be used, in whole or in part:
 - to organize, prepare, or commit a crime of terrorist nature;
 - by an organized criminal group, a criminal organization, or a person who commits or attempts to commit a crime of a terrorist nature or organizes, manages, associates, agrees in advance, incites, or participates as an accomplice in the committing this crime.

What is the legal framework and legal basis for counter-terrorist action?

The legal framework for preventing and countering terrorism is the Constitution of the RM, European Convention on the Suppression of Terrorism, unanimously recognized norms and principles of international law, international treaties to which the RM is a party.

The national legal framework consists of the following acts:

- Law No. 120/2017 on preventing and countering terrorism.³⁴²
- Criminal Code of the RM No. 985-XV/2002;

³⁴⁰ Law No. 120/2017 on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

³⁴¹ Criminal Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

³⁴² Law No. 120/2017 on preventing and countering terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

- Law No. 308/2017 on preventing and countering money laundering and terrorism financing³⁴³;
- Law No. 753-XIV/1999 on the Security and Intelligence Service of the RM³⁴⁴;
- Government Decision No. 995/2018 on approval of the National System for Terrorism Alert³⁴⁵;
- Government Decision No. 996/2018 on approval of the Regulation on organization and conduct of anti-terrorism tests³⁴⁶;
- Government Decision No. 1295/2006 on the Anti-Terrorism Center of the Security and Intelligence Service³⁴⁷;
- Government Decision No. 701/2018 on approval of the Regulation on protection of the critical infrastructure against terrorism³⁴⁸;
- Government Decision No. 26/2022 on approval of the Moldova-NATO Individual Partnership Action Plan for 2022-2023³⁴⁹;
- SIS Director's Order No. 14 of 28.03.2019 on the list of individuals, groups and entities involved in terrorist activities proliferation of weapons of mass destruction.

Is it in line with relevant international conventions and other instruments of international law?

The legal framework of the Republic of Moldova is in line with international conventions and other instruments of international law.

146. Please provide information about the ratification and implementation of international conventions on the fight against terrorism.

The RM has ratified the following international conventions, with references to UN resolutions, on the condemnation of international terrorist acts and the

³⁴³ Law No. 308/2017 on preventing and countering money laundering and terrorism financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125309&lang=ro#

³⁴⁴ Law No. 753-XIV/1999 on the Security and Intelligence Service of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121235&lang=ro#

³⁴⁵ Government Decision No. 995/2018 on approval of the National System for Terrorism Alert, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109184&lang=ro

³⁴⁶ Government Decision No. 996/2018 on approval of the Regulation on organization and conduct of anti-terrorism tests, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109185&lang=ro

³⁴⁷ Government Decision No. 1295/2006 on the Anti-Terrorism Center of the Security and Intelligence Service, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=93356&lang=ro#

³⁴⁸ Government Decision No. 701/2018 on approval of the Regulation on protection of the critical infrastructure against terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108835&lang=ro

³⁴⁹ Government Decision No. 26/2022 on approval of the Moldova-NATO Individual Partnership Action Plan for 2022-2023, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130320&lang=ro

harmonization of the national legal framework for the implementation of good practices in the field of counter-terrorism:

- International Convention for the Suppression of Terrorist Bombings, adopted in New York on 12 January 1998 (ratified by Law No. 1239/2002³⁵⁰);
- International Convention on the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999 (ratified by Law no.1241/2002³⁵¹);
- International Convention on the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13 April 2005 (ratified by Law No. 20/2008);
- Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on 16 May 2005 (ratified by Law No. 51-XVI/2008);
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopted in Warsaw on 16 May 2005 (ratified by Law No. 165/2007³⁵²);
- Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (ratified by Law No. 274/2016);
- European Convention on the Suppression of Terrorism No. 75 of 27.01.1977 (Published in International Treaties No. 28 art. 75 on 30.12.2001);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation of 24.02.88, approved by Parliamentary Decision No. 766-XIII of 06.03.96;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23.09.71 (Parliamentary Decision No. 766-XIII of 06.03.96);
- Convention for the Suppression of Unlawful Seizure of Aircraft of 16.02.70 (Parliamentary Decision No. 766-XIII of 06.03.96);
- Convention on the marking of plastic explosives for detection of 01.03.91 (Parliamentary Decision No. 766-XIII of 06.03.96);
- Convention on Offenses and certain acts committed on board the aircraft of 14.09.63, in force since 18.09.97;

³⁵⁰ Law No. 1239/2002 on the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted in New York on 12 January 1998, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=28861&lang=ro

³⁵¹ Law no.1241/2002 on the ratification of the International Convention on the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=28865&lang=ro

³⁵² Law No. 165/2007 on the ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopted in Warsaw on 16 May 2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=14160&lang=ro

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14.12.73 (Parliamentary Decision No. 1255-XIII of 16.07.97);
- Agreement between the Government of the Republic of Moldova and the Government of the Republic of Hungary on cooperation in combating terrorism, illicit drug trafficking and organized crime of 04.06.97 (Parliamentary Decision No. 976 of 21.10.97);
- Convention on the Physical Protection of Nuclear Material of 28.10.79 (Parliamentary Decision No. 1450-XIII of 28.01.98);
- Cooperation Agreement between the Government of the Republic of Moldova and the Government of the Republic of Turkey on combating illicit international drug trafficking, international terrorism and other organized crimes of 03.06.94 (Parliamentary Decision No. 710 of 27.07.99);
- European Convention on the Suppression of Terrorism of 27.01.77 (Parliamentary Decision No. 456-XIV of 18.06.99);
- Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism of 04.06.99, in force since 22.08.01;
- International Convention against the Taking of Hostages of 18.12.79 (Parliamentary Decision No. 1243-XV of 18.07.02);
- Agreement between the Government of the Republic of Moldova and the Government of the Czech Republic on cooperation in the fight against organized crime, illicit trafficking in drugs and psychotropic substances, terrorism and other types of serious crime of 07.08.2003 (Parliamentary Decision No. 1391 of 24.11.03);
- Protocol amending the European Convention on the Suppression of Terrorism of 15.05.03 (Parliamentary Decision No. 13-XV of 06.02.04);
- Agreement between the Government of the Republic of Moldova and the Government of the Republic of Bulgaria on cooperation in the fight against organized crime, illicit trafficking in drugs, psychotropic substances and precursors, terrorism and other types of serious crime of 20.05.04 (Parliamentary Decision No. 908 of 10.08.04).
- Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf of 10.03.88 (Parliamentary Decision No. 193 of 28.07.05);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10.03.88 (Parliamentary Decision No. 192-XVI of 28.07.05);
- Agreement on Cooperation between the Governments of the Member States of GUAM in Combating Terrorism, Organized Crime and Other Dangerous Crimes of 20.07.02, in force since 19.09.07;
- Additional Protocol to the Agreement on Cooperation between the Governments of GUAM Member States in Combating Terrorism,

Organized Crime and Other Dangerous Crimes of 20.07.2002, in force since 18.03.10.

In addition, key legislative changes have been made to harmonize the national legal framework and implement best practices in this area. Thus, the following achievements can be mentioned:

- Adoption of Law No. 120/2017 on preventing and combating terrorism;³⁵³
- Government Decision No. 701/2018 approving the Regulation on counter-terrorism protection of critical infrastructure;³⁵⁴
- Government Decision No. 995/2018 on the approval of the National Terrorist Alert System;³⁵⁵
- Government Decision No. 996/2018 on the approval of the Regulation on the organization and conduct of anti-terrorist tests;³⁵⁶
- Government Decision No. 121/2021 on the approval of the Regulation of the Operational Anti-Terrorist Command.
- Adoption of Law No. 308/2017 on preventing and combating money laundering and terrorist financing.³⁵⁷
- Additions and amendments to the Criminal Code of the RM³⁵⁸:
 - Article 134¹¹, stipulates the exhaustive list of terrorist offences.
 - Article 140¹ makes it an offence to use, develop, produce, otherwise acquire, process, possess, store or preserve, directly or indirectly transfer, keep, transport weapons of mass destruction.
 - Articles 278¹, 279¹ and 279², which make it a criminal offence to deliver, place, commission or detonate an explosive device or other lethal devices;
 - Article 292, para. 1¹ makes it an offence to manufacture, procure, process, store, transport, use or neutralize radioactive material if it resulted in the death of a person or other serious consequences or created a danger of causing death or serious injury to body or health, substantial damage to property or the environment;

³⁵³ Law No. 120/2017 on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

³⁵⁴ Government Decision No. 701/2018 approving the Regulation on counter-terrorism protection of critical infrastructure, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108835&lang=ro

³⁵⁵ Government Decision No. 995/2018 on the approval of the National Terrorist Alert System, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109184&lang=ro

³⁵⁶ Government Decision No. 996/2018 on the approval of the Regulation on the organization and conduct of anti-terrorist tests, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109185&lang=ro

³⁵⁷ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

³⁵⁸ Criminal Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

- Article 295 makes it an offence to steal radioactive materials or devices or nuclear facilities, to threaten to steal them or to request them to be transferred;
- Article 295¹ makes it an offence to possess, manufacture or use radioactive materials or devices or nuclear facilities to cause death or serious injury to body or health, substantial damage to property or the environment;
- Article 295² makes it an offence to attack a nuclear installation.

Relevant Council of Europe conventions - Moldova	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	04/05/1998	23/09/1999
Amending Protocol (ETS 190)	15/05/2003	10/03/2005
European Convention on Extradition (ETS 24)	02/05/1996	02/10/1997
First Additional Protocol (ETS 86)	26/06/1998	27/06/2001
Second Additional Protocol (ETS 98)	26/06/1998	27/06/2001
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	02/05/1996	04/02/1998
First Additional Protocol (ETS 99)	26/06/1998	27/06/2001
Second Additional Protocol (ETS 182)	-	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	27/06/2001	24/04/2007
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	-	-

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	06/05/1997	30/05/2002
Convention on Cybercrime (ETS 185)	23/11/2001	-
Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	25/04/2003	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	01/09/2008
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/05/2005	01/05.2008

147. Is there a national strategy and action plan in place? Do they cover both the fight against terrorism and preventing and addressing all types of violent extremism? Are they in line with the EU concept? Does the strategy/action plan include an element of evaluation of the terrorist threat? Is this evaluation periodical, which authorities are involved in its elaboration? Please provide information on the state of their implementation.

At the national level, the National Strategy for the Prevention and Combating of Money Laundering and Terrorist Financing for the years 2020-2025 and the Action Plan for its implementation for the years 2020-2025 were approved by the Parliamentary Decision No. 239/2020³⁵⁹. In 2019, the Republic of Moldova was assessed by the Moneyval Committee of the Council of Europe for compliance with FATF standards on activities in the area of money-laundering prevention and combating the financing of terrorism. In the report, the aspects assessed were found to be in line with FATF recommendations.

At the same time, in the Republic of Moldova, there is a National Security Strategy (Parliamentary Decision No. 153/2011³⁶⁰), which also stipulates issues related to the fight against terrorism and terrorist financing.

³⁵⁹ National Strategy for the Prevention and Combating of Money Laundering and Terrorist Financing for the years 2020-2025 and the Action Plan for its implementation for the years 2020-2025 approved by the Parliamentary Decision No. 239/2020, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=125264&lang=ro

³⁶⁰ Parliament Decision No 153/2011 approving the National Security Strategy of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105346&lang=ru

The role of monitoring the implementation process and inter-institutional coordination of the activities provided in the National Security Strategy is assigned to the Supreme Security Council. The central public administration authorities inform the Supreme Security Council every six months on the progress of the implementation of the Strategy and, where appropriate, make proposals, recommendations and coordinated solutions. The Supreme Security Council informs the Parliament annually about the implementation of the National Security Concept and the implementation of the Strategy.

148. Which departments and agencies are involved in the fight against terrorism? Which national bodies coordinate the fight against terrorism? How do the authorities plan to strengthen their capacities?

According to Article 6 para. (3) and (4) of Law No. 120/2017 on preventing and combating terrorism³⁶¹, the responsible authorities in the field of preventing and combating terrorism are the following: Security and Intelligence Service (through the Anti-Terrorist Centre - the national authority in this field), General Prosecutor's Office, Ministry of Internal Affairs, Ministry of Defence, Ministry of Economy and Infrastructure, Ministry of Foreign Affairs and European Integration, Ministry of Health, Labour and Social Protection, State Protection and Guard Service, Customs Service, Public Services Agency, National Agency for the Regulation of Nuclear and Radiological Activities, National Administration of Prisons, Service for the Prevention and Combating of Money Laundering.

At the same time, according to Art. 8 para. (2) of Law No. 120/2017, the Anti-Terrorist Centre of the Security and Intelligence Service is responsible for coordinating interaction at the national level:

- coordination of measures to prevent and combat terrorism taken by the authorities responsible for this area;
- verifying the status and assessing the level of counter-terrorism protection at critical infrastructure targets and making recommendations on enhancing their security;
- generalizing national and international practices for preventing and combating terrorism, putting forward proposals for their implementation in the work of the authorities competent in this field;
- ensuring the exchange of information with the authorities carrying out activities to prevent and combat terrorism, with similar counter-terrorism structures of other States, as well as with international ones, and carrying out other forms of cooperation;

³⁶¹ Law No. 120/2017 on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

- working with the parties responsible for carrying out national counter-terrorism policy measures within the competent authorities to coordinate these measures effectively;
- assisting the competent authorities in the implementation of measures to prevent terrorism, working with the media and civil society to promote counter-terrorism measures, cultivating an attitude of rejection of terrorist and extremist ideologies;
- assisting in the preparation and conduct of special command and operational-tactical applications organized at the local, national and regional levels;
- participation in the preparation and conduct of scientific and practical conferences and seminars, as well as the exchange of experience on counter-terrorism issues;
- providing operational support when the Counter-Terrorist Operational Command is convened and during the counter-terrorist operation.

The Departments of the General Police Inspectorate of the MIA that participate in the prevention and fight against terrorism within the limits of their powers are the following:

- Money Laundering and Terrorist Financing Crime Investigation Directorate of the National Investigation Inspectorate;
- Special Destination Battalion "Fulger";
- Explosive Technical Unit of the "Center 2" Directorate of the Forensic and Judicial Expertise Centre.

In accordance with the provisions of art. 269 from the Criminal Procedure Code³⁶², the competence to carry out criminal prosecution in cases of terrorist financing, an offense provided in art. 279 of the Criminal Code, belongs to the criminal investigation body within the National Anticorruption Center. At the same time, in order to transpose the provisions of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, as well as the implementation of the requirements of international standards on preventing and combating money laundering, terrorist financing and the proliferation of weapons of mass destruction, adopted by the International Financial Action Task Force (FATF) in February 2012, was adopted Law No. 308/2017 on preventing and combating money laundering and terrorist financing³⁶³. Thus, the Office for Prevention and

³⁶²Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

³⁶³ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

Fight against Money Laundering (FIU) contributes to ensuring state security, with the aim of protecting the national financial-banking, financial-non-banking and self-employed system, defending the rights and legitimate interests of individuals and legal entities, as well as of the state.

Capacity building in the field of preventing and combating terrorism is implemented through the development and approval of the National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for 2020-2025 and the Action Plan for Implementing the National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for the years 2020-2025, adopted by Parliament Decision no.239/2020.

149. What is the role of security and intelligence services?

The Security and Intelligence Service of the RM is directly involved in preventing and combating terrorism. The Service prevents and combats terrorism by:

- drafting and implementing legislative and regulatory acts and policy documents to prevent and combat terrorism following international norms and commitments;
- strengthening cooperation and coordination of the work of the competent authorities of the central public administration in preventing and combating terrorism and to develop cooperative relations with similar institutions in other countries;
- detecting and countering terrorist activities, including international ones, by conducting counter-terrorist operations;
- ensuring, together with other authorities, the security of the institutions of the Republic of Moldova located on the territory of other states, of the citizens of the Republic of Moldova employed in these institutions and their family members;
- execution, using the special purpose unit, of counter-terrorist intervention, independently or in cooperation with other forces, on all or part of the country's territory, on targets attacked or occupied by terrorists to capture or annihilate them, freeing hostages and restoring law and order;
- collecting, analyzing and exploiting information on potential counter-terrorism security risks and threats obtained from intelligence and counter-intelligence work;
- collecting data on international terrorist organizations;
- undertaking other specific measures to prevent and combat terrorism, assigned by law to its competence.

150. Is Moldova faced with any specific form of terrorism? If so, is it of internal or external origin? Please elaborate, including data on the number of persons indicted and sentenced for terrorism related crimes.

The RM has a low terrorist alert level. Service of Intelligence and Security has ascertained certain manifestations of terrorism, but the aforementioned actions were immediately countered:

- In 2015, a citizen of the RM, a supporter of the international terrorist organization "DAESH-i" was investigated in criminal case No. 2015928019, art. 279/2, para.3 of the Criminal Code (incitement for terrorist purposes and public justification of terrorism);
- in 2016 a citizen of the RM, ideologist of jihadist views, formerly a religious teacher "Lisan Al-Arab" in the town of. Cairo, Egypt (radical teachings specific to the Salafist movement) was declared an internationally wanted person (case No. 2016150028);
- in 2016, a citizen of the RM was sentenced to 3 years of imprisonment with a suspended sentence for committing the offence provided for in Article 279² of the Criminal Code of the RM (incitement for terrorist purposes or public justification of terrorism);
- in 2016, a citizen of the RM was documented in criminal case No. 2016028043, as he was recruited via social media to radical Islam for terrorist purposes by the international terrorist organization "Jabhat al Nusrah" in Syria. As a result of carrying out the competence measures jointly with the cooperation partners, the attempt to radicalize and relocate her to the Middle East to join the terrorist group DAESH was prevented and the terrorist cell abroad was dismantled.
- In 2017, a citizen of the RM, a follower of the Islamic State, was sentenced in the Russian Federation to 18 years in prison for the intention to commit together with other foreign citizens from the Commonwealth of Independent States countries a series of terrorist acts (using explosive substances).

151. What measures have been taken by the authorities to identify, prevent and disrupt the flow of foreign terrorist fighters (FTFs) travelling to conflict areas? Please elaborate, including in the area of criminal law.

Law no.120/2017 on preventing and combating terrorism³⁶⁴, as well as the Criminal Code of the RM³⁶⁵, provide for concrete measures to prevent and disrupt the flow of foreign terrorist fighters (FTF) travelling to conflict zones:

³⁶⁴Law no.120/2017 on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

³⁶⁵Criminal Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

- Article 279³ of the Criminal Code of the RM provides that "Travel abroad for terrorist purposes, i.e. travel to a state which is neither the person's state of residence nor the state of which the person is a national, for planning, preparing, committing or participating in terrorist offences or for terrorist training or receiving terrorist training, shall be punishable by imprisonment for a term of 3 to 7 years".

At the same time, the Service's Counter-Terrorism Centre takes actions within its competence to identify, prevent and deter the flow of foreign terrorist fighters (FTF) travelling to conflict zones. The following actions have been taken in this regard:

- databases on persons suspected of and/or involved in terrorist activities have been developed and are maintained;
- the FTF identification spectrum has been extended by linking and using the counter-terrorism databases of external cooperation partners;
- complex measures are being taken to connect the SIS Anti-Terrorist Centre to the APIS and PNR systems to check the passenger lists of air routes to identify FTFs and prevent them from entering, transiting or stopping over on the national territory of the Republic of Moldova;

We are notifying that at the moment the Republic of Moldova, with the UN's help, is implementing the Go-Travel passenger verification system. For this purpose, an interdepartmental work group was created that is responsible for implementing a system of preemptive information about the passengers (APIS).

As a result the implementation of the Resolution 2178 (2014) of the UN Security Council, the EU Directive 2016/681 of the European Parliament and the Council from 27 of april 2016 about the use of data from the passenger name register (PNR) for preventing, detecting, investigating and prosecution of terrorist crime, as well as grave crime, which was published in the Official Journal of the European Union L119 from the fourth of May 2016.

- The list of persons, groups and entities involved in terrorist activities and proliferation of weapons of mass destruction, approved by Order of the Director of SIS No. 14 of 28.03.2019 (last amendment - 01.04.2022), is systematically updated.

152. Have you developed any programmes for de-radicalisation or prevention of radicalisation? Please elaborate on the efforts made in:

a) Strengthening resilience of young people to being attracted to extremist ideologies and organizations

Security Intelligence Service realizing informative, counter-informative and special investigative measures to achieves information about high-risk

environments that promote radical ideologies of origins of extremist-terrorist including in the online environment.

In this segment, Security Intelligence Service has two primary competences - to prevent and combat the phenomenon of radicalization.

To prevent radicalization and violent extremism in society, Service of Intelligence and Security carries out permanent and complex activities, combining:

- a permanent dialogue with citizens;
- the organization and providing counter-terrorism security training and education in the public sector (this is one of the Service's priorities in the prevention of terrorism and other violent forms of extremism);
- Conducting specialized courses for media representatives in the Republic of Moldova in order to raise their awareness and training on the risk arising from extremist-terrorist activities;
- Elaboration and publication of informative-prophylactics materials on the official website of the institution and other media sources;
- the dissemination of anti-terrorist guides for children and young people (distributed in educational institutions).

Additionally, in the context of promoting the culture of security among the students, together with the Ministry of Education, the SIS created and implemented educational material about the terrorist threats for the society, which is oriented towards the pupils and students from schools and universities in the Republic of Moldova. This material is included in the high school curriculum (8-12 grades) for the Civic Education discipline, as well as in the study plan for the universities.

In case of identifying people which are involved in actions categorized as terrorist crime and which are punishable by the Criminal Code of the Republic of Moldova, the SIS, together with the prosecuting agencies takes the necessary actions to stop them.

b) Addressing the dissemination of terrorist content online

The Anti-Terrorist Centre of the Service of Intelligence and Security is permanently carrying out measures to counteract the phenomenon of dissemination of jihadist content on online platforms and/or recruitment of new followers by terrorist organizations through social networks, video channels and specialized forums.

Following the provisions of the Law No. 120/2017 on the prevention and counteraction of terrorism³⁶⁶ and the Law No. 54/2003 on counteraction of

³⁶⁶ https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

extremism³⁶⁷, the Anti-Terrorist Centre of SIS removed the audio-video files with Islamic fundamentalist content that was to be placed on the platforms Youtube, Instagram, Telegram, VKontakte of radical sermons of a citizen of the RM, a radical ideologist affiliated with the international-terrorist entity "DAESH".

In the domain of preventing and fighting terrorism, considering the need to prevent and fight the spread of terrorism oriented content in the online environment of the Republic of Moldova, there is also the involvement of the state authorities which have the role of protecting the national legislative norms, as well as specialized intelligence agencies from other countries.

The applied mechanism is also using the participation of the specialized units from the Interpol and the IRU Europol, with an aim to confiscate or stop the spreading the informational materials that have connotations of terrorism, as well as online content on social media which could lead to a self-radicalization based on the fundamentalist Islamic beliefs.

Within 5 working days, from the issuance of the order on provisional blocking of access to the materials urging to terrorist activities, the Service is obligated to notify the court, in order to determine the terrorist character of the material in order to undertake, as the same case may be, other actions established by this law.

As a result of the special investigative measures carried out the evidence accumulated by SIS, prosecutor's offices initiated 4 criminal cases according to articles 279/2 para (3) letter a) of the Criminal code of the Republic of Moldova on the fact of public justification of terrorism, and the extremist-terrorist content posted online has been blocked. Also, within framework of cooperation with the Europol office, jointly with the prosecutors' offices were blocked about 64 video content posted on 3 platforms: youtube.com, a `twitter` account with 126 posts, a profile within the social network `Facebook` and 7 pages `vk.ru` with 4311 posts, 3 telegram channels with 383 members, a platform on `Instagram` with 7 posts- all with terrorist content posted by Moldovan citizen, who is in international search for terrorism.

c) Preventing the spread of violent extremist ideologies in correctional institutions

The SIS Anti-Terrorist Centre has initiated the implementation of the pilot project on deradicalization. The programme will be carried out in prisons, probation services, educational institutions, or specialized centers in the rehabilitation and reintegration of people from risk groups.

d) Fostering rehabilitation and reintegration of radicalized and terrorist offenders as well as preventing recidivism

³⁶⁷ https://www.legis.md/cautare/getResults?doc_id=130953&lang=ro#

Law on Prevention and Combating Terrorism stipulates the conditions and norms of social rehabilitation of persons who have suffered as a result of a terrorist act.

- Article 37 para (1) of the Law 120/2017 „social rehabilitation of persons who have suffered as a result of a terrorist activity, has as objective their returning to normal life and provides legal aid, psychological, medical, and professional (including restoration of the work-capacity) assistance, provides the victims with places of work, and temporary housing assistance in case of damage or destruction of dwelling, to its restoration or compensation for damages, according to legislation in force”.

