

REPORT ON THE PRACTICAL ASPECTS OF ENSURING TRANSPARENCY IN DECISION- MAKING PROCESSES OF CENTRAL AND LOCAL PUBLIC AUTHORITIES

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LIST OF ACRONYMS

ACRONYMS	
AGE	E-Governance Agency
CPA	Central Public Authorities
CoE	Council of Europe
CSO	Civil Society Organizations
GRECO	Group of States against Corruption
GD	Government Decision
DC	District Council
IDIS „Viitorul“	Institute for Development and Social Initiatives (IDIS) „Viitorul“
LPA	Local Public Authorities
ME	Ministry of Environment
MEDD	Ministry of Economic Development and Digitization
MER	Ministry of Education and Research
MIA	Ministry of Internal Affairs
MF	Ministry of Finance
MJ	Ministry of Justice
MLSP	Ministry of Labor and Social Protection
NFSA	National Food Safety Agency
NMIC	National Health Insurance Company
OECD	Organization for Economic Cooperation and Development
PPA	Public Property Agency
RSAL	State Register of Local Acts
SC	State Chancellery
SIGMA	Support for better governance and management, a joint OECD and EU initiative
STISC	Information Technology and Cyber Security Service

INTRODUCTION

The purpose of this report is to support the State Chancellery, and central and local public authorities in increasing the transparency of decision-making by analyzing the legal provisions, their application in practice, and by formulating recommendations based on the findings.

The report contributes to the implementation of the [fifth Action Plan on Open Government approved by Government Decision No 158/2023](#), as well as the [National Development Programme of Civil Society Organizations for 2024 - 2027](#) and the [Recommendations of the Group of States against Corruption \(GRECO\) for the Republic of Moldova](#), adopted in December 2023. The analysis took into account the monitoring indicators in the Principles of [Public Administration SIGMA](#) such as “Principle 5: All key external and internal stakeholders and the general public are actively consulted during policy development.” and “Principle 15: Public administration is transparent and open”.

Ensuring compliance with democratic principles; identifying risk factors and control mechanisms; regulating and institutionalizing monitoring procedures; and operating consultative platforms at central and local levels contribute to promoting transparency and protecting fundamental rights. A high level of transparency facilitates broad access for all stakeholders to information of public interest, promoting genuine participation in decision-making and involvement in public consultation processes on public policy documents and legislation.

Law No. 239/2008 on transparency in the decision-making process (hereinafter Law No. 239/2008) defines two fundamental principles:

1. *Informing citizens, legally constituted associations, and other interested parties about the initiation of the decision-making process and organizing public consultations on draft decisions.*
2. *Ensuring equal opportunities for citizens, legally constituted associations, and other stakeholders to participate in the decision-making process.*

The legal framework in the Republic of Moldova provides various mechanisms and tools for cooperation between public authorities and civil society organizations. However, their implementation in practice remains weak and requires improvement.

Through this report, we aim to propose practical solutions to enhance public consultation mechanisms, improve transparency and increase civil society participation at all stages of the decision-making process (regulatory, institutional, and digital framework).

The **objectives** of the evaluation report are:

1. Assess the coherence of the normative and institutional framework regarding the transparency in decision-making processes, public consultation of draft decisions, citizens information and engagement by public authorities at all levels, in accordance with the current legal framework.
2. Formulate recommendations for improving public consultation platforms at the central and local levels, by analyzing the normative framework and its practical application (legal provisions, accessibility, functionality, and constraints in the use of platforms).
3. Assess citizens' perceptions of the extent to which central and local public authorities ensure transparency, provide access to public interest information and facilitate participation in decision-making processes.
4. Recommend improvements to legislation, procedures and tools to ensure transparency in the decision-making process, as well as to identify new ways of informing and consult stakeholders to encourage participation at all levels of public administration.
5. Analyze and present international best practices for ensuring transparency in decision-making.

METHODOLOGY

To prepare this report, a sample of central and local public authorities was selected to assess the practical application of legal provisions on transparency in decision-making at all levels. The representatives of the State Chancellery, IDIS “Viitorul” experts, the Council of Europe (CoE), and the international expert agreed on the selection of 31 public authorities as follows:

Central Public Authorities (CPA):

- 7 Ministries: Ministry of Labour and Social Protection (MLSP), Ministry of Finance (MF), Ministry of Environment (ME), Ministry of Education and Research (MER), Ministry of Internal Affairs (MIA), Ministry of Economic Development and Digitalization (MEDD), Ministry of Justice (MJ).
- 3 other central public authorities: the Public Property Agency (PPA), the National Food Safety Agency (NFSA), and the National Health Insurance Company (NHIC).

Local public authorities (LPA level I and II):

- 15 Level I LPAs covering all development regions, selected based of the latest report [Transparency of cities and regions in Moldova \(viitorul.org\)](https://viitorul.org) developed by IDIS “Viitorul” in 2022. These include: 5 Level I LPAs with a high transparency score; 5 Level I LPAs with a medium transparency score and 5 Level I LPAs with the lowest transparency score.
- 6 Level II LPAs / District Councils covering all development regions, selected based on the same [Transparency of cities and regions in Moldova \(viitorul.org\)](https://viitorul.org) report developed by IDIS “Viitorul” in 2022. These include: 2 Level II LPAs with a high transparency score, 2 Level II LPAs with a medium transparency score and 2 Level II LPAs with the lowest transparency score.

Table no. 1. List of LPA from I and II levels subject to evaluation

Region	LPA level II	LPA level I
North	1. Briceni	1. Balti
	2. Soroca	2. Falesti
		3. Donduşeni
		4. Cupcini
		5. Otaci
Center	3. Străşeni	6. Teleneşti
	4.Nisporeni	7. Ungheni
		8. Peresecina
		9. Criuleni
		10. Ruseştii Noi
South	5.Causeni	11. Cimislia
	6.Basarabeasca	12. Talmază
		13. Zaim
		14. Gura Galbenei
		15. Basarabeasca

The evaluation methodology includes both quantitative research methods (e.g. opinion survey) and qualitative research methods (e.g. focus groups, in-depth interviews), which allowed for a comprehensive assessment of the current situation, but also of the perceptions of all actors involved in the decision-making processes at both central and local levels (public authorities, representatives of civil society organizations, and citizens).

Therefore, in order to achieve the goal and objectives of the report, the following tools were applied:

- 1. Analysis of the legal and normative framework regulating the stages of the decision-making transparency process, as well as the procedures and instruments for organizing public consultations.**
- 2. Analysis of data and findings from other relevant reports and studies.**
- 3. Analysis of the websites of the 31 central and local public authorities evaluated.**
- 4. Analysis of data and information on the decision-making process published by the evaluated authorities on the portal <http://particip.gov.md>;**
- 5. Analysis of decisions and provisions, as well as statistical data on decisions and provisions published by LPAs in the State Register of Local Acts (RSAL) www.actelocale.gov.md;**
- 6. Conducting an opinion poll on citizens' perceptions of transparency in decision-making at the central and local levels** (data collection period: September 19, 2024 - October 11, 2024); Methodology used: *sampling*: stratified, probabilistic, three-stage; *sample size*: 1102 respondents, 18 years and older; *stratification criteria*: 12 administrative-territorial units (ATUs), residential environment (urban-rural), size of urban localities (3 types), and type of rural localities (commune center/belonging village); *randomization stages*: locality (88 selected localities), household, person; *representativeness*: the sample is representative of the adult population of the Republic of Moldova, excluding the Transnistrian region; *maximum sampling error* is $\pm 3.0\%$; *interviews*: were conducted at the respondents' homes by 31 operators, in Romanian and Russian;
- 7. Analysis of the relevant international standards (CoE, OECD, etc.) and best practices at the international level, with the presentation of relevant recommendations for the Moldovan context.**
- 8. Conducting 4 online focus groups (2 with representatives of CPA and 2 with representatives of LPAs), with the participation of 30 people (representatives of public authorities and civil society) and 6 in-depth interviews** with representatives of CPAs, LPAs, and experts in the field. These qualitative research tools aimed to explore the barriers to implementing the legislation, as well as to provide a deeper understanding of the causes of the problems that prevent transparency at all stages of the decision-making process and genuine public consultations with citizens and stakeholders (see Annex 1 and 2).

The report comprises the following chapters:

1. Introduction and research methodology.
2. Analysis of the regulatory framework and practical application ([Law No 239/2008 on transparency in the decision-making process](#); [Government Decision no. 967/ 2016](#) on the mechanism for public consultation of civil society in the decision-making process; [Law on access to information of public interest No 148/2023](#) aimed at ensuring transparency and promoting access to information held by public authorities and institutions; [Government Decision no. 728/2023](#) on the institutional websites of public authorities and institutions and the minimum requirements for their social media profiles;
3. Short analysis of specialized governmental portals and registers (<https://particip.gov.md>, www.actelocale.gov.md);
4. Citizens' perception of transparency in decision-making at the central and local levels.

5. Implementation in practice by CPAs, Level I and level II LPAs (for year 2023) including the following sub-paragraphs: Informing stakeholders about the initiation of the decision-making process and ensuring access to the draft decision and related materials; Stakeholders consultation; Analyzing and taking into account the recommendations submitted by stakeholders; Ensuring the participation of stakeholders in public meetings; Informing the public about the decisions taken; Reporting on transparency in decision-making and ensuring the these reports' availability;
6. Analysis of international standards and presentation of practices of ensuring transparency in decision-making and methods of stakeholder participation in the decision-making process (experience of Croatia, Slovakia, Spain).
7. The report makes a series of recommendations aimed at improving and simplifying legislation and procedures, as well as practical recommendations for central and local public administrations to implement the legislation in practice, recommendations for the State Chancellery, and last but not least, for improving the portal <https://particip.gov.md>. Recommendations for the Government and authorities are also formulated based on the survey of citizens' perception of transparency in decision-making at the central and local levels.

EXECUTIVE SUMMARY

Transparency in the decision-making process is a cornerstone of effective democratic governance, ensuring an open relationship between public authorities and citizens. This report examines in detail how central public authorities (CPAs) and local public authorities (LPAs) in the Republic of Moldova fulfill the requirements of transparency in decision-making, identifying existing gaps and proposing practical solutions to improve citizens' involvement in decision-making processes.

Developed as part of the implementation of the fifth Action Plan on Open Government, the report analyzes the application of the legal provisions, namely Law no. 239/2008 on the transparency of the decision-making process and Government Decision No. 967/2016, as well as the recommendations of the Group of States against Corruption (GRECO). It also highlights the international standards set by organizations such as the CoE and OECD, with the aim of integrating good practices into the legislation and practices of the Republic of Moldova.

The overall objective of the report is to support public authorities in their efforts to increase citizens' access to information and to strengthen citizen participation in decision-making processes. The report aims to contribute to closing the gaps between legal provisions and their practical application, creating a clearer, more accessible, and effective framework for public involvement.

In order to carry out this assessment, the report employed a comprehensive approach that included an analysis of the regulatory framework, an assessment of how the authorities apply transparency requirements in practice, an evaluation of institutional practices, and a survey of citizens' perceptions. The report is based on the study of a sample of 31 selected public authorities, including 7 ministries, 3 central agencies, 6 district councils, and 15 municipalities, chosen based on performance criteria related to transparency in decision-making. The northern, central, and southern regions of the country were evenly represented, providing an overview of practices at the national level.

To complement the institutional analysis, the report includes the results of a survey conducted on a sample of 1102 citizens, providing a detailed insight into the public's perception of transparency in decision-making. Focus groups and in-depth interviews were also conducted with representatives of CPAs, LPAs, and civil society organizations to explore the challenges and opportunities for improving the current legal framework and practices to ensure transparency and participation. This process allowed the identification of major gaps and examples of good practices, providing a solid basis for recommendations.

The Report puts forward a broad spectrum of findings and conclusions reflecting both the progress and major shortcomings of the CPAs and LPAs. This comprehensive and detailed analytical report presents a clear picture of how transparency in decision-making is implemented and perceived, while also providing recommendations to address shortcomings and strengthen existing mechanisms.

The report highlights that, while all analyzed central public authorities (CPAs) have dedicated transparency sections on their institutional websites, they fail to fully comply with legal requirements. None of the assessed CPAs fully complies with the provisions stipulated by Government Decision No. 967/2016, and the structure of these sections makes it difficult for users to access the required information. For example, the Ministry of Education and Research (MER) website groups all documents under a single heading, with no subcategories to help users to quickly find what they are looking for. There is also a near-total lack of subheadings for notices regarding the withdrawal of decisions from public consultation or for the publication of adopted decisions. As a result, these transparency sections effectively become barriers to accessing information, contrary to their main purpose.

One positive aspect noted with the analyzed CPAs is the publication of stakeholder lists, as required by law. However, a major shortcoming is the failure to update these lists regularly, despite the legal requirement for semiannual revisions. The report also points out a lack of sufficient data to verify whether the CPAs provide specific information to stakeholders or comply with the obligation to inform directly those who request it. Additionally, the publication of notices regarding the initiation of the decision-making process and the use of online tools remains a weak point. During focus groups, CPA representatives claimed that they use media and online platforms for information dissemination, but this could not be independently verified.

Another significant issue identified is the publication of draft decisions and related documents on the portal <https://particip.gov.md>. The analysis revealed that there is a high risk that CPAs may fail to publish drafts for all ministerial/institutional normative and administrative acts covered by Law 239/2008 or Government Decision 967/2008, despite this being a legal requirement. Furthermore, discrepancies between the number of notices reported to the State Chancellery and those actually posted on the portal raise concerns about the credibility of the reporting process.

The situation is even more inconsistent when it comes to district level local public authorities (level II). Only half of the analyzed district councils publish information about the initiation of the decision-making process. For example, Strășeni District Council provides details about the decision-making process on its website, while Nisporeni District Council does not even have a dedicated transparency section, making access to information almost impossible. These discrepancies reveal significant inequalities between districts, both in terms of prioritizing transparency and resource allocation. Moreover, the limited time allocated for public consultation on draft decisions restricts citizen participation, thus weakening community involvement.

When it comes to first-level local public authorities (LPAs I), the situation is even more concerning. The majority fail to ensure transparency at the stages of initiation and public consultation of draft decisions. For example, only Bălți municipality has published draft normative acts on the portal <https://particip.gov.md> which highlights a significant underutilization of this tool. Additionally, many LPAs mistakenly consider the publication of a draft on the website as an actual public consultation, an error that reveals a lack of understanding of the legal requirements. Data analysis indicates that only 33% of the assessed LPAs I, complied with the requirements to publish draft decisions, and even among them reporting is often inaccurate and incomplete.

Citizens' perception of transparency in the decision-making process is another key aspect of this analysis. The survey assessed public perceptions of transparency in the decision-making process of public authorities at three levels: Government/CPAs, and first-level LPAs and second-level LPAs. An important finding is that a significant share of respondents rated transparency as "low", particularly at first-level LPAs (40%) and second-level LPAs (33%). This suggests that most citizens consider that the decision-making process lacks openness at the local level. The "very low" category is also considerable, with 25% of respondents considering transparency at the Government/ CPA level as low. There is also a sizable proportion of "Don't know/no answer" responses, particularly at level two LPAs (31%), indicating uncertainty or a lack of awareness regarding decision-making processes.

The survey shows that the majority of respondents believe that citizens are "rarely" or "not at all" involved in decision-making. The "rarely" category is most prevalent at the first-level LPAs (39%), while the "not at all" category is particularly high at Government/CPA level (39%). Very few respondents perceive citizen involvement as "frequent", with only 4% at the Government/CPA level and slightly higher percentages at first-level LPAs (8%) and second-level LPAs (5%) levels. These findings suggest that frequent citizen participation is seen as minimal across all levels of governance.

The recommendations outlined in the report provide a series of key measures aimed at addressing the structural and functional deficiencies that hinder the transparency of decision-making in the Republic of Moldova. These measures propose fundamental changes to ensure clarity, accessibility, and genuine citizen engagement, combining legislative, technological, and institutional reforms. First, the report emphasizes the urgent need to standardize and consolidate the existing legal framework. The

current legislation is fragmented and ambiguous, leading to inconsistencies in implementation and gives authorities too much interpretative flexibility. The provisions on decision-making transparency, including notices of intention, organization of public consultations, and publication of decisions, should be coherently grouped and structured in a way that is easy to understand and apply. For instance, the report suggests consolidating all requirements related to the publication of notices and public consultations clearly defined within a single section, eliminating redundancies and gaps.

To support this clarification, the report emphasizes the importance of better defining key terms in the legislation, such as 'draft decision' or the potential 'impact' of decisions. Without precise definitions, there is a risk of arbitrary interpretation, leading to inconsistent application of the legal framework. The report also recommends to clearly delineate the stages of the decision-making process, such as the publication of the notice of intent and the organization of public consultations. Currently, many authorities conflate these stages, which undermines genuine involvement of citizens.

The report also puts a strong emphasis on the accessibility of public information. It is essential that all information is published in an open format, allowing citizens to access and use it without technical difficulties. Additionally, the publication of details on decision-making meetings, notices of initiation and meeting minutes should become a mandatory requirement for all authorities. Consultative platforms, which are currently underutilized and ineffective, must be supported to become genuine spaces for dialogue and collaboration between authorities and stakeholders.

The <https://particip.gov.md> portal is positioned as the main tool for ensuring transparency in decision-making. The recommendations emphasize the need for its mandatory integration into the websites of all institutions and its consistent use at every stage of the decision-making process. Proposed improvements include the development of a functionality that enables full traceability of a draft decision from its initial announcement to adoption or withdrawal. Proper tagging of documents and the public display of publication dates would further enhance accessibility and facilitate better monitoring of compliance with legal deadlines. Additionally, promoting the portal through media and social campaigns is essential to increasing public awareness, usage, and citizen engagement.

The SC is a key actor in implementing the reforms in the area of transparency in decision-making and should take on an active role in monitoring and ensuring that authorities comply with their legal obligations. An essential step would be to revise the annual transparency reports, introducing requirements for links to demonstrate the authenticity of the reported data. Automating the reporting process and data collection through <https://particip.gov.md> would help reduce errors and increase the accountability of public institutions. Additionally, the introduction of specific sanctions in the Contravention Code for non-compliance with transparency provisions would ensure greater adherence to legal requirements.

At local level, public authorities are encouraged to adapt their consultation methods to the needs of their communities. Whether through public assemblies, sector-specific meetings or the use of social networks, they must create meaningful opportunities for citizens to participate in decision-making. Full and accessible publication of adopted decisions, particularly on institutional websites, is a fundamental requirement for transparency. The report also emphasizes the need for civic education, especially for young people, to develop a strong culture of participation. Organizing community events, informational sessions and open discussion forums are effective ways to encourage citizens' involvement. In the long run, these initiatives would help strengthen a continuous dialogue between the authorities and the community.

Another innovative proposal is the establishment of an annual grant programme for civil society organizations and journalists to monitor the implementation of transparency legislation. This would help document violations and support continuous improvement of the legal and institutional framework. The findings of these monitoring efforts could be used to initiate sanctions or revise existing regulations.

The report provides a comprehensive and detailed overview of transparency in the decision-making process, proposing recommendations that call for a profound transformation in the way transparency in decision-making is managed and implemented. They emphasize legislative clarity, the use of technology, and the active citizens participation, offering a model that can strengthen public trust in the authorities and promote open and accountable governance.

1. ANALYSIS OF THE LEGAL FRAMEWORK ON TRANSPARENCY IN THE DECISION-MAKING PROCESS

The law regulating information, consultation and participation in the decision-making process is Law [LP239/2008](#). This law also applies to local public authorities. The provisions of Law 239/2008 are further detailed in the Regulation on public consultation procedures with civil society in the decision-making process, approved by [Government Decision No 967 of 09.08.2016](#) on the mechanism for public consultation with civil society in the decision-making process (hereinafter referred to as Government Decision No. 967/2016).

[The Law on access to information of public interest No 148 of 09.06.2023](#) aims to ensure transparency and promote access to information held by public authorities and institutions. It guarantees citizens the right to request and receive information of public interest, defines the obligations of public authorities to provide such information, and establishes procedures for submitting information requests. The law aims to improve accountability, ensure informed participation in decision-making, and increase public trust in government institutions.

[Government Decision No. 728 of 26.09.2023](#) (hereinafter referred to as GD No. 728/2023) on the official websites of public authorities and institutions and the minimum requirements for their social media profiles, was drafted to increase transparency in the activities of ministries, other central administrative authorities, public institutions founded by them and autonomous public institutions. It aims to ensure access to public interest information through official platforms, by establishing mandatory minimum requirements for the official websites of all public authorities and institutions.

Besides the four normative acts mentioned above, that have been analyzed in this report, there are several other laws and regulations governing public participation in decision-making. For example, the Law on Local Public Administration No. 436/2006 establishes the fundamental principles of local public administration, the organization and functioning of public authorities in administrative-territorial units, as well as certain aspects of transparency in decision-making. There is also the Law on normative acts No 100/2017, which sets out the principles, stages and rules for drafting normative acts, the basic requirements for the structure and content of normative acts, as well as the rules on their entry into force and repeal, and other procedures applicable to normative acts. Law No 100/2017 also reiterates the obligation of local public authorities to consult the public on the draft normative acts they prepare (Art. 32).

Law No. 239/2008 on transparency in the decision-making process

[Law No. 239/2008](#) is an important element in the legal framework that guarantees the transparency of public administration of the Republic of Moldova, as well as its participatory and open nature. From this point of view, Law No 239/2008 it is supposed to contribute to ensuring a functioning democracy, providing citizens and civil society organizations with a solid platform to influence decisions that affect their daily lives.

The central objective of the law is to create a framework in which citizens and associations not only have access to information about the decision-making process but also the possibility to influence it directly. Essentially, the law regulates the relationship between public authorities and citizens as well

as associations in these matters, ensuring both access to information and the possibility to actively contribute to the decision-making process. To this end, Law No. 239/2008 establishes institutionalized mechanisms to ensure that stakeholders can effectively engage in all stages of the decision-making process.

By creating such mechanisms, the law not only makes transparency mandatory but also ensures that it is achieved through regulated two-way communication, where both parties are informed and can influence decisions. For example, the definition of transparency is not limited only to the provision of information but also includes consultation with citizens, emphasizing the importance of the interaction between the state and society. In this way, the Law No 239/2008 ensures that transparency is not merely an administrative practice, but a fundamental governance principle in Moldova. This is illustrated by Articles 3(4) and (4¹) that mandate public consultation not only for major legislative acts but also for administrative decisions with social, economic, or environmental impact, thus recognizing the complexity of modern issues and the need to involve various perspectives before taking a decision.

In practical terms, the law establishes clear obligations for public authorities, including the Parliament, the President of the Republic of Moldova, the Government, and other autonomous and local authorities, to provide access to information and to conduct open public consultations. The importance of Article 4 is particularly evident, as it sets out the purpose of the law: to provide comprehensive public information and actively engage citizens in the decision-making process. In terms of scope of application, the law extends not only to central and local authorities but also to private legal entities that manage public funds (Article 3(3)). This broadens accountability and strengthens transparency in the use of public resources. By ensuring stricter oversight of public spending, it also serves as a preventive measure against corruption.

Article 7 of the Law establishes specific obligations of the authorities, including the dissemination of information on annual work programmes and the consultation of stakeholders at all stages of the decision-making process. This requirement is essential for ensuring the legitimacy of public decisions, as it ensures that the rights and interests of stakeholders are guaranteed at all stages of the decision-making process. Moreover, transparency does not end with consultations: Article 13 ensures that public meetings where decisions are made remain open to the public and that announcements about these meetings are widely publicized. This contributes to holding authorities accountable and increasing public trust in decision-making. In this way, Law No. 239/2008 gives citizens and civil society organizations the opportunity to co-author public decisions, which, at least in theory, should enhance their quality and legitimacy.

From a legal perspective, the law seeks to strike a balance between the need for efficient administration and its accountability to citizens. This balance is evident in the provisions on public consultation (Article 11), which explicitly state that authorities cannot refuse consultation when requested by citizens or other interested parties. This reinforces the idea that the decision-making process is not the exclusive domain of public authorities, but rather a collaborative process in which stakeholders play a key role. A key aspect of the law is that it not only imposes obligations on public authorities, but also grants clear rights to citizens and organizations. This helps create a better balance between state power and civil society. These rights are designed to promote a form of direct democracy, where public consultation is not just a formal process, but a genuine mechanism through which citizens can influence decisions. On the other hand, within the same legal logic of balance, Law No. 239/2008 does not undermine the fundamental principle of representative democracy, since the final say in the decision-making process remains with the institutions and actors vested with legal authority in electoral processes in which the democratic principle is exercised freely.

Law No. 239/2008 is an essential legal instrument for democratizing the decision-making process in the Republic of Moldova, as it ensures that public authorities cannot arbitrarily make decisions and that citizens, associations, and other stakeholders have a voice in the decision-making process. On the other hand, the real success of this law largely depends on its effective implementation and on the political

will to respect and promote these principles. this means that success depends on how these provisions are applied in practice and whether effective mechanisms are in place to ensure that public authorities fulfill their obligations.

Government Decision No. 967/2016 on the mechanism for public consultation with civil society in the decision-making process

[GD No. 967/2016](#) is a significant step towards institutionalizing public consultations in the Republic of Moldova. It outlines procedures and standards for involving civil society in the decision-making process, ensuring transparency and inclusiveness. The regulation defines public consultation procedures in the decision-making process at both national and local levels. The Regulation on procedures for public consultation with civil society in the decision-making process comprises four main chapters:

I. General provisions;

II. Transparency of the decision-making process

- *Section 1: Information in decision-making*
- *Section 2: Public consultations;*

III. Transparency of the decision-making process

IV. Reports on transparency in decision-making

Public authorities are required to conduct mandatory public consultations with civil society and other interested parties during the drafting and adoption of legislation and policy documents. This ensures that the views and interests of different groups are considered in the decision-making process. Consultations must be carried out in a transparent manner, with clear and accessible information provided to the public on the issues at stake. Public authorities shall ensure access to draft decisions and related materials by publishing them both on their official website and on <https://particip.gov.md>.

The person responsible for coordinating the public consultation process must prepare a general list of interested parties, at the initiative of subdivisions of the public authority, other public authorities, or interested parties, who will be given priority in receiving information about the authority's decision-making process. The list shall be updated every six months and must include interested parties who have formally requested in writing to be informed about the public authority's decision-making process (Art. 7).

General and targeted information is mandatory when announcing the initiation of the draft decision and organizing all public consultations. Public authorities are also encouraged to engage civil society and the public at an early stage of the policy-making process. Early and effective involvement allows for meaningful contributions before key decisions are made, helping to identify potential concerns and improve the quality of final decisions.

Public authorities must initiate public consultations on draft decisions in order to inform and receive recommendations from interested parties. They must record all stakeholder recommendations received during the public consultation on the draft decision and include them in the summary of recommendations. The subdivision that initiated the consultations shall analyze the received recommendations together with other relevant subdivisions within the public authority and decide whether to accept or reject each individual recommendation. In cases where recommendations are rejected, this decision shall be properly justified.

In order to ensure broad participation and reach diverse groups within society, public authorities are encouraged to use a variety of public consultation methods, which may be used separately or in combination. These include soliciting the views of civil society, experts, professional associations, and academia; setting up permanent working groups to act as consultative platforms within the central public administration authority; setting up ad-hoc working groups; organizing public debates;

holding public hearings; conducting public polls; etc. Government Decision No. 967/2016 stipulates that, after the public consultation process is completed, the authoring subdivision within the public administration authority must compile a file on the development of the draft decision b.

The Government Decision also requires public authorities to prepare and publish annual reports on transparency in decision-making. These reports should include information on the number of decisions adopted by the public authority during the reference year; the total number of recommendations received in the decision-making process; the number of consultative meetings, public debates, and public hearings organized; as well as the number of instances where the public authority's actions or decisions were challenged for non-compliance with this Regulation and the sanctions imposed as a result.

Annex no. 2 to Government Decision No. 967/2016 includes the Regulation on the organization of the activity of the permanent consultative platform within the central public administration. The platform aims to increase the transparency of the decision-making process within the authorities and their subordinate structures, by boosting participatory and inclusive dialogue. Its objectives include strengthening the authority's dialogue with the stakeholders involved in the decision-making process and increasing their contribution to the finalization of the draft decisions under discussion.

In addition to outlining the structure of the platform and the responsibilities of its chairperson and secretary, the regulation specifies that the permanent members may propose, when necessary, inviting representatives of other stakeholders to the platform meetings. Furthermore, permanent members are responsible for monitoring the platform's activities to ensure compliance with the regulatory framework on transparency in the decision-making process.

Law No. 148/2023 on access to information of public interest

The right of access to information is enshrined in Article 34 of the Constitution, which stipulates that a person right to access any information of public interest may not be restricted. The means of exercising and defending this right are regulated by [Law No. 148/2023 on access to information of public interest](#) (hereinafter Law No. 148/2023), which entered into force on January 8, 2024. [Law No. 148/2023 introduces amendments to](#) how the public can access information aligning national regulations with European standards, particularly in areas such as proactive transparency requirements, deadlines and disclosure regulations, monitoring and control mechanisms, and sanctions.

Compared to the previous Law No. 982/2000, Law No. 148/2023 [introduces certain improvements](#), including a clear definition of "information of public interest"; a complete list of providers of information of public interest; proactive transparency; various ways for requesting information; and an exhaustive list of legal grounds for restricting access to information.

Law No. 148/2023 regulates the rules for exercising and defending the right of access to information of public interest. It also defines the obligations of information providers in ensuring access to information of public interest, establishes the legal liability for violation of access provisions, and outlines the monitoring and control mechanism.

Regarding the forms of access to information of public interest, Law No. 148/2023 provides for two different mechanisms: proactive transparency and, upon request, following legal proceedings. The newly introduced principle of proactive transparency consists in the automatic (ex officio) disclosure of information of public interest, primarily by publishing it on the official websites of information providers, including public authorities. Article 10 of Law No. 148/2023 sets out a list of sixteen types of information that providers are required to publish and update on their official website, including:

- *information on the organizational structure, budget, areas of competence, functions, and contact details of the public authority, etc.*
- *information on the leadership of the public authority, including their education, professional experience, access to public office, etc.*

- *normative acts regulating the organization and functioning of the public authority.*
- *data on public planned and executed procurement, monitoring reports on public procurement contracts, etc.*
- *budget planning and execution data.*
- *annual activity report of the public authority.*
- *information on public events organized (sessions, meetings, press conferences, etc.), as well as on decisions taken at these events.*
- *information on the decision-making process.*
- *data on public service employment, such as lists of competitions for vacant positions; admitted candidates, and those who have passed and won the competition.*
- *information on programmes and projects, including technical assistance.*
- *any other public interest information of required by normative acts.*

Still, in some cases, the information and data listed in the article on proactive transparency is rather general and does not make it sufficiently clear what types of data should be published. For example, the section on public procurement does not specify which data and documents on planned and executed procurement should be published (e.g. award decision). Similarly, it is unclear which data or documents related to the budgetary process should be published (e.g. annual report on budget execution). It is sectoral legislation (e.g., on public procurement, on public finances) that provides more detailed transparency requirements, however Law No. 148/2023 should either reference these specific laws or establish clearer publication requirements within its own provisions.

Article 10 (5) of Law No. 148/2023 states that “information of public interest published and made available to applicants must be provided in an open format.” However, this provision is general and does not specify how the data should be published, and which open data formats are acceptable. As a result, it leaves room for discretion and is unlikely to effectively address the ongoing issue of how authorities publish information and documents. Specifically, we refer to data and documents published on authorities’ websites, that do not comply with the open data format. Open public data is data that can be freely accessed, used, shared and machine-readable. However, documents published by public authorities are in non-editable PDF or scanned formats, making them difficult to analyze, use, or re-use, contrary to the concept of open data. In some cases, the information is outdated or not downloadable in .xls or .csv files. It is important to note that the specific technical requirements for data formats are provided in other legislation. Currently, Law No. 305/2012 on the re-use of public sector information remains in force but it is outdated and needs revision. It appears that the authorities are in the process of drafting the new law¹ on open data and re-use of public sector information, which aims to regulate the issues related to open data and re-use of public sector information.

Although significant improvements have been made to the legislation on transparency in decision-making, some shortcomings remain that need to be addressed. [The Freedom House Access to Information Index](#) emphasizes that some problems are not directly related to the quality of legislation, but rather reflect a low culture of transparency within public institutions (in particular local authorities and public enterprises), pointing to the need for further monitoring, oversight, and awareness-raising activities.

Article 30 of Law No. 148/2023 stipulates that the monitoring and control of its implementation is the responsibility of the People’s Advocate, the State Chancellery, and other public authorities. However, Articles 30-33 of Law No. 148/2023 place the control and monitoring process in the hands of multiple public authorities without clearly designating those responsible. Civil society has also pointed out the

1 <https://participct.gov.md/en/document/stages/announcement-initiating-the-initiation-of-the-project-government-working-draft-government-work-for-approving-the-draft-law-on-open-data-and-reuse-of-information-in-the-public-sector/13183>

shortcomings of the monitoring process.² With no clear rules designating those responsible and vague provisions on the control, monitoring and evaluation process there is a risk of poor practical application of the legal framework and reduced accountability of public authorities.

Government Decision No. 728/2023 on the official websites of public authorities and public institutions and minimum requirements for their social media profiles

[Government Decision No. 728/2023](#) is an important step toward strengthening the transparency of public institutions in the Republic of Moldova, by setting clear standards for their official websites and social media profiles. This initiative aims to ensure citizens' access to information of public interest, optimize their interaction with the public administration, and increase the authorities' accountability of the through more effective and accessible communication mechanisms.

According to the regulation under Government Decision No. 728/2023, official websites must comply with strict requirements on accessibility and information updates. Points 6 and 15 emphasize the need for all information to be public, accurate, complete, and constantly updated. Moreover, these platforms must be accessible to people with disabilities through the implementation of assistive technologies, such as public address systems and automatic transcription (points 7, 24). A key requirement is that institutions must guarantee the transparency of the decision-making process by publishing draft decisions, organizing public consultations, and publishing their results (point 15). This allows citizens to actively participate in the decision-making process and ensures a better understanding of administrative activities.

Another key aspect of the Government Decision No. 728/2023 is the development of a standardized template for official websites, overseen by STISC and AGE (point 2). This aims to standardize the presentation of information and optimize accessibility. All official websites will be hosted on a centralized technology platform, which improves cybersecurity and facilitates technical management (point 4). To improve information management, each public authority is required to designate an information content manager (points 43-44). This officer will coordinate the publication and updating of information, coordinating with internal data providers. This creates a clear communication bridge between authorities and citizens, which contributes to greater accountability.

The Government Decision introduces minimum requirements for social media profiles of public institutions. These profiles must be managed by trained personnel who ensure open and transparent communication, while avoiding the publication of false or unauthorized information (point 83). This facilitates quick access to information and provides citizens with an additional channel for engaging with public institutions.

The measures introduced by the Government Decision contribute to ensuring adequate transparency in the public sector. Proactive data publication, public consultations and open access to information are essential elements in strengthening citizens' trust in public administration. Furthermore, the centralization and standardization of digital platforms help mitigate the risk of disinformation and ensure consistency in the presentation of information. In conclusion, Government Decision 728/2023 has a significant positive impact on transparency in the decision-making by providing a clear framework for managing and communicating public information. Its effective implementation, brings the Republic of Moldova in line with international open government practices, promoting the continuous dialogue between authorities and citizens.

2 <https://cpr.md/2024/01/25/accesul-la-informatie-si-datele-publice-de-calitate-ce-putem-invata-de-la-experienta-romaniei-si-a-altor-state-ue/>

2. SHORT ANALYSIS OF PORTALS

The government portal <https://particip.gov.md> is an online tool developed by the State Chancellery to implement legal requirements on decision-making transparency and public consultations in the Republic of Moldova. The portal was launched in late 2011 as part of the Republic of Moldova's commitment to the Open Government Partnership, a global initiative to promote transparency, citizen engagement and inclusive governance. It serves as a centralized platform allowing citizens, CSOs, and government bodies to communicate and collaborate on public policy issues.

The main objectives of the portal are to improve the transparency of government decision-making processes, empower citizens and CSOs to actively contribute to these processes and, ultimately improve the quality of public policies through a diverse and timely feedback process. Before the creation of the portal, citizens and CSOs had to visit more than 20 central government websites and 60 local government websites to follow the decision-making process and public policy making, which made it difficult to stay informed. The launch of the portal has simplified this process by consolidating all policy and legislative documents initiated by public authorities into a single platform.

The portal <https://particip.gov.md> provides information on draft decisions prepared by the authorities, including drafts texts and the accompanying reasoning notes. It also contains details of the responsible officials and the deadline for submitting recommendations.

However, the portal serves primarily as a information source rather than actively promoting other forms of public consultation. It neither facilitates tracking the results of public consultations (such as minutes of public consultation meetings or summaries of recommendations) nor does it refer to the decisions taken because of the consultations.

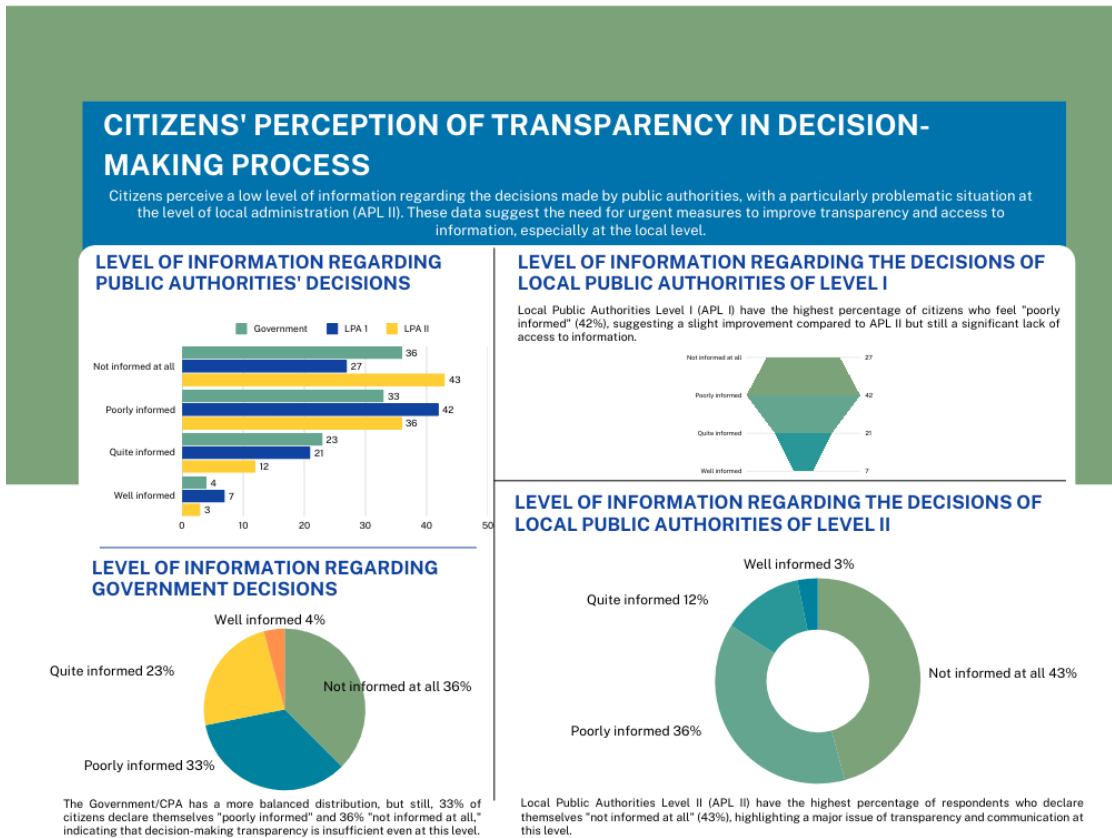
As of October 28, 2018, all local public administrations (levels I and II) are obliged to publish their adopted acts in the "State Register of Local Acts" (www.actelocale.gov.md). Specifically, normative decisions take effect on the date they are included in the register.

On the other hand, the Regulation on the official websites of public administration authorities requires the publication of adopted decisions on the authorities' websites. This is important because it facilitates citizens' access to the decisions taken by local councils.

The discussions with CPA representatives revealed a mixed experience of working with the <https://particip.gov.md> platform: some institutions reported a positive experience (MF, MEC, APP) while others (MM, CNAM, MJ) reported a poor experience.

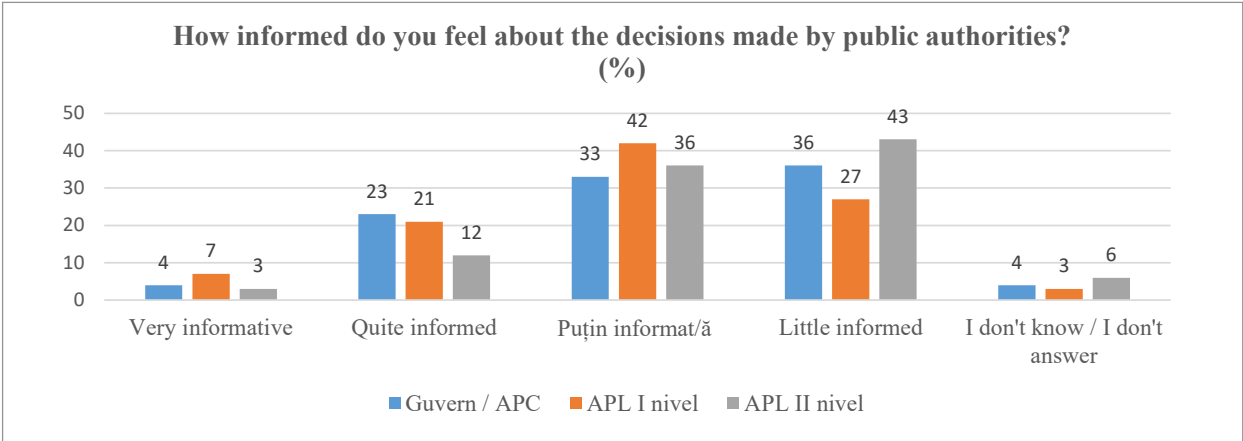
During the focus groups and interviews, representatives of LPAs at both levels I and II mentioned that sometimes, when faced with a shortage of human resources, it is very difficult to publish the same information on multiple platforms: on the authority's website, on the <https://particip.gov.md> and in State Register of Local Acts . It was suggested that it would be good if there was only one platform or even if there are several, there needs to be a technical possibility that would allow a single publication to be distributed across multiple relevant platforms.

3. CITIZENS' PERCEPTION OF TRANSPARENCY IN DECISION-MAKING PROCESS



Understanding citizens’ perceptions of transparency in decision-making process both at the central and local level is essential. Below are key findings from a survey on this topic.

Figure 1. *How informed do you feel about the decision made by public authorities?*



Source: survey on citizens’ perceptions of transparency in decision-making at central and local level (September 19, 2024 – October 11, 2024).

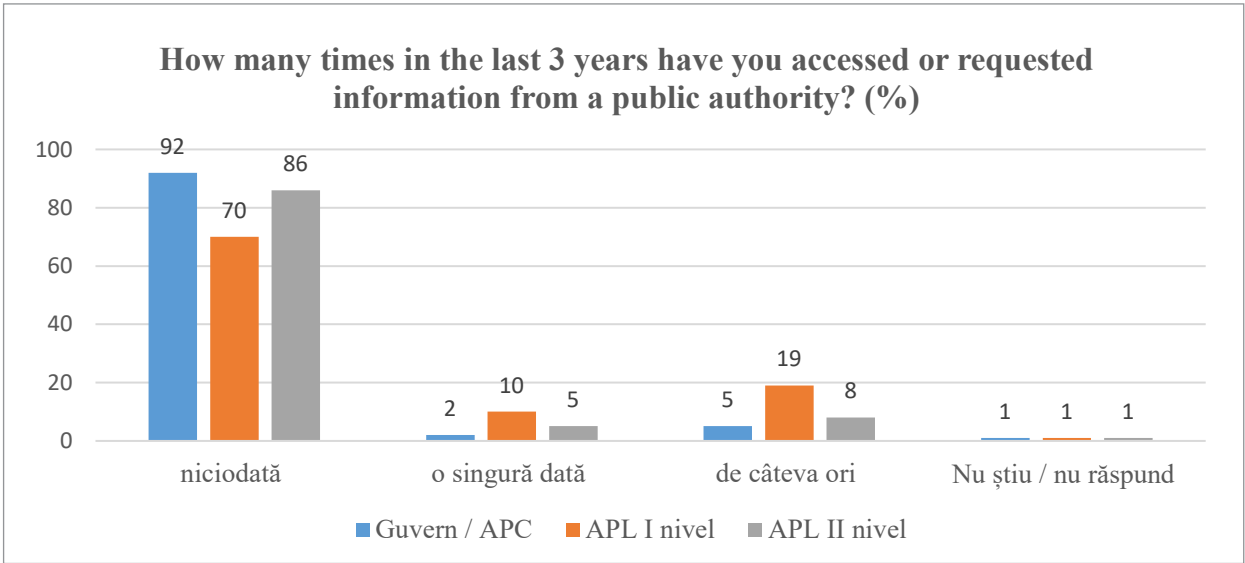
The chart illustrates respondents' perceptions of their level of awareness about the decisions made by public authorities at three levels: the Government/ CPAs, level I LPA, and level II LPA. The main observation is that most respondents feel either "poorly informed" or "not informed at all" about public authorities' decisions. The highest percentage of respondents identifying as "poorly informed" is at the LPA I level (42%), followed by level II LPA (36%) and Government/CPA (33%). As for the "not informed at all" category, it is most significant at level II LPA, where 43% of respondents report this.

Very few respondents consider themselves "very informed" about the public authorities' decisions: only 4% for the Government/CPA, 7% for level I LPA, and 3% for level II LPA. This suggests a lack of transparency or effective communication regarding the decisions of public authorities at all levels.

A relatively small proportion of respondents feel "quite informed": 23% for the Government/CPA, 21% for level I LPA, and 12% for Level II LPA. Although this category is in the minority, it suggests that some respondents perceive an intermediate level of access to information, even if this is not the norm. A minimal number of respondents selected "Don't know / no answer", suggesting that most people have a clear, albeit negative, perception of their level of information.

The chart highlights respondents' overall perception of the level of information about decisions taken by public authorities, showing a significant tendency for respondents to feel "little informed" or "not informed at all". This suggests possible gaps in communication and transparency, particularly at level II LPA, where the lack of information is most pronounced. Improving communication strategies and enhancing accessibility of information on decisions could help address these problems and raise public awareness.

Figure 2. *How many times in the last 3 years have you accessed or requested information from a public authority?*



Source: *Survey on citizens' perceptions of transparency in decision-making at central and local level*

This chart illustrates the frequency with which respondents have accessed or requested information from public authorities over the past three years, analyzing three levels: Government/ CPAs, level I LPA, and level II LPA.

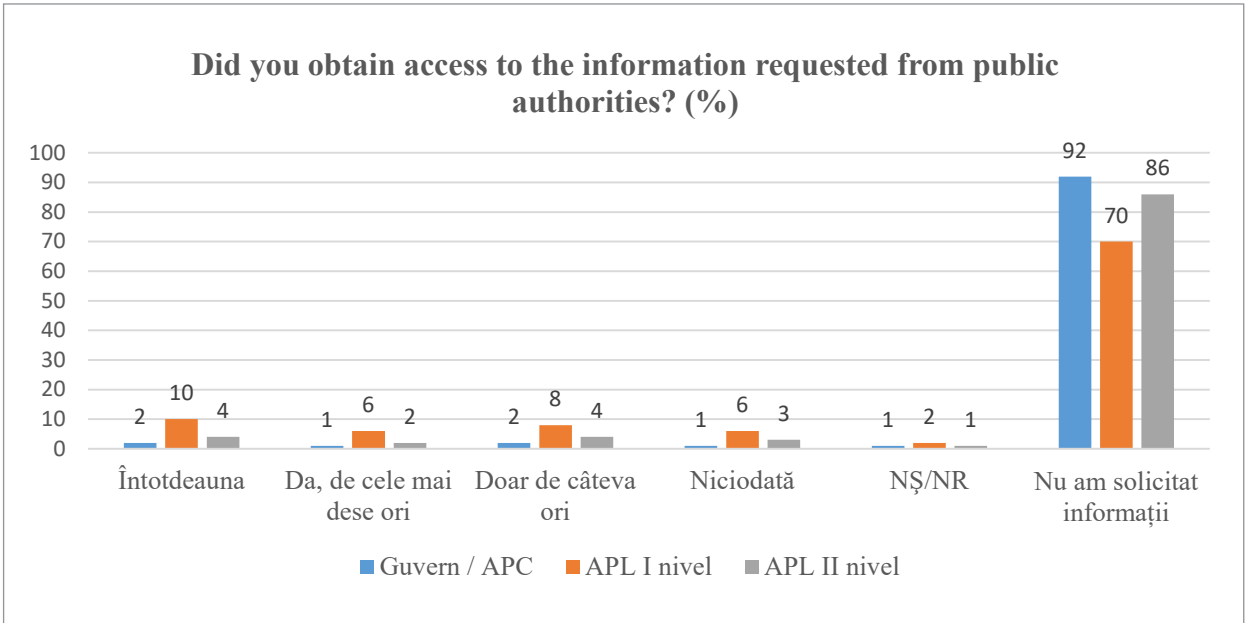
The results show that the majority of respondents have never requested information, with the proportions being 92% for Government/ CPAs, 70% for level I LPA and 86% for level II LPA. These data suggest a general trend of low civic engagement in requesting information from public authorities. The high proportion of respondents who have never requested information indicates either a lack of interest or a limited awareness of their right to access public information, uncertainty about how to access it or discouragement due to perceived barriers.

Only a small percentage of respondents accessed information *once* or *a few times* at all levels. For example, 19% of respondents accessed information from level I LPA a few times, compared to only 8% for level II LPA and 5% for the Government/ CPA level. At the same time, the higher level of accesses at level I LPA suggests a more direct or frequent relationship with local authorities, compared to Government/CPA or level II LPA. These results emphasize the need for measures to improve citizens' access to public information and promote their right to request and obtain such information. Also, the low engagement levels in accessing information could indicate challenges related to the accessibility or perceived value of information.

Very few respondents selected 'Don't know/no answer', which indicates that most respondents have a clear perception of their level of involvement, even if it is a low one.

The chart reveals a strong trend of non-engagement with public authorities for information requests, especially at the levels of Government/CPA and level II LPA. Engagement is slightly higher at the level I LPA, indicating that people may feel more inclined to access information from authorities at the local level. The low frequency of requesting information suggests potential barriers to information accessibility or a lack of awareness about the availability and importance of public information. Raising public awareness and making information more accessible and relevant to citizens' needs could encourage greater engagement with public authorities.

Figure 3. Have you obtained access to the requested information from the public authority?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

This chart examines the respondents' success in receiving access to requested information from public authorities at three levels: Government/CPAs, LPA level I and LPA level II.

A significant majority of respondents indicated that they "did not request information", 92% from the Government/CPA, 70% from level I LPA and 86% from level II LPA. This aligns with the previous graph, which shows high levels of non-engagement in requests for information, suggesting a general trend of limited interaction with public authorities regarding access to information.

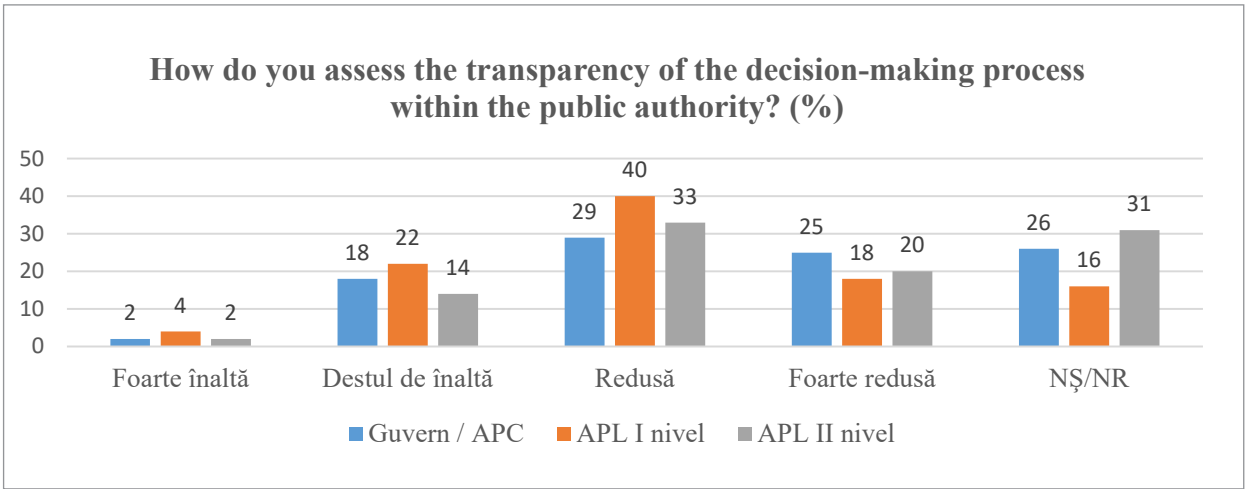
According to the chart, access to the requested information from public authorities was **"always"** obtained in a very low percentage, i.e. only **2% in the case of the Government/CPA, 4% for level II LPA and 10% for level I LPA**, indicating significant difficulties in obtaining information from all levels of public administration. Very few respondents were able to obtain information "most of the time" or "only a few times", reflecting potential challenges in terms of consistency of access.

A small percentage of respondents reported that they never obtained the requested information, although these figures are minimal at all levels. This indicates some barriers to accessing information for those who have tried to submit requests.

Only a limited number of respondents selected “Don’t know / no answers”, indicating that respondents are generally aware of their success or lack of success in accessing the requested information.

The graph shows a significant trend of lack of interaction between citizens and public authorities for information requests. Only a small percentage of respondents have actively exercised their legal right to access public information. Among those who did request information, success rates were low, suggesting potential barriers to consistent access. This lack of engagement and limited success among those who do engage, highlights the need for public authorities to improve both the accessibility and transparency of information to encourage greater citizen interaction and improve satisfaction with public services.

Figure 4. *How do you assess the transparency of the decision-making process of the public authority?*



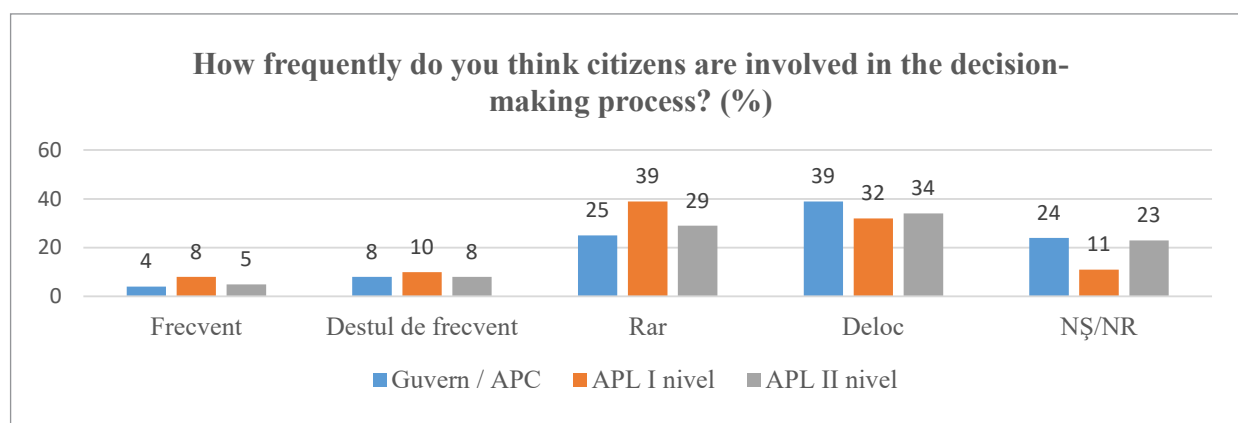
Source: survey on citizens’ perceptions of transparency in decision-making at central and local levels (September 19, 2024 – October 11, 2024).

The chart assesses citizens’ perceptions of transparency in decision-making by public authorities at three levels: Government/CPA, LPAs at level I and level II. The key observation is that a significant share of respondent’s rate transparency as “low”, particularly at level I LPA (40%) and level II LPA (33%). This suggests that most respondents consider that the decision-making process lacks openness at the local level. The “very low” category is also substantial, with 25% of respondents perceiving as low the transparency at Government/CPA level. There is also a sizable portion of “Don’t know/no answer” responses, particularly at level II LPA (31%), indicating uncertainty or lack of visibility of decision-making processes.

Very few respondents rated transparency as “very high” or “quite high” at all levels, with only 2-4% for “very high” and slightly higher for “quite high” (18% for Government/ CPAs, 22% for level I LPAs and 14% for level II LPAs). This demonstrates a clear perception that transparency in decision-making by public authorities is insufficient.

The chart illustrates a general dissatisfaction with the transparency of decision-making processes at all levels of public authorities, with a particularly low rating for level I LPA. There is a notable tendency for respondents to consider transparency to be insufficient, together with a significant percentage of respondents who are uncertain about the status of transparency, especially at level II LPA. This suggests the need for increased efforts to improve transparency and make decision-making processes more visible and accessible to the public.

Figure 5. How frequently do you consider that citizens are involved in the decision-making process?