According to the UN Action Plan for the Prevention of Violent Extremism, as well as the OSCE Declaration 4/15, which recommends that member states develop their own programs to prevent and combat radicalizations, the SIS elaborated the concept of the pilot project on the de-radicalization segment at the national level.

The Program will be implemented in partnership with the public sector and civil society with the employment of NGOs, being predestinated for implementation in penitentiary institutions. Probation services, educational institutions or centers specialized in the rehabilitation and reintegration of people from risk groups.

The de-radicalization programme provides that radicalized persons will benefit from a complex of interventions that will generate and facilitate the process of liberation which involves changing one's role, behaviour or function in a terrorist group, encouraging the person to leave the terrorist group or terrorist activity.

e) Providing support (psycho-social, legal, economic) to family members of FTFs.

The provision of support (psycho-social, legal, economic) to family members of FTFs is carried out based on Law No. 120/2017 on preventing and combating terrorism³⁶⁸, which establishes the conditions and forms of social rehabilitation of persons who have suffered from a terrorist act.

At the same time, topics related to legal, economic support and psychological counseling are included in the concept of the pilot project on the de-radicalization segment elaborated by SIS.

³⁶⁸ https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

153. How is the financing of terrorism criminalized and which criminal activities are covered by the law? Are there specialized bodies dealing with countering the financing of terrorism?

The measures to prevent and combat money laundering and terrorist financing carried out by national authorities are established by Law No. 308/2017 on preventing and combating money laundering and terrorist financing³⁶⁹:

- The article 18 designates that the Service for the Prevention and Combating of Money Laundering and Terrorist Financing (SPCSB) is the public authority whose purpose is to prevent and combat money laundering and terrorist financing.
- The art. 19 para. (2) states that the SPCSB "shall refer the matter to the competent law enforcement authorities as soon as it establishes relevant suspicions of money laundering, terrorist financing or other offences resulting in the obtaining of illicit proceeds, as well as to the Intelligence and Security Service concerning terrorist financing".

The criminal liability of the persons who have committed this crime is established by the legislator in the Criminal Code - art. 279³⁷⁰ "*The financing of terrorism*", which provides that terrorism financing means deliberately offering or collecting by any person and through any means, directly or indirectly goods of whatsoever nature obtained through any means or providing certain financial services aimed at the use of such goods or services or knowing that they will be used, in whole or in part to organize, prepare, or commit an offence of terrorist nature; for any purpose, by an organized criminal group, a criminal organization, or a person who commits or attempts to commit an offence of terrorist nature or organizes, manages, associates, agrees in advance, incites, or participates as a accomplice in the commission of this offence.

The terrorism financing offence shall be considered consummated regardless of whether the offence of terrorist nature was committed or whether the goods were used for the commission of this offence by the group, organization, or person mentioned in par. (1), letter b) of art. 279 of Criminal Code or whether the offence was committed on or beyond the territory of the Republic of Moldova. At the same time, the specialized bodies that deal with the financing of terrorism are: National Anticorruption Center; Office for Prevention and Fight against Money Laundering and the Information and Security Service of the Republic of Moldova.

³⁶⁹ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

³⁷⁰ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

154. Please provide information on the legislation on firearms. Does the legislation provide any system for the recording of all legal firearms in possession of civilians? Is there any computerized data-filling system?

The circulation of weapons and ammunition for civilian use is regulated by Law No. 130/2012 on the regime of firearms and ammunition for civilian use³⁷¹ and Government Decision No. 293/2014 for the approval of the Regulation on the regime of firearms and ammunition for civilian use.³⁷² This Law No. 130/2012 establishes the categories of firearms and ammunition for civilian use, and the conditions under which the purchase, transfer, disposal, possession, carry and use of such firearms and ammunition and the operations with them shall be permitted on the territory of the RM.

The evidence of weapons in civilian circulation at national level is targeted through the automated information system "State Register of Weapons" (hereafter SIA RSA), which is the information source containing information and documents on individuals and legal entities in legal possession of weapons for civilian use, the permits under which they are held, as well as operations with them, and is a web application containing two functional modules:

- the internal module, available only to Police employees - SIA RSA;
- the external module, the indivisible component of the RSA CIS, used by natural and legal persons, including gun owners, firearms instructors - e-RSA.

The regulatory framework governing the RSA AIS is laid down in Article 54(2) of the RSA AIS. (2) of the Law No. 130/2012 on the regime of weapons and ammunition for civilian use³⁷³, Government Decision No. 609/2018 on the approval of the Concept of the Automated Information System "State Register of Weapons"³⁷⁴.

155. Is there any programme regarding voluntary surrender of firearms and legalization of them?

Three national campaigns were organized and carried out to raise civil society's awareness of the dangers of illegally held weapons. The first campaign on the voluntary surrender of firearms was launched by the National Police on 28.09.2018 by the General Police Inspectorate Order No. 420, the *Concept and Action Plan of*

³⁷¹ Law No. 130/2012 on the regime of firearms and ammunition for civilian use, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129076&lang=ro#

³⁷² Government Decision No. 293/2014 for the approval of the Regulation on the regime of firearms and ammunition for civilian use, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=48385&lang=ro

³⁷³ Law No. 130/2012 on the regime of weapons and ammunition for civilian use, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129076&lang=ro#

³⁷⁴ Government Decision No. 609/2018 on the approval of the Concept of the Automated Information System "State Register of Weapons, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123216&lang=ro#

the organization and implementation of the Campaign to raise awareness of civil society on the danger of illegally held weapons, with the support of SEESAC.

As a result of the measures taken by the police subdivisions, a considerable number of firearms have been taken out of circulation, the technical condition of which does not meet the essential safety requirements, are damaged, unusable, with unauthorized modifications in construction, kept illegally, found without owner, confiscated or voluntarily handed over for destruction.

During the campaign period, police officers documented and collected:

- 228 weapons;
- 5 shells;
- 2 anti-tank mines;
- 13 grenades;
- 1 grenade launcher;
- 1 warhead;
- 1 flare;
- 250 cartridges of various calibers;
- 2 magazines from a machine gun.

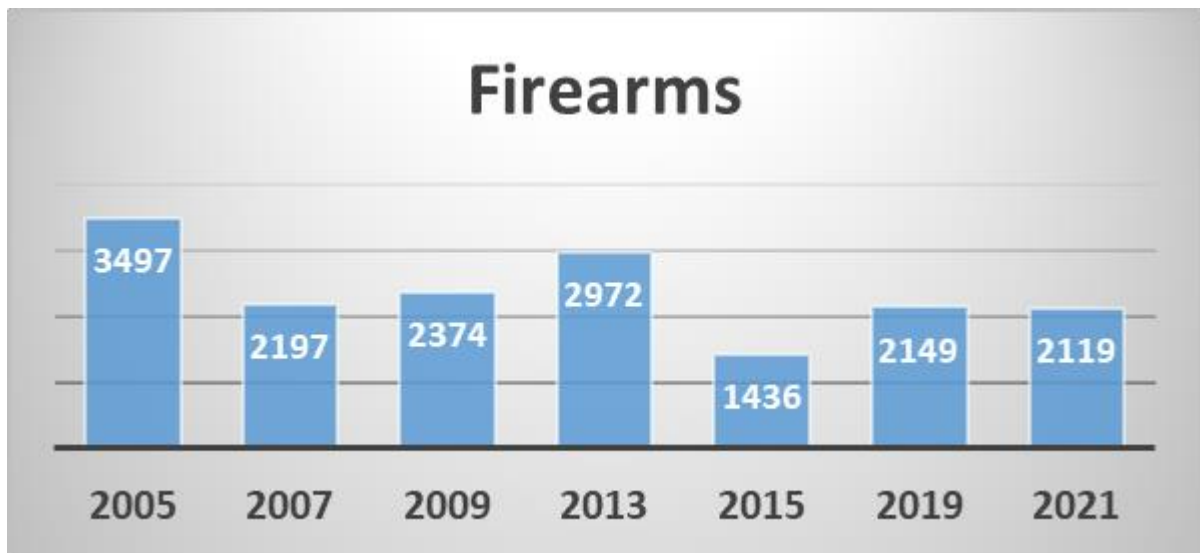
Between 2010-2021 a total of 12 787 firearms were withdrawn from the civil circulation, in partnership and with the support of the Government of Switzerland and Norway, SEESAC, UNDP and the OSCE Mission to Moldova. According to the art. 290 of the Criminal Code³⁷⁵ *persons who carry, keep, procure, manufacture, repair or sell firearms, with the exception of smooth-bore hunting weapons, or ammunition without the appropriate authorization are held criminally liable.*

The legal framework providing for the voluntary surrender of firearms is regulated by Government Decision no.1447/2016³⁷⁶ on the State Commission for the evaluation, improvement and repair of weapons. The Republic of Moldova has aligned itself with the description by ratifying the convention based on it in order to implement the requirements of the European Convention on the Control of the acquisition and Possession of Firearms by Individuals (ratified by Law No. 1578/2002)³⁷⁷.

³⁷⁵ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

³⁷⁶ Government Decision no.1447/2016 on the State Commission for the evaluation, improvement and repair of weapons, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=97174&lang=ro

³⁷⁷ Law No. 1578/2002 on the ratification of the European Convention on the Control of the acquisition and Possession of Firearms by Individuals, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=3707&lang=ro



During the period 2005, 2007, 2009 and 2013, 2015 and 2019, 2021 the Republic of Moldova, with the financial support and monitoring activity of the Center for the Control of Small Arms and Light Weapons in South-Eastern Europe (SEESAC) and the OSCE Mission to Moldova **18,431** firearms were destroyed by melting.

The last exercise of destroying weapons by melting was organized and conducted on November 25, 2021, at JSC "ARES Turning Plant" in Chisinau, TRACOM Industrial Enterprise, with the financial support and monitoring activity of the South Eastern Europe Small Arms Control Center (SEESAC) and the OSCE Mission to Moldova.

156. Does the legislation provide any guidelines for the deactivation of firearms?

The Government Decision No. 293/2014 for the approval of the Regulation on the regime of weapons and ammunition for civilian use³⁷⁸ regulates the procedures of deactivation of firearms. A person who has inherited a lethal or non-lethal weapon subject to authorization, but who does not meet the requirements for possession or carrying and use, may alienate it, in accordance with the law, may still keep it with an authorized gunsmith or may choose to disable it. The instructions for deactivating firearms are regulated in article 68. *Deactivated firearms* of the Law No. 130/2012 on the regime of weapons and ammunition for civilian use:³⁷⁹

(1) Deactivation of firearms shall be carried out by a licensed firearms repairer on the basis of the firearms deactivation permit.

³⁷⁸ Government Decision No. 293/2014 for the approval of the Regulation on the regime of weapons and ammunition for civilian use, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=48385&lang=ro

³⁷⁹ Law No. 130/2012 on the regime of weapons and ammunition for civilian use, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129076&lang=ro#

(2) The deactivation permit shall be issued by the authorized department of the Ministry of Internal Affairs at the request of the firearm owner.

(3) The firearm shall be deemed deactivated when all its essential components have become permanently inoperative and cannot be removed, replaced or modified in such a way that the firearm can be reactivated.

(4) The deactivation of the firearm by means of modification and irreversible transformation into a permanently inoperable firearm shall be certified by a technical-scientific report issued by the authorized service of the Ministry of Internal Affairs, which shall serve as a basis for its deregistration.

(5) Deactivated firearms shall be used only for training, panoply, collection and as museum or exhibition pieces.

(6) The procedure for deactivation of weapons shall be established by the implementing rules of this Law.

157. Is there any legislation related to the marking of firearms and their essential components?

The legislation of the marking of firearms and essential components is regulated by Law No. 130/2012 on the regime of arms and ammunition for civilian use³⁸⁰, which entered into force on 10 January 2022, Article 48(2) (a1) provides that arms and ammunition manufactured abroad and brought into the territory of the RM may be traded or possessed by natural and legal persons in the RM only if they are subject to traceability marking.

There is a draft amendment of the Government Decision No. 293/2014 approving the Regulation on the regime of weapons and ammunition for civilian use³⁸¹, in which it will be indicated which types of weapons (lethal, non-lethal, pneumatic, etc.) will be marked and their parts. The Center for the Control of Small Arms and Light Weapons in South-Eastern Europe (SEESAC) support very much the alignment of the RM to the EU SALW Management standards.

In 2018 SEESAC organized a training course on techniques for using marking firearms equipment for the Police employees. In 2019 SEESAC funded a study visit in the field of marking firearms, in the Republic of Lithuania. In 2019 SEESAC donated the special equipment for marking firearms (laser machine), including an air compressor, which is intended to ensure the proper functioning of

³⁸⁰ Law No. 130/2012 on the regime of arms and ammunition for civilian use, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129076&lang=ro#

³⁸¹ Government Decision No. 293/2014 approving the Regulation on the regime of weapons and ammunition for civilian use, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=48385&lang=ro

the machine, to the Technical-Forensic Center and forensic expertise. This year SEESAC funded a Study visit to the firearms marking and testing station in Serbia.

158. Please provide information on legislation on the import and export of civilian firearms.

The import, export re-export and transit of small arms and light weapons in the Republic of Moldova is regulated by the following legal acts:

- Law no.105/2015 on the ratification of the Arms Trade Treaty;³⁸²
- Law no.130/2012 on the regime of firearms and ammunition for civilian use;³⁸³
- Law no.1163/2000 on the control of export, re-export, import and transit of strategic goods.³⁸⁴

159. Is there any specialized entity in charge of the integral control of firearms and coordination of the fight against illicit trafficking in firearms (National Firearms Focal Point)?

The state policy concerning the coordination and control in the field of small arms and light weapons (SALW) circulation is ensured by the National Commission for monitoring the circulation of small arms and light weapons. The national SALW Commission was established in 2018 in the Republic of Moldova, with the purpose to coordinate and monitor all national efforts related to SALW control. The creation of the SALW Commission strengthens the country's commitments assumed through the European Union (EU) Action Plan on SALW control, as well as the commitments assumed under the UN Program of Action against the spread of illicit small arms and light weapons (SALW) and its protocol. The Secretariat of the SALW Commission is ensured by the Moldovan Police.

One of the key roles on firearms control and combating illicit trafficking in firearms is exercised by the Interdepartmental Commission for Control of Export, Re-export, Import and Transit of Strategic Goods, a permanent body of the Government of the RM, established based on Law no.1163-XIV/2000 on the control of export, re-export, import and transit of strategic goods³⁸⁵.

³⁸² Law no.105/2015 on the ratification of the Arms Trade Treaty, available in English at: https://www.legis.md/cautare/getResults?doc_id=82614&lang=ro

³⁸³ Law no.130/2012 on the regime of firearms and ammunition for civilian use, available in English at: https://www.legis.md/cautare/getResults?doc_id=129076&lang=ro#

³⁸⁴ Law no.1163/2000 on the control of export, re-export, import and transit of strategic goods, available in English at: https://www.legis.md/cautare/getResults?doc_id=108380&lang=ro

³⁸⁵ Law no.1163-XIV/2000 on the control of export, re-export, import and transit of strategic goods, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108380&lang=ro

The establishment of National Focal Point in the field of weapons, ammunition is in progress and would become a main structure that carries out the activity in order to collect, systematize and analyze data and information in the field and will cooperate with the authorities and specialized bodies of central and local public administration, institutions and organizations in the country and abroad on issues of common interest. Following progress on National Focal Point has to be reported:

- In September - November 2017, a team of experts under the umbrella of SEESAC performed a feasibility study for 7 countries in Southeast Europe, including the RM, aimed at providing a normative, institutional, legal and technical analysis to support the development of Firearms Focal Points.
- In 2018 a working group for the establishment of the National Focal Point on SALW comprising representatives of the police, the Customs Service and the General Prosecutor's Office was created. With common efforts in 2020 the draft interagency order on the establishment and functioning of the National Focal Point within the General Police Inspectorate was elaborated and sent for consultation to all law enforcement agencies with competencies in this field. Presently the draft order is under revision and adjustment at the General Prosecutor's Office.

The creation of the national focal point on weapons is also one of the points set for implementation by UN Resolution A / RES / 76/232 - Illicit trafficking in small arms and light weapons. In terms of investigation the Money Laundering and Terrorist Financing Crime Investigation Directorate of the National Investigation Inspectorate is the solely police unit with competences to fight against illicit trafficking in firearms.

160. What is done to provide concerned staff with specialized training on the integral control of firearms and fight against firearms trafficking?

The staff of the Moldovan Police is professionally trained through seminars, workshops and training courses. Under the umbrella of South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) and EU Border Assistance Mission to Moldova and Ukraine (EUBAM) following training have been organized:

- Regional Group of National Experts on SALW (Small Arms and Light Weapons).
- Regional workshop on legislation in the field of SALW and explosives control with the EU Acquis.
- Sixteenth Regional meeting of South-East East Europe Firearms Expert Network.

- Working group on combating Illicit Firearms Trafficking of the EU Border Assistance Mission to Moldova and Ukraine (EUBAM);
- EUBAM working group meeting on 'Illicit Firearms Trafficking on the darknet';
- Meeting Working Group on Illicit Firearms Trafficking (EUBAM);
- Practical exercise on controlled delivery of Weapons from the Illicit Circuit (EUBAM);
- Meeting of the EUBAM Working Group on Combating Illicit Arms Trafficking;
- Regular Meeting of the EUBAM Working Group on Combating Illicit Trafficking in Firearms and Ammunition.

As result, 164 police officers were trained during the period 2017-2021.

161. Please provide information on your legislation and policy on:

a) precursors to explosives (marketing and use):

The Governmental Interdepartmental Commission for the control of export, re-export, import and transit of strategic goods examines the requests for import, export and transit of explosive precursors, high-risk chemicals and other substances, included in the Nomenclature of strategic goods subject to control, in Annex No.3 to Government Decision No. 606/2002 on the National System for the Control of Export, Re-export, Import and Transit of Strategic Goods in the RM.³⁸⁶

The Commission is composed of: Minister of Economy and Infrastructure, President of the Commission; Chief of the General Staff of the National Army, Vice-Chairman of the Commission; Head of the Authorization and Certification Section of the Public Services Agency, Secretary of the Commission; State Secretary of the Ministry of the Interior (in the field of public order and security, crime prevention and control); Head of the Directorate-General of the Intelligence and Security Service; Deputy Head of the Revenue and Customs Control Department of the Customs Service; State Secretary of the Ministry of Foreign Affairs and European Integration.

Also, it is worth mentioning Law No. 1163/2000³⁸⁷ which regulates the principles and procedure of control over the export, re-export, import and transit of strategic goods, lays down general provisions on such activity to ensure the national security of the Republic of Moldova, promote the country's foreign policy and participate in international export control efforts.

³⁸⁶ Government Decision No. 606/2002 on the National System for the Control of Export, Re-export, Import and Transit of Strategic Goods in the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=114025&lang=ro

³⁸⁷ Law No. 1163/2000 on export, re-export control, import and transit of strategic goods, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108380&lang=ro

b) critical infrastructure protection

The Law No. 120/2017 of the RM on preventing and combating terrorism³⁸⁸ expressly regulates anti-terrorist protection of critical infrastructure. The law provides for the measures carried out by the Anti-Terrorist Centre for the anti-terrorist protection of critical infrastructure objectives: Article 18 (*Anti-terrorist tests*), Article 19 (*Anti-terrorist protection of critical infrastructure*), Article 20 (*Control on ensuring anti-terrorist protection of critical infrastructure*).

Under Articles 7, 8 and 19 of the Law No. 120/2017, the Regulation on Counter-Terrorism Protection of Critical Infrastructure was approved, which regulates the procedure for identification, designation and counter-terrorism protection of critical infrastructure and applies to the sectors listed in the Annex to the Regulation. At the same time, the measures carried out in the segment of counter-terrorism protection of critical infrastructure are co-reported to the National Terrorist Alert System, approved by Government Decision No. 995/2018³⁸⁹. In the event of a crisis, including at critical infrastructure targets, the response will be under the Regulation of the Operational Anti-Terrorist Command (Government Decision No. 121/2021).

c) protection of public spaces including places of worship and counter-drone measures

Regarding the ensuring the protection of places of worship, it should be noted that each person in charge or parish priest has the right to conclude a service contract with a private organization or state enterprise that provides services with a private organization or the state enterprise that provides security services in accordance with the provisions of Law No. 283/2003 on the private activity of detectives and guards³⁹⁰. The Police undertakes measures to ensure public order and security under the conditions and limits provided by Law No. 320/2012 on the activity of the Police and the status of the police officer³⁹¹, as well as other provisions of the regulatory framework, reacting and providing assistance according to the area of competence.

According to the legislation governing the policy of preventing and combating terrorism, the anti-terrorist protection of critical infrastructure targets also covers the sector of places of mass population agglomeration (the provisions set out in point 161 letter b) of the Regulation on anti-terrorist protection of critical infrastructure Government Decision No. 701/2018 apply³⁹²). At the same time, the Anti-Terrorist Centre of the SIS of the RM has developed and published on the

³⁸⁸ Law No. 120/2017 of the RM on preventing and combating terrorism, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110295&lang=ro

³⁸⁹ National Terrorist Alert System, approved by Government Decision No. 995/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109184&lang=ro

³⁹⁰ Law No. 283/2003 on the private activity of detectives and guards, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129116&lang=ro#

³⁹¹ Law No. 320/2012 on the activity of the Police and the status of the police officer, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120699&lang=ro

³⁹² Regulation on anti-terrorist protection of critical infrastructure approved by Government Decision No. 701/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108835&lang=ro

official website the *Guide for the organization and provision of anti-terrorist protection measures at highly crowded objectives*, used by critical infrastructure operators when drafting internal regulations.³⁹³

The adoption of the Air Code of the Republic of Moldova no 301/2017³⁹⁴, which entered into force on 23 March 2019, creates the primary regulatory framework for unmanned aircraft. Thus in the Code was expressly introduced the notion of unmanned flying aircraft, and through Article 33 was established that *their flight can take place only with the permission of the Civil Aviation Authority*. At the same time, according to Article 4 letter b) of Law No. 143/2012 on airspace control³⁹⁵, the use of the airspace of the Republic of Moldova is carried out on the basis of a written permission given by the Ministry of Defence (MA) and the Intelligence and Security Service.

d) CBRN threats, including high risk chemicals

Legal framework and policies on CBRN threats (including high-risk chemicals):

- The National Program for the Non-Proliferation of Weapons of Mass Destruction (WMD) and the reduction of risks arising from chemical, biological, radiological and nuclear threats for the years 2021-2028, the document was drafted and submitted for approval by Government Decision, but it has been returned countless times for modification, it is now at the State Chancellery, it has not yet been approved.³⁹⁶ The strategy includes 2 stages, the first of which is the adaptation of the national legal framework with international acts and the second is the implementation of all changes. This strategy was developed specifically to address the CBRN objective of the Moldova-EU Agreement.
- The action plan regarding the implementation of the The National Program for the Non-Proliferation of Weapons of Mass Destruction for the years 2021-2024 is to be approved at a later stage. The program is aimed at ensuring compliance of national legislation with the provisions of Resolution 1540 (2004) on the non-proliferation of WMD by the United Nations Security Council (UN), international treaties and conventions on the non-proliferation of WMD, the management of CBRN materials and their vectors, documents and relevant policies of the UN, OSCE, EU, etc. The adoption of this Program is one of the objectives established in the cooperation of the Republic of Moldova with the EU, reflected in the

³⁹³ Guide for the organization and provision of anti-terrorist protection measures at highly crowded objectives, available in Romanian at:

https://antiteror.sis.md/sites/default/files/document/attachments/obiective_mare_aglomerare.pdf

³⁹⁴ Air Code of the Republic of Moldova No. 301/2017, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=79683&lang=ro

³⁹⁵ Law No. 143/2012 on airspace control, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=15378&lang=ro

³⁹⁶ Draft of the National Program for the Non-Proliferation of Weapons of Mass Destruction (WMD) and the reduction of risks arising from chemical, biological, radiological and nuclear threats for the years 2021-2028, available in Romanian at: <https://cancelaria.gov.md/sites/default/files/document/attachments/72.pdf>

National Action Plan for the implementation of the Moldova-EU Association Agreement, as well as the Government Action Plan for 2020-2023³⁹⁷.