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

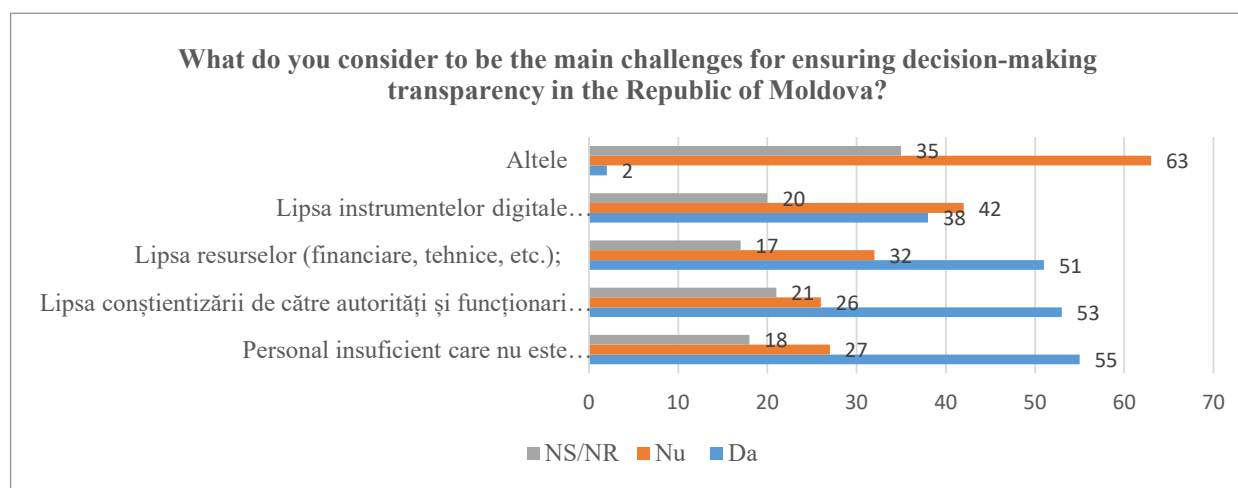
This chart shows perceptions of the frequency of citizens' involvement in decision-making at three levels: Government/CPAs, and LPAs at levels I and II. The key observation is that many respondents believe that citizens are "rarely" or "not at all" involved in decision-making. The "rarely" category is most prominent at level I LPA (39%), while the "not at all" category is particularly high at Government/CPA level (39%).

Very few respondents consider that citizens are "frequently" involved, with only 4% at the Government/CPA level and slightly higher percentages at level I LPA (8%) and level II LPA (5%). This indicates that frequent citizen participation is perceived as minimal across all levels.

A significant proportion of respondents selected "Don't know / no answer", particularly at the Government/CPA level (24%) and level II LPA (23%). This suggests that many people may not be aware of opportunities for citizen engagement or do not perceive any visible mechanism for participation.

The graph reveals a widespread perception of insufficient involvement of citizens in decision-making processes at all levels. The prevalence of "rarely" and "not at all" answers highlight a perception of disconnection between authorities and citizens, with rare opportunities for active engagement. The uncertainty expressed by respondents also points to potential gaps in communication or transparency regarding participation channels. Addressing these issues may require targeted efforts to raise public awareness and promote opportunities for citizen involvement.

Figure 6. What do you consider to be the main challenges for ensuring transparency in the decision-making process in the Republic of Moldova?



Source: survey on citizens' perceptions of transparency in decision-making at central and local levels (September 19, 2024 - October 11, 2024).

This chart illustrates the main challenges perceived as undermining transparency of decision-making in the Republic of Moldova. Respondents were asked to identify whether they agreed (Yes) or disagreed (No) with several potential challenges.

The most frequently identified challenge is “Insufficient staff who are not equipped with knowledge and skills to ensure transparency in the decision-making and communication with citizens” which was identified by 55% of respondents. This indicates that many respondents believe that current staff do not have the necessary training or resources to effectively implement transparent decision-making processes.

The lack of awareness by public authorities and civil servants about the importance and necessity of transparency is reported by 53% of respondents. This suggests that increased awareness and education may be needed among officials about the importance and benefits of transparency. In contrast, 26% of respondents did not see this as a challenge and 21% did not respond.

“Lack of digital tools to facilitate the process of ensuring transparency”, was flagged as a major problem by 38% of respondents. This suggests a significant need for technological solutions to support transparency in decision-making. However, 42% of respondents believe this is not a problem and 20% did not provide an answer.

“Lack of resources (financial, technical, etc.)” is also seen as a significant challenge, with 51% of respondents agreeing that this affects transparency efforts. This highlights the financial and technical limitations that may hinder the implementation of transparency initiatives.

A small percentage (2%) mentioned other challenges (“Other”), although this is not a major category. Here respondents mentioned the following issues: Corruption (5 respondents); Change of leadership (3); Lack of citizen involvement/passivity (2); Citizens speaking openly and insisting on information (1); Empathy (1); Avoiding meetings due to uncertainty of their decisions (1); Human factor (1); Indifference (1); Lack of information (1); Lack of internet access (1); Lack of willingness to work (1); Hybrid warfare, fake news (1); Socialization (1); Local TV and radio (1); For 4 years it has not been shown what points are changing for EU membership (1).

These specific responses highlight various systemic and external issues that can negatively influence transparency, underlining the need for comprehensive and better-coordinated actions to address them.

The chart reflects a strong consensus that the main barriers to transparency in decision-making in Moldova are insufficiently trained or knowledgeable staff; lack of awareness by authorities and civil servants regarding the importance and necessity of transparency; lack of digital tools, and lack of financial and technical resources. Addressing these issues - by investing in technology, improving staff training, and raising awareness among officials - could help mitigate these challenges and promote a more transparent governance environment.

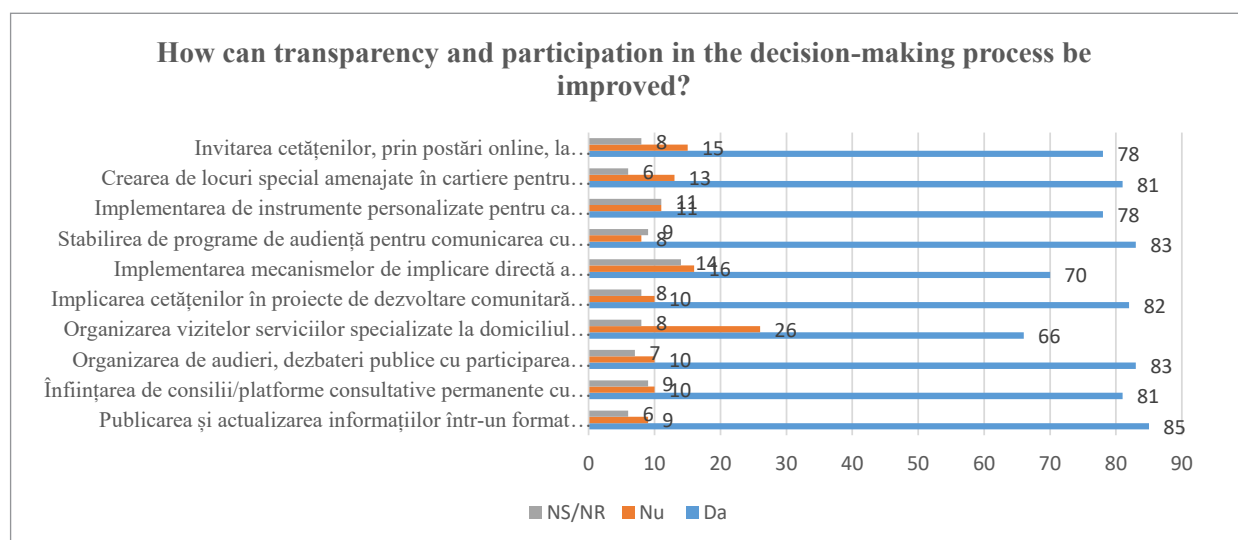
The following chart shows various methods proposed for improving transparency and citizens’ participation in decision-making. Respondents were asked whether they agreed (Yes) or disagreed (No) with each suggested method.

The highest level of agreement (nearly 85%) is recorded for the method “Publishing and updating information in an accessible and transparent way”. This indicates a strong belief that the provision of easily accessible information is key to improving transparency.

A high percentage of respondents also supports “Organizing hearings, public debates with citizens’ participation”, with over 80% agreeing that this would enhance transparency. This suggests that many consider direct interaction between authorities and citizens to be essential for meaningful participation.

“Involving citizens in community development projects” also receives a high level of support, (around 80%). This reflects the importance placed on active citizen involvement in local initiatives to strengthen transparency and build trust.

Figure 7. *How can transparency and citizens' participation in the decision-making process be improved?*



Source: survey on citizens' perceptions of transparency in decision-making at central and local level (September 19, 2024 - October 11, 2024).

"Establishing audience schedules for communicating with public authorities" and "Creating special places in neighborhoods for citizen interaction" are also well supported, although slightly less than the other methods. These methods indicate a preference for structured and accessible channels for regular communication with authorities.

The responses "No" and "Don't know / no answer" are minimal for all suggestions, indicating a broad consensus on the effectiveness of these methods.

Respondents also mentioned other issues: use of TV, and radio (2 respondents), development of villages (1), budget, higher salaries (1), investigative journalism on the use of funds (1), citizen involvement (1), informing the population (1), mechanisms to communicate where the money comes from, what resources are used, etc. (1), widespread misinformation (1), higher pensions (1), prices should be more often discussed with citizens (1), state services programme (1), reviews of how social class allowances have been set (1), everyone to perform their function (1).

The chart reveals a strong consensus on several approaches to increase transparency and citizen engagement, with an emphasis on accessible information, open forums for discussion, and direct involvement in community projects. These results suggest that citizens prefer transparent communication and regular and structured opportunities for participation in decision-making. Implementing these suggestions could significantly improve transparency and inclusiveness in public governance.

4. PRACTICAL APPLICATION OF THE LEGAL PROVISIONS ON TRANSPARENCY IN DECISION-MAKING BY THE CENTRAL PUBLIC AUTHORITIES

4.1. Informing interested parties about the initiation of the decision-making process and providing access to the draft decision and related materials

The legally compulsory methods by which the CPAs should inform the relevant stakeholders about the initiation of the decision-making process are specified in Articles 8.a), 9 (1)-9 (3), 12 (2) of the Law No. 239/2008, as well as paragraphs 10, 13, 14.1, 19, and 26 of the Government Decision No. 967/2016. The implementation of both targeted³ and general information⁴ is compulsory for such notices, including the publication on the institutional website and on particip.md.gov website. However, the legal and regulatory framework in this area is somewhat contradictory. For instance, paragraph 11 of the Regulation in Government Decision No. 967/2016 states that the physical publication by the authorities in a „space accessible to the public” is compulsory, while Article 9 (1) of the Law No. 239/2008 states that the authority will publish the „notice on its official website, shall immediately dispatch it by electronic mail to interested parties, display it at its premises in a publicly accessible place and/or broadcast it in central or local media, **as appropriate**”. Therefore, because of the ambiguous formulation, the law could be interpreted as offering the CPAs the flexibility to choose the way in which to inform the public of the intention to draft a decision, and even to choose to implement only one method, either general or targeted, although it seems clear from the Government Decision that both methods are compulsory (paragraph 10 of the Regulation adopted though Government Decision No. 967/2016).

Regarding the obligation for the general information of the public about the notices of intention to initiate the decision-making process stipulated in p. 5 and 19 of the Government Decision No. 967/2016, according to the reports submitted to the State Chancellery by the central public authorities analyzed, the web portal www.particip.gov.md has been the main tool through which the public was informed about the initiation of the decision-making process. In total, the analyzed central public authorities have published 629 notices regarding the initiation of the decision-making process in 2023, which represents the absolute majority out of the total of 802 such notices published by all CPAs in 2023, according to the State Chancellery’s report⁵. (Table 1). The actual data found on particip.gov.md is, however, different from the reported figures.

3 Targeted information – the action of transmitting information about the decision-making process in public authorities to defined stakeholders through the means of receiving the information indicated by the stakeholders (as per Government Decision no. 967/2016)

4 general information – the action of conveying information about the decision-making process in public authorities to a broad, undefined audience, without taking into account the particular needs and preferences of particular stakeholders for receiving information (as per Government Decision 967/2016).

5 State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 21, Chisinau, 2023.

* A limitation of the data displayed in this table is related to the fact that for PPA, NFSA, and NMIC the figures were taken from the table 4 of the State Chancellery report (*Ibid.*) concerning the number of decisions for which notices regarding the initiating the decision-making process have been published on www.particip.gov.md, whereas for the

Table 1. Number of notices regarding the initiating the decision-making

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No. of notices regarding the initiation of the decision-making process reported as published on www.particip.gov.md (according to the State Chancellery's report based on CPA reporting)	77	114	54	111	81	57	69	36	2	9
No. of notices regarding the initiation of the decision-making process found on particip.gov.md for 2023	75	114	37	94	81	55	61	2	2	8

Source: authors based on SC report based on CPA reports and <https://particip.gov.md>, 2023

The total number of notices regarding the initiation of the decision-making process currently published on <https://particip.gov.md> for 2023 is 473, lower than the reported figure of 532. In general, there are no significant discrepancies between the reported data on the publication of the notices of initiation and those identified on particip.gov.md, except for the Public Procurement Agency (APP) for which only two notices are found on particip.gov.md instead of the reported 36. Other discrepancies can be partly attributed to display errors on <https://particip.gov.md>, as the manual counting of such announcements sometimes yields different results compared to the statistical data automatically aggregated on the particip.gov.md platform. For example: in the case of MIA or MF, the institution's statistics on the platform show the same number of notices as reported, while when searched based on the corresponding filter we find a much lower number of displayed notices of intention. The reason for this display error is that once projects move to the consultation stage or beyond, their previously published announcements of intention can no longer be identified using the filter "announcement on drafting of the project". Not all discrepancies can be explained by this example, although they are generally negligible.

At the same time, it can be noted that the situation described does not reflect the whole problem, as, for this to be achieved, the total number of published notices for each CPA analyzed should be compared not only with the *total* number of decisions⁶ issued or proposed for the adoption by the Government or Parliament but also with all ministerial acts or institutional orders and dispositions that qualify as "decisions" in the sense of Law no. 239/2008. Such data, however, is not reported by all the analyzed CPAs to the State Chancellery, while the 2023 activity reports of these authorities the relevant data on decisions do not always publish such data (as in the case of PPA, or MER). Where such data is published and accessible, significant discrepancies can be observed between the total number of decisions the authority had been working on in 2023, and the number of notices of intention, for example:

- In the [case of ME](#), while the number of notices of intent regarding the initiation of the decision-making process is only 37, the activity report refers to many more decisions it had worked on in 2023 as being initiated, adopted, or in the process of being adopted.
- National Food Safety Agency (ANSA), adopted of [222 orders](#) in 2023 (that qualify as „decisions“ under Law no. 239/2008), while it has published only two notices of intention to initiate decisions.
- Similarly, from the [MEDD report for 2023](#), it can be seen that the number of Laws, Government Decisions, (including amendments), and ministerial orders that the ministry had been working on in 2023 is significantly higher than the number of notices of intention for decision-making projects published on particip.gov.md.

rest of the ministries, the data reflects reported figures for the overall number of notices regarding the initiating the decision-making process have been published on www.particip.gov.md (table 5).

6 According to art. 2, of the Law no. 239/2008: „decision - a legal act adopted by public authorities falling within the scope of this Law“

- MIA has adopted almost 2700 decisions „related to the basic activity of the ministry“, according to its own 2023 transparency report. During the consultations on the first version of the present report, the MIAs position on this finding was that many of these decisions were in fact issued by authorities subordinated to the Ministry, even though the 2023 transparency report indicates that they pertain to “the core activity of the Ministry/central public authority”. The MIA also expressed the position that “The administrative acts issued at the level of the central apparatus of the MIA in 2023 do not fall within the scope of Law No. 239/2008 and Government Decision No. 967/2016”. Given that Article 3(4) of Law 239/2008 states that normative/administrative acts “that may have social, economic, environmental impact (on the way of life and human rights, on culture, health and social protection, on local communities, public services)” must undergo public consultation, this report is unable to determine whether any of the nearly 2700 decisions statistically reported by the MAI may have such an impact that would require their public consultation.

During the focus groups all CPA representatives stated that the institutions they represent submit for public consultation drafts of ministerial orders. Still, from the partial data discussed above, it can be inferred that there is a risk that not all the legal acts developed by the CPA that fall under the provisions of the Law no. 239/2008 are published to ensure compliance with the principle and stage of transparency required by law (Article 5(a) and 8(a)) regarding informing the public about the initiation of formulation of the decisions. In such cases, it is not clear what criteria, are employed to select the decision-making projects that qualify for public consultations, under the above-mentioned provision, although numerous CPAs’ decisions certainly clearly fall within the criteria established through Article 3(4) of Law No. 239/2008: „Public authorities will consult citizens, associations established in accordance with the law, and other interested parties regarding draft normative and administrative acts that may have a social, economic, or environmental impact (on lifestyle and human rights, on culture, health, and social protection, on local communities, or public services)”. The CPAs (except for MIA and NFSA) report to the State Chancellery only the number of draft decisions subsequently adopted as Government Decisions, as Laws by the Parliament, or as Presidential Decrees, while providing little or no reporting on normative acts resulting from orders issued by the respective CPAs⁷.

The platform particip.gov.md can be embedded, as a module, on the website of the relevant authorities, allowing for an easy and coordinated display of this information on the institutional websites. This was done by all analyzed authorities with two exceptions: MJ (which manually posts the announcements), and Public Property Agency (APP), with 1 such notice on its website for 2023. This is even though points 5 and 9 of the Government Decision No. 967/2016 mandate CPAs to post these notices on both the institutional websites and particip.gov.md portal. However, in the case of the Public Property Agency, the situation improved significantly in 2024, as the agency migrated its website to a new platform. On the old version of the APP website (old.app.gov.md), ~23 notices of initiations have been identified for 2023.

The 2023 State Chancellery’s report on transparency in the decision-making processes of the CPA also offers data regarding the number of adopted decisions for which notices initiating the decision-making process have been published:

⁷ State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 29-30.

Table 2. Number of adopted decisions for which notices initiating the decision-making process have been published

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No. of decisions for which notices on initiating the decision-making process have been published (according to CPA reporting)	78*	180*	54*	77	32	75*	53	36*	2	9*

Source: elaborated by authors based on CPA reporting, 2023

* From the table above according to State Chancellery's reporting, the number of adopted decisions for which notices initiating the decision-making process have been published is higher than the number of notices actually published by those CPAs. This discrepancy seems to be the result of a confusion in the reporting, or in the way in which the CPAs understood the question from the State Chancellery, or an error in the formulation of the question. The State Chancellery's feedback on this matter was that „the figures given represent absolute figures for the number of initiation notices published by the Authority during 2023. The analysis will consider the fact that for some decisions their final adoption occurred in 2024. At the same time, some decisions adopted in 2023, had the notice of initiation published in 2022 or even 2021”.

According to article 9(2) of the Law No. 239/2008, the notice regarding the initiation of the decision-making process must necessarily contain: a) the justification of the need to adopt the decision; b) the deadline, location and the method in which interested parties may submit or send recommendations; c) the contact details of the persons responsible for receiving and reviewing the recommendations (name, telephone number, e-mail address). Article 12 (2) of the same Law stipulates that the deadline for presenting the recommendations must be at least 10 working days from the date of the publication of the notice (Table 3). The random verification of the notices published by the analyzed CPAs in 2023 revealed that not all the notices respected the legally prescribed structure, or the mandatory deadlines for submitting recommendations, as follows:

Table 3. Compliance with the provision of art 9(2) and 12(2) of the Law no. 239/2008

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Complies with the provisions of Article 9(2) of the Law No. 239/2008 regarding the content of the notice on the initiation of the decision-making process	No	No	Yes	Yes	Yes	No	Yes	No	Yes	No
Complies with the provisions of the Article 12 (2) of the Law No. 239/2008 regarding the deadline for number of days given for submitting recommendations	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>

Source: elaborated by authors based on the data available on particip.gov.md, 2023

From the random verification conducted on the particip.gov.md portal it can be inferred that only MIA, MJ, and NFSA respect both the provisions of Article 9(2) and of the 12(2) of the Law No. 239/2008 regarding the content and the deadlines stipulated in the notice of intent, although for other notices of the same CPAs the situation might be different. The most frequent derogation from the

above-mentioned provisions relates to the fact that the CPAs give a deadline of 10 days instead of 10 working days for submitting recommendations, and the notices do not specify where and how the recommendations should be submitted.

Based on the data published and reported by the CPAs it cannot be determined whether the provision of the Article 9(1) of Law No. 239/2008 requiring that the notice about the initiation of the decision-making process must be published within 15 working days from the initiation itself, is respected. From a transparency perspective, this provision seems to be of limited practical value. The feedback on this issue from the State Chancellery was that while they agree that, currently, it is not clear whether this provision is respected, there is a need to further analyze it, given that, for discipline purposes, there needs to be a clear deadline given to the authority when this notice is placed.

Another deadline that authorities must respect when publishing the notice regarding the initiation of the decision-making process is stipulated in the paragraph 13 of the Government Decision No. 967/2016 on the mechanism for public consultation with civil society in the decision-making process. This provision states that public notification on the intention to draft a decision must be disseminated at least 15 working days before the consultation of the draft decision.

Table 4. Compliance with the provisions of the p. 13 of the GD no. 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Complies with the provisions of p. 13 of the Government Decision No. 97/2016	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes

Source: authors based on data available on <https://particip.gov.md>, 2023

For this table, where possible, the same draft decisions have been selected (from <https://particip.gov.md>), at the consultation stage, as for the previous one reflecting the stage of expression of intent.

Regarding the obligation of CPAs to ensure general public awareness by posting notices, at their respective premises in publicly accessible spaces, this requirement cannot be verified based on the data published or reported to State Chancellery. The feedback from the State Chancellery on this matter was that „this type of public information is currently more suitable for local authorities“.

Regarding the obligation to inform the public in a targeted manner on the intention to initiate the decision-making process, all the analyzed CPAs have published the list of stakeholders with contact data, according to paragraph 7 and 9 of Government Decision No. 967/2016, as well as Article 9(1) of the Law No. 239/2008. However, from the available data, it is impossible to determine whether the list is updated biannually, including with details of those stakeholders who requested to be informed about the decision-making process, as required by law. It is also not possible to verify whether all analyzed APCs send the initiation announcements to the recipients listed in their published records, nor whether APCs have directly informed those interested parties who, where applicable, have requested such notifications in writing, in accordance with paragraph 9 of Government Decision No. 967/2016. Similarly, it cannot be assessed, from the published data, whether the notice has been disseminated through the existing media or online tools. However, in the focus group discussions, the participating CPAs have confirmed they use these methods of dissemination of targeted and general information.

From the focus groups conducted with CPA representatives, it becomes clear that the central authorities have mixed experiences in implementing this transparency stage: NFSA described it as very useful, noting that economic agents provided proposals for the future draft. MF reported some interaction with stakeholders on most important drafts, but little to no engagement for less significant ones, while MJ and MM reported an almost complete lack of interaction at this stage, meaning they received little to no recommendations from stakeholders.

4.2. Stakeholder consultation

Article 12(2) of Law No. 239/2008, a confusion regarding the draft decisions can be observed. The mentioned provision states that “the deadline for submitting recommendations **on draft decisions** shall be at least 10 working days from the date of the announcement on the initiation of the decision-making process...”. However, the notices on the initiation of the decision do not contain the draft decisions themselves, only the announcement on the intention to initiate them. Consequently, no recommendations on such draft could be made at this stage, since the drafts do not exist yet. The feedback from the State Chancellery on the issue was in line with this finding: „The phrase “on draft decisions” is redundant. This article should only indicate the deadline for submitting proposals/recommendations—10 working days—both at the initiation stage and during the public consultation stage.”

According to Article 8 b) of the Law No. 239/2008, making the draft decision and related materials available to interested parties is a compulsory step in ensuring transparency of the decision-making process. Public access to the draft decision is ensured by Article 10 of the same Law, which stipulates that the public authority must provide access to the draft decisions and related materials by publishing them on the official website of the public authority, making them available at the premises of the public authority, as well as by sending them by mail or other available means, upon request.

The procedures related to the access to draft decisions are closely linked to those of public consultation. Article 10 b) of the same Law states that the draft decision and related materials shall be placed on the official website of the responsible public authority *at least for the period of receipt and examination of the recommendations*. According to paragraph 5 of the Government Decision No. 967/2016, the public authority shall ensure access to the draft decisions and related materials through compulsory publication on its official website as well as on the www.particip.gov.md platform. Additionally paragraph 14.1 of the Government Decision No. 967/2016, requires that the draft decisions and related materials must be published in the compulsory transparency sections of the institutional websites of the public authorities. The way in which the stakeholders can access the draft decision must be specified in the notice regarding the public consultation, according to paragraph 18.4 of the mentioned Government Decision.

In order to assess whether these provisions are respected, public consultations notices for the above referred to draft decisions, were randomly examined (Table 5). It must be noted that the legal-regulatory framework obliges authorities to publish information on multiple sources, including making it physically available at their premises or, upon request, by mail.

Table 5. Compliance with the provisions of the p. 5 of the GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Complies with the provisions of the paragraph 5 of the GD 967/2016 on the publication of the draft decisions and related materials on particip.gov.md	Yes*	Partially (without related materials)*	Yes*	Yes*	Yes*	Yes*	Yes	Yes	Yes*	Yes*

Source: elaborated by authors based on the data available on particip.gov.md, 2023

* The asterix marked CPAs have the particip.gov.md module embedded in the transparency compartments of their websites, which allows them to comply with the legal provisions requiring mandatory publication of the draft decisions on institutional websites if they are posted on particip.gov.md.

gov.md. Among the CPAs that do not have the module embedded on their websites, MJ posted the materials on its website, while PPA did not, for 2023.

The general conclusion drawn from the table above is that the analyzed CPAs are rather compliant with p.5 of the Government Decision No. 967/2016 regarding the mandatory publication of the draft decisions and related materials on particip.gov.md. It is important to note that the conclusions resulting from the above table are based on a random verification of compliance with relevant legal provisions. Additionally, the data published by the analyzed CPAs or those reported to the State Chancellery, do not allow for an assessment of the legal provisions requiring the authorities to publish on multiple sources, including making it available physically at their respective premises or, upon request, by mail.

According to Article 12 (4) and 3(4) of the Law no. 239/2008, the CPAs, as authors of decision drafts, "...shall consult citizens, legally established associations, other interested parties regarding draft legislation, administrative acts that *may* have social, economic, or environmental impact (on lifestyle and human rights, on culture, health, and social protection, on local communities, public services). The provision is ambiguous as, it allows for significant political discretion. Depending on the existing political will, numerous draft decisions could be without great difficulty interpreted as not having such impact as described under the aforementioned article. The same ambiguity and potential for latitude in interpretation can be encountered in the Article 7 (1)(e) of the same Law that states that public authorities „*are obliged, where appropriate, to take the necessary measures to ensure opportunities for the participation of citizens, legally constituted associations, and other interested parties in the decision-making process, including by... consulting the views of all parties interested in the examination of draft decisions, in accordance with this law*”. The way this provision is formulated permits an interpretation that public consultations are not mandatory and should therefore be revised.

Public notification regarding upcoming consultations is stipulated as a principle of ensuring transparency in decision-making through Article 5 a) of Law No. 239/2008. Article 11 of the Law outlines the methods for consulting stakeholders (public debates, public hearings, public opinion polls, referenda, obtaining expert opinions, setting up permanent or ad hoc working groups with the participation of civil society representatives). Meanwhile, Article 23 provides additional methods, such as: soliciting the opinions of civil society, experts, professional associations, and academia; setting up permanent working groups - consultative platforms within the central public administration authority; establishing ad-hoc working groups; organizing public debates; holding public hearings; conducting public surveys; and other forms of public consultation. At the same time, paragraph 18 of the Regulation adopted through Government Decision No. 967/2018 stipulates that public consultation announcements must include the justification for the necessity to adopt the decision; announcement publication date and the deadline for submitting recommendations; the means in which interested parties can access the draft decision; the method of public consultations; the manner in which interested parties can submit recommendations; the names and contact details (telephone number, e-mail address, mail address) of the persons responsible for receiving and reviewing recommendations on the consulted draft decision. To illustrate how these provisions are respected in the notices published on particip.gov.md, we will analyze the same randomly selected decision-making processes reviewed earlier:

Table 6. Compliance with p. 18 of the Regulation adopted by GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Complies with the provisions of paragraph 18 of the Regulation adopted through GD 967/2016 regarding the publication of the justification of the necessity to adopt the decision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Complies with the regulation adopted through GD 967/2016 regarding the specification of the notice posting date and the deadline for submission of recommendations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Complies with the provisions of paragraph 18 of the Regulation adopted through GD 967/2016 regarding the publication of the method in which interested parties can access to the draft decision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Complies with the provisions of paragraph 18 of the Regulation adopted through GD 967/2016 regarding the announcement of the specific methods of conducting public consultations to be used	No	No	No	No	Yes**	No	No	No	Yes**	Yes**
Complies with the provisions of paragraph 18 of the Regulation adopted through Government Decision 967/2016 regarding the publication of the method in which interested parties may submit recommendations	No	No	No	No	Yes	No	Yes	No	Yes	Yes
Complies with the provisions of paragraph 18 of the Regulation adopted through GD 967/2016 regarding the publication of the names and contact details of the persons responsible for receiving and reviewing recommendations on the consulted draft decision.	<u>No</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>	<u>No*</u>

Source: authors based on data available on <https://particip.gov.md>, 2023

*The asterisk-marked data, indicates that although all the relevant CPAs included the name, phone and e-mail of the points of contact, their announcements were technically noncompliant with the legal provision since they did not indicate the postal address of those persons, as requested by the Government Decision.