- Law No. 132/2012 on the safe conduct of nuclear and radiological activities³⁹⁸ is the main legislative instrument for nuclear safety and security and it is designed to:
 - prevent the proliferation of nuclear weapons, materials and equipment;
 - ensure the safety of nuclear and radiological activities;
 - prevent the unauthorized conduct of nuclear and radiological activities;
 - protect the personnel, the public, the property and the environment against any adverse impact of ionizing radiation;
 - prevent illegal trafficking of nuclear and radioactive materials and physical protection of nuclear and radiological facilities.
- Law No. 10/2009 on state supervision of public health³⁹⁹;
- Government Decision No. 458/2015 on the approval of the Regulation on National Agency for the Regulation of Nuclear and Radiological Activities⁴⁰⁰;
- Government Decision No. 1017/2008 on the approval of the National Register of ionizing radiation sources (amended by Government Decision No. 54/2014);
- Government Decision No. 153/2014 for the approval of the Regulation on state control and supervision of nuclear and radiological activities⁴⁰¹;
- Government Decision No. 727/2014 for the approval of the Regulation on the authorization of nuclear and radiological activities⁴⁰²;
- Government Decision No. 388/2009 for the approval of the Regulation on radioactive waste management⁴⁰³;

³⁹⁷ Government Action Plan for 2020-2023, available in Romanian at: <https://gov.md/ro/content/planul-de-actiuni-al-guvernului-pentru-anii-2020-2023-2>

³⁹⁸ Law No. 132/2012 on the safe conduct of nuclear and radiological activities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106549&lang=ro

³⁹⁹ Law No. 10/2009 on state supervision of public health, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125959&lang=ro#

⁴⁰⁰ Government Decision No. 458/2015 on the approval of the Regulation on National Agency for the Regulation of Nuclear and Radiological Activities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=127670&lang=ro#

⁴⁰¹ Government Decision No. 153/2014 for the approval of the Regulation on state control and supervision of nuclear and radiological activities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=19746&lang=ro

⁴⁰² Government Decision No. 727/2014 for the approval of the Regulation on the authorization of nuclear and radiological activities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=55103&lang=ro

⁴⁰³ Government Decision No. 388/2009 for the approval of the Regulation on radioactive waste management, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24671&lang=ro

- Government Decision No. 434/2015 for the approval of the Regulation on the safe transportation of radioactive materials⁴⁰⁴;
- Government Decision No. 1268/2016 for the approval of the Regulation on physical security in nuclear and radiological activities⁴⁰⁵;
- Government Decision No. 506/2020 establishes first response mechanisms in case of RN trafficking events and defines the roles of different state actors;⁴⁰⁶
- Order No. 205/2012 on the establishment of procedures to respond to radiological and nuclear trafficking.
- Law No. 1163/2000 on control of export, re-export, import and transit of strategic goods;⁴⁰⁷
- Law No. 1236/1997 on the regime of harmful products and substances⁴⁰⁸;
- Government Decision No. 606/2002 on the national control system for the export, re-export, import and transit of strategic goods in the Republic of Moldova⁴⁰⁹;
- Law No. 68/2016 regarding judicial expertise and the status of judicial expert⁴¹⁰;
- Law No. 753/1999 on Security and Intelligence Service of the RM⁴¹¹;
- Law No. 120/2017 on preventing and countering terrorism;
- Law No. 59/2012 on special investigative activity;
- Law No. 192/2019 on Aeronautic Security;
- Law No. 50/2012 on preventing and combating organized crime.

National Emergency Response Plan: The plan was developed under the coordination of the General Inspectorate for Emergency Situations (IGSU), which is responsible for its implementation.

⁴⁰⁴ Government Decision No. 434/2015 for the approval of the Regulation on the safe transportation of radioactive materials, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=114810&lang=ro

⁴⁰⁵ Government Decision No. 1268/2016 for the approval of the Regulation on physical security in nuclear and radiological activities, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=96440&lang=ro

⁴⁰⁶ Government Decision No. 506/2020 establishes first response mechanisms in case of RN trafficking events and defines the roles of different state actors, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122587&lang=ro

⁴⁰⁷ Law No. 1163/2000 on control of export, re-export, import and transit of strategic goods, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108380&lang=ru

⁴⁰⁸ Law No. 1236/1997 on the regime of harmful products and substances, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113322&lang=ro

⁴⁰⁹ Government Decision No. 606/2002 on the national control system for the export, re-export, import and transit of strategic goods in the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=114025&lang=ro

⁴¹⁰ Law No. 68/2016 regarding judicial expertise and the status of judicial expert, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129048&lang=ro

⁴¹¹ Law No. 753/1999 on Security and Intelligence Service of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121235&lang=ro#

Guidance, implementation and standardization documents: The National Agency for the Regulation of Nuclear and Radiological Activities is developing a set of guidance documents to support the implementation of regulations. The Customs Service has developed Standard Operating Procedures (SOPs) that guide the conduct during incidents (including the incidents involving RN materials). More specifically, the SOPs include: how equipment is to be used; how Front Line Officers (FLOs) should respond; the escalation procedures, reporting; and the coordination with other authorities.

The Forensic and Legal Expertise Center (CTCEJ) obtained accreditation under the international standard ISO 17025. In this context, CTCEJ has developed working procedures, methods, instructions and other operational documents. The SOPs in the field of RN, are developed by the Crime scene investigation unit of CTCEJ. They also include procedures for sampling evidence in the presence of contaminated material. The General Inspectorate for Emergency Situations is implementing the ISO 9001 standard which prescribes the development of procedures and standards. These will include guidance on the storage, collection, and transport of RN sources. Guidelines regarding interventions and other operations are also being developed and will be gradually approved. Older guidance documents describing several interventions including special cases for RN operations are also available.

VIII. FIGHT AGAINST MONEY LAUNDERING

(For the following questions, see also Chapter 4 - Free movement of capital).

162. Please describe the legislation and national strategy on the fight against money laundering and terrorism financing. Does the strategy include an element of evaluation?

For transposition of the provisions of Directive (EU) 2015/849 of European Parliament and of the Council of May 20th, 2015 on the prevention of the use of financial system for the purpose of money laundering or terrorism financing, of the amendment of Regulation (EU) No. 648/2012 of the European Parliament and of the Council and of the abrogation of Directive 2005/60/CE of the European Parliament and of the Council and of the Directive 2006/70/CE of the Commission (text with relevance for SEE), as well as of the implementation of the requirements of international standards on the prevention and combating of money laundering, terrorism financing and proliferation of mass destruction weapons, adopted by Financial Action Task Force (FATF-GAFI) in February 2012 the Moldovan Parliament approved the following legal documents:

- The AML/CFT Law No. 308/2017 on preventing and combating money laundering and terrorist financing;⁴¹²
- The Law No. 75/2020⁴¹³ on the infringement procedure in the field of the prevention of money laundering and terrorist financing and the application of penalties;
- Parliament Decision no.239/2020 approving the National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for 2020-2025 and the Action Plan for the Implementation of the National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for the years 2020-2025;
- Government Decision no.7/2021 for the approval of the Regulation on how to keep the Electronic Register of the Office for Prevention and Fight against Money Laundering⁴¹⁴, consisting of the Automated Information and Communication Information System on Preventing and Combating Money Laundering;
- Law no.1104/2002 on the National Anticorruption Center⁴¹⁵;

⁴¹² The AML/CFT Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in English at:

<http://spsb.gov.md/storage/legislation/National/EN/AML%20Law%20308.2017%2010.12.2021.pdf>

⁴¹³ The Law No. 75/2020 on the infringement procedure in the field of the prevention of money laundering and terrorist financing and the application of penalties, available in English at:

http://spsb.gov.md/storage/legislation/National/EN/EN_75.pdf

⁴¹⁴ Government Decision no.7/2021 for the approval of the Regulation on how to keep the Electronic Register of the Office for Prevention and Fight against Money Laundering, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=125261&lang=ro

⁴¹⁵ Law no.1104/2002 on the National Anticorruption Center, available in Romanian at:

https://www.legis.md/cautare/getResults?lang=ro&doc_id=66260

- Law no.753/1999 on the Intelligence and Security Service of the Republic of Moldova⁴¹⁶.

The National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for the years 2013-2017 and the Action Plan for implementing the National strategy for preventing and combating money laundering and terrorist financing for the years 2013-2017 were approved by the Law no.130/2013. the implementation measures for 13 public authorities and institutions. At the same time, for the same purpose, previously, two short term sectoral policy documents for 2007-2009 and 2010-2012 have been approved by the Government. The National Strategy for Preventing and Combating Money Laundering and Terrorist Financing for the years 2013-2017, based on the Moneyval Committee Evaluation carried during 2011-2012, established the following four strategic objectives:

1. Consolidation of the system for preventing and combating money laundering and terrorist financing;
2. Optimization of the system for preventing and combating money laundering and terrorist financing;
3. Ensuring the national and international cooperation in the field of preventing and combating money laundering and terrorist financing;
4. Ensuring the transparency and response action regarding the measures for preventing and combating of money laundering and terrorist financing.

For the implementation of the proposed objectives, the developed Action Plan included legislative measures, institutional order and implementation activities. One of the major achievements of the Strategy for the years 2013-2017 is the approval of the Law No. 308/2017 on preventing and combating money laundering and terrorist financing⁴¹⁷, through which was ensured the alignment of the national legislation to the provisions of the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC of the Financial Action Task Force (FATF/GAFI) (hereinafter FATF/GAFI).

The new law consolidated the status and role of the Office for Prevention and Fight against Money Laundering. Thereby, it was granted the status of independent public authority, previously being an autonomous unit within the National Anti-corruption Center. The Office for Prevention and Fight against Money Laundering has a strategic role in this field and under its competence falls the task of

⁴¹⁶ Law no.753/1999 on the Intelligence and Security Service of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=63033&lang=ro

⁴¹⁷ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

implementing two major objectives such as prevention (including compliance with the provisions of the national legal framework and international cooperation) and financial investigation (including operational and strategic analysis). Also, the Office for Prevention and Fight against Money Laundering is responsible for supervising several reporting entities in order to prevent and combat money laundering and terrorist financing, previously poorly regulated fields, such as: real estate agents and high-value good traders.

As a result of the approval of the Law No. 308/2017 on preventing and combating money laundering and terrorist financing were modified the instructions and guidelines, which are used during the working process by the reporting entities and supervision authorities in the field of preventing and combating money laundering and terrorist financing. At the same time, through the new law were enhanced the mechanisms for preventing and combating money laundering and terrorist financing, which will contribute at ensuring the security of state, aiming at protecting the national financial banking, financial non-banking and DNFBPs sectors, defending the legitimate rights and interests of natural and legal persons, but the fact of non-offering a grace period to reporting entities for enforcing the law made them vulnerable to the enforcement action. Additionally, in order to execute the objectives of the Strategy for the years 2013-2017 the following laws were approved:

- Law No. 36/2016 on postal communications;⁴¹⁸
- Law No. 69/2016 regarding the organization of notaries' activity;⁴¹⁹
- Law No. 1/2018 regarding the non-banking credit organizations.⁴²⁰

During the implementation of the Strategy for the years 2013-2017, the bodies with the supervision functions and law enforcement agencies created and approved the secondary legal framework in order to implement the provisions of the Law No. 308/2017 on preventing and combating money laundering and terrorist financing.⁴²¹ The organization of training and of seminars for the supervised entities represented an important aspect in consolidating the capacities in the field of prevention and combating money laundering and terrorist financing.

In October 2018, the Republic of Moldova, as a member state of the Moneyval Committee, was subject to the 5th round of evaluation on the implementation of the 40 FATF Recommendations. The evaluation report and the evaluators' recommendations were approved in the MONEYVAL Plenary Session, which took place in July 2019. In order to implement the recommendations formulated as a result of the 5th round of evaluation of the MONEYVAL Committee, as well

⁴¹⁸ Law No. 36/2016 on postal communications, available in Romanian at: https://www.legis.md/cautare/getResults?lang=ro&doc_id=106019

⁴¹⁹ Law No. 69/2016 regarding the organization of notaries' activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113127&lang=ro

⁴²⁰ Law No. 1/2018 regarding the non-banking credit organizations, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123217&lang=ro#

⁴²¹ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

as to address the shortcomings identified in the field, in particular as regards the proper implementation of the normative framework, it was necessary to develop the present policy document.

The National strategy for preventing and combating money laundering and terrorist financing for 2020-2025 (hereinafter – the Strategy) represents a medium-term public policy document for a period of 6 years. It consists of several general and specific objectives, which projects the situation of the domestic system for preventing and combating money laundering and terrorist financing, as a result of the efficient and full implementation of the established measures.

The rapid integration of the Republic of Moldova in the global financial system determines the performance of adequate actions by the competent authorities for preventing and combating money laundering and terrorist financing. The amendments performed so far in the national legislation on preventing and combating money laundering and terrorist financing and the operated systemic changes were determined by the new set of international standards in the respective field, approved by the Financial Action Task Force (FATF/GAFI), and by the approval of the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

Taking into consideration the fact that the Moneyval Committee is an associated member of the Financial Action Task Force (FATF/GAFI), the member states shall implement the provisions of the mentioned recommendations, the former being periodically updated. The efficient implementation of measures for preventing and combating money laundering and terrorist financing mitigate the negative effects of criminal economic activities and promote the integrity and stability of the financial market. The results of the evaluation process contribute to the efficient management and allocation of resources by the responsible authorities and reporting entities, as well as to the determination of the level of control measures applied to a particular product or sector.

The Strategy will be implemented through the Action Plan for the years 2020-2025. For each Action Plan activity, it is established the implementation term, responsible institutions and monitoring indicators which reflect the expected results. Through the proposed coordination mechanism, the Office for Prevention and Fight against Money Laundering as an independent structure within the Government will be responsible for monitoring the implementation of the Action Plan. The entities responsible for the implementation of each activity in part will present to the Office for Prevention and Fight against Money Laundering twice per year at latest on the 20th calendar day of the following month of the reporting period, reports regarding the degree of implementation of actions.

Till the 1st of February of each year, the Office for Prevention and Fight against Money Laundering will present to Parliament and Government the Strategy implementation report for the previous year and till the 15th of February, as the case may be, will create and present for examination proposals for updating the Action Plan on the implementation of the Strategy. In this sense, the responsible authorities will present to the Office for Prevention and Fight against Money Laundering annually till the 20th of January, proposals for updating the Action Plan.

The implementation report created by the Office for Prevention and Fight against Money Laundering will mandatorily include the summary of realization of actions from the Plan, with data on entire, partially or non-implementation of actions, as well as the detailed summary on the responsible institutions, which have registered delays, as well as those which didn't present the progress reports or presented incomplete reports. For each measure, the implemented or planned specific activities can be reported, but also can be provided an estimation of their effectiveness and efficiency. In case if the activities were finalized and a low efficiency was identified, appropriate recommendations shall be created for future activities, with their inclusion in the updating proposals of the Action Plan. Similarly, if other necessary objectives are identified for achieving the Strategic Objectives, these can be proposed to be included in the updated Action Plan.

163. Please explain the main difficulties faced in combating money laundering.

According to the Moneyval Evaluation Report⁴²², the main problems identified in the AML/CFT field are the following:

- High-level corruption (including corruption of judicial authorities and politicians) is recognized as one of the major risks in Moldova, however, only modest results in prosecuting and convicting corruption-related ML cases have been achieved. The outcome of investigations and prosecutions of ML in other major proceeds-generating offences (particularly in human and drug trafficking, smuggling and fraud outside the competences of the PCCOCS), does not appear to reflect the country's risks to the fullest extent. There also still appears to be potential for more ML cases from other proceeds-generating cases.
- The figures on the number and the value of confiscated assets remain low and do not appear to correspond to the scale of proceeds-generating crime in the country. The results are considerably weaker when taking into consideration the value of property that was effectively recovered. The situation improves when considering the amounts are sometimes used to

⁴²²Moneyval Evaluation Report, available in Romanian at: <https://rm.coe.int/moneyval-2019-6-5th-round-mer-repmoldova/168097a396>

compensate the victims for which separate statistics are kept by the authorities.

- LEAs should enhance their resources and capacities to conduct financial investigations and make more effective use of financial intelligence (financial experts, forensic accountants, IT hardware and IT software).
- Given the delays to requests for international legal assistance, Moldova should consider challenging the Courts with more ML cases, relying on inferences that can properly be drawn from available evidence; LEA should be provided with the necessary resources to successfully investigate ML cases, including specific training and resources on economic crime and financial forensics.
- On-going training should be provided to the prosecutors and judiciary on ML prosecutions and related evidential issues.

164. Please describe the efforts made to improve the areas where your country has scored low or moderate in the last mutual evaluation report in the context of FATF (Financial Action Task Force) Moneyval.

The Republic of Moldova is committed to further strengthening the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) regime by addressing vulnerabilities and shortcomings identified in the 2019 MONEYVAL AML/CFT Report. RM have made important progresses in this field, including the achievements in implementation of the National Action Plan for mitigating the risks associated with money laundering and terrorism financing for the period of 2017–2019, approval of the new Law No. 308/2017 on prevention and combating of money laundering and terrorism financing⁴²³ that generated processes of adaptation and reconfiguration of the national AML/CFT system, approval of the Sanctions Law No. 75/2020⁴²⁴, changes related to the position of the Office for Prevention and Fight against Money Laundering from a specialized independent division to an autonomous public body, assignment of the OPFML as the AML/CFT supervisor for real estate agents and high-value dealers and holding trainings for all types of reporting entities.

Thus, for the period from October 2018 till present (after the on-site visit of the Moneyval experts), could be mentioned as the main achievements:

- Approval of the Law No. 75/2020 on ML/TF infringements detection procedure and means of sanctions' application;
- Approval of the Order No. 50/2020⁴²⁵ on the approval of the Regulation on the conduct of control procedures for reporting entities, the

⁴²³ Law No. 308/2017 on prevention and combating of money laundering and terrorism financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

⁴²⁴ Law No. 75/2020 on the procedure for establishing infringements in the field of prevention of money laundering and financing and the application of sanctions, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121717&lang=ro

⁴²⁵ Order No. 50/2020 on the approval of the Regulation on the conduct of control procedures for reporting entities, the individualization and application of the sanctions for acts constituting violations of the provisions of

individualization and application of the sanctions for acts constituting violations of the provisions of the legislation on preventing and combating money laundering and terrorist financing;

- Approval of the Deoffshorization Law No. 215/2020⁴²⁶;
- Approval of the Parliament Decision No. 239/2020⁴²⁷ on AML/CFT National Strategy for prevention and combating money laundering and financing of terrorism for the years 2020–2025 and the Action Plan for its implementation;
- Approval of the OPFML Order No. 5/2021⁴²⁸ on approval of the Compliance form;
- Development and approval of the Methodical Manual for the application of measures for prevention and combating of money laundering and terrorism financing by professional participants;
- Approval of the Law No. 178/2020⁴²⁹ regarding the amendments of several laws (including the Law on National Bank of Moldova and the Law on the National Commission for Financial Markets);
- Approval of the Government Decision No. 7/2021⁴³⁰ on the Regulation on Automated Information and Communication Information System on preventing and combating money laundering and terrorism financing;
- Approval of the Government Decision No. 792/2020⁴³¹ on approving the Regulation regarding the procedure of application of financial sanctions related with terrorist activities and of proliferation of weapons of mass destruction;
- Development of the draft Law amending and supplementing the AML/CFT Law;
- Approval of the National Risk Assessment Report⁴³²;

the legislation on preventing and combating money laundering and terrorist financing, available in Romanian at: <https://www.legis.md/cautare/downloadpdf/124356>

⁴²⁶Deoffshorization Law No. 215/2020, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=124612&lang=ro

⁴²⁷ Parliament Decision No. 239/2020 on AML/CFT National Strategy for prevention and combating money laundering and financing of terrorism for the years 2020–2025 and the Action Plan for its implementation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125264&lang=ro

⁴²⁸ Order No. 5/2021 on approval of the Compliance form, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=128426&lang=ro

⁴²⁹ Law No. 178/2020 regarding the amendments of several laws, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=123148&lang=ro

⁴³⁰ Government Decision No. 7/2021 on the Regulation on Automated Information and Communication Information System on preventing and combating money laundering and terrorism financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125261&lang=ro

⁴³¹ Government Decision No. 792/2020 on approving the Regulation regarding the procedure of application of financial sanctions related with terrorist activities and of proliferation of weapons of mass destruction, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123864&lang=ro

⁴³² National Risk Assessment Report, available in Romanian at:

http://spcsb.gov.md/storage/posts/RAPORT_NRA.pdf

- Approval of the amendments to the Law No. 220/2007⁴³³ on state registration of legal persons and individual entrepreneurs related to the Beneficial owner.
- Approval of the amendments to the Civil Code⁴³⁴ that along with many changes and amendments of high importance for the Moldovan legal system, was introduced the definition of trust;
- In order to make the sanctions for money laundering more dissuasive for legal and individual persons, the Moldovan Parliament approved the Law No. 165/2020⁴³⁵ on amending the Criminal Code. Thus, according to the new provisions, money laundering offence is a serious crime;
- Performing by competent authorities of outreach actions, such as trainings, meetings, workshops on AML/CFT issues.

In order to implement MONEYVAL's recommendations, the National Bank of Moldova (NBM), as a supervisor authority for commercial banks, nonbank payment service providers and foreign exchange entities, approved amendments to the Regulations on the AML/CFT requirements for the supervised entities: commercial banks (Regulation No. 200/201⁴³⁶), non-bank payment service providers (Regulation No. 202/2018⁴³⁷) and foreign exchange offices and hotels (Regulation No. 201/2018⁴³⁸). The amendments were published in the Moldovan Official Gazette on 2 April 2021. The main amendments are:

- Customer Due Diligence (CDD) requirements - clarification that the verification of the BO information shall be made using reliable source of information; the obligation to obtain the information on the identity of the persons having a senior management position shall be applied in all cases, not only in high risk situations; the CDD obligations related to trusts and similar legal arrangements will cover the situations when the person managing the trust is an individual, acting as a trustee; more clear requirements for the situations when the business relationship is established prior to verification; factors which may impose an update of the CDD measures; the obligation not to perform/ suspend the transaction/ interrupt business relationship will cover the situation when it will be impossible to fulfill the monitoring requirements; obligation to apply Enhanced Due Diligence measures and risk-mitigating countermeasures in relation to high risk countries;

⁴³³ Law No. 220/2007 on state registration of legal persons and individual entrepreneurs related to the Beneficial owner, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=131041&lang=ro#

⁴³⁴ Civil Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#

⁴³⁵ Law No. 165/2020 on amending the Criminal Code, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123428&lang=ro

⁴³⁶ Regulation No. 200/201, available in English at: <https://www.bnm.md/en/content/regulation-requirements-related-prevention-and-combating-money-laundering-and-terrorist>

⁴³⁷ Regulation No. 202/2018, available in English at: <https://www.bnm.md/en/content/regulation-requirements-related-prevention-and-combating-money-laundering-and-terrorism-0>

⁴³⁸ Regulation No. 201/2018, available in English at: <https://www.bnm.md/en/content/regulation-requirements-related-prevention-and-combating-money-laundering-and-terrorism>

- record keeping requirements - the entities shall keep the record on any undertaken analysis (not only regarding the complex and unusual transactions); the obligation to keep the records of the wire transfers information;
- reliance on third parties to perform the CDD measures – clarify the criteria for third party reliance;
- foreign branches and subsidiaries – additional requirements for the group-wide programs against ML/FT.

At the same time, the NBM approved in December 2021 the Guidelines for identification and assessing of ML/FT risks in the supervised sectors and implementation of risk-based supervision. The Guidelines establishes in detail the mechanism for assessing the ML/FT risks in supervised sectors, as well as for determining the potential higher risk sectors/entities that need enhanced supervisory measures.

165. Please describe the specialized bodies dealing with money laundering, Financial Intelligence Unit (FIU), as well as the structures within the police and other relevant departments. Describe any co-operation with the financial and non-financial entities (banks, casinos, etc.).

According to the art. 15 para. (1) of the AML/CFT Law No. 308/2017⁴³⁹, regulation and control of the enforcement manner of the AML/CFT legislation are ensured by the following authorities with supervision functions of the reporting entities:

- National Bank of Moldova;
- National Commission for Financial Market;
- Notary Chamber;
- Union of Lawyers of the Republic of Moldova;
- Ministry of Finance;
- State Chamber for Marking Supervision (State Assay Office);
- National Regulatory Agency for Electronic Communications and Information Technology;
- Office for Prevention and Fight against Money Laundering.

The specialized bodies that deal with preventing and combating money laundering in the Republic of Moldova are the National Anticorruption Center, the Office for Prevention and Fight against Money Laundering and Security and Intelligence Service. According to Article 4 of the Law No. 308/2017 on prevention and combating money laundering and terrorism financing⁴⁴⁰, there is a cooperation

⁴³⁹ AML/CFT Law No. 308/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125309&lang=ro#

⁴⁴⁰ Law No. 308/2017 on prevention and combating money laundering and terrorism financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

with the following reporting entities in the field of money laundering prevention, namely:

- financial institutions specified in the Law on financial institutions No. 550-XIII of 21.07.1995;
- foreign exchange units (other than banks);
- registry societies, investment companies, sole central depository, market operators, system operators, insurers (reinsurers), intermediaries in insurance and/or reinsurance of legal entities, National Bureau of Vehicles Insurers, non-state pension funds, microfinance organizations, savings and loan associations, central associations of savings and loan associations;
- organizers of gambling;
- real estate agents;
- natural and legal persons practicing activities with precious metals and precious stones;
- lawyers, notaries, and other designated non-financial businesses and professions, during the period of participation on behalf of the client, in any financial and real estate transaction, or during the period of the provision of assistance for planning or execution of transactions for client, which in both cases involve the sale and purchase of real estate, donation of goods, management of financial assets, securities and other goods of client, opening and managing bank accounts, creation and management of legal persons and goods under fiduciary administration, as well as their purchase and sale;
- lessors who are legal persons that practice entrepreneur activity and transfer under the terms of leasing contract, to lessees, at their request, for a certain period, the right of possession and/or use of property the owners of which they are, with or without the transmission of the right of ownership of the good upon the expiration of the contract;
- payment service providers, issuers of electronic money and postal services providers operating in accordance with Law No. 114/2012 on payment services and electronic money⁴⁴¹;
- providers of postal services acting in accordance with the Law No. 36/2016 on postal communications⁴⁴²;
- audit entities, legal entities and individual enterprises providing accounting services;
- other natural and legal persons who sell goods in the amount of at least 200.000 lei or its equivalent, only if the payments are made in cash, regardless of whether the transaction is carried out through an operation

⁴⁴¹Law No. 114/2012 on payment services and electronic money, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125243&lang=ro#

⁴⁴²Law No. 36/2016 on postal communications, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106019&lang=ro

or through several operations that appear to have connection between them.

166. Please describe the cooperation between the FIU and other national police, prosecution office, the judiciary and other relevant bodies (e.g. customs or supervisors) in the field of money laundering.

Based on the provisions of the AML/CFT Law No. 308/2017⁴⁴³, national cooperation is ensured:

- at operational level - between the Office for Prevention and Fight against Money Laundering, authorities with supervision functions of the reporting entities, law enforcement, judicial and other competent authorities;
- at the level of policies and programs -between Office for Prevention and Fight against Money Laundering, Government, Parliament, competent authorities, as well as specialized associations.

According to the Moneyval Evaluation Report, there are no impediments, statutory or otherwise, which hinder the exchange of information, which is regulated by MOUs signed between the Office for Prevention and Fight against Money Laundering and different competent authorities and by long standing good practices. The Office for Prevention and Fight against Money Laundering provides law enforcement authorities with financial information both spontaneously and upon request, and, when necessary, the law enforcement authorities seek additional information from the Office for Prevention and Fight against Money Laundering about beneficial owner and source of funds which needs to be obtained from foreign counterpart. In terms of dissemination of information, this power of the Office for Prevention and Fight against Money Laundering is not limited to only law enforcement authorities. According to the statistics, the Office for Prevention and Fight against Money Laundering disseminated the results of its operational and strategic analysis to State Tax Service, Custom Service, etc.

On 09.04.2020, the Ministry of Internal Affairs and the Office for Prevention and Fight against Money Laundering signed the Cooperation Agreement which provides the framework and the institutional interaction. According to the terms of the Agreement, in addition to exchanging information on money laundering, money laundering-related offences and terrorist financing offences, the areas of cooperation include:

- exchange of information on matters arising from the joint activities of the Parties;
- risk assessment in the area of money laundering and terrorist financing;
- maintenance of statistics relating to measures to prevent and combat money laundering and terrorist financing;

⁴⁴³AML/CFT Law No. 308/2017, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=125309&lang=ro#

- undertaking joint actions to adjust and optimize the regulatory framework;
- developing and implementing policy documents in the field of preventing and combating money laundering and terrorist financing;
- presenting national progress in this area to relevant international organizations;
- organizing and participating in training and events organized by the Parties.

It should be noted that, based on the information received from reporting entities (as per article 4 of Law No. 308/2017⁴⁴⁴) on certain specific money laundering risks or indications, the Office initiates financial investigations, using all available tools, including requesting information from FIUs abroad. Depending on the crime, the financial analyses shall be disseminated as appropriate to the investigative bodies of the MIA, the National Anti-Corruption Center or the Customs Service, which shall initiate respective investigations.

Based on the art. 17 of the Law No. 308/2017 on prevention and combat of money laundering and terrorism financing⁴⁴⁵ the National Bank of Moldova (NBM) cooperates at the national and international level with its stakeholders in the AML/CFT field. Also, it should be mentioned that NBM concluded on March 14, 2019, an agreement with the Office for Prevention and Fight against Money Laundering for the purpose of information sharing. Usually, NBM provides information to FIU on suspicions identified during inspections or offsite analysis or asks FIU's opinion on efficient application of fit and proper requirements. During the period 2020 - March 2022, NBM informed the Office for Prevention and Combat of Money Laundering (FIU) regarding identified suspicions as follows: in 2020 – 20 letters; in 2021 – 21 letters and in 2022 – 5 letters.

167. Please describe the FIU cooperation with EU FIUs. Please provide figures on the number of exchanges of information with EU FIUs. What is your view on international cooperation with EU FIUs? How could it be improved?

The Office for Prevention and Fight against Money Laundering has been a member of the Egmont Group since May 2008 and adheres strictly to the Egmont Group Principles for the exchange of information. The Office does not need multilateral or bilateral agreements for cooperation with its counterparts. The process of exchange of information with Egmont Group Members takes place via the Egmont Secure Web, and through other secured channels in case of cooperation with non counterparts (i.e. liaisons officers). The statistics on exchanges of information with EU FIUs are reflected in the Annual Reports⁴⁴⁶ of the Office for Prevention and Fight against Money Laundering. OPFML has been

⁴⁴⁴ AML/CFT Law No. 308/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

⁴⁴⁵ Law No. 308/2017 on prevention and combat of money laundering and terrorism financing, available in Romanian at: <http://spsb.cna.md/en/page/legislatia-nationala>

⁴⁴⁶ OPFML Annual Reports, available in English at: <http://spsb.gov.md/en/reports>

a member of the Egmont Group since May 2008, with the primary aim of improving the interaction and exchange of information between similar institutions worldwide. During 2020, OPFML in the process of financial investigation exchanged information with over 60 member countries and sent 304 requests to similar authorities from other jurisdictions, which represents 9.8% more than the previous year. At the same time, OPFML received 145 requests for examination from similar institutions, providing 90 responses.

168. Please provide information on the creation of electronic data banks (profiling of terrorists etc.).

The Security and Intelligence Service, on its website, offer a public automated register of the lists of persons, entities, groups involved in terrorist activities⁴⁴⁷.

The following databases on persons suspected of and/or involved in terrorist activities are managed in this segment:

- Database on persons apprehended at the border of the RM;
- the Database on persons suspected of/involved in extremist-terrorist activities;
- the Databases on persons involved in money laundering and terrorist financing activities.

Additionally, under bilateral agreements, the Service also uses the counter-terrorism databases of foreign cooperation partners.

169. How have the authorities responded to requests for mutual legal assistance related to money laundering?

As a rule, the average responses to the requests for mutual legal assistance in criminal matters related to money laundering are up to 6 months (depending on the complexity, and volume of the assistance sought). According to the p. 4.13 of the Internal rules on organizing the activity of legal assistance in criminal matters in the Prosecution Service (approved by the order of the Prosecutor General no 44/7.1 of September 28, 2018), the requests of legal assistance in criminal cases related to money laundering are examined with priority and without delay.

Requests for rogatory commissions are executed as a matter of priority, and the enforcement procedure is reflected in the Criminal Procedure Code, which provides the procedures for enforcement and information of the requesting party.

⁴⁴⁷ Public automated register of the lists of persons, entities, groups involved in terrorist activities, available in Romanian at: <https://sis.md/ro/content/entitati>

According to art. 540 of the Criminal Procedure Code⁴⁴⁸, a criminal investigative body or the court shall execute the rogatory commissions requested by the respective foreign bodies based on the international treaties to which the Republic of Moldova and the requesting state are parties or under the reciprocity conditions confirmed in line with art. 536 par. (2). The rogatory commission shall be sent by the General Prosecutor's Office to the criminal investigative body or, as the case may be, by the Ministry of Justice to the court from the place where the requested procedural action is to be performed.

When executing the rogatory commission the provisions of the Criminal Procedure Code shall apply; however, upon a motion of the requesting party, a special procedure provided in the legislation of the foreign state may be requested in line with the respective international treaty or under conditions of reciprocity provided that it does not conflict with national legislation and the international obligations of the RM. Representatives of the foreign state or of an international court may attend the execution of the rogatory commission provided it is stipulated in the respective international treaty or by a written obligation under conditions of reciprocity. In such a case, upon the request of the requesting party, the body assigned to execute the rogatory commission shall inform the requesting party about the time, place and term of execution of the rogatory commission, ensuring, thus, the presence of the interested party.

If the address of the person in whose regard the rogatory commission is requested, is incorrect the institution to execute it shall undertake the respective measures to identify the address. If it is impossible to identify the address, the requesting party shall be notified thereof. Should it be impossible to execute the rogatory commission, the documents received shall be returned to the requesting party through the institutions from which it received them in which the reasons preventing the execution shall be specified. The rogatory commission and the attached documents shall also be returned if it is refused based on art. 534 of Criminal Procedure Code.

170. Can money laundering be prosecuted as a stand-alone crime and are effective sanctions in place for ML/TF offences in the criminal law?

The crime of money laundering provides for several alternative actions such as:

a) the conversion or transfer of goods by a person who knew or should have known that such goods were illegal earnings in order to conceal or to disguise the illegal

⁴⁴⁸Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

origin of goods or to help any person involved in the commission of the main offence to avoid the legal consequences of these actions;

b) the concealment or disguise of the nature, origin, location, disposal, transmission, or movement of the real property of the goods or related rights by a person who knew or should have known that such were illegal income;

c) the acquirement, possession or use of goods by a person who knew or should have known that such were illegal earnings;

d) the participation in any association, agreement, complicity through assistance, help or advice on the commission of actions set forth in letters a)-c).

At the same time, in the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, the main (previous) offense is referred to as the “principal offense”. Always, the premise in the case of money laundering crime consists in the existence of a previous (main) crime which is the source of the goods to be “laundered” in the process of committing the crime provided in art. 243 of Criminal Code⁴⁴⁹. Analyzing paragraph (4) art. 243 of the Criminal Code of the Republic of Moldova, we notice that before the money laundering offense, a main offense (predicate offense) is committed, which is a crime associated with money laundering either on the territory of the RM or outside the territory of the RM.

Assuming that it is committed outside the territory of the RM, the main crime should contain the constituent elements of a crime in the state in which it was committed and can contain the constituent elements of a crime committed on the territory of the RM. However, as a separate crime or as part of a crime (as a normative or factual method), the act, provided by the criminal law of a foreign state, must be found in one of the incriminating provisions of the Criminal Code of the RM. Otherwise, if the local criminal law does not know in any form such an act, there is no basis for the application of liability based on art. 243 of the Criminal Code of the RM.

At the same time, in order to ensure the practical application of Article 9 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, the investigation of criminal cases of money laundering will take into account the following:

- it is irrelevant whether the predicted crime belongs to the criminal jurisdiction of the RM or another state;
- the knowledge, intention or purpose, as elements of the money laundering offence, will be deduced from the objective circumstances of the deed, according to the provisions of art. art. 27, 99 – 101 of Criminal Code;

⁴⁴⁹ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

- a previous or simultaneous conviction for a predicate offense is not a condition for a conviction for money laundering, a principle according to which the existence of a criminal prosecution for a predicate offense will not be a precondition for initiating a criminal prosecution for money laundering;
- a conviction for money laundering is possible where it is proved that the goods subject to money laundering come from a predicate offense without it being necessary to establish exactly which offense, a principle according to which even the determination of the type of the predicate offense is not a precondition for starting a criminal investigation for money laundering.

On July 18, 2002, the Parliament of the RM adopted the Law for the ratification of the International Convention for the Suppression of the Financing of Terrorism (adopted in New York on 09.12.1999). In order to implement in the legislation of the RM the recommendation to establish the criminal liability for financing terrorism, the above-mentioned offence was incriminated in art. 279 of the Criminal Code of the RM.

In this regard, in order to ensure the practical application of the FATF Recommendations and the provisions of the International Convention for the Suppression of the Financing of Terrorism, the following shall be taken into account in the investigation of criminal cases concerning the financing of terrorism:

- terrorist financing involves not only the financing of acts of terrorism, but also the financing of terrorist organizations and terrorist individuals, even in the absence of a link to a particular act/acts of terrorism;
- the offense of terrorist financing will be present regardless of the lawful or illicit origin of the goods or services subject to financing;
- the crime of terrorist financing will also be present in the case of financing the trip abroad for terrorist purposes, meaning the trip to a state that is not the state of residence of the person, nor the state whose nationality the person holds, for planning, preparing, committing or participation in terrorist offenses, as well as training or being trained for purposes of terrorism.
- the offense of terrorist financing will be present regardless of whether or not the terrorist offense was committed, whether or not the goods were used in the terrorist offense by the terrorist group, organization or person, whether the assets were or not related to a certain terrorist crime, regardless of whether the perpetrator acted in the same country where the group, organization or terrorist person carries out its activity or in another country or if the crime was committed on or off the territory of the Republic of Moldova;
- the knowledge, intention or purpose, as elements of the terrorist financing offence, will be deduced from the objective circumstances of the deed,

according to the provisions of art. 27, 99 – 101 of Criminal Procedure Code⁴⁵⁰;

- terrorist financing is a predicate crime for money laundering.

The maximum penalty in the case of the crime of terrorist financing is imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 8000 to 11,000 conventional units and by the liquidation of the legal entity.

171. Does Moldova comply with the recommendations of the Financial Action Task Force on Money Laundering and Terrorist Financing (FATF) and corresponding EU legislation aimed at implementing these FATF standards (like Directive (EU) 2015/849 as amended by Directive (EU) 2018/843, Directive (EU) 2018/1673, Directive (EU) 2019/1153, Regulation (EU) 2015/847 EC Regulation No. 1781/2006, Regulation (EU) 2018/1672, EC Regulation No. 1889/2005, Directive (EU) 2015/2366, Directive 2007/64/EC)? Please provide details.

In 2019, Moneyval Committee approved the 5th Round Mutual Evaluation Report on the Republic of Moldova. The report analyzes the level of compliance with the Financial Action Task Force (FATF) 40 Recommendations and the level of effectiveness of Moldova's AML/CFT system, and provides recommendations on how the system could be strengthened.

The Mutual Evaluation concluded that the RM is compliant/largely compliant with 29 recommendations and partially compliant with 11 recommendations. Cases of non-compliant recommendations were not identified.

R.1 - assessing risk & applying risk-based approach	R.2 - national cooperation and coordination	R.3 - money laundering offence	R.4 - confiscation & provisional measures	R.5 - terrorist financing offence	R.6 - targeted financial sanctions – terrorism & terrorist financing
LC	LC	LC	C	LC	PC

⁴⁵⁰ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

R.7- targeted financial sanctions - proliferation	R.8 -non-profit organisations	R.9 – financial institution secrecy laws	R.10 – Customer due diligence	R.11 – Record keeping	R.12 – Politically exposed persons
PC	PC	LC	PC	LC	PC
R.13 – Correspondent banking	R.14 – Money or value transfer services	R.15 –New technologies	R.16 –Wire transfers	R.17 – Reliance on third parties	R.18 – Internal controls and foreign branches and subsidiaries
LC	C	LC	LC	LC	LC
R.19 – Higher-risk countries	R.20 – Reporting of suspicious transactions	R.21 – Tipping-off and confidentiality	R.22 – DNFBPs: Customer due diligence	R.23 – DNFBPs: Other measures	R.24 – Transparency & BO of legal persons
PC	C	C	PC	PC	PC
R.25 – Transparency & BO of legal arrangements	R.26 – Regulation and supervision of financial institutions	R.27 – Powers of supervision	R.28 – Regulation and supervision of DNFBPs	R.29 – Financial intelligence units	R.30 – Responsibilities of law enforcement and investigative authorities
PC	C	LC	LC	C	C
R.31 – Powers of law enforcement and investigative authorities	R.32 – Cash couriers	R.33 - Statistics	R.34 – Guidance and feedback	R.35 – Sanctions	R. 36 – International instruments
LC	LC	LC	C	C	LC

R.37 – Mutual legal assistance	R.38 – Mutual legal assistance: freezing and confiscation	R.39 – Extradition	R.40 – Other forms of international cooperation		
LC	PC	LC	LC		

To be mentioned that, based on Moneyval recommendations, in order to redress the situation in the fields that need more attention, was developed and approved by the Moldovan Parliament Decision No. 239/2020 on AML/CFT National Strategy for prevention and combating money laundering and financing of terrorism for the years 2020–2025 and the Action Plan for its implementation.

172. What measures have been taken to address the issue of an abuse of designated non-financial businesses and professions (such as lawyers, real estate dealers, casinos etc.) as well as non-profit organizations for money laundering or terrorist financing purposes?

The Office for Prevention and Fight against Money Laundering developed and approved the Methodical Manual for the application of measures for prevention and combating of money laundering and terrorism financing by professional participants that is considered as a practical tool for the implementation of the AML/CFT legal provisions. As well, the Office approved Guidelines for the reporting entities in this field.

It should be considered that the Office organizes periodically different events with all the reporting entities in order to inform them about the new trends, methodologies, practical implementation of the AML/CFT legislation etc.

According to Article 6 of the Law No. 308/2017 on preventing and combating money laundering and terrorist financing⁴⁵¹, with the support of other public authorities, the Service of Intelligence and Security has prepared the "Risk Assessment Report on the use of non-governmental/non-commercial organizations for terrorist financing for the period 2017-2019". Based on the requirements of FATF/GAFI Recommendation 8, in the context of the SIS study on the risk of NGOs being used for terrorist financing, the main benchmarks were formulated as follows:

⁴⁵¹ Law No. 308/2017 on preventing and combating money laundering and terrorist financing, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro

- identifying the types of non-commercial organizations which, by their characteristics or the activities they carry out, are at risk of being used for terrorist financing;
- establishing the nature of the threat posed by terrorist entities to the non-commercial sector and the specific ways in which non-commercial organizations can be exploited for terrorist purposes;
- providing the necessary framework for reviewing, establishing and implementing measures appropriate to the risks identified.

Subsequently, according to Article 6 of Law No. 308/2017 on preventing and combating money laundering and terrorist financing, the Service of Intelligence and Security developed the "Action Plan for the Remediation of Terrorist Financing Risks in the Non-Commercial Organizations Sector for the Period 2021-2023".

173. Please provide information on existing bilateral and international co-operation (including police, liaison officers and magistrates) regarding the fight against money laundering or terrorist financing.

Based on the provisions of the art. 17 of the AML/CFT Law, international cooperation in the area of prevention and combating of money laundering and terrorism financing shall be performed on the basis of mutual assistance principle, according to the legislation of the RM, based on the cooperation agreements and international treaties to which the Republic of Moldova is a party. Thus, the Office for Prevention and Fight against Money Laundering signed 46 Memorandums of Understanding with different similar services from other countries.

The Service of Intelligence and Security undertakes cooperation actions based on the tasks established under the national and international regulatory framework and based on agreements concluded. The Cooperation of SIS with international organizations (UN, OSCE, and Council of Europe) is carried out through the Ministry of Foreign Affairs and European Integration of the RM. At the same time, the SIS cooperates with an estimated figure of 60 special intelligence services/structures of the EU states, with which cooperation agreements have been concluded individually.

IX. FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

174. What are the competent authorities and agencies for combating trafficking in human beings? What are their human and financial resources?

A national referral mechanism has been set up at national level, which ensures the coordination of national policy in the field of combating trafficking in human beings, the activities of law enforcement agencies in the field of combating crime and the activities of providing assistance to victims. The mechanism operates at all levels of public administration, and includes central and local public administration institutions, and interdepartmental advisory bodies.

The National Committee for Combating Trafficking in Human Beings - Government advisory body set up to coordinate the activity of preventing and combating trafficking in human beings (Government Decision No. 472/2008 on approving the composition of the National Committee for Combating Trafficking in Human Beings and of the Rules of Procedure of the National Committee⁴⁵²), being chaired by the Deputy Prime Minister, the Ministry of Foreign Affairs and European Integration and consisting of leaders of the Ministry of Internal Affairs; Ministry of Health; Ministry of Labor and Social Protection; Ministry of Justice; Ministry of Finance; Ministry of Education and Research; Ministry of Culture, General Prosecutor's Office, Intelligence and Security Service; Gagauzia Autonomous Territorial Unit (Gagauz-Yeri); Center for Combating Trafficking in Persons; General Inspectorate of Border Police; Bureau of Migration and Asylum; Public Services Agency; State Labor Inspectorate; Diaspora Relations Office of the State Chancellery; Secretary of the National Committee for Combating Trafficking in Human Beings and Secretary of the Supreme Security Council.

The permanent secretariat of the National Committee for Combating Trafficking in Human Beings, with responsibilities for coordinating, monitoring and evaluating anti-trafficking policies, is provided by the Department for Coordination in the Field of Human Rights and Social Dialogue within the State Chancellery. Within the Department, a senior consultant unit is invested with coordinating activities in the field of THB. The head of the Department is the secretary of the National Committee for Combating Trafficking in Human Beings and the national anti-trafficking coordinator.

In order to coordinate the activity of preventing and combating trafficking in human beings, in the districts, municipalities and in the Autonomous Territorial Unit of Gagauzia, in addition to the executive body of the local public administration, the Territorial Commissions for combating THB have been created, which operate according to the Framework regulation on territorial commissions for combating THB (approved by Government Decision No.

⁴⁵² Government Decision No. 472/2008 on approving the composition of the National Committee for Combating Trafficking in Human Beings and of the Rules of Procedure of the National Committee, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110081&lang=ro#

234/2008⁴⁵³). The Chair of the Commission is the Deputy head of the District Council, responsible for the assistance and social protection of the population. Membership of the decentralized services of the central public authorities with competences in the field of preventing and combating THB, other central administrative authorities with responsibilities in the field of preventing and combating THB, of non-governmental organizations carrying out prevention activities, combating and assisting victims of trafficking in human beings are part of the Territorial Commission. Territorial commissions organize prevention activities (such as awareness campaigns, workshops and meetings), coordinate the protection and assistance of victims, take part in research programs, analysis and collection of statistical data at the local level and report to the National Committee on measures to improve the impact of anti-trafficking activities.

The National coordination unit of the National Referral System – staff unit, established within the Ministry of Labor and Social Protection with the function of coordinating the activities of the organizations participating in the National Referral System, in order to refer beneficiaries for protection and assistance at national level, including responsibilities in coordinating repatriation procedures. The territorial multidisciplinary teams within the National Referral System, operate based on the Government Decision No. 228/2014⁴⁵⁴. The competencies of multidisciplinary teams are to organize activities to prevent and combat THB, to assist and protect victims and potential victims of THB. The activity is carried out by the members of the territorial multidisciplinary teams, in accordance with the functional attributions by unifying the resources, experience and knowledge and the operative exchange of information, ensuring a systemic approach of the joint efforts in intersectorial format.

The Community mediator operates on the basis of the Framework Regulation on the organization of the activity of the Community mediator, approved by Government Decision No. 557/2013⁴⁵⁵ and represents a Roma person from the compact or mixed locality populated by Roma, responsible for ensuring the efficient access of beneficiaries to social assistance services, education, medical assistance, employment, documentation, improvement of living conditions, other services in case of need, through efficient communication with the relevant institutions in the locality. Among its responsibilities is the immediate information by telephone of the local guardianship authority, and within 24 hours the sending of the notification form of the suspected case of violence, neglect, exploitation, child trafficking, in accordance with the provisions of Government Decision No. 270/2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring

⁴⁵³ Framework regulation on territorial commissions for combating THB approved by Government Decision No. 234/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113652&lang=ro#

⁴⁵⁴ Government Decision No. 228/2014 on the approval of the Rules of activity of the teams territorial multidisciplinary teams within the National Referral System, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103074&lang=ro

⁴⁵⁵ Framework Regulation on the organization of the activity of the Community mediator, approved by Government Decision No. 557/2013, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125326&lang=ro#

of child victims and potential victims of violence, neglect, exploitation and trafficking⁴⁵⁶.