** Data marked with double asterisk indicates that, although the respective CPAs did not specifically specify the method of conducting the consultations, the mention included in the notice about the possibility to send recommendations to the provided points of contact can be interpreted as pointing to the legally prescribed method soliciting opinions from civil society, experts, professional associations, and academia.

A confusing provision in the Regulation adopted through Government Decision No. 967/2016, is found in point 19, which states that the notice (it doesn't say which one) must be published within 15 days from the initiation of the decision-making process. It appears that this provision refers to the notice about the intention to draft a decision, but the other provisions of the Regulation, both before and after this one, refer to the consultation stage, leading to confusion.

Article 11 of the Law No. 239/2008 states that individual citizens and CSOs can propose the initiation of public consultations and that the authorities cannot refuse public consultation of a draft decision in such a case. The extent to which this provision is respected could not be verified based on the publicly available or reported data. The feedback of the State Chancellery on this matter was that „If a citizen or a CSO would request, through particip.gov.md, the organisation of a public consultation meeting on a draft, the authoring authority is obliged to validate the message and make it publicly visible on the public part of the portal”.

Article 12(7) of the Law No. 239/2008 stipulates that for those notices of intention to initiate the decision-making process that receive no recommendations, the public authorities may choose not to subject the draft decisions to public consultations and adopt them directly. However, in this case, they are required to publish an announcement on their website explaining why public consultations were deemed unnecessary, even in the absence of recommendations following the notice of intent. No such announcements as referenced in Article 12(7) were identified on the websites of the analyzed CPAs.

Table 7. Number of notices regarding the initiation process, organized public consultations

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No. of notices regarding the initiation of the decision-making process have been found on particip.gov.md for 2023	75	114	37	94	81	55	61	2	2	8
No. of notices regarding the organized public consultations found on www.particip.gov.md for 2023	63	103	73*	43	59	51	21	29*	1	8
No. of published notices regarding the organized public consultations, according to CPA reported data for 2023	65	136	27	40	80	75	37	36	2	9

Source: elaborated by authors based on the data available on particip.gov.md and CPA reports, 2023

The table above, indicates that the number of notices on the organization of public consultations (440) posted on particip.gov.md is lower than the number reported (507). However, a relatively significant discrepancy is observed only in certain cases.

*In the case of the ME, the number of notices regarding the organization of public consultation published on particip.gov.md is significantly higher than the number of published notices of intention to draft a decision. Upon closer inspection, it appears that a number of such notices of the latter category (initiation) have been published on particip.gov.md under the first category (consultation), underlining the rather prevalent general confusion in this regard. Therefore, the available verifiable

data on the number of notices of both types published by the ME requires a much more detailed, and in-depth analysis before they can be considered reliable for use.

** It is not clear why, in the case of PPA, the number of notices on initiating decisions is significantly below the number of notices on the organization of public consultation. Partially, the situation could have a cause as described above. Additionally, although on particip.gov.md only two initiation notices have been published for 2023, on the old PPA website (old.app.gov.md), approximately twenty such notices can be found.

Article 6 of the Regulation adopted through the Government Decision No. 967/2016 stipulates that the CPAs must adopt internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, and each CPA is required to designate a responsible official to coordinate the public consultation process.

Table 8. *Compliance with Article 6 of the Regulation adopted by GD No. 967/2016*

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, in place in 2023 according to SC's reporting	No	Yes	Yes	Yes	Yes	No ⁸	Yes ⁹	Yes	Yes	Yes
A person responsible for coordinating the public consultation process, designated in 2023, according to SC's reporting	Yes	Yes	No ¹⁰	Yes	Yes	No ¹¹	No ¹²	Yes	Yes	Yes

The table above shows that in 2023 not all the analyzed CPAs respected their obligations to designate a responsible person to deal with the processes related to information dissemination, participation and consultation in decision-making. Similarly, not all CPAs adopted internal regulations, as required by law, although the vast majority had done so by 2023.

Article 10 of the Regulation adopted through Government Decision No. 967/2016 stipulates the obligation of CPAs to inform the stakeholders, both in a targeted, and general manner, about the organization of public consultations, following the same approach as previously described for the notice of initiation of the decision-making. The Regulation stipulates, specifically for CPAs, the possibility to establish permanent consultative platforms, defined as permanent working groups (in accordance with Article 11 (1) of Law No. 239/2008) as a means for information, consultation, dialogue, and active stakeholder engagement. The goal of these platforms is to increase the transparency in the decision-making process within the public authorities and their subordinate structures by fostering participatory and inclusive dialogue. Annex 2 to Government Decision No. 967/2016 states that the platforms shall include stakeholders such as „civil society, academia, other specialized central public administration authorities, social partners and other interested parties“. Although the aforementioned Annex 2 provides a comprehensive regulatory framework for the establishment and application of a unified

8 Such regulations are present though, for 2024.

9 Although the SC report indicates no such regulations exist, they are nonetheless [present](#) on the institutional website.

10 A department is indicated, instead.

11 Although in the SC report the name and contact data of such a person is indicated, still, in the transparency compartment of the MEDD website, no individual is indicated, only of a department.

12 A department is indicated, instead, on the website. Upon closer inspection specific individuals could be identified in an [internal order](#) of the ministry.

approach to creating permanent consultative platforms within the CPAs, neither the aforementioned GD, nor the Law No. 239/2008 explicitly state that establishing such platforms is a legal obligation of the CPAs. Nevertheless, it seems that this is regarded as an informal obligation of the CPAs, given that they report on the status of these platforms to the State Chancellery. According to the data reported by the State Chancellery, the status of the consultative platforms within the analyzed CPAs is as follows:

Table 9. *Consultative platforms at CPA level*

CPAs	No. of reported platforms	Consultative platforms	Comments
MLSP	0	n/a	<p>No platforms have been reported by the MLSP for 2023, however for 2024, such data was posted on the following consultative platforms:</p> <ul style="list-style-type: none"> – Working Group of the Permanent Consultative Platform on Gender Equality, Preventing and Combating Domestic Violence, Preventing and Combating Trafficking in Human Beings and Rehabilitation of Victims of Crime. – Working Group of the Permanent Consultative Platform in the field of labor – Working Group of the Permanent Consultative Platform in the field of social protection – Working Group of the Permanent Consultative Platform in the field of demography.
MF	0	n/a	<p>No platforms have been reported by the MF for 2023, however in 2024 posted data indicate two platforms: Accounting and Financial Reporting Board; Public Internal Financial Control Board. There is no information posted in the relevant section of the institutional website regarding the activities, membership, or functioning of these platforms.</p>
ME	0	n/a	<p>No information available in the relevant section of the institutional website.</p>
MER	1	The Consultative Platform of the MER	<p>The transparency section of the MER website does not have any information regarding the platform activities of the. The transparency report submitted to the State Chancellery does not include information on the platform's activity for 2023.</p>
MIA	1	Permanent consultative platform of the MIA	<p>The Regulation on the organization of the Permanent Consultative Platform's activities within the Ministry of Internal Affairs (MAI), including its composition, was approved through a Ministerial Order No. 439/2023 on ensuring transparency in the decision-making process within MAI. This document is published on the official website of the ministry, in the „Transparency“ section, subsection „Regulatory Norms“, subsection „Normative acts regulating the consultation procedure in the decision-making process.“</p>

MEDD	4	<ul style="list-style-type: none"> – Consultative platform on International Economic Co-operation – Consultative platform on Economic Policy and Business Environment – Consultative platform on Quality and Market Surveillance and Consumer Protection Infrastructure – Consultative platform on Information Technology and Digital Economy, Cyber Security and Electronic Communications <p>No information on the activities of the platform</p>	No information regarding the existence or activity of these platforms could be identified in the transparency section of the MEDD institutional website. However, a 2018 order contains some details on the creation of a working group tasked with ensuring the transparency in the decision-making process which also includes representatives from the business community and CSOs. Therefore, it is impossible to assess the way in which these platforms operate within the MEDD. No such information is included in the MEDD 2023 transparency report.
MJ	2	<ul style="list-style-type: none"> – Consultative council – Anti-corruption platform 	The Ministry of Justice (MJ) website does not provide information regarding the membership of the two platforms, although there is information about 5 meetings of the Consultative council in 2023. The MJ transparency report for 2023 indicates 7 such meetings, as well as the number of participants in them and the number of the draft's decisions examined.
PPA	0	n/a	No information found on the respective section on the institutional website.
NFSA	1	n/a	One such platform was created in 2023, and the data on the website confirm the implementation of an internal order regarding its establishment and the list of its members (including representatives of the business community). However, no information is provided about the platform's activity. The 2023 NFSA transparency report indicates, however, that 2 such meetings of the platform were held that year, with two draft decisions being discussed.
NMIC	1	Working group to improve the funding mechanism for prevention and control activities in support of the national TB/HIV response	The membership of the platform is posted online, but there is no information about its activities. The NMIC 2023 annual transparency report does not provide such data either.

Source: authors based on CPA websites and reports on transparency in decision-making in 2023

Based on the table above, it can be concluded that, except for the Ministry of Justice, no other authorities publish information about the work of the consultative platforms on their official websites under the “Transparency in the decision-making process” section, despite being obligated to do so according to article 14 of Annex 2 of the Government Decision No. 967/2016. Therefore, it is impossible to assess whether and how these permanent working groups function, and whether they achieve the objectives outlined in the aforementioned annex: 1) to strengthen the authority’s dialogue with stakeholders in the decision-making process; 2) to increase stakeholder input in finalizing the draft decisions discussed. Based on the additional data derived from the figures reported by CPAs in their annual transparency reports, no sound conclusion can be drawn about the activity of these platforms in terms of facilitating the transparency of decision-making processes. The feedback from the State Chancellery on the matter was that “the lack of information about activities is explained by the fact that the vast majority of these platforms were institutionalized in the second half of 2024”.

4.3. Analysis and review of stakeholders’ recommendations

According to Article 7d) of Law No. 239/2008, the CPAs are obliged, to receive and analyze recommendations from citizens, CSOs, and other interested parties to use them in drafting decisions, while the examination of the recommendations is described in Article 8d) as a distinct stage in ensuring the transparency of the decision-making process.

Article 12 of the above-mentioned Law describes how the CPAs should deal with the received recommendations, namely that: oral and written recommendations made during the consultations will be reflected in the minutes of the respective meetings, drafted in the established manner (Article 12(1). a). However, the phrasing is somewhat ambiguous as the law does not clarify what „established manner” exactly means. The same can be said about the provision of the Article 12(1). b: „recommendations in written form, received individually including by electronic means, will be recorded in accordance with the legislation”. Compliance with these provisions cannot be verified based on the data reported or published by the analyzed CPAs

Article 12(2) of the Law no. 239/2008, as well as paragraph 26 of the Regulation adopted through Government Decision No. 967/2016 stipulate a deadline of 10 working days given for submitting recommendations during public consultations. The extent to which these provisions are adhered to is illustrated in the table below, which showcases the situation of a randomly selected public consultation procedure organized by each CPA.

Table 10. Compliance with Article 26 of the Regulation adopted by GD 967/2016

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Complies with the provisions of the paragraph 26 of the Regulation adopted through GD no. 967/2016 regarding the deadline of 10 working days given for submitting recommendations during public consultations	No	No	No	No	Yes	No	No	Yes	No	No

Source: authors based on information available on <https://particip.gov.md>, 2023

As in the case of the notices of intent, the CPAs generally gave a deadline of 10 calendar days for submitting recommendations, instead of the required 10 working days, although this conclusion is subject to the earlier mentioned methodological limitations.

Article 12 (4) of the Law No. 239/2008 states that the CPAs shall make both the recommendations and their summaries available to „all citizens“. However, in their reports submitted to the State Chancellery, the CPAs were required to report just the number of decisions for which the “results of consultations”, minutes of proceedings, and summaries of recommendations were published. This appears to be a methodological error since the publication the recommendations, their summaries, and the resulting decisions are all compulsory. Reporting them as a single figure makes it impossible to determine, how many minutes, recommendations, or summaries, were published, which makes the reported data rather unusable.

Table 11. *Number of decisions for which the results of consultations, minutes, synthesis of recommendations have been published*

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
No of decisions for which the results of consultations ¹³ , minutes, synthesis of recommendations have been published (according to CPA reporting to the State Chancellery)	6	6	21	0	25	0	29	36	3	5

Source: *elaborated by authors according to CPA to SC reporting, 2023*

The clarification provided by the State Chancellery on this issue was that “the recommendations are part of the summary of recommendations which contains: the author of the recommendation, the recommendation, the result of its review (accepted, rejected with justification). No Government normative act is accepted for approval if it does not contain a summary of recommendations”

One issue is that the data reported by CPAs to the State Chancellery (table above) refers only to decisions, i.e. the final product of the decision-making process, and does not seem to reflect recommendations received for drafts decisions that have not been adopted, and did not advance beyond the consultation or initiation stage. Article 12(4) of the Law No. 239/2008 which mandates the publication of the recommendations, does not differentiate between recommendations received and the decision initiation stage, and those received during public consultation. Therefore, it seems that all the recommendations should be published, according to the Law no. 239/2008.

Regarding the summary of the recommendations, Article 12 (5) of the Law No. 239/2008 does not establish an explicit obligation for its publication on particip.gov.md, as in the case of notices of intention and consultation. Instead, it states that the summary should be made available „as appropriate“ on the institutional website, at the institution’s headquarters in an open and accessible manner, and in the media. The State Chancellery’s report on CPA’s transparency reveals that, the methods used to inform the public about the “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) include targeted information, publication on the institutional website, and publication on particip.gov.md platform. However, according to

¹³ It is not entirely clear what the expression “results of the consultations” means. It does not seem to mean the decisions adopted following the public consultation process. The expression is employed in p. 14.9 of the Regulation adopted through Government Decision no. 967/2016 and is explained to reflect the “minutes, summaries of recommendations” while the State Chancellery uses it to designate “minutes, summaries of recommendations, additional material”. Therefore, the way in which the State Chancellery reported data is presented in this table is all the more confusing: State Chancellery, *Report on ensuring transparency in the decision-making process by the central public administration authorities in 2023*, p. 21, 22.

data reported by *all* CPAs to the State Chancellery, only 38% of the decisions submitted to public consultations had their “public consultation results” published.

Besides the likelihood that this data may not be entirely accurate, as suggested by the findings above, it is unclear whether they include recommendations received at the stage of announcing the intention to draft the decision. Moreover, the wording in the in the State Chancellery report, suggests that the figures exclude recommendations received on those draft decisions that have not been adopted, for various reasons. Additionally, the law explicitly requires the publication of both the recommendations and their summaries (Article 12 (4), Law No. 239/2008). It remains unclear to what extent this requirement is reflected in the data reported by CPAs to the State Chancellery.

According to Article 12.4 of Law No. 239/2008, the minutes of the public meetings, the recommendations as well as their summary, must be compiled by the relevant authorities (including CPAs) into a dedicated file documenting the decision-making process. The Regulation adopted through Government Decision No. 967/2016, paragraph 31, supplements these provisions by adding that the file should also contain the notice of initiation of the draft decision; the announcement of the public consultation process; the draft decision; and the supporting materials related to the draft decision (briefing notes, other relevant information). Neither the Government Decision, nor the Law specifies the precise way it the authorities should publish these files, although the Law states that the file „related to the preparation of the draft decision shall be accessible to all citizens, legally established associations, and other interested parties”. It can be inferred from paragraph 14 of the aforementioned Regulation (Government Decision no. 967/2016), that these files should be published in the transparency sections of the institutional websites of CPAs.

While the regulation does not specifically mention the file, it does require that these sections include, among other information, the same type of data prescribed for the file of the decision-making process: notices on the initiation of the decision drafting; announcements on the withdrawal of a draft from the drafting process; announcements on the organization of the public consultation; draft decisions and related materials, adopted decisions; and the results of the public consultation (minutes of the public consultation meetings, summaries of recommendations). The situation regarding such files in 2023, was as follows:

Table 12. Compliance with p. 31 of the Regulation adopted by GD No. 967/2016, year 2023

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Publication on the institutional webpage of the file reflecting the decision-making process (as paragraph 31 of Regulation adopted through GD no. 967/2016, p. 31, and art. 12(4) of the Law 239/2008)	No	Yes*	No	No	No ¹⁴	No	Yes*	No	No	No

Source: compiled by authors based on data from CPA websites, 2023

14 During the consultations on the draft version of this report, the position expressed by th MIA was that „the MIA complies with the provisions of point 31 of GD 967/2008 and with the provisions of art. 12 para. (4) of Law 239/2008”. In this context, we mention that the files for the elaboration of draft decisions, which include 1) the notice of initiation of the elaboration of the decision; 2) the notice of organisation of the public consultation; 3) the draft decision; 4) the materials related to the draft decision (informative notes, other relevant information); 5) the minutes of the public consultation meetings; 6) the recommendations received and their summary, are published on the official website of the Ministry of Interior, in the „Transparency” block, in the „draft normative acts submitted for examination to the Government” section. However, under the indicated heading (Transparency/”draft normative acts submitted to the government for consideration”) there is only one sub-heading, namely „results of public consultations”, which refers to a [page](#) on particip.gov.md: there are 9 drafts of decisions submitted for government approval and none for 2023

* Of all the CPAs analyzed only two (MJ and MF) have published information in their website transparency sections in such a manner that could indicate the existence of such files. MF is the best example in this regard, as it has a „[decision-making process](#)” section where it posts all the legally required information, with the exception of the minutes of public consultations sessions. However, for 2023, MF has reported, organizing 9 „public debates” as a consultation method. An identical situation is found at the MJ, that has a [register](#) of the decisions under development, yet no information about the minutes of the public consultation meetings is posted there, although the Ministry reported 25 public debates and 20 meetings of the permanent working group (consultative platform) organized in 2023.

4.4. Ensuring stakeholder participation in the public meetings

The measures that CPAs need to take in order to ensure stakeholder participation in their public meetings are outlined in the legal-normative framework, including in the Law No. 100/2017 on normative acts. Article 13 of the Law No. 239/2008 states that, except in cases where restricted-access information is discussed (as per Article 8 of the Law 148/2023), or when an urgent decision needs to be made, the decision-making sessions must be public.

Regarding the methods for announcing such sessions, the Law is again not precise enough, as it provides several methods that the authorities can choose from, “as appropriate”, for bringing the notice to the public’s attention: 1) on the official website of the public authority; 2) sent by email to interested parties; 3) posted at the public authority’s headquarters in a publicly accessible place; 4) broadcasted in the national or local media. The announcement must include the date, time and place of the public meeting, as well as its agenda¹⁵. The same article specifies that the public meeting announcement shall be made public at least 3 business days before the date of the meeting.

The regulation adopted through Government Decision No. 967/2017 further adds, that the CPAs must publish a justification for those meetings that are to be conducted in closed sessions (p.34), and that media representatives are authorized to attend public meetings and broadcast them online (p. 38). It is worth noting that the legal-normative framework does not specify that information about the organization (or lack of thereof) of decision-making sessions should be posted on CPAs’ official websites, nor on the particip.gov.md portal (the state Chancellery agreed with the finding). This analysis could not verify whether such notices have been sent to stakeholders, posted at the premises of the respective CPAs, or in the media. Therefore, it could only check whether the announcements were published on the authorities’ websites, for the year 2023, revealing the following picture:

Table 13. Compliance with the provision of Article 13 of the Law No. 239/2008

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Compliance with the provision of Article 13 of the Law No. 239/2008, and of paragraph 34 of the Regulation adopted through GD No. 967/2016, on the are public nature of the sessions conducted by public authorities on decision-making	No	No	No	No	No	No	No	No	No	No

Source: elaborated by authors based on webpage of the CPA, 2023

15 The feedback on the SC on this was that the information about the Government sessions is posted on <https://gov.md/ro/advanced-page-type/sedinte-guvern> where the agenda of the meeting and the materials related to the decisions to be approved are published at least 48 hours before the public meeting, transmitted online” and that „Government meetings are open to the public, except in the cases provided for by law concerning the approval of decisions with restricted access”

Although during focus groups, the CPAs stated they ensure the public access to their decision-making meetings, the analysis of their institutional webpages we can conclude that they do not respect the provision of Article 13 of the Law No. 239/2008, and of p. 34 of the Regulation adopted through Government Decision No. 967/2016, regarding the public participation in public authorities' meetings¹⁶. No notices of any such public meetings have been identified, neither for the Government meeting dedicated to the adoption of the draft decisions that the analyzed CPAs have authored, nor for the ministerial or institutional orders that qualify as decisions that need to be submitted to public consultations according to Article 2 of the Law No. 239/2008¹⁷, or according to Article 3.4 stating that the scope of the Law includes also „draft legislative and administrative acts that may have a social, economic or environmental impact“. Maybe no such notices are posted because the analyzed CPAs believe they are exempt from implementing these transparency provisions, under Article 3.5 of the same Law stating that „the provisions of this law shall not apply... in the process of holding operational meetings convened by the heads of the respective public authorities“. If such is the case (although it is unclear what, from a legal perspective, „an operational meeting“ is, as for instance, no such definition is included in the Regulation of the Government - Government Decision No. 610/2018), then the CPAs are, from this standpoint, in a clearly privileged position compared to local public authorities. The feedback of the State Chancellery on this finding was that „Draft normative acts prepared by the CPAs are submitted for approval to the Government, the Parliament or the President of the Republic of Moldova.“ This feedback, nonetheless, does not clarify the question of how many ministerial meetings at which ministerial orders that qualify as normative acts under Government Decision 100/2017¹⁸ are adopted, are open to the public.

4.5. Informing the public about decisions made

Informing the public about the decisions made is emphasized in the Law No. 239/2008 as a key step in ensuring the decision-making transparency (Article 8(e)). It is worth noting is that this provision does not refer specifically to those decisions made because of public consultations, but, rather to all decisions in general. A similar provision is made in paragraph 14.7 of the Regulation adopted through Government Decision No. 967/2016, stating that the decisions adopted shall be made public in the transparency sections of the official websites, although, based on the context, the paragraph could be interpreted as referring to those decisions adopted following public consultations. The situation regarding the publication of adopted decisions in the transparency sections of the official websites is as follows:

Table 14. Presence of the adopted decisions in the transparency sections of the institutional websites

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Presence, for 2023, of the adopted decisions in the transparency sections of the institutional websites of the analyzed CPAs, for 2023	No	Yes	No	No	No	No	No	No	No ¹⁹	No ²⁰

Source: developed by authors based on webpage of the CPAs, 2023

- 16 The feedback of the State Chancellery on this finding was that „Here it is necessary to divide the meetings where decisions are taken which fall within the competence of the authority and the decisions which the authority forwards to higher hierarchical bodies for approval. This is very important for the accuracy of subsequent recommendations to amend legislation.“
- 17 „decision – a legal act adopted by public authorities falling within the scope of this Law“
- 18 „normative act – a legal act adopted, approved or issued by a public authority, which is public, binding, general and impersonal and which establishes, amends or repeals legal rules governing the creation, modification or termination of legal relations and which are applicable to an indeterminate number of identical situations“
- 19 Related to NFSA, it is worth noting that although it did not publish decisions in the transparency compartments, it did, however, publish [numerous decisions \(including internal orders and dispositions\)](#) in another compartment of its website.
- 20 NMIC has published 1 GD and 3 orders for 2023, though it seems unlikely that that was the total number of orders/dispositions issued for the year.

The table above shows that, except for the MF, no other analyzed CPA publish the decisions in the transparency section of their official websites. Regarding MF, it is not clear whether all decisions adopted as a result of public consultations, are posted in the respective sections.

Article 15 of the Law No. 239/2008 states that “Public authorities shall ensure access to adopted decisions by publishing them as prescribed by law: by placing them on their official website, displaying them at their premises in a publicly accessible space and/or by broadcasting them in the national or local media, as appropriate, and by other means established by law”. The provision seems to be straightforward in the sense that it refers to all decisions adopted by authorities, and not only those that have been subjected to public consultations. Again, the implementation of this provision could not be verified regarding the posting at the CPAs premises, or in local media. However, the analysis of the official CPAs’ websites using both manual searches as well as the websites’ own search tools, yielded the same conclusions as for the table and paragraph above. This was even though, during focus groups, all the participating CPAs representatives have reported that the information about adopted decisions is published on their official website. The institutions doing the best in this regard seem to be the MF and NFSA. The State Chancellery’s feedback on this finding was that „the provision is already obsolete. The normative acts are publicly available on legis.md, monitorul.gov.md or actelocale.gov.md. Here we need to find a solution for citizens who do not use the Internet as a source of information.” To this observation, it can be replied that a solution satisfying absolutely all needs can never be identified, but digital and online solutions offer the biggest potential for benefitting most stakeholders, both from a transparency and efficiency motivated perspectives.

To provide a mechanism for publishing the decisions adopted following public consultation, paragraph 33 of the Regulation adopted through Government Decision No. 967/2016 refers to paragraph 7 and, additionally, to the Law No. 982/2000 on the information of public interest, now repealed and replaced with the Law no. 148/2023 on the access to public information. The latter, however, does not specify how such decisions should be published, therefore paragraph 33 of the Regulation adopted through Government Decision No. 967/2016 needs revision. Regarding paragraph 7 of the Regulation mentioned above, it refers to the lists of stakeholders, and this analysis could not verify whether the decisions of the analyzed CPAs have been sent to the actors included in the stakeholders’ list.

Article 14 of the Law No. 239/2008 states that, if necessary, CPAs can adopt decisions in an urgent manner, provided that the justification is made public no later than 10 working days before the decision is adopted of, by placing it on the public authority’s website, by displaying it at its premises in a publicly accessible location and/or by broadcasting it in the national or local media, as appropriate. The provision is rather vague, and this analysis could not verify whether such announcements were posted at the authorities’ headquarters or broadcasted in the media. It could only verify the institutional website, by analyzing posts for 2023, manually and using the search engines on the institutional websites.

Table 15. Decisions adopted urgently

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
Decisions adopted as a matter of urgency, as reported by the CPAs to State Chancellery	0	2*	0	37*	6*	2*	0	0	0	0
Notices on urgent decisions on institutional websites posted according to Article 14 of the Law No. 239/2008	0	0	0	0	0	0	0	0	0	0

Source: developed by authors based on reports by the CPA to SC, 2023; CPAs webpages

* Regarding MIA, no such notices could be found on its website to confirm the figure reported to the State Chancellery. The MEDD has reported that, for the two decisions it adopted as a matter of urgency, the notice was published, yet no such notices were identified on its institutional website for 2023, and an identical situation is found with for MF. The MER has reported that no legally required notices have been posted for 37 decisions adopted as a matter of urgency. The methodological limitation here is related to the fact that the search of those notices decisions was conducted manually, or through the search engines of the respective websites.

4.6. Preparation and publication of reports on transparency in decision-making

The frequency and the content of the transparency reports are outlined in the Article 16 of the Law No. 239/2008, that prescribes that the reports should contain a) the number of decisions adopted by the respective public authority during the reference year; b) the total number of recommendations received in the decision-making process; c) the number of consultative meetings, public debates and public meetings organized; d) the number of cases in which the actions or decisions of the public authority were challenged for non-compliance with this Law and the sanctions applied for the violation of this Law. The same article states that the transparency reports should be published no later than the end of the first quarter of the year immediately following the reference year. For 2023, all the analyzed CPAs have published transparency reports. As for the extent to which the reports comply with the legal provisions, the situation is as follows, based on the data from those reports:

Table 16. *Transparency reports*

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
The total number of decisions adopted by the respective public institutions	Partially	Partially	Partially	Partially	Yes	Partially	Partially	Partially	Yes	Partially
The total number of recommendations received in the decision-making process	yes	yes	yes	yes	Yes	yes	yes	No	yes	yes
The number of consultative meetings, public debates and public meetings organized	yes	yes	yes	yes	yes	yes	yes	No	yes	yes
The number of cases in which the actions or decisions of the public authority were challenged for noncompliance with this Law and the sanctions applied for the violation of this Law	0	0	0	0	0	0	0	0	0	0
Report published within the established deadline	unk	unk	yes	yes	unk	unk	unk	unk	unk	yes

Source: *developed by authors based on CPA reports, 2023*

The table above, shows that only MIA and NFSA include in their transparency reports the total number of decisions made, while the rest of the analyzed CPAs publish, for unknown reasons, only those figures related to Governmental Decisions and provisions, parliament laws, and presidential decrees.

At the same time, because the majority of these reports are published without a date, some even as *.docx files, it is impossible to verify when they have been published and, thus, if the legally prescribed publication deadline has been respected.

At the same time, it is obvious that the legally mandated structure of the report is reflecting only a small portion of the legal provisions that the CPAs must follow to ensure, from a legal standpoint, the transparency of the decision-making processes. The State Chancellery, however, employs a more detailed template of the report, that the CPAs use to submit transparency-related data to the State Chancellery. That template, however, does not reflect all the CPAs' legal obligations regarding the discussed aspects, and, more than that, does not provide references (links) to the data supporting the figures in these reports.

Table 16(a): Transparency compartments

CPAs	MLSP	MF	ME	MER	MIA	MEDD	MJ	PPA	NFSA	NMIC
The presence, for 2023, on the institutional website of the section dedicated to transparency in decision-making (paragraph 14 of the Regulation adopted through GD no. 967/2016):	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Internal rules regarding the procedures for preparation, information, consultation, participation and decision-making, in place in 2023 **	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
A person responsible for coordinating public consultation process, designated in 2023 **	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
Quarterly/annual programmes for the preparation of draft decisions, indicating which draft decisions shall be subject to mandatory public consultation;	Partially ²¹	Yes	Partially ²²	Partially ²³	Yes	Yes	Yes	Yes	No ²⁴	No ²⁵
Notices of initiation of the decision*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

21 The Programme does not indicate what decisions had to be publicly consulted.

22 The Programme does not indicate what decisions had to be publicly consulted.

23 Only for the 2nd semester of 2023)

24 Although the NFSA reported to SC this legal provision as implemented, and although the CPA has reported a detailed action plan for 2023, yet that plan does not specify the precise normative acts it intended to work upon in 2023, nor any public consultations to be held for those decisions. Additionally, although the link to that report, the document itself cannot be found in the Transparency compartment, but seems to be uploaded [somewhere else](#).

25 Although NMIC reported to the SC in 2023 that the plan was published, the link [seems not to be working](#), while in the [relevant compartment](#) of the website, the Plan is missing for 2023.

Notices of the withdrawal of a project from the drafting process****	No (0) ²⁶	No (0) ²⁷	No (0) ²⁸	No (0) ²⁹	Yes (1) ³⁰	Yes (2) ³¹	No (0) ³²	No (0)	No (0) ³³	No (0)
Notices on the organization of the public consultation*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Partially ³⁴	Yes	Yes
Draft decisions and related materials, as well as adopted decisions*	Partially ³⁵	yes	Partially ³⁶	Partially ³⁷	Partially ³⁸	Partially ³⁹	Partially ⁴⁰	No	Partially ⁴¹	Partially ⁴²
The results of the public consultation (minutes of public consultation sessions, summary of recommendations)***	No	No	Partially	No	Partially	No	Partially	No	No	No
The public authority's annual report on the transparency of the decision-making process.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

* For the asterisk-marked rows, the information has been presented in the relevant sections of this report (Table 1, 5, 6), and the conclusions related to the CPAs that have embedded in their website the particip.gov.md module. The MJ has posted such notices manually on its website. PPA has posted only a notice for 2023, although the situation has improved significantly for 2024, and for 2023 the information

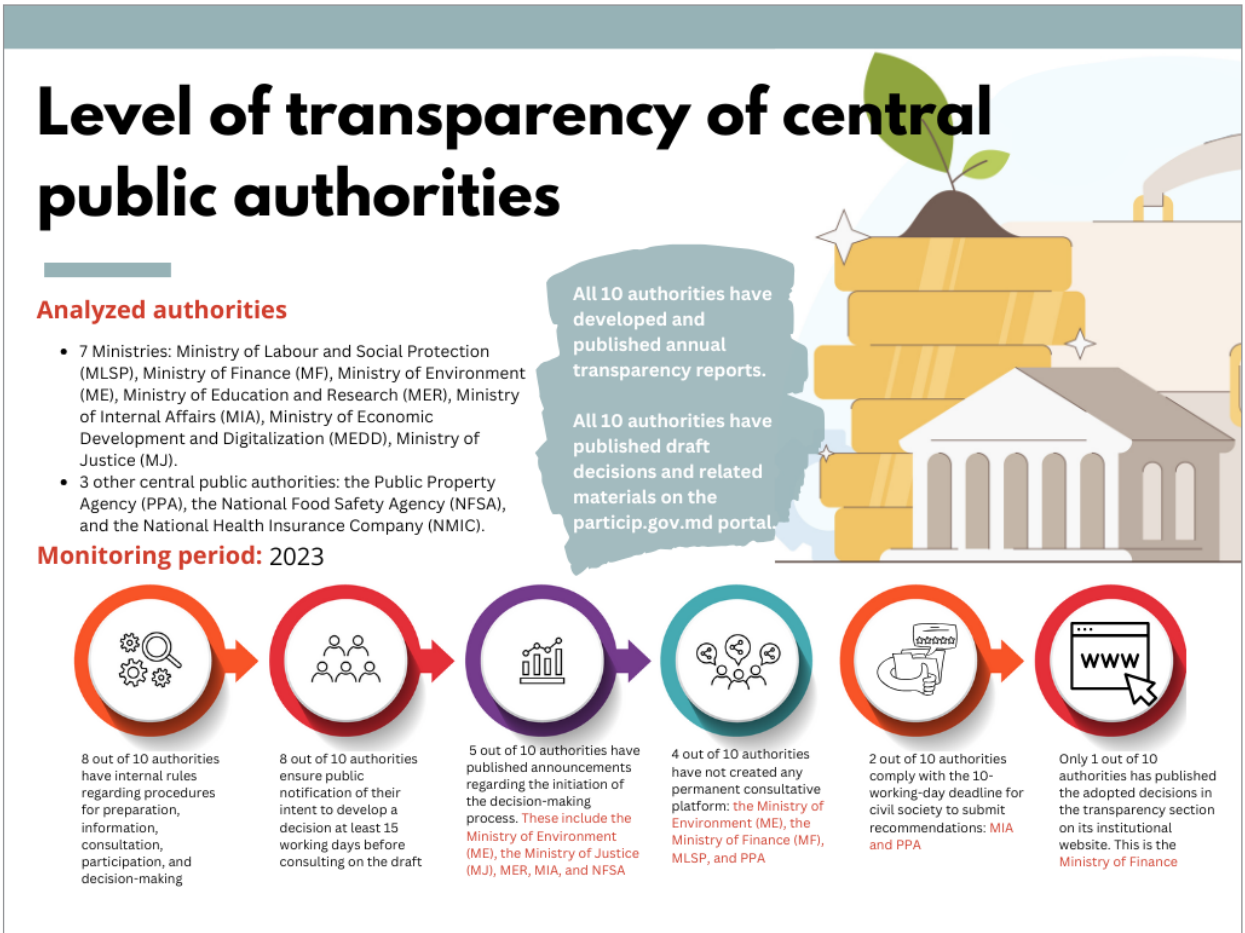
- 26 Although, according to data reported by the MLSP to SC, there have been 2 such notices posted in 2023, [in the transparency compartment](#) of their institutional website no such notices could be identified for that year. Additionally, MLSP does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.
- 27 Although, according to data reported by the MF to SC, there have been 2 such notices posted in 2023, [in the transparency compartment](#) of their institutional website no such notices could be identified for that year. Additionally, MF does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.
- 28 ME does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions
- 29 MER does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.
- 30 Although the SC report states that such notices have been placed by the MIE for 2023, only 1 is available on the institutional website for that year.
- 31 Although the figure based upon SC reporting is 0, there are two such notices in the relevant [subheading](#) of the transparency compartment of the institutional website, nevertheless, it is impossible to determine if they are from 2023, since their publication date is not specified.
- 32 MJ does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions.
- 33 NFSA does not have a special subheading in the transparency compartment for such notices of withdrawal from public consultations of draft decisions. .
- 34 A single notice for 2023 on the institutional website, nevertheless more are available on old institutional website that is still online (old.ppa.gov.md)
- 35 No adopted decision published in the transparency section by MPPS.
- 36 No adopted decision published in the transparency section by MM.
- 37 No adopted decision published in the transparency section by MEC.
- 38 No adopted decision published in the transparency section by MAI.
- 39 No adopted decision published in the transparency section by MDED.
- 40 No adopted decision published in the transparency section by MJ.
- 41 No adopted decision published in the transparency section by ANSA, although compared with other CPAs, ANSA published [many adopted decisions](#) for 2023 in a different section of its official website.
- 42 No adopted decision published in the transparency section by CNAM.

referred to in the marked rows have been posted on the particip.gov.md platform. However, some more notices are present on the old website of the PPA (old.app.gov.md)

** The information in the asterisk-marked rows was explained in the respective sections of this report (Table 8).

*** Here it is unclear whether the relevant information has been published by the analyzed CPA for all types of results of public consultations, and for all types of decisions (Government decisions, internal orders resulting in normative acts of the CPAs). For instance, on its webpage, the MJ has posted 21 entries with the summaries of the recommendations from public consultations. However, all of those entries refer only to draft Governmental decisions, and none to ministerial orders resulting in normative acts. At the same time, none of the entries include minutes of any public consultations (including those held in the framework of the existing institutional Consultative platforms). For those CPAs that have incorporated the module particip.gov.md module into their website, we have, used the method of random verification of a single entry to determine whether the results of the public consultations are made public. This limitation should be considered when assessing the conclusions. The recommendations summaries were automatically searched on particip.gov.md, for each CPA, using the relevant search filters, although it cannot be excluded that, in some cases, some of the concerned CPAs did not tag the files correctly.

**** The data in this row (marked with four asterisks) is based upon figures reported by CPAs to State Chancellery, and additionally verified on the institutional website. The particip.gov.md platform does not have a category/filter that would enable automatic verification.



5. IMPLEMENTATION OF LEGAL PROVISIONS ON DECISION-MAKING TRANSPARENCY BY LEVEL II LOCAL PUBLIC AUTHORITIES

5.1. Informing stakeholders about the initiation of the decision-making process and providing access to the draft decision and related materials

Law No. 239/2008 states that LPAs, must follow the principles outlined in Article 5 when initiating the decision-making process. The principles of transparency of the decision-making process include a) properly informing citizens, legally established associations, and other interested parties about the initiation of the decision-making process and about the public consultation on the respective draft decisions; b) ensuring equal opportunities for citizens, legally established associations, and other interested parties to participate in the decision-making process.

Article 8 outlines the stages required to ensure transparency, including point a) informing the public about the initiation of the decision.

Article 9. The notice on the initiation of decision drafting mentions the following 3 key requirements:

(1) After initiating the decision-making process, the public authority shall, at the latest within 15 working days, publish the respective notice on its official website, send it immediately by email to interested parties, display it at its premises in a publicly accessible place and/or disseminate it in national or local media, as appropriate."

(2) The notice on the initiation of decision drafting shall include the following mandatory elements:

- a) justification for adopting the decision.*
- b) the deadline, location, and way interested parties may submit recommendations*
- c) contact details of the persons responsible for receiving and reviewing the recommendations (name, phone number, and email address).*

(3) The notice on the initiation of the decision drafting may be removed from the official website of the public authority only after the decision is adopted or the draft decision is withdrawn from the decision-making process.

Government Decision [No. 967/2016 "On the mechanism for public consultation with civil society in the decision-making process"](#), provides in Chapter II Transparency of the decision-making process, Section 1 Information in the decision-making process, the following:

10. General and targeted information shall be mandatory when announcing the initiation of the development of the draft decision and the organization of all public consultations.

13. The public shall be informed about the initiation of the preparation of draft decisions at least 15 working days before the draft decision is open for consultations by the authoring subdivision of the public authority.

14. In order to facilitate the access of interested parties to information on the decision-making process within the public authority, their official website should have dedicated sections on transparency of decision-making shall, where information is published regarding:

4) notices on the initiation of the decision drafting.

[Government Decision No. 672/2017](#) On the Approval of Regulations Regarding the State Register of Local Acts, stipulates in Chapter IV Requirements towards acts included in the register, p. 18, that the acts issued by the local public administration authorities and included in the Register shall comply with the rules in force regulating the initiation, drafting, issuance and enforcement of such acts, as well as with the requirements established in the field of secretarial work in the local public administration bodies.

Government Decision No. 967/2016, art. 14 provides that “to facilitate stakeholders’ access to information on the decision-making process within the public authority, their official webpage should have sections dedicated to decision-making transparency, where information on several aspects shall be placed, including 1) *internal rules* on the procedures for information, consultation and participation in the decision-making process” etc. Out of the 6 district councils evaluated, we can mention that all the district councils (DCs) have on their webpage sections dedicated to decision-making transparency, except for the Nisporeni DC. At the same time, 3 DCs (Briceni, Soroca, and Nisporeni), do not have on their website’s internal regulations regarding the procedures of information, consultation, and participation in the decision-making process.

In addition to the basic binding legislation, the internal regulations state that district councils use various methods to inform the public about the initiation of decision-making. According to these regulations, authorities should frequently publish information on their official websites, serving as centralized platforms for relevant updates. These methods are essential for promoting transparency, encouraging public participation and ensuring that citizens are informed and can actively participate in local governance.

The table below (Table 17) illustrates the situation in 6 DCs (Briceni, Soroca, Strășeni, Nisporeni, Căușeni, and Basarabeasca) regarding the public information practices about the initiation of the decision-making processes (one row includes data from the reports on ensuring the transparency of the decision-making process, and another row includes data from the official websites of local councils).

The annual reports on transparency in the decision-making process indicate that only 3 district authorities (Briceni, Căușeni, and Basarabeasca) out of the 6 analyzed, have published data on the number of notices regarding the initiation of decision making (the reported data being quite low (9, 2, 7 respectively)).

Based on the analysis of the 6 DCs, it can be concluded that the district authorities neglect this stage and do not publish information about the initiation of the development of decisions. On the official web pages, such initiation notices were found only for 3 DCs (Soroca, Strășeni and Basarabeasca). However, all 6 DCs constantly update their websites with details on the decision-making process. This practice ensures that citizens can easily access information, consult the initiation of decision-making, draft decisions published by the authorities, and get involved in the decision-making process.

In contrast, the website of Nisporeni District Council is less user-friendly and does not have a dedicated section for decision-making transparency with relevant subsections. As a result, finding information is very difficult, sometimes even impossible for citizens, civil society representatives, and stakeholders. This reduces the opportunities for public participation in the decision-making process and violates Article 14 of Government Decision No. 967/2016 on the mechanism of public consultation with civil society in the decision-making process.

Thus, only one District Council (Basarabeasca) out of the 6 analyzed, in 2023, published complete information both in the reports on ensuring the transparency of the decision-making process and on

the webpage regarding the information process on the initiation of the decision-making. In most cases, district authorities go directly to the next step - making the draft decision and its related materials available to stakeholders.

Table 17. *The situation regarding the public information process about the initiation of decision-making*

	Briceni	Soroca	Strășeni	Nisporeni	Causeni	Basara-beasca
Notices regarding the initiation of the decision drafting (2023), according to the reports	9	There are no such data in the report	There are no such data in the report	There are no such data in the report	2	7
Notices regarding the initiation of the decision drafting (2023) according to the official web pages	No such announcements were found on the web page	10	6	No such announcements were found on the web page	Only decisions are published	7
Means of information	web page ⁴³	web page ⁴⁴	web page ⁴⁵	web page ⁴⁶	web page ⁴⁷	web page ⁴⁸

Source: authors, based on reports on transparency in decision-making and data available on official websites, 2023

It is noted that the district authorities fail to comply with the requirement to develop an annual programme for drafting decisions. Out of the 6 level II LPAs analyzed, only Strășeni District Council published the annual programme for drafting decisions for 2023 on its website, while Basarabeasca District Council published the programme for the development of draft decisions for the first quarter of 2023 (see Table 18).

Table 18. *The situation on the development of the annual programme for drafting decisions*

Briceni, Soroca, Nisporeni, Căușeni	On the official pages, there is no annual/quarterly programme
Basarabeasca	Decision-making programme for the first quarter of 2023 Programmes for development of draft decisions District Council Basarabeasca
Strășeni	Annual program of draft decisions for 2023 , prepared on the basis of Decision No 6/25 of November 18, 2022, comprising for 2023 - 7 draft decisions

Source: drafted by authors based on the LPAs level II official websites, 2023

43 [Report on transparency in the decision-making process for the year 2023.pdf \(briceni.md\)](#)

44 [Report on Insurance transparency in process decision-making of Aparatului of the President of the district and subdivisions subordinate Council rayon Soroca for year 2023 \(org.md\)](#) On the website there is a separate column related [Announcement by initiation a projects de decision \(org.md\)](#)

45 [raportu privind asigurarea transparenței proces decizional 2023 657153.pdf \(crstraseni.md\)](#) and On the webpage there is a separate linked column [Announcements on the initiation of decision making | Rayon Council of Strasen - Republic of Moldova \(crstraseni.md\)](#)

46 [Official website of Nisporeni Rayon Council](#) and [report-report-on-transparency-in-decision-making.docx](#)

47 [Report on ensuring transparency in decision-making in the Causeni District Council for the period 2023 - Causeni District Council \(causeni.md\)](#) and [Projects by Decisions - Council Raional Causeni \(causeni.md\)](#)

48 [Report on ensuring the transparency of the decision-making process | Basarabeasca Rayon Council](#) and on the webpage there is a separate column related [Announcements by initiation | Council Council Basarabeasca](#)

Prior to the elaboration of programmes, DCs should conduct surveys, focus groups, meetings, research, ex-ante analysis, etc., in order to identify the needs, problems and solutions perceived by all stakeholders (citizens, civil society organizations, level I LPAs, economic agents, media, etc.) (Government Decision No. 967/2016, p.18). The reasons behind these issues may vary: DCs consider this stage unimportant, lack of human and financial resources, lack of capacities and knowledge (in planning, ex-ante analysis, etc.), but also insufficient capacities and limited involvement of the stakeholders mentioned above.

The process by which district public authorities in the Republic of Moldova - especially in districts such as Briceni, Soroca, Strășeni, Nisporeni, Causeni, and Basarabeasca - make available to stakeholders the initiation of decision-making, draft decisions, and related materials on their websites is a key aspect of promoting transparency, accountability and citizens' involvement in local governance. This process usually involves several essential steps, ensuring that stakeholders are informed and have the opportunity to express their views before decisions are taken.

A key stage is the preparation of draft decisions by local public authorities. This stage often involves internal consultations within the authority, where different departments or units work together to develop proposals to address specific community problems or needs. For example, in the Căușeni and Basarabeasca District Councils, different departments carry out preliminary research and analysis. This approach ensures that proposed decisions are based on accurate data and align with local priorities.

Once the draft decision is prepared, it undergoes an internal review process. At this stage, local authorities hold meetings to discuss the draft, seek feedback from different departments and make necessary revisions. This collaborative effort is essential to ensure that the draft decision is comprehensive and considers multiple perspectives before it is presented to the public. In districts such as Strășeni and Soroca, this internal collaboration often results in stronger proposals that better reflect the community needs.

After the internal review, draft decisions and related materials are made available to the public. Local authorities usually publish these documents on their official websites, creating a centralized platform for all relevant information. In addition to publishing drafts online, LPAs may distribute printed copies in public places such as community centers, libraries, and municipal offices to ensure wider accessibility.

To raise awareness and encourage participation, LPAs notify stakeholders about the availability of draft decisions and related materials. This notification process often includes sending announcements through email lists, making social media posts, and working with local media outlets. By actively promoting the availability of draft materials, local authorities ensure that stakeholders are informed and can participate in the decision-making process. For example, in Soroca Municipality, local officials frequently use social media platforms to share links to draft documents, inviting the public to express their opinions and provide feedback.

“The draft decisions are always sent to us by e-mail, but they are published on the website, on social networks, especially Facebook, and everyone can consult them and give feedback” (interview participant, Soroca district).

According to Article 10 of the Law No. 239/2008 the public authorities are required to ensure access to draft decisions and related materials by publishing them on their official website, by providing access to the authority's premises, as well as by sending them by post or other available means, upon request of the interested person.

The table below (Table 19) presents the situation regarding the publication of draft decisions and related materials on the websites of the 6 district councils (Briceni, Soroca, Strășeni, Nisporeni, Causeni, Basarabeasca) analyzed in this report (2023).

Table 19. Number of draft decisions and related materials published on the website, 2023

	Briceni	Soroca	Strășeni	Nisporeni	Căușeni	Basara-beasca
Number of draft decisions and related materials published on the website	144	179	136	129	326	34

Source: developed by authors based on information available on DCs websites, 2023

Data from the six evaluated district public administrations reveals significant inconsistencies in the publication rates of draft decisions on their websites. For example, Căușeni DC published 326 decisions on its webpage, while Basarabeasca DC published only 34. These discrepancies may reflect differences in local prioritization of transparency or allocation of resources for public engagement.

An important issue is the time provided to the public for accessing and reviewing draft decisions. Law No. 239/2008 stipulates that drafts shall be made public at least 15 working days before they are finalized, and it also requires that the public must be given at least 10 working days to submit recommendations. Unfortunately, many local public authorities that publish draft decisions do so only a few days before district council meetings, usually together with the announcements of the meetings themselves.

5.2. Stakeholder consultation

The procedures used by district authorities to consult citizens, legally constituted associations and other interested parties are stipulated in a robust legal framework. This framework includes Local Public Administration Law No. 436/2006, which sets out the structure, functions, and obligations of LPAs to engage citizens. Law No. 239/2008 also mandates authorities to ensure transparency by consulting citizens and civil society organizations. Furthermore, Law No. 148/2023 on Access to Public Interest Information aims to ensure transparency and promote access to information held by public authorities and institutions.

District public authorities use various consultation procedures to facilitate citizens' participation. Level II LPAs organize public hearings and discussions on important local matters such as budgets, infrastructure projects, or changes in land use designation. These events are usually announced in advance through official websites and local media. Working groups also play a crucial role, inviting citizens and representatives of non-governmental organizations to collaborate on specific issues, such as environmental projects or social services. In recent years, some district public authorities such as Soroca district council, have begun using digital platforms to broaden participation, especially in rural areas. However, traditional methods, such as public information boards, remain predominant, which may limit the accessibility of information for wider segments of the community and subsequently reduce their participation in the decision-making process.

The table below (Table 20) presents an overview of the status of consultation processes with citizens, legally constituted associations and other stakeholders in 6 district councils (Briceni, Soroca, Strășeni, Nisporeni, Căușeni, and Basarabeasca) detailing the methods used and number of participants, according to their reports on ensuring transparency in the decision-making process.

Table 20. Overview of the situation in the 6 DCs on how consultation with citizens, legally established associations and other stakeholders has been carried out

	Briceni	Soroca	Strășeni	Nisporeni	Căușeni	Basara-beasca
Public hearings, debates, working group meetings, advisory committee meetings, standing or ad-hoc group meetings with CSO participation	9 public hearings - invitation by phone, e-mail and website)	15 public hearings, debates, working group meetings	4 public debates 27 meetings of advisory committees 7 district council meetings	1 public consultation	13 public hearings 1 permanent or ad-hoc group meeting with CSO participation 14 meetings of advisory committees	1 public hearing
Number of consultation participants	270	146	278	No data in the report	74	57

Source: compiled by authors based on the reports on transparency in the decision-making process

Some district authorities, such as Strășeni DC, and Soroca DC, demonstrate a more proactive approach, and citizens in these districts participate more actively in the decision-making process. For example, in 2023, 278 citizens participated in consultations at the Strășeni DC over the course of the year, and 270 citizens took part in consultations at the Briceni DC. In contrast, only 57 people attended the public hearings and debates organized by the Basarabeasca DC, and only 74 people attended the public consultations in the Căușeni DC. The Nisporeni DC did not report such data in its report on transparency in decision-making. These figures highlight significant differences in citizens' engagement levels and the proactive attitude of district authorities in ensuring the transparency of decision-making processes. Discrepancies between districts highlight differences in how citizens perceive and access public participation opportunities, which may be influenced by factors such as communication, infrastructure, accessibility, or local cultural characteristics.

An analysis of practices in the specified districts reveals diverse approaches to citizen consultation. Strășeni DC is known for actively involving citizens through public debates, consultative commission meetings, district council meetings and invitations to local CSOs to participate in the policy-making process, especially in environmental and infrastructure projects. Soroca DC consulted stakeholders through public hearings, debates, and working group meetings, while the Căușeni DC has engaged in public hearings, permanent or ad-hoc group meetings with CSO participation and consultative commission meetings. However, meeting minutes were not found on the monitored authorities' websites.

"The District Council is very open and constantly consults local councilors and citizens on draft decisions. As a local councilor, I receive the District Council's programme by e-mail every week and I can participate in all the activities that interest me. All information is also published on the website and Facebook page. All public consultations are also attended by representatives of the media (such as Observatorul de Nord and Teleradio Soroca), which contributes to the media coverage of the events" (Interview participant, Soroca)

The practice of holding consultations selectively, only for certain draft decisions contradicts the existing regulatory framework. According to Article 3(4) of Law No. 239/2018, public authorities are required to hold consultations on draft regulatory and administrative acts that may have a social, economic or environmental impact (on lifestyle and human rights, culture, health, and social protection, local communities and public services).

Sometimes, LPAs confuse notices of public meetings with those of public consultations on draft decisions. This confusion arises because the agenda of the local council meeting, which includes the draft decisions to be discussed, is mentioned in the first type of notice. However, these drafts are not always attached or published.

To ensure participatory public consultations, it is essential to identify, select and use multiple methods of public consultation. Local public authorities should identify the stakeholders and target groups for each draft decision under consideration, including by compiling a list of stakeholders in the decision-making process, which should be developed and updated periodically/semi-annually. These stakeholders should be informed directly, by all possible means (e-mail, social media, post, etc.) about the need (or opportunity) to provide input to a draft decision and to participate with proposals and recommendations for its improvement.

Among the 6 DCs analyzed (Briceni, Soroca, Strășeni, Nisporeni, Căușeni, Basarabeasca), only on the Strășeni District Council's has published information about stakeholders on its official website.

Local public authorities have access to a wide range of public consultation methods, which can be selected and used either individually or in combination, depending on the needs of each authority. These methods include organizing public debates, public hearings, conducting surveys (including online) and using other consultation tools such as focus groups, questionnaires, citizens' panels, online forums, local referendums, citizens' general assemblies, neighborhood meetings, seminars, conferences and many others. However, based on the 6 reports examined, it appears that the authorities have only used public hearings, debates and working group meetings.

5.3. Analysis and consideration of recommendations put forward by stakeholders

Law No. 436/2006 defines the responsibilities of LPAs, emphasizing their obligation to consult citizens and integrate their feedback into decision-making processes. Additionally, Law No. 239/2008 requires LPAs to involve citizens and civil society organizations in the decision-making process, ensuring that their views are considered.

Of the six evaluated DCs (Briceni, Soroca, Strășeni, Nisporeni, Căușeni, and Basarabeasca), only two (Strășeni and Căușeni DCs) reported in 2023 that they received and considered recommendations from citizens, legally constituted associations and other stakeholders in the consultation process of draft decisions. The Strășeni DC considered 1 recommendation from the media and 8 recommendations from advisory commissions, while the Căușeni DC included 14 recommendations from CSOs, 1 recommendation from a development partner and 3 recommendations from advisory commissions. In contrast, the District Councils of Briceni, Soroca and Basarabeasca stated in their reports on transparency of decision-making that they did not receive any recommendations. The authorities attributed this to lack of interest from stakeholders.

Table 21. Summary of recommendations on draft decisions in 6 district councils, 2023

District Council	No of recommendations received	No. of recommendations considered / accepted by DCs
Briceni, Soroca, Basarabeasca	0	0
Strășeni	1 recommendation from the media and 9 recommendations from advisory committees	1 recommendation from the media and 8 recommendations from advisory committees were considered
Causeni	14 CSO recommendations 1 recommendation from development partners 2 recommendations from other stakeholders 10 recommendations from the advisory committees	14 CSO recommendations 1 recommendation from development partners 2 recommendations from other stakeholders 3 recommendations from the advisory committees were accepted
Nisporeni	No data	No data

Source: developed by authors based on reports on transparency in decision-making, 2023

It should be emphasized that in some cases consultations are not organized, and when they do take place, insufficient efforts are made to ensure effective participation of citizens and stakeholders in the decision-making process. Additionally, many citizens remain uninformed and unaware of their rights to participate in the decision-making process or of the ways in which they can express their needs and opinions. Lack of information on how to submit their opinions and recommendations contributes to under-utilization of existing public engagement channels.