The Interdepartmental Commission for the financial compensation by the state of the damage caused by the crime (Government Decision No. 965/2017⁴⁵⁷) is a collegiate, independent body that aims to solve the problems related to the state granting financial compensation to victims of crime or other persons who have this right under the provisions of Law No. 137/2016 on the rehabilitation of victims of crime⁴⁵⁸.

By Decision No. 309/26 of 27.10.2020, the Superior Council of Magistracy completed the Decision No. 34/3 of 24.01.2020 on the specialization of judges in the field of combating THB and related crimes, by which he recommended to the heads of the courts to appoint judges specialized in the field of combating THB and related crimes for a period of 5 years, with the possibility of extending the term. At the same time, the Superior Council of Magistracy recommended to the heads of the courts of appeal to appoint at least 2 panels of judges specialized in the field of combating THB and related crimes.

In accordance with Article 11 paragraph (7) of the Law No. 241/2005 on preventing and combating trafficking in human beings⁴⁵⁹ the Coordinating Council of law enforcement bodies with responsibilities in the field of combating THB was created under the Prosecutor General, which is set up to coordinate the work of law enforcement agencies. and other bodies competent in combating trafficking in human beings. A specialized unit is set up within the General Prosecutor's Office - the Unit for Combating Trafficking in Human Beings, which have the following main responsibilities:

- contributes to the unitary implementation by the Prosecutor's Office of the state policy in the field of combating trafficking in human beings, trafficking in children, trafficking in organs, as well as combating the organization of illegal migration;
- monitors and verifies, within the limits established by the General Prosecutor, the activity of the prosecutors within the territorial prosecutor's offices and specialized in the fields related to the competence of the Section;

⁴⁵⁶ Government Decision No. 270/2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=18619&lang=ro

⁴⁵⁷ Interdepartmental Commission for the financial compensation by the state of the damage caused by the crime, approved by Government Decision No. 965/2017, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=102813&lang=ro

⁴⁵⁸ Law No. 137/2016 on the rehabilitation of victims of crime, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

⁴⁵⁹ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=107319&lang=ro

- provides practical and methodological assistance to prosecutors and prosecuting officers in the field of investigating cases of trafficking in human beings.

The specialized prosecutor's offices, the Prosecutor's Office for Combating Organized Crime and Special Cases, has the following attributions in the field of anti-trafficking:

- leads and controls the criminal investigation exercised by the criminal investigation officers of the Center for Combating Trafficking in Persons of the National Investigation Inspectorate of the General Police Inspectorate of the MIA (art. 2702 para. (2) Criminal Procedure Code of the RM⁴⁶⁰), establishing the anti-trafficking office;
- directly prosecutes cases of trafficking in human beings or trafficking in children in cases when they are committed by organized criminal groups or criminal organizations (art.270 para. (1) letter d) Criminal Procedure Code of the RM⁴⁶¹);
- represents the state prosecution on the cases sent to court.

At the level of territorial prosecutor's offices, specialized prosecutors are appointed who exercise or lead the criminal investigation on the cases of trafficking in human beings investigated by the Territorial Police Inspectorates.

The Center for Combating Trafficking in Persons (hereinafter CCTP) was established on September 6, 2005, on the basis of Amendment III to the Letter of Agreement on Drug Control and Law Enforcement between the Government of the United States of America and the Government of the Republic of Moldova of August 28, 2001⁴⁶². The CCTP is the primary unit for combating trafficking in human beings of the Police, subordinated to the National Investigation Inspectorate of the General Inspectorate of Police, which under the law has the mission to investigate and prosecute criminal offenses of trafficking in human beings and related. The CCTP has jurisdiction over the entire territory of the RM.

The local anti-trafficking action is coordinated by the territorial commissions for combating trafficking in human beings, which are established in each region as well as in each administrative district in Chisinau. The territorial commissions are subordinated to the National Committee and are financed from the budgets of the local authorities. The composition of the territorial commissions is approved by the president of the local authority. The commissions are chaired by a local authority chair and are composed of local representatives of ministries and other

⁴⁶⁰ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

⁴⁶¹ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

⁴⁶² Amendment III to the Letter of Agreement on Drug Control and Law Enforcement between the Government of the United States of America and the Government of the Republic of Moldova of August 28, 2001, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=117456&lang=ru

public authorities with expertise in preventing and combating THB, as well as NGOs active in this field.

Territorial commissions organize prevention activities (such as awareness campaigns, workshops and meetings), coordinate the protection and assistance of victims, take part in research programs, analysis and collection of statistical data at the local level and report to the National Committee on measures to improve the impact of anti-trafficking activities. Multidisciplinary teams have been set up at regional level in order to coordinate the implementation of a systematic, human rights-based approach to the protection and assistance of victims and potential victims of THB. These teams are subordinated to the Ministry of Labor, Social Protection and Family. They are composed of representatives of the departments of social assistance and family protection, medical institutions, the police, the population services, the National Employment Agency, as well as NGOs and other relevant bodies. Multidisciplinary teams can identify and assist vulnerable people in human trafficking.

International organizations and NGOs have a strong presence in the field of anti-trafficking in the RM. The ILO, the United Nations Development Program (UNDP), UNICEF and the OSCE have provided extensive assistance in establishing the national framework for combating trafficking in human beings. This included assistance in drafting legislation, funding for specialist training and victim assistance programs, as well as financial contribution to the functioning of the Secretariat of the National Committee.

NGOs have also played a key role in the field of action against THB in the RM, through their activities of awareness, training, research and assistance to victims. The main NGOs currently working in the field of trafficking prevention and control are the International Center "La Strada", "Terre des Hommes" Moldova, the National Center for the Prevention of Abuse, "Save the Children" Moldova and "Médecins du Monde".

175. Please describe the working methods and national, cross-border, regional and international coordination structures of the competent authorities and agencies for combating trafficking in human beings.

Law No. 241/2005 on preventing and combating trafficking in human beings⁴⁶³, provides the institutional framework for preventing and combating trafficking in human beings, the obligations and responsibilities of the Government in this field, the responsibilities of specialized bodies of central and local public administration, victims' rights, other issues important with regard to cooperation with other states, with relevant international and regional organizations in the field.

⁴⁶³ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

At the national level between 2009-2016 there was created a special model of intersectoral collaboration - the National Reference System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings (NRS). By Law no.32/2018, amendments were made to Law no 241/2005 on preventing and combating trafficking in human beings, so that the NRS was institutionalized with the following basic elements:

- The national coordination unit of the National Reference System;
- Territorial multidisciplinary teams within the National Reference System;
- Standardization of interinstitutional cooperation procedures within the National Reference System. According to art. 10 of the framework law, the Ministry of Labor and Social Protection coordinates and monitors the activity of the National Referral System for the protection and assistance of victims and alleged victims of trafficking in human beings. A new model of the national mechanism for the identification and referral was proposed by a Program for the creation and development of the National Referral Mechanism (MNRV) for the protection and assistance of victims of crime for the years 2022-2026 and the Action Plan for the years 2022-2024 on its implementation, approved by the GD no.182 / 2022). The MNRV program was developed in order to implement provision of Law No. 137/2016 on the rehabilitation of victims of crime.⁴⁶⁴The law provides for the right of victims of a number of crimes, such as trafficking in human beings, domestic violence, torture, sexual offenses, etc., to the assistance and support of the state for the purpose of physical, psychological and social recovery.

In accordance with the provisions of Art. 91 para. (5) of the Government Decision No. 472/2008 on the approval of the composition of the National Committee for Combating Trafficking in Human Beings⁴⁶⁵ and the Rules of the National Committee, the Permanent Secretariat of the Committee monitors and evaluates the implementation of policies in the field of preventing and combating trafficking in human beings by the competent institutions at all levels of public administration, as well as by intergovernmental, non-governmental organizations active in this field.

The Committee consists of the management of the following institutions:

- Ministry of Foreign Affairs and European Integration;
- Ministry of Internal Affairs;
- Ministry of Health, Labour and Social Protection;
- Ministry of Justice;

⁴⁶⁴ Law No. 137/2016 on the rehabilitation of victims of crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

⁴⁶⁵ Government Decision No. 472/2008 on the approval of the composition of the National Committee for Combating Trafficking in Human Beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110081&lang=ro#

- Ministry of Finance;
- Ministry of Education, Culture and Research;
- General Prosecutor's Office;
- Intelligence and Security Service;
- Gagauzia Autonomous Territorial Unit (Gagauz-Yeri);
- Centre for Combating Trafficking in Human Beings;
- General Inspectorate of the Border Police(GIBP);
- Bureau for migration and asylum(BMA);
- Public Services Agency;
- State Labour Inspectorate;
- Diaspora Relations Office of the State Chancellery;
- Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings of the State Chancellery; as well as the Secretary of the Supreme Security Council.

The CCTHB participates jointly with the GIBP and the BMA in the joint risk analysis exercise. Cooperation continues in the framework of the Joint Working Group, established in early 2014, in the area of risk analysis on combating irregular migration, organised crime and cross-border crime, including trafficking in human beings. The group includes law enforcement authorities with cross-cutting responsibilities in the area of combating cross-border crime, irregular migration, trafficking in human beings and other related crimes. There is also good cooperation between the CCTHB and representatives of the BMA. There is no prosecution body within the BMA structure. They refer identified cases to the CCTHB and the CCTHB, as a specialised prosecution structure, investigates together with the BMA. The BMA provides operational support to the CCTHB with the information they clarify and the CCTHB investigates further.

Risk analysis reports are prepared annually by GIBP, which is the national coordinator for risk analysis, where CCTHB and BMA are only members of the working group. Between 2017 and 2021, 5 risk analysis reports were prepared accordingly.

International cooperation

The Republic of Moldova is party to numerous international instruments in this field and has a harmonized national legal framework. International legal assistance may be requested or granted in the execution of procedural activities provided for by the criminal procedure legislation of the Republic of Moldova and of the foreign state concerned. According to Article 532 of the Criminal Procedure Code of the Republic of Moldova,⁴⁶⁶ addresses concerning international legal assistance in criminal matters shall be made through the Prosecutor General's Office directly or

⁴⁶⁶ Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ru

through the Ministry of Justice and/or through the Ministry of Foreign Affairs of the Republic of Moldova, except in cases when, on the basis of reciprocity, another means of address is provided for.

The General Prosecutor's Office is the central authority for international legal assistance during the prosecution phase. The Ministry of Justice is the competent authority of the Republic of Moldova for letters rogatory, extradition and transfer of sentenced persons and other forms of legal assistance in criminal matters during the trial and enforcement phase. In this context, the CCTHB submits requests for letters rogatory to other States, all of which are related to the investigation of cases of trafficking in human beings (Article 165 of the Criminal Code), through the Office of the Prosecutor General.

At the same time, the exchange of data and information is carried out through the International Police Cooperation Directorate of the General Inspectorate of Police of the MIA. Concerning international investigations carried out, including by Joint Investigation Teams (JITs): The competent authorities of at least two States may, by mutual agreement, set up a joint investigation team with a specific objective and for a limited duration, which may be extended with the agreement of all parties, with a view to conducting criminal proceedings in one or more of the States setting up the team. The composition of the joint investigation team shall be decided by mutual agreement.

In the period 2017-2022 the CCTHB submitted 23 requests for letters rogatory, all related to the investigation of cases of trafficking in human beings (Art. 165 Criminal Code). Countries of reference are: Netherlands-2, Belgium-2, Poland-2, Greece-4, Romania-8, Italy-3, Germany-2, Poland-1, Turkey-2, Spain-3, France-1. The CCTHB has received 6 requests for letters rogatory from law enforcement authorities of other countries, related to the investigation of cases of trafficking in human beings. The reference countries are France-1, Turkey-2, Italy-2, Sweden-1.

The national policy in this field was implemented in accordance with the provisions of the national plans for preventing and combating trafficking in human beings, approved by the Government (6 plans implemented since 2001), and the Strategy of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings (2009- 2016), adopted by the Parliament of the Republic of Moldova. The implementation of the activities foreseen in the National Plan for the period 2014-2016, as well as in the Strategy of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings (2009-2016) were completed in 2016.

The New Strategy ensures the continuity of the state policy on reforming national and transnational cooperation relations between governmental, non-commercial and intergovernmental organizations for the implementation of measures for preventing and combating trafficking in human beings, with a view to promoting the rights of victims and presumed victims of trafficking in human beings, in

accordance with the principles of respect for human rights and equal opportunities for women and men. The Strategy also follows the provision of the Republic of Moldova-European Union Association Agreement and the National Human Rights Action Plan for 2018-2022.

GRETA underlines the obligations of States to respect, fulfill and protect human rights, including by ensuring compliance by non-State actors in accordance with their duty of care. GRETA highlighted Moldova's progress in implementing the Council of Europe Convention on Action against Trafficking in Human Beings since 2016, when it last carried out the assessment, with a particular focus on access to justice and effectiveness of protection. The group expressed concern about the negative impact of the lengthy litigation process on victims and the outcome of prosecutions and urged the Moldovan authorities to "ensure a reasonable duration of proceedings that are related to trafficking cases".

According to the report, the Moldovan authorities "need to take further steps to ensure that such cases are dealt with expeditiously and successfully in court and lead to effective and proportionate sanctions". In addition, measures should be taken to "prevent victim intimidation in investigations and trials". According to the Group, trafficking for labour exploitation accounted for 66% of the total number of victims in 2019, followed by trafficking for sexual exploitation.

According to official statistics, from 2015 to 2019, about 1496 people became victims of trafficking in Moldova, of which 47% are women and 21% - children. The main destination country of Moldovan victims was Russia. This is followed by Slovakia, Spain, Ireland, Portugal and Turkey. A quarter of the victims were exploited on Moldovan territory. On 25 June 2020, the US State Department's Trafficking in Persons Report 2020 was published. It reflects states' efforts to prevent and combat human trafficking during 2019. Thus, Moldova remained at Tier 2* in the ranking established by the US Department of State. Key objectives:

- Prosecute and convict more traffickers;
- Allocate more financial resources to victim services;
- Initiate the development of a shelter for male victims of trafficking.

The report includes a number of recommendations for state authorities in the fight against human trafficking, with a focus on implementing anti-corruption measures in the judicial sector, protecting investigative officers and prosecutors from external influence and internal corruption; proactively identifying victims of human trafficking, including undocumented migrants, and referring them to support services; strengthening the capacity of law enforcement bodies on a victim-centred approach to investigations; increasing access to placement and rehabilitation services for victims of child trafficking.

On July 1, the U.S. Department of State released the 2021 Trafficking in Persons (TIP) Report. In 2020, the Government of the Republic of Moldova demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore

Moldova remained on Tier 2. The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Some of these efforts included prosecuting more suspected traffickers, developing a new national referral mechanism (NRM), opening a center for male trafficking victims, and commencing construction of a center for child victims and witnesses of crime, including trafficking.

176. Please describe the current legislation and policy framework on trafficking in human beings, including whether a National Programme on Combatting Trafficking in Human Beings is in place.

On 22 May 2018 the Government of the RM approved the Decision No. 461 regarding the National Strategy for Preventing and Combating Trafficking in Human Beings for the years 2018-2023 and the Action Plan for its implementation, 2018-2020.⁴⁶⁷ In 2021, a new Action plan covering the period 2021-2022 was approved by Government Decision no.319/2021.⁴⁶⁸

Legal framework:

- Law No. 241/2005 on preventing and combating trafficking in human beings (Anti-trafficking Law)⁴⁶⁹;
- Law no.137/2016 on the Rehabilitation of victims of crime.⁴⁷⁰ The Law stipulates minimum support services for victims of crime, which apply to victims of THB, namely information counselling, psychological counselling, free legal aid and State compensation.
- Law no.198/2007 on State-guaranteed legal aid⁴⁷¹ expressly states that the victims of trafficking are among the categories of persons entitled to free legal aid regardless of the level of their income (art.20).
- Criminal Code of the RM⁴⁷² in art. 165 *Trafficking in human beings*; article 206. *Trafficking in children*; art.165¹ *The use of the results of the work or services of a person who is a victim of human trafficking*; art. 167 *Slavery*

⁴⁶⁷ Government Decision No. 461/2018 regarding the National Strategy for Preventing and Combating Trafficking in Human Beings for the years 2018-2023 and the Action Plan for its implementation, 2018-2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128851&lang=ro

⁴⁶⁸ Government Decision No. 319/2021 on the modification of Government Decision No. 461/2018 on the approval of the National Strategy for preventing and combating trafficking in human beings for the years 2018-2023 and the Action Plan for 2018-2020 on its implementation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128842&lang=ro

⁴⁶⁹ Law No. 241/2005 on preventing and combating trafficking in human beings, available at: https://www.legis.md/cautare/getResults?doc_id=107319&lang=ro

⁴⁷⁰ Law no.137/2016 on the Rehabilitation of victims of crime, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

⁴⁷¹ Law No. 198/2007 on State-guaranteed legal aid, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123162&lang=ro

⁴⁷² Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

and conditions similar to slavery; art. 168 Forced labor; art.207 Illegal removal of children from the country.

At the same time, at national level, several measures have been taken:

- Implementation of the Action Plan for the implementation of the Anti-Trafficking Strategy for the years 2021 -2022;
- Initiation of the evaluation process of the National Strategy for preventing and combating trafficking in human beings for the years 2018-2023;
- Implementation of the new Program for the creation and development of the National Referral Mechanism for the protection and assistance of victims of crime for the years 2022-2026 and of the Action Plan for the years 2022-2024 regarding its implementation.
- Monitoring and guiding the activity of the Territorial Commissions by developing their capacities.

177. What protection measures are in place for the protection, assistance and support of victims of trafficking in human beings and what rights do they enjoy under the current legal and policy framework in Moldova? Please specify whether minors or other vulnerable individuals, enjoy different or additional rights.

Assistance and support to victims of human trafficking enjoy the following rights in accordance with the legislation and policies in force in the Republic of Moldova:

- Law No. 241-XV of 20.10.2005 on preventing and combating trafficking in human beings (Law No 32 of 16.03.2018 on amending and supplementing Law No 241/2005)⁴⁷³;
- Law on Transplantation of Human Organs, Tissues and Cells No. 42-XVI of 06.03.2008;⁴⁷⁴
- Law on preventing and combating domestic violence No. 45-XVI of 01.03.2007;⁴⁷⁵
- Law on the Rights of the Child No. 338 of 15.12.1994;⁴⁷⁶
- Law on the Protection of Witnesses and Other Participants in Criminal Proceedings No.105-XVI of 16.05.2008;⁴⁷⁷
- Law on rehabilitation of victims of crime No. 137/2016.⁴⁷⁸

⁴⁷³ Law No. 241-XV of 20.10.2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

⁴⁷⁴ Law on Transplantation of Human Organs, Tissues and Cells No. 42-XVI of 06.03.2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24339&lang=ro

⁴⁷⁵ Law on preventing and combating domestic violence No. 45-XVI of 01.03.2007, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110200&lang=ro

⁴⁷⁶ Law on the rights of the child No. 338 of 15.12.1994, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=94939&lang=ro

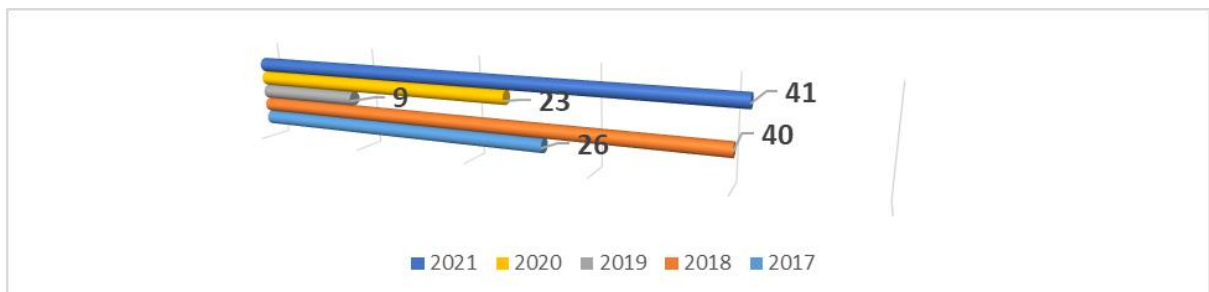
⁴⁷⁷ Law on the Protection of Witnesses and Other Participants in Criminal Proceedings no.105/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110503&lang=ro

⁴⁷⁸ Law on rehabilitation of victims of crime No. 137/2016, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

Respectively, victims of trafficking in human beings are assisted (in case of agreement to be assisted by a lawyer) by specialized lawyers of the centers for assistance and protection of victims of trafficking in human beings, which in accordance with Article 17 of the Law No. 241/2005 on preventing and combating trafficking in human beings, are institutions providing social services, offering civilized conditions of accommodation and personal hygiene, food, legal, social, psychological and emergency medical assistance, guard and protection, as well as assistance in contacting relatives. As an example they can serve:

- Center for Protection and Assistance to Victims and Potential Victims of Trafficking in Human Beings;
- La Strada International Centre, which provides legal assistance to defend the rights and interests of victims of human trafficking;
- International Organization for Migration (IOM) which provides support in repatriation of victims of human trafficking and legal assistance (upon request);
- Men's Assistance Center.

In accordance with the provisions of Law No. 137/2016 on the rehabilitation of victims of crime, victims of trafficking in human beings⁴⁷⁹ can receive financial compensation from the state. During 2017-2021, 139 victims of trafficking in human beings were assisted in the Centers for Protection and Assistance to Victims and Potential Victims of Trafficking in Human Beings, financed from the state budget.



According to Law No. 241/2005 on preventing and combating trafficking in human beings⁴⁸⁰, the person who has suffered as a result of trafficking in human beings enjoys certain rights, namely guaranteed access to a minimum package of free social services for the purpose of rehabilitation. Guaranteed rights cover social and medical care and protection, shelter, privacy and protection of physical integrity and security, psychological and legal assistance, and repatriation services for adults and children. At the same time, the related regulatory framework has been developed. In 2012, the Order of the Ministry of Labor and Social Protection

⁴⁷⁹ Law No. 137/2016 on the rehabilitation of victims of crime, victims of trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

⁴⁸⁰ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

approved the Guide on the identification of victims and potential victims of trafficking in human beings.

Government Decision No. 948/2008⁴⁸¹ approved the Regulation on the procedure for the repatriation of children and adults - victims of trafficking in human beings, and persons in difficulty, as well as unaccompanied children; Regulation of activity of the multidisciplinary territorial teams within the national reference system (GD No. 228/2014⁴⁸²); Instructions for the Intersectoral Cooperation Mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking (GD No. 270/2014) and other acts.

Within the National Council for State Guaranteed Legal Aid (CNAJGS) there are lawyers specialized in providing qualified legal assistance guaranteed by the state to victims of crime, as well as lawyers specializing in providing state-guaranteed legal aid in cases involving children. The right of children - victims of the crime provided by art. 206 of the Criminal Code⁴⁸³ - *Trafficking in children* to legal aid guaranteed by the state is also provided in art.58 para.(4) of the Code of Criminal Procedure, specifically *Victim of a particularly serious or exceptionally serious crime, against the person, the victim of torture, inhuman or degrading treatment, regardless of whether he/she is recognized as an injured party or a civil party.*⁴⁸⁴

In criminal proceedings, victims of human trafficking are explained their rights according to the provisions indicated above, including Law No. 137/2016, after which they receive information, psychological counseling and/or legal assistance, depending on their demands and needs.

The specialized assistance provided to victims of trafficking in human beings is carried out on the platform of 8 Centers providing specialized services, among which, since February 2021, one is specialized for male victims. The assistance and protection service for victims and alleged victims of trafficking in human beings (men) was established by the Ministry of Labor and Social Protection, the National Social Assistance Agency in partnership with the International Organization for Migration in Moldova, with maximum placement capacity. and the necessary assistance for 10 beneficiaries. The purpose of the Service is to provide for a specified period of time, specialized assistance and protection to adults (men), victims and / or alleged victims of THB and / or other related crimes

⁴⁸¹ Government Decision No. 948/2008 on the approval of the Regulation on the procedure for the repatriation of children and adults - victims of trafficking in human beings, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=110414&lang=ro

⁴⁸² Regulation of activity of the multidisciplinary territorial teams within the national reference system, approved by Government Decision No. 228/2014, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=103074&lang=ro

⁴⁸³ Criminal Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130983&lang=ro#

⁴⁸⁴ Criminal Procedure Code of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=113967&lang=ro

for the purpose of recovery, social rehabilitation, adaptation to active life, re / integration into the family, as well as the resumption of an independent life.

All specialized centers offer the following services: temporary and safe accommodation, provision of personal hygiene and food items, psychological and material assistance, access to emergency medical services, translation services, counseling and information on legal rights and available services for victims, legal assistance for the protection of their rights and interests during criminal proceedings, access to education for children. The assistance and support provided to the victim is not conditioned by her desire to cooperate with the law enforcement bodies, to make statements and to participate in the process of prosecuting traffickers - art. 20 para. 4 of Law No. 241/2005 on preventing and combating trafficking in human beings.⁴⁸⁵ The Code of Criminal Procedure in art. 58 para. 8 provides the right of the victim not to appear at the summons of the criminal investigation body or of the court in order to give the required explanations in the case of trafficking in human beings.

The financing of the centers for the provision of specialized services, with the status of public institutions, is carried out according to the methodological norms approved by the Government. Services are provided to women, men victims of THB, including people with disabilities (in terms of physical access for wheelchair users), children (girls/boys), parents/children, citizens of the Republic of Moldova, as well as persons who do not hold the citizenship of the Republic of Moldova or who are stateless. Victims of THB as well as victims of domestic violence or sexual violence are also assisted. The provision of specialized social services, within the Centers providing social services, is carried out in accordance with the Government Decision No. 898/2015 for the approval of the Framework Regulation on the organization and operation of the Service for assistance and protection of victims of trafficking in human beings and minimum quality standards.

Victims of trafficking in human beings are provided with information and referral services, including through the specialized hotline on Anti-Trafficking and Safe Migration 080077777, administered by the NGO "La Strada International Center". Another telephone line is the hotline "Child's Helpline - 116111" (toll-free service) financed from the state budget, managed by NGO "CNFACEM". Both services help identify and refer alleged victims to specialized services.

⁴⁸⁵ Law No. 241/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

178. Do the relevant authorities (including law enforcement, judiciary, labor inspectorates and border guards) receive specific training on combating trafficking in human beings and, in particular on the early identification of potential victims? Please describe institutions providing such trainings, participating agencies, subjects/functional areas, number of theoretical and practical hours planned for the subject of human trafficking within the official curriculum.

The National Institute of Justice provides training in the field of combating trafficking in human beings for its beneficiaries, i.e. candidates for the office of judge and prosecutor, incumbent judges and prosecutors, clerks, legal assistants, heads of court secretariats, prosecutor's advisers, probation counsellors, lawyers providing state-guaranteed legal aid.

Therefore, the Training Plan foresees initial training of candidates for the positions of judges and prosecutors, in the first semester. The module Tactics and methodology of investigating certain categories of crimes, which has as sub-module , reflects aspects regarding the investigation of the crime of human trafficking (4 hours for future judges and 20 - for future prosecutors). Also the module includes the submodule Investigation of crimes against the family and minors, which addresses, inter alia, issues related to the investigation and investigation of child trafficking (4 hours for future judges and 20 - for future prosecutors). In the second semester, the module Examination of criminal / contravention cases in the first instance includes two sub-modules that directly develop the topic of trafficking in human beings, i.e. : Judicial investigation of crimes against liberty, honor and dignity of the person and, respectively, Judicial investigation of crimes against the family and the minors (22 hours of training through simulative activities for each submodule, in which the future judges and prosecutors participate).

With regard to continuing education, the field of combating trafficking in human beings is addressed in the Modules Aspects of Criminal Law and Criminal Procedure and Crimes against the Person, in accordance with the Continuing Education Plans, in the form of seminars, training courses, thematic schools, with annual development and half-yearly repetition. Thus, in 2021, the NIJ trained 280 people in this field (33 legal assistants, 25 clerks, 20 prosecutor's advisers, 10 office specialists, 92 judges and 100 prosecutors), in 10 training activities on investigation and examination of crimes in the field of combating trafficking in human beings.

The training of prosecutors and judges is generally carried out through the National Institute of Justice (hereinafter NIJ). Seminars for prosecutors and judges in the field of THB are organized every six months by the NIJ. In addition, seminars, workshops were organized with the support of international and national development partners. These include: US Embassy in the RM, IOM Mission in Moldova, OSCE Mission to Moldova, International Center "La strada".

To exemplify, during 2021, prosecutors participated in several national and international training seminars, including as trainers:

National trainings:

- on 09.04.2021, the prosecutors participated as trainers in the seminar organized by the National Institute of Justice in the course "Peculiarities of investigation and trial of crimes of trafficking in persons, organs, tissues and cells", during which were trained 15 prosecutors and 15 judges;
- on 26.02.2021, the prosecutors participated as trainers in the seminar "Peculiarities of investigating and prosecuting crimes related to trafficking in human beings", organized by the National Institute of Justice, in which were trained 20 legal assistants, 20 clerks and 20 consultants to the prosecutor;
- on 20.04.2021, prosecutors participated as trainers in the seminar organized by the NIJ in partnership with the OSCE in the field of rehabilitation and compensation for victims of serious crime, including trafficking in human beings and domestic violence;
- in June (June 2 and 14, respectively) 2021, prosecutors participated as trainers in the workshop entitled "Abuse and sexual exploitation of children using information and communication technologies", organized by the NIJ, in which they trained over 25 prosecutors and 20 judges, 15 prosecutor's advisers and 15 legal assistants;
- between 14-15.09.2021 General Prosecutor's Office, with the support of the International Organization for Migration in Moldova and the US Embassy in Chisinau, within the project "Contribution to a strengthened response of law enforcement and policy makers to trafficking in human beings in the Republic of Moldova "Organized the Training Workshop" Strengthening measures to combat trafficking in human beings by improving the capacity of prosecutors to detect, investigate and judicially examine crimes of that category and related ", organized a workshop for prosecutors in territorial prosecutor's offices, responsible in the field of combating trafficking in human beings, in which 28 prosecutors were trained;
- between 28-29.09.2021, the General Prosecutor's Office, with the support of the International Organization for Migration in Moldova and the US Embassy in Chisinau, within the project "Contribution to a consolidated response of law enforcement and policy makers to human trafficking in the Republic Moldova" organized the Training Workshop on "Strengthening the Capacities of Prosecutors and Police officers Specializing in Combating Trafficking in Human Beings in the Light of the Latest Trends and Recommendations Formulated in International Assessment Reports", in which 5 prosecutors were trained and 25 police officers;
- on 03.11.2021, the prosecutors participated as trainers in the seminar on "Peculiarities of investigation and trial of crimes related to trafficking in human beings and body parts" organized by the NIJ, during which were trained 10 consultants of the prosecutor, 10 legal assistants and 10 clerks;

- on 19.11.2021, the prosecutors participated as trainers in the seminar on "Peculiarities of investigation and trial of crimes related to trafficking in human beings and body parts" organized by the NIJ, in which 15 prosecutors and 15 judges were trained;
- on November 8-12, 2021, 4 prosecutors and 20 professionals participated in the training of trainers in the field of investigation and trial of cases of child sexual abuse and exploitation committed online (AESOC). The workshop was part of the project "Strengthening the capacity of the Republic of Moldova to address online sexual exploitation and abuse of children", implemented by AI "La Strada" in partnership with the National Institute of Justice, International Center for Missing and Exploited Children and Exploited Children (ICMEC), with the financial support of the US State Department through the United States Embassy in Chisinau.

International trainings:

- on 11.01.2021, the prosecutors participated in the workshop organized by the representatives of the Council of Europe in the Republic of Moldova on the topic "Cessation of online sexual abuse of children in Europe";
- on 26.01-27.01.2021, the prosecutors participated in the regional meeting of the group of experts (REGM) organized by UNODC, with the theme "Investigation and punishment of trafficking in human beings activity focused on the victim of crime" (presentation 7 min);
- on 03-04.03.2021, the prosecutors participated in the regional meeting of the group of experts (REGM) organized by UNODC, with the theme "National practices on legal procedures for access to justice for victims of trafficking in human beings" (presentation 5 min);
- on 16-18.03.2021, the prosecutors participated in the course organized by ILEA Budapest, with the theme "Training for updating human traffickers";
- on 11-12.02.2021, prosecutors attended the UNODC Regional Expert Group Meeting (REGM) on Trafficking in Persons for Sexual Exploitation, Especially Women and Girls, by Addressing Demand in South-Eastern Europe (Presentation 5 min);
- on 25-26.05.2021, prosecutors participated in the course organized by the National Institute of Justice, in collaboration with the Council of Europe project "Combating violence against children in the Republic of Moldova"
 - seminar on investigating cases of sexual exploitation and abuse of children online ;
- on 03-04.06.2021, prosecutors attended the Regional Online Conference to introduce the new Council of Europe pilot training module for law enforcement, judges and prosecutors to address the sexual exploitation and abuse of children online;

- between 14-16.06.2021, prosecutors participated in the work of the OSCE Alliance on THB (online regime), organized by the OSCE Vienna, on "Fighting demand, addressing a root cause of trafficking in human beings";
- on 09-10.06.2021, the prosecutors participated in the Regional Meeting of the Expert Group (REGM) organized by UNODC, with the theme "Approaching trafficking in human beings for the purpose of sexual exploitation, issues related to international cooperation" (presentation 5 min);
- between 19-22.10.2021, prosecutors participated in the online Conference "Ways to get out of human trafficking and forced prostitution in the Danube region", organized by the Ulm Alliance, Germany and the Ulm Police Office in Germany;
- on 29.10-01.12.2021, the prosecutors, in a delegation, had working visit to Paris, French Republic. The visit was organized by the International Organization for Migration in partnership with the Permanent Representation of France in Vienna to the UN and the US Embassy in the Republic of Moldova. The visit was part of the project "Contribution to a Consolidated Response of Law Enforcement and Policy Making to Trafficking in Persons in the Republic of Moldova", supported by the Government of the Republic of Moldova and the Office for International Drugs and Law Enforcement of the Department of State of the United States of America,
- on 6-10 December 2021, prosecutors, in a delegation, had a working visit to the Netherlands on the topic "Exchange of experience on combating online sexual abuse and exploitation".
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During the 2017 – 2022, Border Police of the MIA of the RM benefited about 48 training activities on related activities, where was trained 660 Border Police officers, by international organizations as: United States Department of Homeland Security Federal Immigration Bureau; OSCE Border Management College; Spanish National Police; FRONTEX Agency; ILEA; IOM; ICMPD; SELEC; German Federal Police; INL US Embassy.

The Police Academy "Ștefan cel Mare" of the Ministry of Internal Affairs has institutionalized the following courses at the Faculty of Law, Public Administration, Public Order and Security:

- Bases for the prevention and detection of human trafficking offenses at the discipline Basics of prevention and detection of crimes on the line of the judicial police (2 theoretical hours and 1 hour seminar);
- Tactics and methods of prevention and investigation of crimes against the liberty, honor and dignity of the person for the specialization "Special investigative activity" (10 hours of practice);

- Methodology of research on human trafficking for the discipline of Criminalistics (course 2 hours, practical and individual activities 8 hours);
- Organizing and carrying out criminal prosecution in criminal cases concerning trafficking in human beings in the specialization "Criminal Investigation Activity" (40 hours of practical and individual activities);
- Crimes against the freedom, honor and dignity of the person for the discipline of Criminal Law (special part) (course and seminars for 10 hours);
- Crimes against the family and the minor for the discipline of Criminal Law (special part) (8 hours);
- Professional intervention in cases of trafficking in human beings for the Specialization "Public Order (12 practical hours);
- For the Lifelong training of professional are developed advanced training course "Activity to prevent and combat trafficking in human beings", and include different training modules:
- How to respond effectively to cases of trafficking in human beings and related crimes (2 theoretical hours);
- Gender-sensitive investigative methods in cases of trafficking in human beings (gender-oriented training and legal rules on THB) (4 hours);
- Strengthen the institutional and professional capacities of the prosecuting authorities in the application of the instructions on the cross-sectoral cooperation mechanism for the identification, assessment, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. (4 hours);
- Methods of identifying child victims of sexual abuse, especially child pornography (4 hours);
- Investigation of human trafficking offenses (4 hours);
- Techniques and procedures for analyzing / monitoring the situation of trafficking in human beings (2 hours);
- Application of repatriation procedures in cases of trafficking in human beings (2 hours);
- Ethics and professional integrity (2 hours);
- Psychology of human trafficking and victims (6 hours);
- Personal data protection (2 hours).

The course special protection of children at risk of 10 theoretical and 30 practical hours is offered in Cycle II - master's degree; 2 training courses were organized for the police officers from the territorial subdivisions in the academic year 2021-2022 on the subject: "Preventing and combating trafficking in human beings" 32 hours each. Thus, 19 persons were trained in October 2021, and 24 persons in February 2022.

The Ministry of Labor and Social Protection with the support of the OSCE and the anti-trafficking community organized in 2018 the following capacity building for labor inspectors:

- Training entitled "Measures to combat the phenomenon of trafficking in human beings for the purpose of labor exploitation and other purposes", attended by 22 labor inspectors (24 hours of the course);
- Training entitled "Strengthening collaboration relations and developing management skills in implementing anti-trafficking policies at the local level" – attended by 1 person (8 hours);
- Training on "Fight against trafficking in human beings while migration" - 1 person (24 hours);

In 2019, 25 labor inspectors (8 hours) were trained on the topic “Measures to combat the phenomenon of trafficking in human beings for the purpose of labor exploitation and other purposes. Identifying victims and alleged victims of trafficking in human beings. ”

179. Does the legislation make a distinction between trafficking in human beings and migrant smuggling?

The national legislation addresses human trafficking and migrant smuggling in a distinct way. **Trafficking in human beings** is criminalized under the art. 165 of the Criminal Code⁴⁸⁶ and **trafficking of children** is criminalized under the art. 206 of the said Criminal code.

Smuggling of migrants (*in domestic legislation - organization of illegal migration*) is criminalized under the art. 362¹ of the Criminal code: (1) The organization, for the purpose of obtaining, directly or indirectly, a financial or material benefit, the illegal entry, stay, transit of the state territory or the exit from that territory of a person who is neither citizen nor resident of that state shall be punished by a fine from 650 to 850 conventional units or by imprisonment for 1 to 3 years, with the deprivation of the rights to hold certain positions or exercise a specific activity for a period from 1 to 3 years, and the legal person is punished with a fine from 2000 to 3000 conventional units, with the deprivation of the right to carry out a certain activity, or with the liquidation of the legal person.

⁴⁸⁶ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

180. Do the law enforcement agencies and judicial authorities include specific units for combating trafficking in human beings?

A specialized unit is set up within the General Prosecutor's Office - the Unit for Combating THB, which have the following main responsibilities:

- contributes to the unitary implementation by the Prosecutor's Office of the state policy in the field of combating trafficking in human beings, trafficking in children, trafficking in organs, as well as combating the organization of illegal migration;
- monitors and verifies, within the limits established by the General Prosecutor, the activity of the prosecutors within the territorial prosecutor's offices and specialized in the fields related to the competence of the Section;
- provides practical and methodological assistance to prosecutors and prosecuting officers in the field of investigating cases of trafficking in human beings.

The specialized prosecutor's offices, the Prosecutor's Office for Combating Organized Crime and Special Cases, has the following attributions in the field of anti-trafficking:

- leads and controls the criminal investigation exercised by the criminal investigation officers of the Center for Combating Trafficking in Persons of the NII of the GPI of the Ministry of Interior (art. 270² para. (2) Criminal Procedure Code of the RM⁴⁸⁷), establishing the anti-trafficking office;
- directly prosecutes cases of trafficking in human beings or trafficking in children in cases when they are committed by organized criminal groups or criminal organizations (art. 270 para. (1) letter d) Criminal Procedure Code of the RM⁴⁸⁸);
- represents the state prosecution on the cases sent to court.

At the level of territorial prosecutor's offices, specialized prosecutors are appointed who exercise or lead the criminal investigation on the cases of trafficking in human beings investigated by the Territorial Police Inspectorates. The Center for Combating Trafficking in Persons (hereinafter CCTP) was established on September 6, 2005, on the basis of Amendment III to the Letter of Agreement on Drug Control and Law Enforcement between the Government of the United States of America and the Government of the Republic of Moldova of August 28, 2001⁴⁸⁹.

⁴⁸⁷Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

⁴⁸⁸ Criminal Procedure Code of the RM, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96049&lang=ro

⁴⁸⁹ Amendment III to the Letter of Agreement on Drug Control and Law Enforcement between the Government of the United States of America and the Government of the Republic of Moldova of August 28, 2001, https://www.legis.md/cautare/getResults?doc_id=117456&lang=ru

The CCTP is the primary unit for combating trafficking in human beings of the Police, subordinated to the National Investigation Inspectorate of the General Inspectorate of Police, which under the law has the mission to investigate and prosecute criminal offenses of trafficking in human beings and related. The CCTP has jurisdiction over the entire territory of the RM.

By the Decisions of the Superior Council of Magistracy No. 34/3 of 24.01.2020 and No. 309/26 of 27.10.2020, respectively, it was recommended to the presidents of the courts from all over the country to appoint specialized judges, but also to establish a mandate for at least 5 years.

Moreover, it was decided to exhaustively enumerate the crimes of trafficking in human beings, those related to and associated with this crime, in order to ensure the distribution of specialized judges of the files for the crimes provided by art.158, art.165, art.165¹, art.167, art.168, art.175¹, art.206, art.207, art.208¹, art.208², art.220, art.213¹, art.302 and art.362¹ of the Criminal Code of the RM⁴⁹⁰.

181. Is there - based on a multi-disciplinary approach - any form of cooperation between the competent law enforcement bodies and other agencies and civil society organizations, which are involved in the prevention of and the fight against trafficking in human beings?

According to the Law No. 241-XV/2005 on preventing and combating trafficking in human beings⁴⁹¹ coordination of the activity of preventing and combating trafficking in human beings, cooperation of public administration authorities with international organizations, non-profit organizations, other institutions and representatives of civil society is carried out by the National Committee for Combating Trafficking in Human Beings, which was established in 2001. It is a permanent advisory body of the Government of the Republic of Moldova, created in order to coordinate the activities of the competent bodies.

The functions of the National Committee:

- Coordinates activities to prevent and combat trafficking in human beings and cooperates with public authorities, international and non-governmental organizations, other agencies and representatives of civil society;
- Submits to the Government proposals on the principles of state policy in the field of preventing and combating trafficking in human beings and recommendations aimed at improving the work of detecting and eliminating the causes and conditions that contribute to the emergence of trafficking in human beings and carrying out trafficking activities;

⁴⁹⁰Criminal Code of the RM, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

⁴⁹¹ Law No. 241-XV/2005 on preventing and combating trafficking in human beings, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

- Monitor the implementation of the actions provided for in the National Plan for Preventing and Combating Trafficking in Human Beings (hereinafter - the National Plan) and the provisions of the legislation on preventing and combating trafficking in human beings by state organizations and institutions;
- Collects and analyses information on the dimensions, status and trends of trafficking in human beings at national level;
- Draws up proposals for improving legislation in the field of preventing and combating trafficking in human beings and protecting victims of such trafficking;
- Organizes campaigns to familiarize the population with the problems of human trafficking and the social danger of this phenomenon;
- Coordinates the work of the Territorial Commissions and specialized institutions in the implementation of the actions of the National Plan and other actions to prevent and combat trafficking in human beings;
- It monitors the implementation of the National Plan and the execution of the legislation on preventing and combating trafficking in human beings by state organizations and institutions, and submits information to the Government on the implementation of the National Plan;
- Periodically evaluates and monitors the process of implementation of the National Plan and informs the Government and civil society of the results.

The article 9 of the Law No. 241-XV/2005⁴⁹² regulates the provision of the territorial commissions. The territorial commissions (advisory bodies) are created to consolidate the efforts of bodies responsible for combating human trafficking in administrative-territorial units, as well as to establish goals and coordinated measures to prevent and combat human trafficking. The membership of the territorial commission with the right to membership shall include, as a rule, representatives of decentralized bodies of ministries, other central administrative authorities with competences in preventing and combating trafficking in human beings, non-governmental organizations active in preventing, combating and assisting victims of trafficking in human beings, other organizations, as appropriate.

The Territorial Commission has the following duties:

- organizes information campaigns, seminars and meetings in the towns and villages of the administrative-territorial unit in order to inform the population about the consequences of migrant smuggling and trafficking in human beings;
- coordinates activities to prevent and combat trafficking in human beings and to protect and assist victims of trafficking;

⁴⁹² Law No. 241/2005 on preventing and combating trafficking in human beings, available in English at: https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

- collaborates with local public authorities, law enforcement bodies, non-governmental organizations and representatives of civil society organizations in order to provide protection and assistance to victims of trafficking, in particular with the representative of the International Organization for Migration based in Chisinau;
- carries out activities at local level to prevent trafficking in human beings, including children, and implements the actions set out in the National Plan for Preventing and Combating Trafficking in Human Beings and the relevant legislation;
- regularly monitors and evaluates activities to prevent and combat trafficking in human beings carried out by State bodies in the territory, informs the respective authorities, the National Committee and submits proposals to make these activities more effective;
- provides informational, organizational and practical assistance to state bodies involved in preventing and combating migrant smuggling and trafficking in human beings;
- collaborates with similar committees in other territorial-administrative units;
- implements training programs on preventing and combating trafficking in human beings for persons from vulnerable groups and officials involved in these activities;
- assists in the development of research, analysis and statistical data collection programs on trafficking in human beings;
- draws up half-yearly and annual reports and information notes on the work of the territorial committee and presents them to the National Committee.

Being aware of the responsibility for the situation of trafficking in human beings by public authorities, civil society and the international community, starting from the need to establish permanent, equal and reciprocal cooperation between public authorities, law enforcement bodies, civil society and the international community, in May 2008 was concluded an Agreement between the Ministry of Internal Affairs, the General Prosecutor's Office, the Ministry of Social Protection, Family and Child and international and non-governmental organizations with responsibilities in the field of preventing and combating trafficking in human beings as International Organization for Migration for the Prevention of Trafficking in Women, La Strada International Center.

X. FIGHT AGAINST DRUGS

182. Please provide information on legislation or other rules governing this area, including on sanctions applicable to drug offences, and on compliance with the relevant international conventions.

The following legal framework regulates the drug offences:

- Law No. 382/1999 on the circulation of narcotic, psychotropic substances and precursors (Published: 1999 in the Official Gazette No. 73-77, art. 339)⁴⁹³. The objective of this law is to promote state policy on the circulation of narcotic and psychotropic substances and precursors, protect human health, and ensure social and state security.
- Law No. 713-XV/2001 on the control and prevention of alcohol abuse, illicit use of drugs and other psychotropic substances (Published: 14-03-2002 in the Official Gazette No. 36-38 art. 208).⁴⁹⁴ This law establishes the state policy on the control and prevention of alcohol abuse, illicit consumption of drugs and other psychotropic substances, the reduction and eradication of such consumption, the education of the population in the spirit of abstinence and a healthy lifestyle, and the removal of the consequences of physical and/or mental dependence on them.
- Law no.1456/1994 on pharmaceutical activity (Published: 30-07-1993 in the Official Gazette No. 7 art. 210).⁴⁹⁵
- Government Decision no.1088/2004 on the approval of tables and lists of narcotic drugs, psychotropic substances and their precursors, subject to control (Published: 15-10-2004 in the Official Gazette No. 186-188 art. 1278).⁴⁹⁶
- Government Decision no.79/2006 on the approval of the List of narcotic drugs, psychotropic substances and plants containing such substances detected in illicit trafficking, as well as their quantities (Published: 27-01-2006 in the Official Gazette no.16-19 art. 106).⁴⁹⁷
- Government Decision no.216/2006 on the transit through the territory of the Republic of Moldova of narcotic drugs, psychotropic substances and

⁴⁹³ Law No. 382/1999 on the circulation of narcotic, psychotropic substances and precursors, available in English at: https://www.legis.md/cautare/getResults?doc_id=108388&lang=ro

⁴⁹⁴ Law No. 713-XV/2001 on the control and prevention of alcohol abuse, illicit use of drugs and other psychotropic substances, available in English at: https://www.legis.md/cautare/getResults?doc_id=107960&lang=ro

⁴⁹⁵ Law No. 1456/1994 on pharmaceutical activity, available in English at: https://www.legis.md/cautare/getResults?doc_id=128121&lang=ro

⁴⁹⁶ Government Decision no.1088/2004 on the approval of tables and lists of narcotic drugs, psychotropic substances and their precursors, subject to control, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=97918&lang=ro#

⁴⁹⁷ Government Decision no.79/2006 on the approval of the List of narcotic drugs, psychotropic substances and plants containing such substances detected in illicit trafficking, as well as their quantities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103676&lang=ro#

precursors (Published: 10-03-2006 in the Official Gazette No. 39-42 art. 257).⁴⁹⁸

- Government Decision no.1382/2006 approving the Regulation on the regulation of cultivation activities of plants containing narcotic or psychotropic substances (Published: 15-12-2006 in the Official Gazette No. 182-192 art. 1476).⁴⁹⁹
- Government Decision No. 128/2006 on the approval of technical requirements for rooms and premises where narcotic drugs, psychotropic substances and/or precursors are stored (Published: 17-02-2006 in the Official Gazette No. 28-30 art. 171).⁵⁰⁰
- Government Decision No. 481/2011 on the creation of the National Anti-Drug Commission (Published: 08-07-2011 in the Official Gazette No. 110-112 art. 547).⁵⁰¹
- Government Decision no.233/2020 on the approval of the National Anti-Drug Strategy for 2020-2027 and the National Anti-Drug Action Plan for 2020-2021 (Published: 17-04-2020 in the Official Gazette No. 104-105 art. 320).⁵⁰²
- Decision of the Plenum of the Supreme Court of Justice No. 2 of 26.12.2011 on the judicial practice of application of criminal legislation governing the circulation of narcotic drugs, psychotropic substances or their analogues and precursors.
- Decision of the Plenum of the Supreme Court of Justice no.10 of 15.05.2017 on amending and supplementing the Decision of the Plenum of the Supreme Court of Justice No. 2 of 26.12.2011 on the judicial practice of application of criminal legislation governing the circulation of narcotic drugs, psychotropic substances or their analogues and precursors.