When a summary of the recommendations resulting from the consultations is produced, it is not made available to the public and stakeholders can't find out which recommendations were accepted, which were rejected and the reasons for rejection. Moreover, even when recommendations and summaries exist, local public authorities do not provide justifications for decisions to accept or reject recommendations, which further discourages citizens' participation in the public consultation process.

Of the 6 DCs analyzed, only the Strășeni DC has published in 2023 5 recommendations and summaries providing justifications for decisions to accept or reject them [Synthesis. recommendations to draft decisions | Rayon Council Strășeni - Republic Moldova \(crstraseni.md\)](#).

Several measures can be implemented to improve the mechanisms for taking into account citizens' recommendations. Raising public awareness through campaigns informing citizens about their rights and about the consultation processes, can encourage more active participation. Strengthening digital tools, including the use of the <https://particip.gov.md> for collecting feedback and organizing consultations, can facilitate wider involvement, especially among young people. Capacity building initiatives for local officials, focusing on effective public engagement and decision-making, can also improve the quality and inclusiveness of consultations. Finally, establishing a framework for monitoring and evaluating the effectiveness of consultation mechanisms will help LPAs to identify areas for improvement and ensure that the views of the citizens are considered.

5.4. Ensuring stakeholder participation in the public meetings

According to the legal framework, decision making meetings conducted by public authorities are public, except in the cases stipulated by Law No. 239/2008. LPAs must prepare and publish a notice regarding the public meeting. The same is also stipulated in Law No. 436/2006, which stipulates that local council meetings may be broadcast live on national and local public radio and television stations, other media channels, social media networks or on the official website of the local public authority. These broadcasts can be carried out by media distributors, service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code, Law No. 133/2011 on the protection of personal data and Law No. 239/2008 on transparency in the decision-making process. The participants in public consultations mentioned that some LPAs interpret this provision in a way that restricts ordinary citizens to film public meetings, arguing that they are not distributors or media service providers in accordance with the provisions of the Audiovisual Media Services Code.

On a practical level, it wasn't possible to directly assess whether citizens and stakeholders were granted or not access to local council meetings. It was only possible to verify whether the required announcements were published on the LPA pages for the year 2023.

The analysis of the web pages of the 6 level II LPAs revealed the partial compliance of the local authorities with the legal provisions requiring that the meetings are public, and the participation of the interested parties is ensured. Moreover, the relevant information published on LPAs official websites is inconsistently placed categorized across different sections. Specifically:

- Briceni DC lists these announcements under the "Decision-making transparency" section, with information being found in 2 sub-sections: "Announcements" and "Public consultations".
- Soroca DC includes this information under the "Decision-making process" section, within a sub-section: "Announcement of public debates".
- Strășeni DC includes the information under the "Transparency in decision-making", within the "announcements of public consultations on draft decisions" sub-section.
- Nisporeni doesn't have a section dedicated to the transparency of decision-making and it is very difficult to find announcements in the "News and events" section.
- Căușeni DC includes this information under the "Decision-making transparency" section, within "Public hearings" sub-section.
- Basarabeasca DC includes them under the "Decision-making transparency", section under the "public consultations" sub-section.

These different practices make it difficult to assess, only by analyzing all the notices posted on the websites, the extent to which the public authorities have complied with the legal provisions on transparency of decision-making sessions. Other level II LPAs publish their notices on social media, specifically Facebook (e.g. Soroca DC).

The above findings show that local authorities don't make sufficient efforts and don't take all the necessary measures to ensure effective participation opportunities for citizens, associations, and other stakeholders.

One of the main strategies that LPAs can use is to increase citizens' awareness regarding their rights to participate in public meetings. To accomplish this, local media outlets, including radio, television and newspapers, should be leveraged to announce upcoming meetings and discuss agenda items. By widely disseminating this information, LPAs can ensure that community members are informed and motivated to participate in discussions that affect their lives. However, this practice is often neglected by local governments.

Recognizing the importance of strategic planning, LPAs should carefully schedule public meetings at times that are convenient for all stakeholders. It is essential to consider factors such as work hours, school schedules, and local events to maximize participation. For example, in Causeni, meetings have been scheduled in the evenings to facilitate participation by people who work and have families. Announcing meeting dates in advance allows stakeholders to plan their time, thus increasing the likelihood of their attendance.

Another effective strategy is involving stakeholders in the agenda-setting process. LPAs can actively seek input from citizens and civil society organizations on the topics they wish to discuss at public meetings. This can be done through surveys, feedback forms or informal consultations. By allowing stakeholders to contribute to agenda-setting, LPAs can create a sense of ownership and relevance, encouraging greater participation.

Local authorities must provide stakeholders with relevant information before organizing public meetings. This may include reports, proposals or other documents describing the issues to be discussed. By ensuring that participants are properly informed, authorities give stakeholders the opportunity to contribute to the discussions in a responsible and well-argued manner. For example, simplified briefing documents can be produced to make complex information more accessible to the general public.

After public meetings, LPAs should implement feedback collection mechanisms from participants regarding the effectiveness of the meeting and the decision-making process. Surveys or follow-up discussions can help authorities understand stakeholder's concerns and suggestions, thus contributing to the continuous improvement of future meetings.

It is worth noting that local second level public administrations do not always inform citizens about public meetings, which consequently reduces their chances to follow, participate, and contribute especially when important topics affecting citizens, and the local community are being discussed.

5.5. Informing the public about the decisions adopted

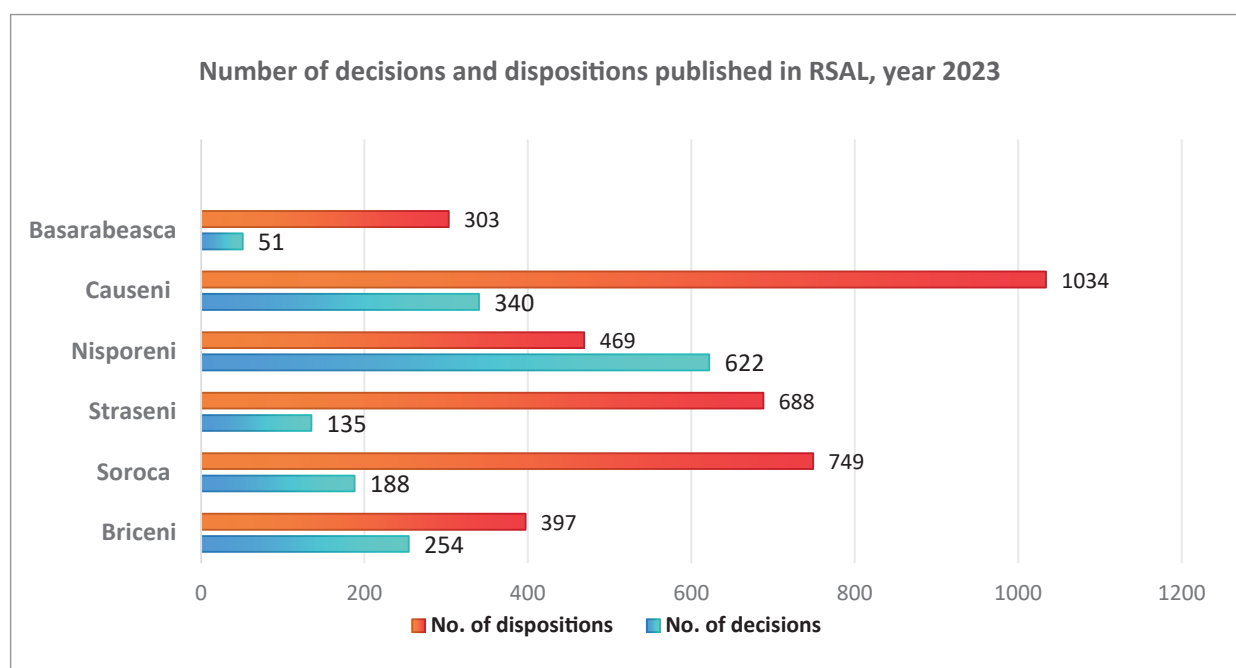
Starting with October 28, 2018, all local public authorities (level I and II) are obliged to publish the adopted acts in the State Register of Local Acts (RSAL) (www.actelocale.gov.md). More precisely, normative decisions take effect once they are included in this registry. On the other hand, Government Decision No. 728/2023 regulates the official websites of public authorities and institutions, as well as the minimum requirements for their social media profiles and mentions that decisions must also be published on the authorities' pages. This is important in terms of facilitating citizens' access to the decisions taken by LPAs. It should be noted that decisions taken by local public authorities must be made available to the public.

Table 22. Situation in 2023 for the 6 DCs analyzed regarding decisions and dispositions, 2023

DCs	Briceni	Soroca	Strășeni	Nisporeni	Căușeni	Basara-beasca
Number of decisions adopted by the DCs according to the annual reports on transparency in decision-making process	258	190	135	153	299	51
Number of normative acts of the President of the District adopted (2023) report on transparency in the decision-making process	394	No such data	92	326	185	100
Number of decisions published on websites	254	0 ⁴⁹	135	28	208	35

Source: drafted by authors based on reports on transparency in decision-making and websites, 2023

Figure 8. Number of decisions and dispositions published in RSAL, year 2023



Source: drafted by authors based on data from RSAL, 2023 <https://actelocale.gov.md/>

49 A section for *Adopted decisions* not found on the website

5.6. Preparation and publication of reports on transparency in decision-making process

In the Republic of Moldova, level II LPAs have to comply with certain provisions and follow preset schedule in the development of annual reports on transparency in decision-making. This systematic approach allows LPAs to provide regular and timely updates on the stages of decision-making processes and decisions adopted.

The methodology for preparing these reports includes several essential steps. First, local authorities collect relevant information about the decisions taken, such as minutes of meetings, public consultations and stakeholder feedback. This comprehensive data forms the basis of the reports, ensuring they are based on accurate and detailed information.

After data collection, the LPA has to analyze the decision-making processes to identify trends, challenges and areas for improvement. This analysis can include assessing the level of citizen and stakeholder participation in consultations, analyzing the responsiveness of stakeholders, and examining the overall impact of decisions on the community. Such an analysis is essential for understanding the effectiveness of governance and for developing evidence-based public policies.

Table 23. *The situation in the 6 DCs on publication of reports on transparency in decision-making, 2023*

DCs	Briceni	Soroca	Strășeni	Nisporeni	Căușeni	Basara-beasca
Publication of the report on the website	Yes ⁵⁰	Yes ⁵¹	Yes ⁵²	Yes ⁵³	Yes ⁵⁴	Yes ⁵⁵

Source: drafted by authors based on analysis of the DCs websites, 2023

Additionally, we have to highlight the lack of clear and detailed regulations regarding the control and sanctioning mechanisms for non-compliance with transparency in the decision-making process. Annually, the State Chancellery sends a questionnaire adapted to level II LPAs for completion. As LPAs aren't obliged to report to the State Chancellery, only a third of them completed the questionnaire for 2023. At the same time, for some level II LPAs, the information submitted was incomplete, which made it impossible to carry out a comprehensive analysis of the decision-making transparency at the local level.

As far as sanctions are concerned, Law No. 239/2008 includes only one article dealing with liability for failure to comply with transparency in decision-making (Article 16¹). It stipulates that non-compliance with the provisions of the law constitutes a disciplinary violation and is sanctioned according to the Labor Code or relevant legislation. However, this provision is general and doesn't detail the mechanism by which civil servants can be held accountable for breaking the law or failing to comply with transparency requirements, making it an ineffective measure. Experts in public administration believe

50 [Report - on - transparency - in - process - decision-making - for - year - 2023.pdf \(briceni.md\)](#)

51 [Report on Ensuring transparency in the decision-making process of the Presidential Apparatus of the district and subdivisions subordinated to the Soroca District Council for 2023 \(org.md\)](#)

52 [raport privind asigurarea transparenței proces decizional 2023 657153.pdf \(crstraseni.md\)](#)

53 [report-report-on-transparency-in-decision-making.docx](#)

54 [Report on ensuring transparency in the decision-making process within the Causus District Council îni for the period 2023 - Causeni Rayon Council \(causeni.md\)](#)

55 [Report on ensuring transparency of the decision-making process | Basarabasca Rayon Council](#)

that accountability should rest with everyone, not just those at the local level, but also at the central level, including officials, dignitaries and civil servants.

Moreover, these provisions don't allow for the sanctioning of elected officials, such as mayors, district presidents or local and district councilors, who do not fulfill their legal obligations. After the amendment of Article 16¹ of Law No. 239/2008, it is mentioned that individuals and those holding positions of responsibility can be held administratively accountable under the Contravention Code of the Republic of Moldova. The Contraventions Code contains a single article (Article 326¹) with two paragraphs, which covers violations of transparency requirements by representatives of local public administration authorities. Paragraph 1) refers to "adoption by the local public administration authority of a normative act whose draft hasn't been published for public consultation" and paragraph 3) mentions "obstruction of free access to local council meetings".

It is also important to mention the provisions of Law No. 148/2023. According to Article 10 of this law, the proactive publication of information regarding the conduct of the decision-making process is an obligation of information providers (including CPAs and LPAs). Articles 27-29 describe the legal responsibility of information providers, including for failure to publish the information referred to in Article 10. Articles 25 and 26 also set out the procedures for challenging the actions or inactions of information providers.



6. PRACTICAL IMPLEMENTATION OF LEGAL PROVISIONS ON TRANSPARENCY IN THE DECISION-MAKING PROCESS BY FIRST LEVEL LOCAL PUBLIC AUTHORITIES

6.1. Informing stakeholders about the initiation of the decision-making process and providing access to the draft decision and related materials

According to the latest data available on the [Local Transparency Portal](#) managed by IDIS “Viitorul”, first-level local authorities do not apply in practice all legal provisions on ensuring access to public information and transparency at all stages of the decision-making process, and large disparities are also observed. While some authorities, according to the portal’s data, have obtained the maximum score (100 points) for access to information, such as Telenesti and Cimislia Town Halls, others do not have a functional website (e.g. Criuleni Town Hall). While most of the level I LPAs have a website, however, the transparency in the decision-making process is only partially ensured (e.g. Balti and Telenesti Town Halls) or to a very small extent (e.g. Otaci, Dondușeni, Gura Galbenei, Basarabeasca and Ruseștii Noi Town Halls). The latter justify these shortcomings by citing a lack of resources (financial, human) to manage, update, and ensure maintenance of the websites; lack of citizens’ interest of in accessing authorities’ websites, or reliance on alternative tools better suited to the needs of local communities such as social media, in-person meetings with citizens, or public information boards).

Table 24. Access to information and participation in the decision-making process, 2023

Region	level I LPA	Web page	Access to information, %	Participation in decision-making, %
North	Balti	Yes	94 %	66%
	Fălești	Yes	88%	38 %
	Dondușeni	Yes	66%	13%
	Cupcini	Yes	79%	19%
	Otaci	Yes	3%	6%
Center	Telenesti	Yes	100%	45 %
	Ungheni	Yes	94 %	21%
	Peresecina	Yes	41 %	27%
	Criuleni	No	0 %	5%
	Ruseștii Noi	Yes	0 %	11%

South	Cimislia	Yes	100%	31%
	Talmaza	Yes	47%	20%
	Zaim	Yes	74%	19%
	Gura Galbenei	Yes	4%	10%
	Basarabeasca	Yes	31%	13%

Source: drafted by authors based on portal data www.localtransparency.viitorul.org.

Paragraph 14 of Government Decision No. 967/2016 requires LPAs to create a dedicated section on their official websites to decision-making transparency, to facilitate stakeholders' access to information on the decision-making process. Therefore, an assessment was conducted to determine whether LPAs currently have functional website. As a result of the analysis, it was found that all 15 LPAs, except for Criuleni Town Hall, have a functional website with sections dedicated to decision-making transparency. However, in some cases, the information on the website is either outdated (e.g., [Ruseştii Noi](#)) or only partially available and difficult to find and access in an accessible format (e.g., [Talmaza](#), [Cupcini](#), [Peresecina](#)).

One of the principles of decision-making transparency is to inform citizens, associations and other interested parties about the initiation of the decision-making process. Article 9 of Law No. 239/2008 provides that, once the decision-shaping process has been initiated, the public authority must, within a maximum of 15 working days, publish the relevant notice on its official website, send it immediately by electronic mail to interested parties, display it in a publicly accessible place at its premises and/or broadcast it in central or local media, as appropriate. According to this law, the notice on the initiation of the draft decision must contain: the rationale for adopting the decision; the deadline, location and method for submitting recommendations; as well as the contact details of the person responsible for receiving and examining the recommendations (name and surname, phone number, email address). Subsequently, Government Decision No. 967/2016 paragraph 13, stipulates the obligation to inform the public about the initiation of the draft decisions at least 15 working days prior to the consultation of the draft decision by the authorizing subdivision of the public authority.

Overall, the analysis reveals that the majority of LPAs do not ensure compliance with all legal obligations on transparency at the stage of initiating the decision-making process. Only a few LPAs, such as Balti (25 notices)⁵⁶, Cupcini (115 notices)⁵⁷, and Peresecina (3 notices) have published on their official website's notices regarding the initiation of the decision-making process. The notices published by Balti and Cupcini Town Halls, meet legal requirements including key information such as the type of decision; rationale for its adopting; format and method of sending recommendations; responsible person and deadline for submitting recommendations. However, inconsistencies and errors were found in the content of the notices when they were published. For example, [in the case of the Balti Municipality](#), the notice was incorrectly categorized under the public consultation stage, when it should have been an announcement regarding the initiation of the decision-making process..

During the focus group discussions, several LPA representatives expressed the view that publishing the notice on the initiation of the draft decision or normative acts should not be mandatory. They argued that such announcements require significant efforts from the authority and there is little interest and involvement from civil society and citizens in this process, given that the notice is not accompanied by a draft decision.

⁵⁶ [Draft decisions - Balti City Hall \(balti.md\)](#)

⁵⁷ [Shopping Cart - Town Hall of Cupcini](#)

Table 25. Number of notices on the initiation of decision-making process published by level I LPAs, 2023

Level I LPA	Balti	Făleşti	Donduşeni	Cupcini	Otaci	Telenesti	Ungheni	Peresecina	Criuleni	Ruseştii Noi	Cimislia	Talmază	Zaim	Gura Galbenei	Basarabeasca
No. of notices of initiation of decision making	25	0	2	115	0	0	0	3	No website	0	0	0	0	0	0

Source: developed by authors based on data available on LPA websites, 2023

Article 10(2) of the Local Public Administration Law No. 436/2006²¹ stipulates that the draft normative acts of the local public administration authorities shall be made public for consultation at least 15 working days before the decision is approved. Additionally, the same law requires that the agenda of the local council meeting must be publicly displayed and published on the public authority's website for consultation for at least 3 working days before the day of the meeting. Article 6 of the Law No. 239/2008 provides for the right of citizens, associations and other interested parties to participate at any stage of the decision-making process and to request and receive information on the decision-making process, including the right to receive draft decisions accompanied by supporting materials.

It should be noted that the assessment of the first-level LPAs reveals that only about 33% of the 15 LPAs complied with the legal requirement publish draft decisions on the official website (e.g. Ungheni, Balti, Telenesti, Donduşeni, and Cupcini). On the other hand, 60 % of the assessed LPAs did not publish any draft decisions during 2023 (e.g. Făleşti, Otaci, Talmază, Zaim, Gura Galbenei, Basarabeasca, etc.). Cimislia Town Hall partially complied with the legal requirement of transparency in decision-making process during 2023 by publishing 3 draft decisions., while having published 99 decisions in the State Register of Local Acts.

Table 26. Number of draft decisions published on the websites level I LPA, 2023

LPA	Balti	Făleşti	Donduşeni	Cupcini	Otaci	Telenesti	Ungheni	Peresecina	Criuleni	Ruseştii Noi	Cimislia	Talmază	Zaim	Gura Galbenei	Basarabeasca
No. of published draft decisions	25	0 ⁵⁸	8	67	0 ⁵⁹	21	108	1	No website	0 ⁶⁰	3	0 ⁶¹	0 ⁶²	0 ⁶³	0 ⁶⁴

Source: developed by authors based on data available on LPA websites, 2023

58 On the official website, under the "draft decisions" section, the notices of the 2023 draft decisions included on the Agenda of the City Council meetings are published with the approved decisions attached. There were no draft decisions published in 2023 for public consultation.

59 [Draft decisions | Otaci MD](#)

60 <https://rusestiinoi.md/proiecte-de-decizii/>

61 [Draft decisions | Village of Talmază Rayon Stefan Voda, Republic of Moldova](#)

62 [Draft Decisions | Zaim Town Hall](#)

63 <https://guragalbenei.md/>

64 <https://primariabessarabka.md/proiecte-de-decizii/>

According to paragraph 5 of Government Decision No. 967/2016, the public authority shall ensure access to the draft decisions and related materials through their mandatory publication on their official website, as well as on the <https://particip.gov.md> portal. The data available on the portal show that only 147 normative acts were published by all LPAs in the country during 2023. In contrast, data from the State Register of Local Acts, which is mandatory under Law No. 436/2006 and Law No. 100/2017 on normative acts, indicates that 71986 decisions (28.6%) and 180,050 dispositions (71.4%) were published in 2023. This discrepancy highlights that, even though all LPAs are registered on the portal <https://particip.gov.md>, they do not use the portal to ensure decision-making transparency and public consultation of draft decisions. Of the 15 LPAs evaluated, the only LPA that published draft normative acts [on portal particip.gov.md](https://particip.gov.md) is [Balti Municipality](https://particip.gov.md). Since the portal <https://particip.gov.md> portal is currently undergoing updates and technical improvements, all public authorities' accounts (certificates) will be properly updated as part of the campaign to be launched by the State Chancellery.

It should be mentioned that during the focus group discussions, the LPA representatives emphasized that their websites are not the only tool used to ensure transparency in decision-making and participation in the decision-making process. Other tools mentioned include social media platforms, local press, and information boards (classic and LED) installed at the authority's headquarters and other public places. Cimislia Town Hall mentioned that it ensures transparency and consultations with citizens in the decision-making process through, [portal alerte.md \(Cimislia\)](https://portal.alerte.md), considering it a more efficient tool, actively used by the local community.

6.2. Stakeholder consultation

According to Law No. 436/2006, LPAs and public officials in the respective administrative-territorial units are obliged to take the necessary measures to ensure effective opportunities for the participation of citizens, legally established associations, and other interested parties in the decision-making process, including by:

1. *providing adequate and timely information on the subjects discussed by the local council.*
2. *receiving and examining, in due time, all recommendations, opinions, and letters addressed by citizens to their representative authorities, to support the drafting of decisions or activity programmes.*
3. *promoting a policy of active communication and dialog with citizens.*
4. *publishing programmes, strategies, meeting agendas across various informational platforms.*

Article 6 of Law No. 239/2008 provides for the right of citizens, associations, and other interested parties to participate at any stage of the decision-making process; to propose the initiation of the drafting and adoption of decisions, as well as to submit recommendations to public authorities on draft decisions under consultation.

LPAs ensure citizen and stakeholder consultation through various methods, such as: public debates, public hearings, opinion polls, referendums, expert consultations, creating permanent or ad-hoc working groups with the participation of civil society representatives. However, among the LPAs assessed, there is confusion between the publication of a draft decision on the website and ensuring actual public consultation with all stakeholders. More specifically, some LPAs mistakenly consider that publishing the draft decision on their website fulfills their obligation for public consultation and civic participation.

The legislation provides for the creation of permanent consultative platforms as an effective method of public consultation with stakeholders. As a result of the analysis, it is found that none of the assessed level I LPAs have created such platforms during 2023. The only good practice identified is within Balti Municipality. As mentioned in the 2023 annual Report on the transparency of the decision-making

process⁶⁵, Balti Municipality created 3 ad-hoc working groups to discuss draft decisions. However, even in Bălți, there is no functioning permanent consultative platform that would include a list of civil society members and other stakeholders.

Regarding the organization of public debates and public hearings, they are considered among the most participatory methods of consultation with all stakeholders. The analysis highlights that 9 out of 14 LPAs (except for Criuleni Town Hall, which does not have a functional website) organized at least one public debate or public hearing during 2023. The LPAs with the highest number of debates/public hearings organized are the Town Halls of Balti (17), Ungheni (9), Dondușeni (8). On the other hand, the Town Halls of Otaci, Talmaza, Zaim, Basarabasca, and Gura Galbenei did not organize any public debates/hearings, according to the data available on the official websites.

During the focus group discussions, LPA representatives mentioned that civil society is not very interested in participating in the public consultations unless they have a personal problem they wish to address. However, some participants pointed out that citizens engage when they believe that their contribution is valuable and that the proposed recommendations will be at least partially considered. From the LPAs experience, the more civil society is convinced that the consultations are genuine, the higher the level of involvement (e.g. Ungheni).

On the other hand, representative civil society members, highlighted a number of reasons why participation in the decision-making process is low: most citizens are not aware of their rights; information is not published in a clear and accessible manner; the deadlines for public consultations are shorter than the time needed to analyze and formulate recommendations; lack of transparency at the stages of finalization of projects and consideration of recommendations submitted. These factors contribute to public and civil society apathy regarding participation, involvement and the formulation of recommendations in public consultations.

Table 27. Number of public debates/hearings organized by LPA level I in 2023

Region	LPA Ist level	No. of public debates/ public hearings organized in 2023
North	Balti	17
	Fălești	1
	Dondușeni	8
	Cupcini	2
	Otaci	0
Center	Telenesti	2
	Ungheni	9
	Peresecina	3
	Criuleni	No website
	Ruseștii Noi	2
South	Cimislia	2
	Talmaza	0
	Zaim	0
	Gura Galbenei	0
	Basarabasca	0

Source: drafted by authors based on the 2023 reports on transparency in decision-making process

65 [Report for 2023 - Balti City Hall \(balti.md\)](#)

6.3. Analysis and consideration of stakeholder recommendations

Article 6 of Law No. 239/2008 establishes the right of citizens, associations and other interested parties to participate at any stage of the decision-making process, propose the initiation of decisions to the public authorities, and submit recommendations on draft decisions under public consultation.

The analysis of the received recommendations as well as those considered in the decision-making process shows a very limited level of participation at local level. As indicated in the table below, recommendations from citizens and other stakeholders (civil society organizations, associations, enterprises) were received only in 3 cases: Balti, Dondușeni and Ungheni. In all other cases, there was no data on recommendations received in public consultations. The available data could only be analyzed based on the annual reports on the transparency of the decision-making process available on the website. These findings indicate, on one hand, the limited efforts of local authorities to involve the community in the decision-making process and, on the other hand, the lack of active citizens engagement (Table 28).

Table 28. Recommendations received versus recommendations accepted by LPA 1st level, 2023

Region	LPA 1st level	No. of recommendations received by LPAs	No. of recommendations accepted by LPAs
North	Balti	110	78
	Falesti	no data	no data
	Dondușeni	24	10
	Cupcini	no data	no data
	Otaci	no data	no data
Center	Telenesti	no data	no data
	Ungheni	10	9
	Peresecina	no data	no data
	Criuleni	No website	
	Ruseștii Noi	no data	no data
South	Cimislia	no data	no data
	Talmaza	no data	no data
	Zaim	no data	no data
	Gura Galbenei	no data	no data
	Basarabasca	no data	no data

Source: drafted by authors based on the data available on the LPA websites, 2023

6.4. Ensuring stakeholder participation in the public meetings

According to Article 13, paragraph 1 of the Law No. 239/2008, meetings of public authorities on decision-making shall be public, except in the cases provided for by law. Local authorities are legally obliged to prepare and publish a notice of the public meeting. According to Law No. 239/2008, such notice shall be posted on the official website of the public authority, sent by email to interested parties, displayed at the public authority's premises in a publicly accessible space and/or broadcast in central or local media, as appropriate. The notice must include the *date, time and place of the public meeting and its agenda*. This notice shall be made public at least 3 working days before the meeting date.

The transparency of public meetings at local government level is also regulated by the Law on Local Public Administration No. 436/2006. Article 17 (paragraphs 1-4) of this law stipulates that local council meetings are public, and any interested person may attend them. The authorities are legally required to ensure that citizens have access to the draft decisions and agendas of local council and town hall meetings. Law No. 436/2006 provides in Article 10¹, paragraph (3) that the agenda of the local council meeting shall be posted in public places and published on the council's website for public consultation at least 3 working days before the day of the meeting.

Moreover, local authorities and public officials are obliged to take the necessary measures to ensure effective participation opportunities for citizens, legally established associations as well as other interested parties.

Regarding the recording and online broadcasting of meetings - a key issue for civil society representatives participating in public consultations - Law No. 436/2006 allows local council meetings to be broadcast live on national and local public radio and television stations, other media channels, social media or on the official website of the local public authority. These broadcasts may be conducted by media service providers, distributors, or individuals in accordance with the provisions of the Audiovisual Media Services Code, Law No. 133/2011 on personal data protection and Law No. 239/2008 on transparency in the decision-making process.

In practical terms, it was not possible to make a direct assessment of whether citizens and stakeholders were granted access to the local council meetings. For this purpose, the LPAs official websites were analyzed to evaluate the availability of information about local council meetings. The analysis of the websites of the 14 first level LPAs (except for Criuleni Town Hall) highlights the partial compliance of the local authorities with the legal provisions requiring public access to the meetings and ensuring the participation of the interested parties. In most cases (e.g. Cupcini, Otaci, Dondușeni) the official web pages, include under the "Local Council" section, such sub-sections as: council secretary, councilors/ council composition, council regulations, council decisions, minutes of meetings. However, a dedicated section for announcing "local council meetings" is missing, making it difficult for interested parties to quickly and easily access information about upcoming meetings. Some town halls, such as Telenești⁶⁶, Ungheni⁶⁷ publish notices on the organization of meetings of the local council and/or specialized committees in the "Notices" section. This practice makes it difficult if not impossible to assess the extent to which the authority has complied with the legal provisions on the transparency of meetings by analyzing all the notices on the website. Other town halls publish such notices mainly on social networks, on Facebook (e.g. Dondușeni). These findings show that local authorities do not make sufficient efforts and do not take all the necessary measures to ensure effective participation opportunities for citizens, associations, and other stakeholders.

66 <https://www.primariatelenesti.md/sedinta-ordinara-consiliului-orasenesc-va-avea-loc-joi-05-septembrie2024/>

67 <https://ungheni.md/anunt-cu-privire-la-convocarea-consiliului-municipal-ungheni-7/>

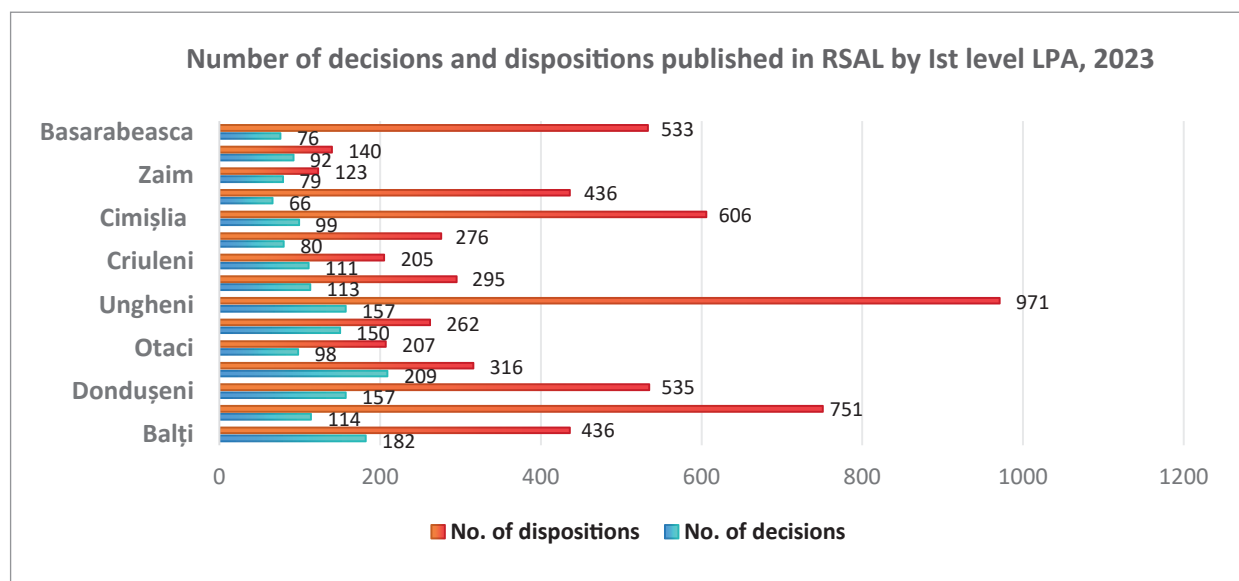
During focus group discussions, representatives of level I LPAs mentioned that all local council meetings are public, and anyone can attend. However, it remains unclear how citizens can participate in these meetings if they are not informed in a timely manner and through the appropriate tools about the meeting date, location, and agenda. These constraints were also confirmed by CSO representatives participating in the focus groups.

6.5. Informing the public about decisions adopted

Law No. 239/2008 establishes the obligation of public authorities to ensure access to the adopted decisions by publishing them on the official website, by displaying them at the headquarters in a publicly accessible space, and/or broadcasting them in central or local media, as appropriate, as well as by other methods established by law.

The analysis of the data available in the State Registry of Local Acts for 2023 shows that the number of decisions/orders adopted and published varies from one LPA to another. The LPAs with the highest number of published decisions include Cupcini (209), Balti (182), Donduşeni and Ungheni (157), and Teleneşti (150). In terms of published orders, the LPAs with the highest number are Ungheni (971), Făleşti (751), Cimişlia (606), and Basarabeasca (533). There is a significant difference between the number of draft decisions published for consultation and the number of decisions actually adopted. These findings suggest that for a large number of draft decisions/orders, the LPAs did not ensure compliance with the legal requirements for the transparency of the decision-making process.

Figure 9. Number of decisions and dispositions published in RSAL by 1st level LPA, 2023



Source: drafted by authors based on data from the RSAL, 2023

6.6. Drafting and publication of reports on decision-making transparency

The respective Government Decision stipulates in paragraph 41 that public authorities must prepare and publish annual reports on transparency in the decision-making process, which will include:

1. the number of decisions taken by the public authority during the reference year.
2. the total number of recommendations received in the decision-making process.
3. the number of consultative meetings, public debates and public meetings organized.
4. the number of cases where actions or decisions of the public authority have been challenged for failure to comply with this Regulation and the sanctions imposed for non-compliance.

Additionally, paragraph 42 of the same Law stipulates that the annual report on transparency in the decision-making process shall be prepared by the person responsible for coordinating the public consultation process within the public authority, with the participation of all its internal subdivisions. The report shall be made public no later than the end of January of the year immediately following the reference year. The annual report on transparency in the decision-making process is published on LPA's official website, in the section dedicated to decision-making transparency, in order to facilitate access by interested parties to information on the decision-making process.

The analysis of 14 websites (except Criuleni, which does not have a functional website) shows that only 3 LPAs out of 15 LPAs assessed complied in 2023 with the legal requirements for the publication of the annual report on transparency in decision-making process ([Balti](#), [Dondușeni](#), [Ungheni](#)). All the 3 reports are compliant with the legal requirements on the content as laid down in GD no. 967/2016 and have been made available to the public.



7. INTERNATIONAL STANDARDS AND BEST PRACTICES ON DECISION-MAKING TRANSPARENCY AND STAKEHOLDER PARTICIPATION

To make sure that the essential contribution by civic organizations is transposed into the political decision-making process without any discrimination, one needs a supportive environment. Such a supportive environment must be based on the rule of law, respect for the fundamental democratic principles, political will, enabling legislation, clear procedures, long term support and resources for a sustainable civic society and a common space for dialogue and cooperation. These conditions provide for a constructive relationship between civic organizations and public authorities, built on mutual trust and shared understanding of the participatory democracy. (Council of Europe, Code of Good Practices)

International standards

Citizen participation in political decision-making is widely recognized as a key indicator of the maturity of modern democracies.

Over the past two decades, there has been an growing interest of main global and regional international organisations (Council of Europe, UN, OECD, EU, World Bank and more) in exploring governance innovations and new models of structured dialogue with Civil Society Organisations, as intermediaries between citizens and public authorities, but also in setting minimum standards of engaging civil society in decision making processes. The increasing use of information technologies transformed the ways of interaction between citizens (and CSOs) and public authorities, enabling a fundamental shift towards openness, transparency and responsiveness of central and local government bodies.⁶⁸

“The right of citizens to participate in the conduct of public affairs”, including at the local level, is enshrined in the [European Charter of Local Self-Government](#)⁶⁹, and its [Additional Protocol](#)⁷⁰. It states that “the right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority’s powers and responsibilities”. Consultation and engagement of citizens in the design and evaluation of public services pave the way for better policy outcomes and greater mutual trust between citizens and government.⁷¹

Citizen participation involves a variety of stakeholders, such as civil society activists, journalists, members of academia, business representatives, local communities, and engaged citizens. The participation

68 [*ECNL New dimensions for public participation Nov 2023 1.pdf](#)

69 [CETS 122 - European Charter of Local Self-Government \(coe.int\)](#)

70 [Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority \(CETS No. 207\)](#)

71 Council of Europe adopted numerous other documents that promote and encourage the involvement of citizens in decision-making processes, such as: CM/Rec(2004)13E - [Recommendation of the Committee of Ministers to member states on the participation of young people in local and regional life](#) (17 November 2004); CLEAR - A self-assessment tool for citizen participation at the local level (available at: [168074701b](#)); CM/Rec(2009)2E - [Recommendation of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level](#) (11 March 2009); CM(2017)83-final / [Guidelines for civil participation in political decision making](#); CM/Rec(2018)4 - [Recommendation of the Committee of Ministers to member states on the participation of citizens in local public life](#) (21 March 2018); CM/Rec(2023)6 – [Recommendation of the Committee of Ministers to member States on deliberative democracy](#) etc.

process should be timely and well structured, taking place before decisions are made, to enable citizens and stakeholder groups to prepare adequately. It must also be inclusive, ensuring that the views of those affected by the implementation of the decisions under consideration, including the vulnerable and marginalised groups, are considered.

The Council of Europe distinguishes the following categories of participatory mechanisms that reflect different levels of citizens engagement:

- informing the public about local priorities, government programmes and plans.
- holding consultations with the public and/or particular groups of people regarding public policies to gather insights or expertise.
- collaborating with the public and/or particular groups of people to develop solutions to local problems (including co-creation processes such as in the formulation of Open Government Partnership (OGP) Action Plan commitments⁷²);
- engaging local communities in decision-making processes through deliberative processes, voting (such as participatory budgeting and referenda), and other decision-making tools.

In order to ensure genuine participation, the consultation process needs to be backed up by laws, regulations and guidelines, and supported by clear political commitment. Clear deadlines for citizen involvement must be published, and feedback should be provided on all recommendations, with clearly stated reasons for their adoption or rejection. Officials that manage public consultations should be properly trained to ensure that their feedback to citizens is prompt and comprehensive. Citizens should be aware of their rights and possibilities to influence decision making process, to evaluate and monitor their implementation, and respected for their contributions which should result in improved public trust towards local service delivery.⁷³

UN [Guidelines on the effective implementation on the right to participate in public affairs | OHCHR](#) differentiate between different dimensions (forms and levels) of the right to participate in public affairs:

1. Participation in elections
2. Participation in non-electoral contexts (before, during and after decision-making) including the use of the information and communication technology to strengthen equal and meaningful participation
3. Right to participate in public affairs at the supranational level, including in international organizations

[The OECD Recommendation of the Council on Open Government \(2017\)](#) distinguishes between three levels of citizen and stakeholder participation, which differ according to the level of involvement:

Information: an initial level of participation characterized by a one-way relationship in which the government produces and delivers information to citizens and stakeholders. It covers both on-demand provision of information and government's "proactive" measures to disseminate information.

Consultation: a more advanced level of participation that entails a two-way relationship in which citizens and stakeholders provide feedback to the government and vice-versa.

Engagement: when citizens and stakeholders are given the opportunity and the necessary resources (e.g., information, data, and digital tools) to collaborate during all phases of the policy-cycle and in the design and delivery of services.

72 [Action Plan Cycle](#)

73 [Home - bE-Open](#) (bE-Open online tool has been developed by the Congress of Local and Regional Authorities of the Council of Europe aiming to support all local and regional governance actors in their efforts to improve the quality of local democracy, as well as any citizen interested in public ethics, accountability, transparency and citizen participation. It contains, among other, legal frameworks and good practices examples from the following countries: Albania, Armenia, Bosnia and Herzegovina, Georgia, Republic of Moldova, Ukraine and Kosovo)

[OECD Guidelines for Citizen Participation Processes | OECD](#) from the 2022 describe ten steps for designing, planning, implementing and evaluating a citizen participation process, as well as eight different methods for involving citizens by following nine guiding principles.

Ten-step path of planning and implementing a citizen participation process

- 1. Identifying the problem to solve and the moment for participation. Citizen engagement can take place** at any of the stages or throughout the policy cycle: when identifying the issue, formulating policy, making decisions, implementing policy, or evaluating it.
- 2. Defining the expected results, ensuring** clear understanding of the expected outcomes or results of the participation process.
- 3. Identifying the relevant group of people to involve and recruiting participants: this can be done based** on a broad group of citizens with diverse backgrounds, a representative group of citizens, a particular community based on geography or other demographic characteristics, as well as stakeholders. Different strategies can be employed to recruit them – an open call, a closed call, or a civic lottery.
- 4. Choosing the participation method:** information and communication, open meetings/ town hall meetings, civic monitoring, public consultation, open innovation, citizen science, participatory budgeting, and representative deliberative processes.
- 5. Choosing the right digital tools:** Policy makers should keep in mind the existing “digital divides”, plan for technical, human, and financial resources needed to deploy digital tools, and choose tools that are transparent and accountable.
- 6. Communicating about the process** at every step of the way
- 7. Implementing the participation process:** preparing an adequate timeline, identifying the needed resources, ensuring inclusion and accessibility, and considering a citizens’ journey through a participatory process.
- 8. Using citizen input and providing feedback,** with clear justifications if any inputs or recommendations are not used or implemented.
- 9. Evaluating the participation process, through** which its quality and neutrality can be measured and demonstrated to the broader public. It also creates an opportunity for learning by providing evidence and practical lessons.
- 10. Fostering a culture of participation as a** shift from ad hoc participation processes, can be supported by embedding institutionalised participation mechanisms, multiplying opportunities for citizens’ engagement and protecting a vibrant civic space.

The methods of citizen participation rely on principles of good practice to ensure their quality: **clarity and impact, commitment and accountability, transparency, inclusiveness and accessibility, integrity, privacy, information, resources, and evaluation.**

In the institutions of the **European Union’s** (EU), as set out in the EU treaties, citizens and stakeholders can participate at different stages in the law and policy-making process, in line with the European Commission’s better regulation agenda - described as a way of working that allows political decisions to be prepared in an open and transparent manner, informed by the best available evidence.⁷⁴ For the countries aspiring to become members of the EU, the progress in institutionalizing relations between public sector and CSOs has become an important criterium for the EU accession.

74 To see more, access https://ec.europa.eu/info/law/better-regulation/have-your-say_en. Source: European Commission (2021[5]); Better Regulation Guidelines, https://ec.europa.eu/info/sites/default/files/swd2021_305_en.pdf; European Commission (2021[6]), Better Regulation Toolbox, https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en_0.pdf.

Some of the best practices in transparency and stakeholder's participation in decision-making processes from EU member states (Republic of Croatia, Slovak Republic, and Spain), as presented in this document have already been used as learning models and/or adjusted and implemented in other countries, regions, local communities and organisations.

Republic of Croatia

One of the globally recognized examples of best practices in participatory decision-making is that of Croatia. According to the OECD (2022), Croatia had the highest score related to stakeholder engagement in the development of primary laws among all surveyed EU countries, and second-best score (after Slovakia) for stakeholder engagement in the development of subordinate regulations⁷⁵.

Crucial impetus for the civil society development in Croatia coincided with the start of the EU accession negotiations, when the growing importance of the role of civil society in the social and economic development of the country was recognized, followed by a rising number of funding opportunities, from both international and domestic sources. This resulted in the adoption of the first **National Strategy for Creating an Enabling Environment for Civil Society Development**, together with an Action Plan (following the previous adoption of the Programme of Cooperation of the Government and the Non-Governmental Sector in 2000). This strategy and the subsequent Strategy and Action Plan (for the period 2012-2016) were prepared through an inclusive and participatory approach⁷⁶ which ensured the initial trust and joint ownership of the process, allowing for better implementation of the adopted acts. However, the adoption of the next strategic document for the period 2019-2023 had encountered some delays.⁷⁷

The implementation of the Strategy is coordinated by the Government Office for Cooperation with NGOs, while another body - the Council for Civil Society Development, monitors its progress.

The Government Office for Cooperation with NGOs was established in 1998, as an autonomous office within the Prime Minister's cabinet, responsible for the overall coordination of civil society policy, including standards of public consultations in public policy-making processes. It also conducts training sessions for civil servants at all levels, in cooperation with relevant partners, and is in charge for the European Social Fund (ESF) grants, programming and monitoring of the implementation of ESF-funded projects.⁷⁸

In 2003, a **National Foundation for Civil Society Development** was established through a special law⁷⁹, to further support sustainability, capacity (including potential for self-financing) and balanced regional development of CSOs. The Foundation allocates operating grants for CSOs (approximately 90 organizations per year), and acts as an implementing agency for ESF grant programmes, in cooperation with the Government Office.⁸⁰

75 [Better Regulation Practices across the European Union 2022 | OECD iLibrary \(oecd-ilibrary.org\)](#)

76 As an illustration, creation of the Strategy 2012-2016 began at the NGO Days 2011 when about two hundred participants from CSOs and government bodies together developed the proposals for civil society development in Croatia. The use of the open space technology allowed the engagement of participants in a wide number of workshops. At the final stage, CSOs from all over Croatia were given the opportunity to discuss and provide final inputs to the draft Strategy during the National NGO Days 2012 central event.

77 [Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France Report is Published - TÜSEV | Türkiye Üçüncü Sektör Vakfı \(tusev.org.tr\)](#)

78 Regulation on the Government Office for NGOs, [Uredba o Uredu za udruge](#)

79 Law on foundations – Official gazete No.: [106/18](#), [98/19](#), [151/22](#)

Substantial source of funding of (around 6 million euros per year) was ensured through a new Law on games of chance, which enabled part of revenues from lottery funds to be used for public benefit programmes of CSOs.

80 [Nacionalna zaklada za razvoj civilnoga društva](#). From 2003 to 2023, through 99 announced tenders and 71 calls for expressions of interest, the National Foundation approved 6,059 financial supports to civil society organizations, or invested € 87,878,126.89. This enabled the employment and involvement of 15,208 people and over 339,200 volunteers. In addition, the National Foundation awarded 136 awards, 144 scholarships to representatives of civil society organizations and supported the implementation of more than 133 researches, holding numerous conferences, round tables, consultations, publishing books, publications, portals, internet services, newsletters.

The Council for Civil Society Development was established in 2002 as a consultative body of the Government, aiming to ensure a regular platform for dialogue with CSOs from different sectors. It gradually developed into the most important institutional mechanism for structured dialogue between government and CSOs working on the implementation of strategic planning documents for a favorable environment for civil society development, philanthropy, social capital and cross-sectoral cooperation in Croatia.⁸¹

The current role and structure of the Council are defined by the 2021 Government Decision on the establishment of the Council for Civil Society Development⁸² (which replaced earlier decisions). The key tasks of the Council are:

1. Participation in the continuous monitoring and analysis of public policy that relates to and/or affects the development and activities of civil society and intersectoral cooperation.
2. Providing opinions to the Government on draft regulations, and facilitating an appropriate involvement in discussions on regulations, strategies, and programmes that affect the development and activities of civil society and its cooperation with the public and private sectors, at the level of the Republic of Croatia and at the European level.
3. Cooperation in the planning and programming of the state budget priorities related to funding of CSO projects and programmes and analyzing government annual reports on public funding of CSOs.
4. Participation in programming and determining priorities for the use of the EU funds and other international financial instruments and mechanisms, based on an efficient system of consultation with CSOs.
5. Carrying out other tasks related to strategic planning for the creation of an enabling environment for civil society development, Government and other strategic planning acts.
6. Cooperation with Croatian CSO representatives in the European Economic and Social Committee in formulating the position of civil society at the EU level.
7. Managing the nomination and selection of representatives of CSOs in commissions, advisory, or working bodies at the request of the state administration bodies, government offices and other public authorities.

The Council establishes both permanent and temporary working groups and reports annually to the Government on its activities.

The Council's 37 members are representatives from public authorities and civil society at large (CSOs, foundations, trade unions, employers' associations and national associations of local and regional self-government). The Government Office for Cooperation with NGOs provides administrative and technical support to the Council.

Among the key strengths of this cooperation platform for is the transparent and participatory election of CSO representatives – by CSOs themselves, through a democratic procedure based on public calls for nominations and voting, enabling the participation of hundreds of CSOs. Detailed information on the voting and all supporting documentation is available online. This procedure is an example of good practice in terms of transparency and legitimacy and has already been recognized in other countries (Montenegro, Macedonia, Albania, Kosovo).

Another strength of the Council is its track record in promoting of culture of structured dialogue, building trust and fostering mutual understanding through multiple regular sessions and other events organized. The Council's activities, alongside those of the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development, led to the adoption of a number of strategic and policy initiatives improving the enabling environment for CSOs. These include criteria and

81 [Ured za udruge - Savjet za razvoj civilnoga društva](#)

82 [Odluka o osnivanju Savjeta za razvoj civilnoga društva](#)

procedures of public funding of CSOs, as well as standards of public consultations in policy making. However, the work of the Council also faces some challenges related to lack of political will, diverse civil society interests and other factors.⁸³

The process of standardizing public consultations began in 2009 when the Government adopted the (non-binding) **Code of Best Practices for Public Consultations in the Procedures of Adopting Laws, Other Regulations and Acts**. This code covered aspects related to appointment and training of consultation coordinators, ensuring regular and systematic training for civil servants, standardizing reporting templates and practices and publishing annual reports on public consultations (coordinated by the Government Office for Cooperation with NGOs). To advance and harmonize citizens' participation in decision-making process, several legislative amendments were made in the coming period. In 2012 **changes were made to the Rule of procedures of the Government and Parliament** which introduced mandatory preparation of reports on results of consultations on draft laws, other regulations and legislation. In 2013, **the Law on the Right of Access to Information** established the obligation for all government bodies to conduct online consultations (generally for a period of 30 days) and publish reports on the results of consultations on their web pages, with an overview of accepted and rejected inputs.⁸⁴ Monitoring of compliance with the Law was strengthened by the independent Commissioner for Access to Information. **In 2015, amendments to the Law on the Right of Access to Information** laid down the use of a central e-consultation platform as a legal obligation for all government bodies when launching new public policy consultations⁸⁵.

In 2013, **the Constitutional Court abolished two implementing acts** of the Ministry of Education due to non-compliance with public consultation standards. In its ruling, the Court emphasized that: "... the democratic nature of the procedure under which public dialogue on issues of common interest takes place is what determines whether an act resulting from such procedures is constitutionally acceptable or unacceptable". This Decision had a profound impact on political decision-makers and contributed to raising awareness of the importance and values of meaningful public consultations and of institutional responsiveness in policy-making processes. This decision, together with the mentioned legal changes, resulted in a more serious approach by public institutions in the implementation of standards of public consultations, compared to the previous non-binding Code of Practice for Consultations.

Finally, in April 2015 a **Central Government e-consultation platform** (e-savjetovanja.gov.hr) was launched, as a single web access point to all public consultations (both open and closed) initiated by state bodies (over 50 institutions). The platform is the biggest strength of the Croatian model of participatory decision-making; it **introduced important innovations such as** open and permanent access to all recommendations received from registered users and the responses of government bodies; opportunities for open monitoring of the institutional responsiveness; email notifications of newly initiated consultations; a simple way of commenting on all draft laws, regulations and acts and a user-friendly overview of legal acts under consultation. The regular use of the Platform by a large number of public institutions and stakeholders requires significant human and financial resources. Therefore, it is considered that the management of the Platform by the Croatian Government Office for Cooperation with NGOs contributes to better coordination, standardized use, and better institutional responsiveness (multiple capacity-building sessions were also organized for all public institutions using the platform)⁸⁶.

Documents and contributions published on the electronic consultation platform are accessible to everyone. However, to post a comment, users need to register and submit their personal identification number. All contributions received from citizens, CSOs and other stakeholders, including the names of the contributors, are visible immediately online. This proved to be efficient in preventing offensive

83 [Ibid.](#)

84 This reform was foreseen in the National Strategy for Creating an Enabling Environment for Civil Society Development as well as in the National Action Plan for implementing Open Government Partnership Initiative

85 [e-Savjetovanja - O savjetovanjima](#)

86 [Tools and Methods of CSO Participation in Public Policy Making: Overview of Good Practices in Croatia, Estonia and France Report is Published - TÜSEV | Türkiye Üçüncü Sektör Vakfı \(tusev.org.tr\)](#)

content, encouraged more constructive policy dialogue, improved transparency of policy formulation process and contributed to empowering citizens and other groups to articulate and stand behind their positions in public debates, altogether strengthening a country's democratic potential. It also serves as additional incentive for government officials to prepare well prepared responses to received inputs, increases citizens trust in the process and encouraging future participation, allows for an external assessment of the institutional performance and enables data reuse of for future purposes (i.e. research).

⁸⁷ The Platform also contain links to the Croatian Open Data Portal⁸⁸ and to the Central catalog of official documents of the Republic of Croatia (containing official documents - regulations, official gazettes, planning and programming documents, reporting, strategic, promotional and other documents on the activities of public authorities or within their jurisdiction).⁸⁹

At the end of 2023, a new legislative framework was established with the adoption of **the Law Policy Instruments for Better Regulation**, which entered into force on January 1, 2024. The new Law strengthens the developed standards in the public consultation process and improves the policy instruments for better regulation: planning of legislative activities, regulatory impact assessment, evaluation of regulations and public consultation. In addition to the Law, the accompanying **Decree on the methodology and procedure for the implementation of policy instruments for better regulation** comprehensively regulates the above-mentioned stages in the process, together with the methodology, associated template documents and administrative capacities for their implementation.⁹⁰ Furthermore, the Government issued new **Guidelines for the implementation of better regulation policy instruments**, aimed to assist civil servants responsible for these tasks⁹¹.

For draft laws, public consultations are required to be conducted for 30 days (as prescribed by the Law on the Right to Access to Information). Exemptions from public consultation are based on the previous practices of public consultations, including judicial practice, and apply only to certain types of regulations that cannot be influenced due to their nature or the reason for their adoption.

The public body that conducted the consultation is obliged, within a reasonable time, to publish the consultation report in the prescribed format, at the same location where the consultation notice was published. Every proposal and opinion received during the consultation process must be analyzed, and a written analysis of the submitted feedback shall be included in the Report. Proposals and opinions can be accepted, partially accepted, rejected or merely acknowledged, with a mandatory appropriate justification provided. The Report Form contains general information about the draft law, regulation or act and an analysis of each proposal and opinion received in the consultation process. With the establishment of the e-Consultation portal, the preparation and publication of the report on the conducted consultations has been made easier, and all reports are published directly within the system. Users who have left a comment automatically receive notification when the report is published. Reports are downloadable in excel format for the general public. The users can like or dislike each comment and to order comments by newest to oldest, or for instance, to see the most popular comment first.

According to the 2023 Annual Report on the Implementation of Public Consultations⁹², based on statistical data available in the "E-Consultation" portal and information collected from relevant administrative bodies and state institutions regarding consultations with stakeholders, a total of 822 consultations of administrative and state bodies were conducted via the e-Consultation portal, while 22 consultations were conducted by the Croatian National Bank via its own website. The largest number

⁸⁷ [ibid](#)

⁸⁸ [\(Portal otvorenih podataka](#)

⁸⁹ [Središnji katalog službenih dokumenata RH](#)

⁹⁰ [Ured za zakonodavstvo - Instrumenti politike boljih propisa](#)

⁹¹ [Ured za zakonodavstvo - Smjernice za provedbu instrumenata politike boljih propisa](#)

⁹² Report is based on the statistical data available through the „E-consultation“ portal and data collected from the competent administrative bodies and state bodies on consultations with the interested public, available at: [Godišnje izvješće o provedbi savjetovanja 2023.pdf \(gov.hr\)](#)

of consultations was conducted by the Ministry of Agriculture (182), Ministry of Finance (92), Ministry of Justice and Administration (67) and Ministry of Science and Education (67).

During the same period, 6,445 individuals and legal entities participated in the consultations submitting a total of 19,991 comments (a decrease compared to 2022, when 6,552 participants submitted a total of 23,503 comments).

Of the 822 consultations conducted, 106 of them lasted 30 days or more, while the remaining 716 consultations were held in a shorter period. The average number of consultation days was 21 days - an increase compared to the results from 2022, when the consultation lasted an average of 19 days.