The anti-drug legislation of the RM is based on the provisions of the following Conventions:

- United Nations Single Convention on Narcotic Drugs, 1961, amended by the Protocol amending the United Nations Single Convention on Narcotic

⁴⁹⁸ Government Decision no.216/2006 on the transit through the territory of the Republic of Moldova of narcotic drugs, psychotropic substances and precursors, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=97921&lang=ro

⁴⁹⁹ Government Decision no.1382/2006 approving the Regulation on the regulation of cultivation activities of plants containing narcotic or psychotropic substances, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=103695&lang=ro

⁵⁰⁰ Government Decision No. 128/2006 on the approval of technical requirements for rooms and premises where narcotic drugs, psychotropic substances and/or precursors are stored, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=97920&lang=ro#

⁵⁰¹ Government Decision No. 481/2011 on the creation of the National Anti-Drug Commission, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130562&lang=ro#

⁵⁰² Government Decision no.233/2020 on the approval of the National Anti-Drug Strategy for 2020-2027 and the National Anti-Drug Action Plan for 2020-2021, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130564&lang=ro

Drugs of 1961, done at Geneva on 24 March 1972; ratified on 15 February 1995;

- United Nations Single Convention on Psychotropic Substances, 1971, ratified on 15 February 1995;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotic Substances, 1988, ratified on 15 February 1995.

Sanctions applicable to drug offenses:

The Criminal Code of the Republic of Moldova (Law No. 985-XV dated 18.04.2002, Published: 14-04-2009 in Official Gazette No.72-74, art.195)⁵⁰³ provides for the following drug-related offenses:

- Article 217 - Illegal circulation of drugs, ethnobotanicals or their analogues without intent to dispose of them;
- Article 217¹ - Illegal circulation of drugs, ethnobotanicals or their analogues for purposes of disposal;
- Article 217² - Illegal circulation of precursors for the manufacture or processing of drugs, ethnobotanicals or their analogues;
- Article 217³ - Illegal movement of materials and equipment for the production or processing of drugs, ethnobotanicals or their analogues;
- Article 217⁴ - Theft or extortion of drugs or ethnobotanicals;
- Article 217⁵ - Illegal public consumption or organization of illegal consumption of drugs, ethnobotanicals or their analogues;
- Article 217⁶ - The intentional unlawful introduction into the body of another person, against their will, of drugs, ethnobotanicals or their analogues;
- Article 218 - Illegal prescribing or violation of drug rules;
- Article 219 - Organizing or maintaining drug or ethnobotanical dens.

183. What is the Moldova's drug policy? Are there strategies/action plans in place? Is there a budget foreseen for the implementation of the national Strategy/Action Plan? Does the Strategy/Action Plan include an element of evaluation?

By the Government Decision No. 233/2020 the National Anti-Drug Strategy for the period 2020 - 2027 was approved, as well as the Strategy and the National Anti-Drug Action Plan for 2020-2021 and the Action Plan for the years 2020-2021⁵⁰⁴.

⁵⁰³Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129474&lang=ro

⁵⁰⁴ Government Decision No. 233/2020 the National Anti-Drug Strategy for the period 2020 - 2027 was approved, as well as the Strategy and the National Anti-Drug Action Plan for 2020-2021 and the Action Plan for

The Strategy approach seven priority areas, as following:

1. Drug demand reduction (primary prevention of drug use, treatment, rehabilitation and re-socialization of drug users);
2. Reducing drug-related harm (harm reduction projects and programs through health education, information about the risks of drug use, needle exchange, substitution treatment, HIV testing, STI screening, psychological counseling);
3. Reducing the supply of drugs (controlling the legal circulation of drugs and combating illicit drug trafficking and distribution);
4. Coordination of activities (creation of an effective system for coordinating the implementation of drug policy measures and interventions, clear definition and delimitation of responsibilities and competencies of all key actors, including NGOs involved in developing and implementing the drug policy at all levels);
5. Monitoring and reporting (ensuring the functionality of the National Agency for Public Health within the national anti-drug policy system and using its annual reports on the drug situation in the Republic of Moldova as a plea for promoting anti-drug policies);
6. International cooperation (active participation in joint initiatives launched at international level, effective implementation of own activities in conjunction with those of external partners, in the planning phase as well as at the evaluation and implementation of actions);
7. Assessment of activities (ensuring consistent application of evidence-based procedures in the process of evaluating the effectiveness of measures implemented in drug policy areas and applying the conclusions formulated as a consequence of these evaluations).

According to point 3 of the Government Decision No. 233/2020, the financing of the actions foreseen in the National Anti-Drug Action Plan for the years 2020-2021 is carried out from the account and within the limits of the allocations approved for these purposes in the budgets of the public authorities concerned, as well as from other sources, according to the legislation. Progress in the implementation of the planned actions is subject to monthly evaluation by a committee of representatives of the National Anti-Drug Commission, with a view to continuously strengthening interdepartmental cooperation of the committee members and monitoring the implementation of the National Plan. Monitoring and control activities on the implementation of the Strategy and the National Anti-Drug Action Plans have been entrusted to the National Anti-Drug Commission, which works with all institutions involved.

the years 2020-2021, available in Romanian
at:https://www.legis.md/cautare/getResults?doc_id=130564&lang=ro

The National Agency for Public Health of the Ministry of Health monitors the drug situation and prepares annual National report on the drug situation in the RM based on complex data on drug use and trafficking and their consequences. The annual reports of the National Agency for Public Health serves as basis for the adoption of the necessary decisions and the elaboration of the action plans of the policies in the field of drug policies. The next National Anti-Drug Action Plans for the years 2022-2023 is in progress.

184. How is civil society, involved in the development, implementation and evaluation of drug policies?

Civil society is part of the National Anti-Drug Commission created and approved by Government Decision No. 481/2011⁵⁰⁵, Annex No 1. Following Civil society organizations are members of the Commission:

1. Soros-Moldova" Foundation;
2. Union for Equity and Health;
3. UNODC in the Republic of Moldova;
4. Association "Puls Comunitar",
5. Association "Positive Initiative"
6. Association "International Centre for Prevention and Information in the Field of Addiction".

Civil society associations contribute to the planning and implementation of the drug policy projects and activities, to the evaluation of these measures and activities, to the increase of the quality and efficiency of their services, regardless of their source of funding.

185. Please describe the administrative set-up of the bodies in charge of the coordination of the policy on drugs and their administrative capacity (including staff numbers).

According to the Order of the General Police Inspectorate No.85 of 12.12.2014 "On the approval of the Regulation on the organization and operation of the Directorate Anti-Drug", the Directorate is the specialized subdivision, which is directly subordinated to the National Investigation Inspectorate. The basic mission of the Directorate is to combat the production and sale of drugs, ethnobotanicals or their analogues, to detect, investigate, counter and find crimes related to the

⁵⁰⁵ National Anti-Drug Commission created and approved by Government Decision No. 481/2011, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=11383&lang=ro

illegal movement of psychotropic substances and their precursors, to coordinate and control anti-drug activity by subordinated General Police Inspectorate subdivisions, implementation, monitoring and execution of policies in the managed field.

The Directorate has the following basic functions:

- implements and monitors the execution of policies in the managed field;
- identifies the causes and conditions that lead to the committing of drug-related crimes, undertakes measures, within the limits of the competence with the notification of the competent bodies, for their elimination;
- fight crimes related to illicit drug trafficking;
- organizes the control and carries out informational-analytical activities on such crimes, contraventions, identification of perpetrators;
- organizes, coordinates and directs the activity of the territorial subdivisions subordinated to General Police Inspectorate, in the anti-drug field;
- elaborates orders and dispositions in the anti-drug field, for execution by the territorial subdivisions subordinated to General Police Inspectorate.

The Directorate implements and monitors the execution of policies in the managed field as following:

- organizes and directly implements the prerogatives of the General Police Inspectorate and National Investigation Inspectorate regarding the elaboration, promotion and realization of the state policy aimed at ensuring the legality and effectiveness in the field of drugs.
- issues opinions and sends notifications to specialized bodies regarding compliance with the requirements of facilities and spaces where such activities are carried out.

The Directorate is headed by a chief, includes in its structure 4 specialized units, with a total of 39 employees:

- Unit no.1 Investigating drug crimes with stimulant and hallucinogenic effect - 9 employees;
- Unit no.2 Investigations of opiate drug crimes, of psychotropic medical products and precursors - 9 employees;
- Unit no.3 Investigations of vegetable drug and derivatives crimes - 9 employees;
- Unit no.4 Investigations crimes of ethnobotanicals and new psychoactive substances NPS - 8 employees;
- 3 employees ensure the field of records and decision support.

186. Is there an early warning system for detecting and analyzing new psychoactive substances? What is the procedure for placing new substances under control?

Currently, the Ministry of Internal Affairs is finalizing the Internal Affairs Development Strategy for the period 2022-2030 and the Program on preventing and combatting crimes for the period 2022-2025. Both policy documents have foreseen activities related to the connection of the Republic of Moldova to the European Early Warning System (EWS) for collecting and exchanging information on the emergence of new psychoactive substances (NPS). The action monitoring and evaluation indicator is the acquisition of at least 2 access licenses and their installation in 2025.

If, in the framework of the expert reports and findings made by the and Forensic and Judicial Expertise Center, a new substance is identified that is from the category of drugs or it is presumed that it would produce psychotropic effects, the Standing Committee for Drugs of the Agency for Medicines and Medical Devices is notified, which carries out the research and cataloging of the substance as banned in the legal circuit and proposes its inclusion in the List of banned substances by supplementing Government Decision no.1088/2004.⁵⁰⁶

After approval of the amendments to Government Decision No.1088/2004, the Government Decision no.79/2006⁵⁰⁷, establishing the quantities from which the contravention and criminal liability starts will be amended.

187. How does Moldova co-operate with international bodies operating in the drugs field, such as UNODC, INCB, Commission on Narcotic Drugs, Pompidou Group, WHO, etc.?

The Anti-Drug Directorate of the General Police Inspectorate cooperate with:

UNODC: Republic of Moldova's cooperation with UNODC is based on the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Directorate is designated as the national contact point for the Annual Reporting Questionnaire (ARQ) completion mission. For the period 2017-2021 the Directorate has completed and submitted to UNODC 25 annual questionnaires. In partnership with UNDP, UNODC, UNAIDS, in 2020 the General Police Inspectorate and Directorate Anti-Drug has initiated the process of developing a mobile application "Police Assistant", which allows the police officer at the point of need to be able to access information on the needs of at-risk groups, including IDPs. It shows the intervention algorithm and provides access to the spectrum of services, with geographical location and contact details. Currently, as part of the pilot project, this application is being used by sector officers in several

⁵⁰⁶ List of banned substances by supplementing Government Decision no.1088/2004, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=97918&lang=ru

⁵⁰⁷ Amendments to Government Decision No.1088/2004, the Government Decision no.79/2006, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103676&lang=ro

territorial subdivisions of the Police in the North, South and Centre. In the period 2017 - 2021 the employees of Directorate participated in 10 events (conferences, sessions and workshops) organized under the auspices of UNODC.

INCB: Republic of Moldova's cooperation with INCB is based on the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Cooperation between the Directorate and the INCB consists of completing the Annual Questionnaires upon request. For the period 2017-2021 the Directorate has completed and submitted to INCB 5 annual questionnaires.

EMCDDA: In 2012 the Memorandum of Understanding with EMCDDA was signed. In this context, the Republic of Moldova designated the National Observatory for Drugs (responsible Ministry of Health) as the contact point for EMCDDA. Moldova is one of the beneficiaries of the EU4Monitoring Drugs (EU4MD) project, funded by the European Union, project running from 2019 to the end of 2022 and which was developed by EMCDDA as part of its ongoing commitment to strengthen cooperation and sharing of experiences with European Neighbourhood Policy (ENP) countries. The EU4MD contact person on drug-related security matters in the Republic of Moldova is Mr Dumitru Vleju, main officer in the Department for policy on preventing and combating crime in the Ministry of Internal Affairs of the Republic of Moldova. Cooperation between the Directorate and the EMCDDA consists of completing the Questionnaires upon request.

EUBAM: The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was launched on 1 December 2005, in accordance with the provisions of the Memorandum of Understanding between the Government of the Republic of Moldova, the European Commission and the Government of Ukraine. The Directorate's employees also participate in meetings and activities of the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) Working Group on Drugs. From 02 to 03 August 2021, under the auspices of EUBAM for the competent authorities of the Republic of Moldova and Ukraine was organized the practical exercise of controlled delivery of cocaine. The exercise was successfully carried out and allowed the employees of the Directorate to gain experience in the field of carrying out controlled deliveries in cooperation with counterparts from Ukraine. The Mission has also developed Guidelines for controlled deliveries to the Republic of Moldova and Ukraine for service use.

SELEC: The cooperation between the Republic of Moldova and SELEC is based on the Southeast European Law Enforcement Centre Convention, signed on 9 December 2009. For the period 2017-2021 the Directorate employees participated in 2 events and 2 operational meetings, organised with the support of SELEC. Also, at the request of SELEC, the Directorate completes questionnaires with information for the Annual Regional Drug Trafficking Report.

Pompidou Group: The CoE Cooperation Group on Drug Abuse and Illicit Trafficking (Pompidou Group) was established in the partially extended agreement

by CM(80)2 of 27/03/1980 and CM(80)15 of 17/09/1980 and provides a platform for addressing current challenges in the field of drug abuse and illicit trafficking and for exchanging experience and best practices and methods to counter this phenomenon. The Republic of Moldova has been a full member of the Pompidou Group since 12 June 2012. The focal point within the POMPIDOU Group (PG) is Andrei Eremia, Senior Consultant of the Policy Analysis, Monitoring and Evaluation Directorate of the Ministry of Interior Affairs.

During 2019, a separate project was implemented with the PD and the Directorate for Confidence Building Measures (CBMs) - training in drug prevention and treatment with participants from the Transnistrian region of Moldova, as well as the PG project, co-financed by Luxembourg, whereby the Therapeutic Community in Pruncul Prison was established.

During the 27-28 November 2017 the employees of the Anti-Drug Directorate attended the International Conference on "Rehabilitation approaches for drug-dependent prisoners", organized by the Department of Penitentiary Institutions of the Ministry of Justice and the Pompidou Group of the Council of Europe. The event was held on the occasion of the opening of the Therapeutic Community in the Pruncul Prison and also included a presentation on Drug policies in prisons in the Republic of Moldova as a member state of the Pompidou Group, as well as harm reduction policies in the Pompidou Group accession states Armenia, Georgia, Ukraine and Belarus.

188. Are there general guidelines on the fight against drug supply reduction? Please provide information on the trends in drug trafficking in and through Moldova and on drug abuse.

According to the Government Decision No. 481/2011,⁵⁰⁸ the National Anti-Drug Commission ensures permanent cooperation with media representatives to promote a healthy lifestyle and inform society about the results of the work of central and local public administration authorities and non-commercial organizations in reducing the supply and demand of drugs.

The Secretary of the National Anti-Drug Commission centralizes and analyses all data provided, within the limits of the law, by central public authorities, institutions and organizations involved in reducing the demand and supply of drugs, in order to update data on production, consumption and illicit drug trafficking and money laundering resulting from illicit drug trafficking and supports the National Observatory for Drugs within the Directorate for the Management of the Quality of Health Services of the National Agency for Public Health, which prepares the annual report on the evolution and level of the drug phenomenon and submits it to

⁵⁰⁸ Government Decision No. 481/2011 on the creation of the National Anti-Drug Commission, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=11383&lang=ro

the National Commission and international bodies in accordance with the international treaties to which the Republic of Moldova is a party.

According to the Government Action Plan for 2021-2022, approved by Government Decision No. 235/2021⁵⁰⁹, it is planned to create the National Anti-Drug Agency – as administrative authority, empowered with regulatory and supervisory powers in the field of preventing and combating drug use, under the Government of the Republic of Moldova. The National Anti-Drug Agency will take over the tasks held by the National Anti-Drug Commission, the new institution is to ensure at national level the unified coordination of the fight against drug trafficking and illicit drug use, based on a National Strategy, in which context, it also has the mission to ensure the elaboration, development and promotion of policies in the field of drug demand and supply reduction, by institutionalizing the Commission's working framework and creating a modern governmental structure that meets European requirements in the field.

The latest trends highlight an increase in drug making online, including with the use of mobile communication apps (Viber, Telegram and others). Investigating cases of drug trafficking online with the use of information technologies is a lengthy process, which involves IT knowledge, high-performance technical equipment, software, etc., and for these reasons the phenomenon is growing in Moldova and in other countries. Actually, synthetic drugs are in demand because of the low price offered by sellers, being affordable, and the method of making and placing ads attracts the attention and curiosity primarily of the younger generation, those who more frequently use electronic communication platforms. Therefore, within the Anti-drug Directorate, there was established a new Unit in 2020, in charge of investigating the phenomenon of the online sales of new-type drugs.

189. How does cooperation and exchange of information with other national authorities work?

The National Anti-Drug Commission, whose composition and activity are approved and regulated by Government Decision No. 481/2011 (Annex No.1)⁵¹⁰, is responsible for the creation of the platform of communication with central and local public administration authorities, entities that contribute to the implementation of drug policy. This action is the subject of the National anti-drug Action Plan, approved by Government Decision No. 233/2020.⁵¹¹

⁵⁰⁹ Government Action Plan for 2021-2022, approved by Government Decision No. 235/2021, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128407&lang=ro

⁵¹⁰ National Anti-Drug Commission, whose composition and activity are approved and regulated by Government Decision No. 481/2011, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=11383&lang=ro

⁵¹¹ National anti-drug Action Plan, approved by Government Decision No. 233/2020, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130564&lang=ro

The cooperation and exchange of information between the Anti-Drug Directorate, General Prosecutor's Offices and Customs Service is carried out under the provision of the Joint Order (Ministry of Internal Affairs/General Prosecutor's Office/Customs Service) No. 355/65/497-0 of 05.12.2017 on the establishment of clear roles and competences between the institutions dealing with prevention and investigation of drug trafficking. The provision of the joint order stipulates the fact that if additional information or support from other relevant bodies is needed, this can be ensured on a request basis.

190. What are the relevant structures and competencies of the police, customs and judicial authorities? Please describe their functioning in day-to-day practice.

According to the Order of the General Police Inspectorate No. 85 of 12.12.2014 on the approval of the Regulation on the organization and operation of the Anti-Drug Directorate, the Directorate is the specialized subdivision, which is directly subordinated to the National Investigation Inspectorate. The basic mission of the Directorate is to combat the production and sale of drugs, ethnobotanicals or their analogues, to detect, investigate, counter and find crimes related to the illegal movement of psychotropic substances and their precursors, to coordinate and control anti-drug activity by subordinated General Police Inspectorate subdivisions, implementation, monitoring and execution of policies in the managed field.

The Directorate has the following basic functions:

- implements and monitors the execution of policies in the managed field;
- identifies the causes and conditions that lead to the committing of drug-related crimes, undertakes measures, within the limits of the competence with the notification of the competent bodies, for their elimination;
- fight crimes related to illicit drug trafficking;
- organizes the control and carries out informational-analytical activities on such crimes, contraventions, identification of perpetrators;
- organizes, coordinates and directs the activity of the territorial subdivisions subordinated to General Police Inspectorate, in the anti-drug field;
- elaborates orders and dispositions in the anti-drug field, for execution by the territorial subdivisions subordinated to General Police Inspectorate.

The Directorate implements and monitors the execution of policies in the managed field as following:

- organizes and directly implements the prerogatives of the General Police Inspectorate and National Investigation Inspectorate regarding the elaboration, promotion and realization of the state policy aimed at ensuring the legality and effectiveness in the field of drugs.

- issues opinions and sends notifications to specialized bodies regarding compliance with the requirements of facilities and spaces where such activities are carried out.

The Directorate is headed by a chief, includes in its structure 4 specialized units, with a total of 39 employees:

- Unit no.1 - investigating drug crimes with stimulant and hallucinogenic effect - 9 employees;
- Unit No. 2 - investigations of opiate drug crimes, of psychotropic medical products and precursors - 9 employees;
- Unit No. 3 - investigations of vegetable drug and derivatives crimes - 9 employees;
- Unit No. 4 - investigations crimes of ethnobotanicals and new psychoactive substances NPS - 8 employees;
- 3 employees ensure the field of records and decision support.

191. What measures have been adopted at the borders?

In order to combat illicit drug trafficking at the state border, the emphasis is put on strengthening the kinological component of the institution. Currently, Border Police uses 20 specialized service dogs trained in the anti-drug field. Similarly, in order to combat this scourge, special investigative measures are being jointly taken with the national authorities competent in the field.

192. Do the authorities make use of systematic risk-analysis? To what extent do they rely on financial investigations and on controlled deliveries?

Systematic risk analysis has not been incorporated in everyday practice yet. The Inspectorate General of Police does not have analytical products on systematic risk analysis in the field of combating drug trafficking. Since 2014, the Directorate Anti-Drug of the GPI has been a member of the Joint Risk Analysis Group established by Joint Order No 220/71/41/327-0 of 28 July 2014 of the Ministry of Internal Affairs, the Security and Intelligence Service, the General Prosecutor Office of the Republic of Moldova and the Customs Service.

The group prepares national risk analysis reports on cross-border crime (including the drug trafficking segment): once every 6 months - thematic report; annually - general report. Financial investigations are carried out by the Office for Prevention and Fight against Money Laundering and the Criminal Assets Recovery Agency of the National Anti-Corruption Center. During the years 2020 - 2022, approaches were sent to the mentioned authorities, based on which 12 parallel financial investigations were carried out on drug-related crimes, carried out in criminal cases.

Controlled deliveries are carried out by the General Prosecutor's Office, General Inspectorate of Border Police, Customs Service with the support of the Directorate of Operational Assistance of the General Police Inspectorate. From 25.02.2018 to 03.03.2018, in Tbilisi, Georgia, within the framework of the EU-ACT project, the Directorate's employees participated in the Regional Workshop on Joint Investigation Teams and Practical Exercise on Controlled Drug Delivery. From 02 to 03 August 2021, under the auspices of EUBAM for the competent authorities of the Republic of Moldova and Ukraine was organized the Practical Exercise of Controlled Delivery of cocaine.

193. What is the institutional setup and procedure for the safe and secure storage and subsequent destruction of drugs?

According to the provisions of Article 159 of the Criminal Procedure Code⁵¹², the material evidence shall be attached to the case file and stored in the case file or in any other manner provided by law. Material evidence that due to its volume or other reasons cannot be stored in the case file shall be photographed and the pictures shall be attached to the respective transcript. After photographing, large objects may be sealed and transmitted for storage to legal entities or individuals. In this case, a relevant note shall be included in the case file.

Narcotic, psychotropic substances and their precursors may be kept as material evidence in small quantities (samples) sufficient to be used as evidence and for an expert evaluation and should be packed and sealed by an expert. The excess of these substances shall be transmitted to authorized institutions or destroyed based on the decision of the criminal investigative body authorized by the investigative judge. Material evidence and other objects seized shall be stored until the criminal investigative body or the court decides on their further use in a final judgment. In cases provided for hereunder, issues on material evidence may be settled prior to the completion of the criminal proceeding.

The territorial subdivisions of the General Police Inspectorate have rooms for the storage of material evidence, including for the storage of drugs until the decision of the investigating judge on their destruction is issued. The procedure for the safekeeping of material evidence and criminal objects shall be carried out in accordance with the Instructions on how to collect, record, keep and transmit material evidence, valuables and other property by the prosecution authorities and the Prosecutor's Office in criminal proceedings, approved by Interdepartmental Order No. 41/237/164-0/31/315 of 07.06.2021. The decision on the material evidence shall be enforced after the final judgment of the court has become final or after the expiry of the time limit for appealing against the order to close the criminal case or to discontinue criminal proceedings.

⁵¹²Criminal Procedure Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113967&lang=ro

The disposal of drugs shall be carried out by a special committee set up by order of the head of the institution or, where appropriate, by order of the Chief Prosecutor. The destruction of drugs shall be recorded in a document to be annexed to the materials of the criminal case and an appropriate entry shall be made in the register.

194. What types of programmes are there to address drug-related harm (e.g. opioid agonist treatments, needle and syringe programmes, HCV, HIV and HBV testing and treatment etc.) and how are these programmes regulated?

According to the Government Decision No. 481/2011⁵¹³, the National Anti-drug Commission, jointly with the Ministry of Health and the Ministry of Labor and Social Protection, develops national programs for the organization of integrated medical-social assistance (medical, social, rehabilitation, harm reduction, etc.) for drug users.

Following active cooperation with representatives of non-governmental organizations UNODC, AO "Positive Initiative", UORN, UNAIDS, as well as with some members of the National Anti-Drug Commission (Ministry of Health), financial resources have been identified and allocated for the purchase of 117 kits to be distributed to police inspectorates for the protection of employees.

The following programs are carried out at national level:

- National HIV/AIDS Prevention and Control Program and Sexually Transmitted Infections for the years 2016-2020, approved by Government Decision no.1164/2016⁵¹⁴.
- On 02.03.2022 the Government approved the new Program for the Prevention and Control of HIV/AIDS for the years 2022 - 2025⁵¹⁵. The program aims to ensure equal and continuous access to prevention, treatment, care and social services for all people living with HIV. Therefore, minimizing the consequences of HIV and sexually transmitted infections, especially in key population groups. By intensifying prevention efforts in high-risk groups, increasing access to testing and treatment services, as well as improving the management of the national program and optimizing the coordination of the HIV response, the authorities aim to keep HIV prevalence low.

⁵¹³ Government Decision No. 481/2011 on the creation of the National Anti-Drug Commission, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=11383&lang=ro

⁵¹⁴ National HIV/AIDS Prevention and Control Program and Sexually Transmitted Infections for the years 2016-2020, approved by Government Decision No. 1164/2016, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=95821&lang=ro

⁵¹⁵ Government approved the new Program for the Prevention and Control of HIV/AIDS for the years 2022 - 2025, available in Romanian at: https://gov.md/sites/default/files/document/attachments/subiect-12_nu_-_954_msmps_2020.pdf

- National Tuberculosis Response Program for the years 2016-2020, approved by Government Decision no.1160/2016⁵¹⁶.
- On 23.02.2022 the Government approved the new Tuberculosis Response Program for the years 2022 - 2025⁵¹⁷. The program includes seven priority objectives, including ensuring universal access to systematic screening of contacts and groups at higher risk of tuberculosis; to early diagnosis and drug susceptibility testing, including the use of rapid tests; to quality treatment and ongoing care, on an individual and needs-based approach.

Harm reduction programs in the Republic of Moldova comprise complex measures based on specific interventions recommended by WHO, UNAIDS and UNODC, as well as developed and implemented national strategies. The country has aligned national legal and regulatory framework with the 2030 Agenda and the 2030 Sustainable Development Goals, the International Conventions on Narcotic Drugs (1961, 1971, 1988), 2021-2025 EU Drugs Strategy, 2021-2026 Global AIDS Strategy, UNGASS 2016 (UN General Assembly Special Session (UNGASS) on the world drug problem entitled *Our joint commitment to effectively addressing and countering the world drug problem*).

The Republic of Moldova has been implementing harm reduction programmes since 1998, including in Transnistria. The implemented services are gender-sensitive and include information activities, counseling, distribution of needles and syringes, testing for HIV, syphilis, HVC, HVB, TB, referral for diagnosis confirmation and treatment, if necessary, management of drug overdose (including by naloxone supply). Ten non-governmental organizations and the National Administration of Penitentiaries, covering 29 administrative units and 18 penitentiary institutions, implement harm reduction programmes associated with drug use in the country. During 2021, 16.285 injecting drug users (IDUs) (59.22% of the estimated number) enjoyed a minimum of 6 visits and benefited from at least two services from the basic package of harm reduction, one of which was syringe distribution.

Prevention and harm reduction services are offered based on the **Standards for functioning and organization of HIV prevention services among key populations, including the young people at risk** (approved by MoH Order No.278 dated 18/03/2020⁵¹⁸). Since 2017, these services have been supported by domestic funding – the National Health Insurance Company. Integrated Bio-Behavioral Studies (IBBS 2007, 2009, 2012, 2016, 2018, 2020) demonstrate effectiveness of harm reduction programmes in relation to drug use. In recent

⁵¹⁶ https://www.legis.md/cautare/getResults?doc_id=95807&lang=ro

⁵¹⁷ Government approved the new Tuberculosis Response Program for the years 2022 - 2025, available in Romanian at: <https://msmps.gov.md/comunicare/guvernul-a-aprobat-programul-national-de-raspuns-la-tuberculoza-pentru-anii-2022-2025/>

⁵¹⁸ Standards for functioning and organization of HIV prevention services among key populations, including the young people at risk, approved by MoH Order No. 278/2020, available in Romanian at: https://msmps.gov.md/wp-content/uploads/2022/01/standardul_de_organizare_si_functionare_a_serviciilor_de_prevenire_hiv_in_mediul_populatiilor-cheie_inclusiv_a_tin.pdf

years, there have been attempts to diversify the way of providing harm reduction services through the pharmacy network, mobile units, more recently also available online through web-outreach or vending machines.

Treatment of drug addiction and drug-related infections: The current legal framework, **Law no.382/1999** on the Circulation of Narcotic and Psychotropic Substances and Precursors⁵¹⁹, provides for the therapy and assistance to drug users. Since 2004 the opioid agonist therapy (OAT), methadone and buprenorphine have been implemented to treat opiate addiction, since 2005 the OAT has been also available in the penitentiary system. OAT is implemented based on the National Clinical Protocol (NCP) No.225 *Pharmacological Treatment of Opiate Addiction*⁵²⁰, is funded by the government, and has been scaled-up and become available in eight administrative territories of the civil sector and in 13 penitentiary institutions. Opiate substitution treatment (OST) is still unavailable on the left bank of the Dniester River. As of the end of 2021, 569 IDUs (4.4% of the estimated number) were covered by OST treatment, including 94 in the penitentiary system.

In 2022, the National Clinical Protocol on *Disorders associated with the use of new substances with psychoactive and stimulating properties (in adults and children)* was developed based on the recommendations of NEPTUN, EMCDDA, UNODC, and NIDA and provides for pharmacotherapy and psychosocial interventions, as well as complex rehabilitation at all levels from emergency, specialized medical assistance to residential rehabilitation services based on therapeutic communities.

HIV, viral hepatitis and STIs: Testing, vaccination, prevention, and treatment of co-morbidities are widely implemented in the civil and penitentiary system, offered both through medical services and through non-governmental organizations. HBV vaccination of the general population since 2005 has contributed significantly to reducing the burden of the viral hepatitis B prevalence among the general population, as well as the HBV incidence among injecting drug users. Since 2017, according to the National Program, the government has been allocating resources for the diagnosis and treatment of viral hepatitis C in drug users and prisoners.

Law No. 23/2007 on HIV/AIDS Prevention⁵²¹ expressly regulates HIV prophylaxis programmes among key populations, including injecting drug users and prisoners from this group, which supposes harm reduction programmes with implementation of syringe exchange, HIV and hepatitis testing, TB screening and provision of HIV, TB and opioid substitution treatment. All these programs are accessible in the civil and penitentiary systems. The 2022-2025 National Program on Prevention

⁵¹⁹ Law No. 382/1999 on the Circulation of Narcotic and Psychotropic Substances and Precursors, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108388&lang=ro

⁵²⁰ National Clinical Protocol (NCP) no.225 Pharmacological treatment of opiate addiction, available in Romanian at: <https://msmps.gov.md/wp-content/uploads/2020/07/15650-PCN20-22520Tratamentul20farmacologic20al20dependentei20de20opiacee.pdf>

⁵²¹ Law No. 23/2007 on HIV/AIDS Prevention, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110180&lang=ro#

and Control of HIV/AIDS and Sexually Transmitted Infections (approved by Government Decision No.134/2022⁵²²) regulates HIV prevention services for high-risk groups, including drug users. The National Program includes pharmacological treatment with methadone and buprenorphine. At the same time, in the Republic of Moldova there is universal access to antiretroviral therapy, including for drug users. There is no ART waiting list. ARV treatment is funded entirely from the government resources and carried out based on the National Clinical Protocol No.211 *HIV Infection in Adults and Adolescents*.⁵²³ As of the end of 2021, 939 drug users with HIV infection were on ARV treatment.

Rehabilitation of drug users and psychosocial services: Psychosocial assistance is provided under the regulations stipulated in the *Framework Regulation on Organisation and Functioning of the Integrated Social Service for Psychoactive Substance Users and Substitution Therapy Patients and Minimum Quality Standards* (approved by Government Decision No. 232/2017⁵²⁴). The integrated services focus on three basic elements: day services, transitional housing services and rehabilitation service through the therapeutic community. There are day centers for drug users in 5 districts of the country administered by non-governmental organizations with over 20 years of experience that provide short and long-term psychosocial rehabilitation. Starting with 2017, a prison-based therapeutic community for long-term rehabilitation of drug-addicted prisoners prepared for release has been functioning in the penitentiary. Since the launch of this service, 48 prisoners have benefited from psychosocial rehabilitation. No recurrence cases were reported. Currently, 12 prisoners are enrolled in the program within the therapeutic community. In order to legislate and extend the model of the therapeutic community in other institutions, the Parliament of the Republic of Moldova is currently examining the draft amendment to the Executive Code, specifically amendment of art. 219¹, which will allow organization in penitentiary institutions of therapeutic communities for convicts with a history of drug and other psychotropic substances use⁵²⁵(the draft amendment was voted in the first reading in April 2022).

Another therapeutic community with a capacity of 30 seats (women and men) operates in one of the country's districts. Centers are running mutual support groups for both patients and their families. Since 2021 there have been gender-sensitive services offered, women drug users with their children can benefit from crisis services and complex assistance if they are subject to domestic violence.

⁵²² The 2022-2025 National Program on Prevention and Control of HIV/AIDS and Sexually Transmitted Infections, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130469&lang=ro

⁵²³ National Clinical Protocol No. 211 *HIV Infection in Adults and Adolescents*, available in Romanian at: <https://msmps.gov.md/wp-content/uploads/2020/07/15654-PCN-21120Infectia20cu20HIV20adult20si20adolescent.pdf>

⁵²⁴ Framework Regulation on Organization and Functioning of the Integrated Social Service for Psychoactive Substance Users and Substitution Therapy Patients and Minimum Quality Standards, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=98912&lang=ro

⁵²⁵ Draft law amending the Enforcement Code of the Republic of Moldova no.443/2004, available in Romanian at: <https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/5337/language/en-US/Default.aspx>

Since 2022, the country has started piloting the mobile application for video-supported combined medical and psychosocial treatment of methadone and buprenorphine patients.

195. Are there any measures taken for improving coordination, cooperation and raising public awareness of the drug situation?

Together with the relevant state authorities and with the support of civil society associations, non-governmental and international organizations, the Anti-Drug Directorate organizes and participates in various activities against drug abuse and illicit trafficking, prevention and information campaigns, TV shows/interviews and other events:

In 2017:

- Informative seminar on "Drugs and the consequences of drug use among young people" for students aged 12-16 years of the "Home for orphaned children" from Chisinau municipality, organized jointly with the Association "New Life";
- Presentation of the Study - Judicial practice of examining offences and contraventions related to the illegal circuit of drugs without the purpose of alienation, event organized by the "Promo-Lex" Association within the Project "Promoting respect for the rights of groups at high risk of infection in Moldova", project implemented with the support of the Public Health Program of the Soros-Moldova Foundation;
- Informative seminar on "Drugs and the consequences of drug use among young people", organized jointly with the Association "New Life";
- 2 "Together for Life" Campaigns in Chisinau municipality and Orhei city, organized and carried out with the support of UNODC, the National Anti-Drug Commission, jointly with the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice and the General Police Inspectorate, on the occasion of the International Day against Crime and Illicit Drug Trafficking;
- Evaluation meeting on the results of the "Together for Life" Campaign, at UNODC Moldova headquarters;
- National Conference 2017 on HIV/AIDS, organized by the NGO "Positive Initiative", in Chisinau municipality;
- International Conference on "Rehabilitation approaches for drug-dependent prisoners", organized by the Department of Penitentiary Institutions of the Ministry of Justice and the Pompidou Group of the Council of Europe;
- lecture on "Consequences of drug use among students", held in High School in Chisinau.

In 2018:

- Workshop for children that included several fun activities, activities to promote a healthy lifestyle, organized jointly with the Youth Center "NEOVITA" in Stefan cel Mare Park in Chisinau municipality;
- Social-informative activities "Together for Life", organized jointly with the Ministry of Health, Labour and Social Protection; the Ministry of Education, Culture and Research; the Ministry of Youth and Sport; NGOs and civil society;
- National Anti-Drug Campaign at local and national level, especially targeting the 15-24 age group.

In 2019:

- Meeting on the presentation by the UORN of the information on the analysis by the international expert of the legislation of the Republic of Moldova with the aim of developing the concept of implementation of alternatives in the case of punishments related to drug-related crimes;
- Round table presentation of the Study "Contraventional and judicial practice of examining contraventions and offences related to the illegal circuit of drugs without the purpose of alienation", event organized by the "Promo-Lex" Association, within the Project "Promoting respect for the rights of groups at high risk of infection in Moldova", implemented with the financial support of the Public Health Department of the Soros-Moldova Foundation;
- Working session within the process of promoting the "Positive Deviance" life model among HIV positive people, event organized by Association "Positive Initiative" and UN WOMEN.

In 2020:

- Meeting on the presentation by the UORN of the information on the analysis by the international expert of the legislation of the Republic of Moldova with the aim of developing the concept of implementation of alternatives in the case of punishments related to drug-related crimes;
- Round table presentation of the Study "Contraventional and judicial practice of examining contraventions and offences related to the illegal circuit of drugs without the purpose of alienation", event organized by the "Promo-Lex" Association, within the Project "Promoting respect for the rights of groups at high risk of infection in Moldova", implemented with the financial support of the Public Health Department of the Soros-Moldova Foundation;

- Working session within the process of promoting the "Positive Deviance" life model among HIV positive people, event organized by Association "Positive Initiative" and UN WOMEN;
- "Better Knowledge for Better Care" Campaign, jointly conducted with UNODC Moldova, UORN, state authorities and civil society associations;
- Working session on discussions on the draft information note on the implementation of alternatives to imprisonment for drug users, organized by Association "Promo-Lex".

In 2021:

- Working visit to the "ADOMED-MOLDOVA" Center for the treatment of drug and alcohol addiction. During the visit, the Directorate's employees got acquainted with the activities and working methods of the rehabilitation center and communicated with the Center's clients;
- Online lesson for the "ORIZONT" High School from Chisinau on the subject of the legal framework on drugs, as well as the consequences and dangers of drug use, held jointly with the "Parents' School" Association;
- TV show "Dialog" on the theme "Fight against illicit trafficking of narcotic substances";
- Webinar on "Intersectoral interaction: partnership tools between NGOs and governmental institutions in the processes of ensuring sustainability of HIV and TB services from public resources" within the regional project "Sustainability of services for key groups in the EEAC region", to which the Republic of Moldova is part.

196. What is the control system for drug precursors? Please describe the overall aspects in detail.

Pursuant to the provisions of the Law No. 382/1999 on the circulation of narcotic substances, psychotropic substances and precursors,⁵²⁶ the National Agency for Public Health (NAPH) is responsible to ensure control of the activities that authorization / license holders carry out in relation to the circulation of narcotic drugs, psychotropic substances and precursors. The list of narcotic drugs, psychotropic substances and their precursors that shall be subject to control is approved by the Government (Government Decision No. 1088/2004 on the approval of tables and lists of narcotic drugs, psychotropic substances and their precursors, subject to control.⁵²⁷)

⁵²⁶ Law No. 382/1999 on the circulation of narcotic substances, psychotropic substances and precursors, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108388&lang=ro

⁵²⁷ Government Decision No. 1088/2004 on the approval of tables and lists of narcotic drugs, psychotropic substances and their precursors, subject to control, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=97918&lang=ro#

The NAPH plans and conducts controls in accordance with the provisions of Law No. 131/2012 on state control over entrepreneurial activity.⁵²⁸ The control activities stipulated in the national legislation correspond to the provisions of Article 10 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors, namely the competent authority has the right:

- to obtain information on any order of classified substances or operations involving such substances;
- to enter the commercial premises of operators and users in order to obtain proof of irregularities;
- where appropriate, to detain and confiscate lots that do not comply with the provisions of regulations.

The checklists that are applied within the state control over the entrepreneurial activity based on the risk analysis, have been developed in accordance with the provisions of the Government Decision No. 1014/2018 on the approval of the Methodology of state control over entrepreneurial activity based on the risk analysis performed by the National Agency for Public Health.⁵²⁹

⁵²⁸ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=96045&lang=ro

⁵²⁹ Government Decision No. 1014/2018 on the approval of the Methodology of state control over entrepreneurial activity based on the risk analysis performed by the National Agency for Public Health, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113464&lang=ro

XI. PROTECTION OF THE EURO AGAINST COUNTERFEITING (CRIMINAL ASPECTS)

197. Has Moldova acceded to the 1929 International Convention on the Suppression of Counterfeiting? See Framework Decisions 2000/3 83/JHA of 29 May 2000 and 2001/888/JHA of 6 December 2001. "Non- penal" issues related to the protection of the euro against counterfeiting are dealt with under Chapter 32.

The Republic of Moldova has not yet ratified or implemented the 1929 International Convention for the Suppression of Counterfeiting Currency (signed at Geneva on 20 April 1929).

198. Does the law criminalise the making and altering of counterfeit currency and related offences? Does it ensure that such activity is punished by appropriate criminal penalties, including imprisonment and the possibility of extradition?

According to the Criminal Code of the RM Article 236⁵³⁰, production aimed at putting into circulation or putting into circulation of false banknotes of the National Bank of Moldova, coins, foreign currency, state securities, as well as other securities used for effecting payments shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 2000 to 5000 conventional units with the deprivation of the right to practice certain activities.

The same crime committed by an organized criminal group or a criminal organization, as well as in particularly large proportions are punishable by imprisonment from 7 to 15 years, and the legal person is punished with a fine in the amount of 4000 to 7000 conventional units with deprivation the right to exercise a certain activity or with the liquidation of the legal person. According to art. 18 of the Constitution of the Republic of Moldova the citizens of the Republic of Moldova cannot be extradited.⁵³¹ According to art. 19 of the Constitution of the Republic of Moldova, foreign citizens may be extradited only on the basis of an international convention, under conditions of reciprocity or on the basis of a court decision.

199. Does the law ensure that it has the appropriate jurisdiction over offences involving counterfeiting, both of the euro and of other currencies?

Offences involving counterfeiting of both euro and other currencies are regulated under Art. 236⁵³² of the Criminal Code as follows: *Production or Putting of*

⁵³⁰ Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=121991&lang=ro

⁵³¹ Constitution of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro

⁵³² Criminal Code of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=17695&lang=ro

Counterfeit Money or Securities- according to the legal provisions, production aimed at putting into circulation or putting into circulation of false banknotes of the National Bank of Moldova, coins, foreign currency, state securities, as well as other securities used for effecting payments shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 2000 to 5000 conventional units with the deprivation of the right to practice certain activities.

The same acts committed by an organized criminal group or a criminal organization, as well as in particularly large proportions are punishable by imprisonment from 7 to 15 years, and the legal person is punished with a fine in the amount of 4000 to 7000 conventional units with deprivation the right to exercise a certain activity or with the liquidation of the legal person.

The aim of the national legislation is to ensure proper coordination of anti-counterfeiting measures. Banks and other credit institutions must withdraw from circulation all currencies (banknotes and coins) suspected of being counterfeit and hand them over to the competent national authorities.

200. Does the law provide for the concept of criminal liability of legal persons for these offences? Which sanctions might be pronounced to legal persons?

The criminal liability of legal entities for counterfeiting offences is regulated by Art. 236 of the Criminal Code of the RM and is penalized by a fine from 2000 to 5000 conventional units with deprivation of the right to carry out a certain activity, in case of aggravating circumstances the legal entity is penalized by a fine from 4000 to 7000 conventional units with deprivation of the right to carry out a certain activity or liquidation of the legal entity.

201. Does Moldova recognize, for the purposes of establishing habitual criminality, sentences handed down in other Member States for these offences?

Final criminal judgments handed down by foreign courts, as well as those which are likely to produce, according to the criminal law of the Republic of Moldova, legal effects, may be recognized by the national court, at the request of the Minister of Justice or the Prosecutor General, based on the international treaty or reciprocity agreement. Also, the Law No. 371/2006 on international legal assistance in criminal matters⁵³³ facilitates the application of the provisions of the European Convention on the International Validity of Criminal Judgments, Hague, 28 May 1970 (signed by the RM in 2001 and ratified in 2006).

⁵³³ Law No. 371/2006 on international legal assistance in criminal matters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129479&lang=ro#

The sentenced person may be deported, once he or she is released from the enforcement of the sentence based on an expulsion or deportation order included in the judgment or in a judicial or administrative decision or any other measure taken consequential to the judgment. According to Article 558. (1) Cases and Condition of Acknowledging Criminal Judgments of the Code of Criminal Procedure of the RM.⁵³⁴

The criminal judgment of a foreign state may be acknowledged only if the following conditions are met:

- the judgment was pronounced by a competent court;
- the judgment does not contradict the public order of the RM;
- the judgment can produce legal effects in the country in line with national criminal law.

The decisions of the International Criminal Court are executed on the territory of the RM without the recognition by the national court.

202. Has Moldova formally designated a National Central Office on currency counterfeiting in line with Article 12 of the 1929 Geneva Convention and Regulation 1338/2001?

As it was mentioned in the answer to *Question 197*, the RM has not yet ratified or implemented the 1929 International Convention for the Suppression of Counterfeiting Currency (signed at Geneva on 20 April 1929). Respectively, no special central office was designated in the meaning of Article 12 of this Convention. Banknotes and coins suspected of counterfeiting are seized from the place of their detection by the responsible Police officer and transmitted in accordance with the Law No. 68/2016 on the forensic expertise and the status of the forensic expert⁵³⁵ as criminal evidence, for the performance of the corresponding expertise by the Technical Forensic Center and Judicial Expertise (special Police division).

According to articles 252-253 and art. 266 of the Criminal Procedure Code No. 122/2003, the criminal prosecution in case of such crimes is in the responsibility of the General Inspectorate of Police (under the Ministry of Internal Affairs). The National Bank of RM is involved in the withdrawal of suspected counterfeit national currency and in the process of monitoring suspected counterfeit national currency identified in RM. Information about these banknotes/coins suspected of being counterfeit, detected in the banking system, are registered in the Counterfeit Evidence System managed by the National Bank of RM. Through this system, the

⁵³⁴Criminal Procedure Code of the RM, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=110260&lang=ro

⁵³⁵ Law No. 68/2016 on the forensic expertise and the status of the forensic expert, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=129048&lang=ro#

central bank informs the licensed banks about the new types of MDL counterfeit banknotes and coins.

203. Has Moldova established any form of co-operation on the penal aspects of Euro counterfeiting with any of the following bodies: the European Commission (DG ECFIN), Europol and the European Central Bank?

Currently, the RM doesn't have any external bilateral agreements/arrangements concluded for the exchange of information on counterfeit foreign currencies (for example with the EUROPOL/European Central Bank regarding EURO).