As of May 2024, the e-Consultation portal has been integrated into the services provided under the e-Citizens system. As a result of the “e-Consultation - expansion, superstructure and improvement of legislative processes of consultation with the public” project, the Portal has been optimized for various devices, the interface has been modernized, and the system has been adapted for local and regional self-government units.

According to Article 11 of the Freedom of Information Act the process of informing and consulting in the context of decision-making by **local and regional self-government units and public-authority legal entities**, is similar to that of the state bodies. However, these entities are not obliged to use the E-participation platform (). Instead, they must publish, on their respective webpages, the annual regulatory activity plan; and a consultation plan for draft laws and other regulations related to their field of work, the draft laws and other regulations undergoing public consultation (as a rule for a period of 30 days), together with the publication of the rationale for their adoption and the objectives to be achieved through consultations.

According to the 2023 **Annual Report of the Information Commissioner**⁹³, based on the data provided by public authorities (self-assessment), a total of 6,919 consultations were conducted (a 12% increase compared to 2022). This was the largest number of consultations conducted in a single year since the establishment of the reporting mechanism. As in previous years, most consultations were conducted by local and regional authorities - 5,519 of them, demonstrating a significant and continuous increase compared to 4,525 consultations in 2022 and 3,587 in 2021. The average duration of the consultation was 23,8 days (an increase compared to 23,1 days in 2022).

These results from local and regional self-government units are encouraging, since the implementation of legal provisions on consultations were less respected by the local and regional level authorities in the past. Among the educational efforts to promote stakeholder participation is the **Manual for public consultations for local and regional self-government units** published in 2016 by the Croatian Information commissioner.⁹⁴

According to research⁹⁵ in citizens' participation in decision-making processes, only a few cities in Croatia have previously developed interactive digital implementation of public consultation, including the possibility for citizens to make online decisions on the preparation of a city budget. In terms of e-participation and open budgeting, the leading Croatian cities are Pula and Rijeka, which developed an online format for electronic citizen consultations. Open budgeting has been implemented also in Rijeka, the capital Zagreb, and the smaller city of Sisak, which have developed an interactive interface for budget planning and control.

In 2023, for the first time in Croatia, the City of Rijeka organized an innovative deliberative democracy method – the Citizens' Assembly. The Assembly was established at the proposal of the Mayor of Rijeka to address the question: “How can the City of Rijeka improve the community-level self-government system and enhance citizen participation in local community development?” As a result, 33 randomly

93 [*Izvjescje-o-provedbi-ZPPI-za-2023.pdf \(pristupinfo.hr\)](#)

94 [Korice-prirucnik-e-izdanje-4-str.indd \(pristupinfo.hr\)](#)

95 Rivista Trimestrale di Scienza dell'Amministrazione – <http://www.rtsa.eu> – ISSN 0391-190X ISSN 1972-4942

selected citizens of different ages, genders, and places of residence in Rijeka, submitted a citizens' report with 90 recommendations for improving local administration and citizen participation.

The Croatian example illustrates those joint efforts between the public and civil sectors, supported by political will, educational and other capacity building programmes, together with clear and precise legal rules, while embracing the new technologies, contribute in the long run to the culture of mutual trust and transparent consultations, and inclusive and meaningful stakeholder engagement in the decision-making processes.

Slovakia

The cornerstone for the public participation in decision-making in Slovakia was the adoption of the Freedom of Information Act in the early 2000s, which, for the first time opened the inter-ministerial review process to the general public.⁹⁶

Further development of democratic principles and practices in the country has positioned Slovakia as the second-ranked country in the OECD 2022 report, with the second-best score of all surveyed EU countries related to the stakeholder engagement in the drafting of primary legislation, and the best score related to the stakeholder engagement in the development of subordinate regulations⁹⁷.

According to the OECD analysis, the administration in Slovakia uses both, early-stage and late-stage consultations to engage with stakeholders. The systematic use of electronic public consultations through the government portal (Slov-Lex), which is publicly accessible along with a focus on early stakeholders' engagement, especially businesses, earned Slovakia a relatively high score in the OECD Indicators of Regulatory Quality regarding the requirement for stakeholder engagement in developing both primary and secondary regulations.⁹⁸

Regarding public consultations, in March 2014, a non-binding recommendation - **the Rules for Public Participation in Public Policy Making**⁹⁹ were adopted. This document outlined various approaches to public consultations at different stages of the decision-making process, however, its non-binding nature required reinforcement to ensure effective implementation.

Provisions and guidelines regarding consultations with businesses are outlined in the **Unified Methodology on Assessment of Selected Impacts** as well as in the SME Test and in guidance published by the Secretariat of the RIA Commission on its website.¹⁰⁰

Provisions on public consultations (mostly late-stage) are included in the **Legislative Rules of the Government** and other materials that regulate participation in public policymaking, e.g. the *Methodology and institutional framework for the preparation, creation and implementation of central government bodies strategic documents*.

According to the **Act No. 400/2015 on the development of legal documents**, every ministry or a regulation-drafting agency is obliged to publish a notification ("preliminary information") on the Slov-Lex portal on all prepared legislative drafts. Preliminary information should contain the main goals of the proposal, assess the existing status of the regulated area and inform users on the likely start of the consultation process on the legislative draft (at least 15 days prior to the consultations). It is worth noting that some of the materials are available in languages of national minorities (e.g. Hungarian, German, Ukrainian or Romani). The preliminary information is also published on the website of the Ministry of Economy, which decides whether consultations with businesses should take place, in which case MoE, in cooperation with the Better Regulation Centre of the Slovak Business Agency,

96 Act No. 211/2000 Coll. on Free Access to Information and on amendments of certain acts

97 [Better Regulation Practices across the European Union 2022 | OECD iLibrary \(oecd-ilibrary.org\)](#)

98 OECD 2020. Regulatory Policy in the Slovak Republic **Towards Future-Proof Regulation**, <https://doi.org/10.1787/19900481>

99 [Analýza a/alebo evaluácia štyroch](#)

100 [Interpretative opinions | Uniform methodology for assessing selected impacts | Business Environment | MHSR](#)

forwards the information on the legislative draft to a list of interested businesses and associations. The list is open for any business/association wishing to participate and is publicly available online.

The Better Regulation Centre is a specialised analytical unit within the Slovak Business Agency, established following the Initiative of the European Union to promote small and medium enterprises (the Small Business Act). The Centre's mission is the reduction of the disproportionate regulatory burden of businesses and an improvement in the business environment in Slovakia.¹⁰¹ According to the Unified methodology, the early-stage consultations with business stakeholders should last four weeks, although the drafting institution and stakeholders may agree on a shorter period.¹⁰²

The Interdepartmental Comments Procedure (Medzirezortné pripomienkové konanie) enables any interested party – including civil society organisations, individual citizens and other public bodies – to register and submit comments on proposed legislation, access comments made by other contributors, and assess which inputs were included in the legislation. Every governmental organisation must publish proposed legislation on the slov-lex.sk website. The legislation establishes a minimum duration of at least 2 weeks for the procedure, which can be shortened under circumstances prescribed by the law. Any interested stakeholder can comment through the online portal following compulsory registration.¹⁰³

The number of comments received through the portal varied significantly depending on the actual draft regulation and the portal was not optimally used by stakeholders due to usability challenges and a lack of awareness about the possibility to participate. The portal was therefore upgraded with a range of new features to increase its usability and improve stakeholder engagement (including tools to organise public consultation formats such as working groups, roundtables etc.) and allow for the RIA Commission to communicate throughout the process. User's manual and help desk are also available. Major investments in development of the platform were financed by the EU structural funds.¹⁰⁴

All comments are responded to, indicating whether they were accepted, partially accepted or rejected, along with justifications. The Portal also includes the possibility of a '**Collective Comment**' if a proposal is backed by at least 500 natural and/or legal persons. In this case, the relevant ministry or governmental organisation must consult with the group who made the proposal.¹⁰⁵

Strengthening public participation in policy making has been Slovakia's commitment within its Open Government Action Plans, with the responsible oversight body being the **Office of the Slovak Government Plenipotentiary for the Civil Society Development**.

To support implementation of the law, in August 2020 the Office published the guidelines on stakeholder involvement in the consultation process and related methodological materials.

Similar to Croatia, another platform for stakeholders' engagement in the decision-making process is **the Government Council for Non-Governmental Non-Profit Organisations (NGOs)**. This Council consists of representatives of ministries and more than 30 NGOs and is chaired by the Plenipotentiary of the Slovak Government for the Development of Civil Society. One of the Council's objectives is "to contribute to the development of participative democracy in Slovakia" ensuring that government policies and regulations are "not only efficient, fair and democratic, but also adopted based on a wide consensus of the government and non-governmental sector with their implementation being monitored by civil society".¹⁰⁶ This platform is mostly used to discuss general policies, strategies or cooperation projects with NGOs.

101 [Better regulation center | Slovak Business Agency](#)

102 OECD 2020. *Regulatory Policy in the Slovak Republic Towards Future-Proof Regulation*, <https://doi.org/10.1787/19900481>

103 OECD (2022), "Strengthening transparency and integrity in decision making in the Slovak Republic", in OECD Integrity Review of the Slovak Republic: Delivering Effective Public Integrity Policies, OECD Publishing, Paris. <https://doi.org/10.1787/a62bcd04-en>

104 (PDF) [Enhancing law-making efficiency, public value or both: Case study of e-participation platform in Slovakia](#)

105 OECD (2022), OECD Integrity Review of the Slovak Republic: Delivering Effective Public Integrity Policies, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/45bd4657-en>

106 [Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations, Ministry of the Interior of the Slovak Republic - Plenipotentiary of the Government of the Slovak Republic for Civil Society Development](#)

The consultation process is evaluated by the RIA Commission although, more attention was given to the formal aspects of the consultations, rather than their quality (e.g. completeness, representativeness etc.)

The Office of the Slovak Government Plenipotentiary for Civil Society Development, as the institution behind the Public Engagement Rules in Policy Development, lacks sufficient authority to ensure proper adherence to the Rules; this responsibility falls under the jurisdiction of the Ministry of Justice and the Slovak Government Office.

The Better Regulation Centre, aside from identifying regulations that could negatively impact the business environment, in Slovakia, particularly for SMEs, also co-organises, with the Association of Young Entrepreneurs of Slovakia, an annual “Bureaucratic nonsense” (*byrokratický nezmysel*) award.¹⁰⁷ The Centre collects inputs from stakeholders to identify top ten most “absurd” regulations out of which every year one is selected and the award is published in the media. The Government successfully dealt with some of the awardees in the past.

While transparency and participation of the decision-making processes at the central Government level can be used to some extent as a source of inspiration for other countries, stakeholders’ participation at regional and local level in Slovak Republic are not as advanced, with some exceptions (e.g. city of Bratislava). However, the Office of the Slovak Government Plenipotentiary for Civil Society Development is determined to enhance public engagement in decision-making at the local level, by using innovative approaches such as the Citizens Assembly.¹⁰⁸

Spain

While Spain is among the countries that made substantial changes since 2017 and now lists all ongoing consultations on its centralised online platform, which allows citizens to engage both before the decision-making process starts and during the draft consultation stage¹⁰⁹. Some initiatives at the local level, namely in cities of Barcelona and Madrid are widely recognized and replicated as examples of best practices in online participatory democracy.

Decidim Barcelona

The Decidim platform (<https://decidim.org>) was developed as part of the EU funded D-CENT project (2013–2016), piloting the city of Barcelona together with Madrid, Helsinki and Reykjavik. Decidim was introduced by the Barcelona City Council in 2016 as an online participatory democracy platform and an open initiative that enables various participative processes such as elections, budgeting, and policy-making, alongside assemblies and consultations for decision-making and public debate (decidim.barcelona).¹¹⁰

The name Decidim is derived from the Catalan expression meaning “we decide” embodying the vision of Spain’s vibrant civil society and democratic activism. The platform represents a transformative approach to civic engagement through innovative digital means. It was created and adopted as a response to large-scale youth protests calling for greater direct democracy. The platform has enabled the city’s population to actively engage in the formulation, debate, and implementation of policies. As a free and open-source software, the platform is notable for its high potential for customisation and experimentation, and it continually evolves through innovations which are thoroughly tested before being publicly released.¹¹¹ The platform’s flexible architecture allows developers to tailor or modify

107 [Bureaucratic nonsense - lepsiezakony.sk](https://lepsiezakony.sk)

108 [Slovakia Action-Plan 2024-2026 June EN.pdf](#), [The international conference BUILDING BRIDGES – ENHANCING PUBLIC ENGAGEMENT opened a discussion on connecting public administration and civil society](#), Ministry of the Interior of the Slovak Republic - Plenipotentiary of the Government of the Slovak Republic for Civil Society Development

109 Better regulation practices across the European union 2022 © OECD 2022: [89d0300b-en.pdf](https://oecd-ilibrary.org/89d0300b-en.pdf) (oecd-ilibrary.org)

110 [ECNL New dimensions for public participation Nov 2023 1.pdf](#)

111 Design Thinking as a Strategic Approach to E-Participation From Current Barriers to Opportunities: [An Overview on E-Participation | SpringerLink](#)

standard functionalities by creating custom modules. This adaptability enables various entities, such as local administrations, associations, and NGOs, to establish participatory procedures for strategic planning, elections, and more.

Decidim is governed by a “social contract” that ensures the platform and its code remain open-source, transparent, and inclusive, while also ensuring that all participation is traceable and data handling is ethical, reflecting the platform’s commitment to democratic values. This approach is recognised for effectively integrating community input into the municipal decision-making framework, enhancing the trustworthiness and legitimacy of municipal decisions by promoting extensive citizen involvement and deliberative processes, significantly bolstering the city’s governance processes (Peña-López [2017](#)).

Beyond its user-friendly interface and digital tools for democratic engagement, the platform provides multiple participatory mechanisms and forms of civic involvement, including physical meetings, assemblies, citizen initiatives, and referendums. The platform has facilitated a comprehensive participatory process where almost 40 thousand citizens have actively contributed both online and through physical meetings to diverse types of public discussions. The process is structured to ensure broad community involvement around the following phases:

1. **Context setting.** The city council outlines key areas and sectors for development, posting proposals on *Decidim.barcelona* for public consideration.
2. **Public engagement.** Citizens are encouraged to support, debate, and amend these proposals or introduce new ones through the platform.
3. **Deliberation and decision-making.** The City Council reviews all recommendations considering factors such as the level of public support, the content of discussions, and the outcomes of face-to-face deliberations. Recommendations with significant community support are revised and included into the final plan of the city council.¹¹²

The platform has been successfully implemented in Barcelona for several years and has expanded to hundreds of institutional and local contexts across the European Union, . Currently, Decidim has been adopted by over 450 democratic organisations (including 30 countries, 240 cities and governmental organizations, and 180 social organizations)¹¹³, demonstrating its adaptability and effectiveness in fostering civic participation.

Decide Madrid with Consul

Decide Madrid was introduced in 2015 by the Madrid City Council as part of a broader commitment by the Ahora Madrid coalition government of to enhance democratic engagement and decision-making transparency. The platform was strategically designed to address diverse citizen needs and preferences, being able to host different activities/participatory tools, while maintaining its user-friendly interface and accessibility:

1. **Debates** (online forums that can be initiated by citizens and by the city council).
2. **Policy recommendations** – proposals for new policies or changes to the existing ones (proposals with 1% of support can move to polling and voting).
3. **Polls/Voting** for collecting citizens’ opinion on various issues.
4. **Participatory budgeting** – Citizens vote annually on the local budget allocation and the most voted projects are implemented by the City Council in the upcoming year.
5. **Collaborative legislation.** Public can comment on legislative proposals (which are color-coded according to the sections they address to simplify the identification of areas for improvement).

¹¹² ibid

¹¹³ [Decidim 2024 EuroCities Nil](#)

Additionally, preliminary debates can be organised before drafting the decision, facilitating more informed legislative development.

6. Processes, including complex participatory processes (such as urban planning, large-scale regulatory reforms, multi-stage participation projects).¹¹⁴

Since its launch, Decide Madrid has registered significant user engagement, with hundreds of thousands of registered participants who have collectively proposed multiple initiatives, many of which have been successfully implemented. The platform has greatly enhanced the transparency and accountability of the City Council and has influenced over 120 organisations across more than 20 countries. The initiative received international recognition, winning the United Nations Public Service Award in 2018 for promoting democratic and inclusive governance.

The future of Decide Madrid likely involves further integration of artificial intelligence and machine learning to better analyse citizen feedback and predict future needs, enhancing the responsiveness of the City Council.

Despite their successes, both platforms in Barcelona and Madrid face challenges such as digital literacy, sustained engagement, and the digital divide, which can limit participation among certain demographic groups. To address these issues, the City Council of Madrid has implemented various information sessions, campaigns, workshops and education programmes, and has worked to ensure the platform is accessible via multiple devices including for people with disabilities.¹¹⁵

Both success stories in Barcelona and Madrid further emphasise robust ICT infrastructure as a critical success factor for modern civic engagement in decision making processes, in addition to strong political will and active civil society involvement.

Bosnia and Herzegovina

In addition to the mentioned examples of EU member countries, local examples of good practices can be found in other countries, mostly facilitated by important international organizations. Among the success stories in applying Citizen's Assemblies platforms to enhance transparency, inclusivity and co-creative decision-making between local authorities and citizens are those in **Bosnia and Herzegovina**.

Supported by the Congress of Local and Regional Authorities of the Council of Europe, the first Citizens' Assembly in Mostar was organized in the 2021, based on a transparent and inclusive process adapted to Mostar. It gathered a representative group of 48 randomly selected citizens who deliberated over four consecutive weekends and made 32 recommendations related to the cleanliness of the city and the maintenance of public spaces in Mostar. This proved to be a very useful method for creating policies in the city of Mostar because the city was dedicated to implementing a new process - the second Citizens' Assembly.

Within the project "Innovating democratic participation at local level in Bosnia and Herzegovina" implemented by the Congress of Local and Regional Authorities (according to the [Council of Europe Action Plan for Bosnia and Herzegovina 2022-2025](#)), Citizens' Assemblies were organized in two cities – Mostar and Banja Luka. During discussions with experts, local decision makers and colleagues from other cities, 40 randomly selected citizens (assembly members) in Mostar debated on how to make the city a more attractive and long-term-stay destination for visitors. In Banja Luka, members of the Assembly (35 citizens) focused on how to support youth entrepreneurship in the city.

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Assembly sessions resulted in relevant recommendations for both sites, i.e. Twenty-nine recommendations from Mostar concern the organisation of the work of the Tourist Board of the City of Mostar, transport in service of tourism and digital presence and communication on tourism.

In Banja Luka, twenty recommendations tackled formal and informal education opportunities for entrepreneurship, the setting up of internet platforms and the funding to support start-ups as well as digital communication.

The leaders and local councilors of both cities commended the quality of recommendations and commitment of citizens, which contributes to enhancing co-creation and dialogue, and building a stronger sense of community.¹¹⁶

116 [Citizens' Assemblies in Banja Luka and Mostar spark local citizen participation - Council of Europe Office in Sarajevo](#)

MAIN FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Main findings and conclusions

Central Public Authorities (CPA)

It can be concluded that, although all the analyzed CPAs have dedicated sections for decision-making transparency, not all of them comply with the legal provisions regarding the categories of information that must be posted there. Based on the evaluation according to the criterion of presence of the requested data, none of the analyzed CPAs fully complied with the legal provisions of p. 14 of the Regulation adopted through Government Decision No. 967/2016, although institutions such as MIA, but also MF, MJ, are doing better than others in this respect.

At the same time, the structure of the decision-making transparency sections on the respective institutional websites does not reflect the legal provisions stipulated in p. 14 of the Regulation adopted through Government Decision No. 967/2016. For instance, the transparency section on the website of the MER has no subcategories, and all documents regarding decision making transparency, regardless of category or type, are posted under a single section. Almost none of the analyzed CPAs do not have special subcategories for the notices regarding the withdrawal of a decision from public consultation, and none have special subsections for publishing decisions on their websites. This makes the transparency section „less transparent” as it becomes very difficult for users to navigate, categorize, and locate the necessary information.

In conclusion, the analysis on the CPAs allows us to pinpoint both positive and negative trends. Among the positive aspects, we can emphasize that, compliance with the most fundamental transparency obligations has visibly improved compared to previous reports. However, numerous deficiencies have been identified.

The analysis revealed that all the examined CPAs have published a list of stakeholders with contact details, as required by Government Decision No. 967/2016 (paragraphs 7 and 9) and Law No. 239/2008 (Article 9.1). This list is intended for the distribution of targeted information related to the decision-making process. However, based on the available data, it is not possible to determine whether these lists are updated semiannually, as required by law, including updates for stakeholders who have requested to be informed about the decision-making process.

This report was unable to verify whether all the analyzed CPAs send targeted information to those listed in the public stakeholder register. Similarly, it cannot be verified whether CPAs inform stakeholders who have made written requests to receive notifications about the decision-making process, as required under paragraph 9 of Government Decision No. 967/2016. Furthermore, the available data does not indicate whether CPAs publish notices about the initiation of the decision-making process through existing media or online tools. During focus group discussions with CPAs representatives, they stated that their institutions use both media and online tools to disseminate both targeted and general information. However, this report was unable to independently verify these statements.

The analyzed CPAs are rather compliant with the paragraph 5 of the Government Decision No. 967/2016 which mandates the publication of the draft decisions and related materials on particip.gov.md. However, the present analysis has shown a significant risk that APCs may fail to publish drafts for

all ministerial acts—orders or directives—that qualify as decisions under Law No. 239/2008. The report highlights significant inconsistencies in APCs’ transparency reporting practices. Only the Ministry of Internal Affairs (MAI) and the National Food Safety Agency (ANSA) include the total number of adopted decisions in their transparency reports. In contrast, the other evaluated APCs, for reasons that remain unclear, report only figures related to government decisions and directives (government decisions, government directives), parliamentary laws, and presidential decrees. Moreover, most of these reports are published without a date, some even provided as *.docx files, making it impossible to determine their publication date and whether the legal deadlines for publication were met.

Additionally, the data published by the analyzed CPAs or reported to the State Chancellery, does not allow an assessment of the compliance with legal provisions stipulating the obligation of the authorities to publish on multiple sources, including to make it available physically at their respective premises or, upon request, by mail.

The number of notices of public consultations (451) posted on <https://particip.gov.md> is lower than the number reported (507) to the State Chancellery, although large variations are found only in isolated cases.

The report reveals that not all the analyzed CPAs respected in 2023 their obligations regarding the appointment of a responsible person to manage the processes related to information, participation, and consultation in the decision-making. Similarly, not all of them have adopted their internal regulations, as required by the legal framework, although most of them did.

Although Annex 2 to Government Decision No. 967/2016 provides a comprehensive regulation for the establishment and application of a unified regulatory framework for the creation of the permanent consultative platforms within the CPAs, neither the mentioned Government Decision nor Law No. 239/2008 explicitly mandate their creation as a legal obligation. Nevertheless, it seems that this is regarded as an informal obligation of the CPAs, as they report the status of such platforms to the State Chancellery.

According to the State Chancellery’s report on CPA transparency, the methods used to inform the public about the “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) include targeted communication, publication on their respective institution’s website, and posting on the particip.gov.md platform. According to data reported by all CPAs to the State Chancellery, the “results of the public consultations” (“minutes of the public consultations, summary of the recommendations, additional materials”) were published only for 38% of the decisions submitted to public consultations. Besides the remark that these figures are unlikely to be accurate, they also reflect only the situation of adopted decisions. It is unclear whether this percentage also represents the recommendations received at the stage of announcing the intention to draft the decision. Based on the report’s wording, it seems certain that it does not reflect the number of recommendations received on those draft decisions that have not been adopted, regardless of the reasons. Additionally, the law prescribes that both the recommendations, and their summaries (syntheses) be published (paragraph 12.4, Law No. 239/2008), which is not reflected in the reported data.

The analysis further reveals that the legally prescribed structure for transparency reports submitted by CPAs to the State Chancellery covers only a limited subset of the legal obligations CPAs must adhere to in ensuring the transparency of decision-making processes. Although the State Chancellery uses a more detailed template for collecting transparency-related data from CPAs, this template also fails to encompass all legal requirements. Moreover, the reports do not provide links to data that substantiate the figures included in the reports, further undermining the credibility and accountability of the reporting process.

Local public authorities level II:

The evaluation report notes that based on the annual reports on decision-making transparency, only 3 district authorities (Briceni, Causeni, Basarabeasca) out of the 6 analyzed, have included data for 2023 on the number of announcements on the initiation of decision making, and the number of these is quite small (9, 2, and 7 respectively).

The analysis of 6 District Councils, shows that the second level LPAs neglect this stage and do not post information about the initiation of the decision drafting. On their official websites, these initiation announcements are found only for 3 DCs (Soroca, Strășeni and Basarabeasca). For example, Strășeni, Basarabeasca, and Soroca District Councils, regularly update their websites with details about the decision-making process. This practice ensures that citizens can easily access information about the initiation of decision making, draft decisions and participate in public consultations. The opposite situation is observed on the Nisporeni DC website, where there is no section dedicated to decision-making transparency which makes it very difficult, or even impossible for citizens, civil society representatives, and stakeholders to find useful information. This lack of transparency reduces the opportunities for public involvement in the decision-making process (in defiance of paragraph 14 of Government Decision No. 967/2016 on the mechanism of public consultation with civil society in the decision-making process).

Only one district council (Basarabeasca) out of the 6 analyzed, in 2023, published complete information both in its transparency reports and on the website regarding the process of informing the public about the initiation of decision making. Most of the time, level II LPAs go directly to the next step - making the draft decision and its related materials available to stakeholders.

LPAs publish draft decisions on their official websites, send them by email to individuals on the stakeholder list, and post them on social media (for example, Soroca District Council frequently uses its Facebook page to inform citizens about draft decisions and ask for feedback). Another method occasionally used by second level LPAs is to publish announcements in local media outlets (e.g. Strășeni and Soroca district council among others).

Data from the six evaluated district public administrations reveal considerable inconsistencies in the rates of publication of draft decisions on their websites. For example, the Căușeni District Council posted 326 decisions on its webpage, while the Basarabeasca District Council published only 34. These differences may reflect variations in local prioritization of transparency or allocation of resources for public engagement.

Although Law No. 239/2008 stipulates that draft decisions must be made available at least 15 working days before finalization, with a minimum of 10 working days for public recommendations, many LPAs publish drafts only a few days before council meetings. This practice limits meaningful public involvement and input, weakening citizen engagement in the decision-making process.

District authorities use various consultation tools to facilitate citizens' involvement. Level II LPAs organize public hearings and discussions on important local issues such as budgets, infrastructure projects or changes in land use designation. These events are usually announced in advance through official websites and local media. Working groups also play a crucial role, inviting citizens and representatives of non-governmental organizations to collaborate on solving specific issues, and implementing projects related to environmental protection or social services. In recent years, some Level II LPAs, such as Soroca District Council, have also started to use digital platforms to increase participation, especially in rural areas. However, traditional methods, such as information boards, remain dominant, which may limit the accessibility of wider segments of the communities and reduce participation in decision-making.

Some level II LPAs, such as the Strășeni and Soroca District Councils, are more proactive and citizens are more actively involved in the decision-making process. For example, in 2023, 278 citizens participated in Strășeni District Councils meetings throughout the year, and 270 citizens in Briceni District Council

meetings. In contrast only 57 people participated in public hearings, debates organized by Basarabeasca District Council and 74 people participated in public consultations organized by the Căușeni District Council. The Nisporeni DC did not provide such data in their report on ensuring transparency in the decision-making process. This highlights the significant differences in the citizens' involvement levels of and proactivity of level II LPAs in the decision-making process. The differences between districts indicate inequalities in how citizens perceive and access public participation processes. These disparities may reflect differences in communication, infrastructure, accessibility or local culture.

An effective public consultation process also requires LPAs to directly identify and notify relevant stakeholders of draft decisions. However, only the Strășeni District Council has published detailed information about stakeholders on its website. Moreover, a civil society representative who participated in the focus group and public consultations mentioned that requests to be included in the list of stakeholders were submitted and not all district administrations followed up on the request. Other district administrations do not have constructive approaches to stakeholder identification and involvement, which limits the impact of consultation efforts.

Of the six District Councils assessed, only Strășeni and Căușeni reported in 2023 that they received and considered recommendations from citizens, associations legally established associations, and other stakeholders during the consultation process of draft decisions. Strășeni District Council considered 1 recommendation from the media and 8 recommendations from advisory commissions, while Căușeni District Council included 14 recommendations from CSOs, 1 recommendation from a development partner, and 3 recommendations from advisory commissions. Some district public administrations: (Briceni, Sorooca and Basarabeasca) mentioned in their transparency reports that they did not receive any recommendations, and the authorities attributed this to lack of interest from stakeholders. However, we can mention that sometimes consultations are not organized and when they are, not enough efforts are made to ensure the participation of citizens and stakeholders in the process. Additionally, many citizens remain uninformed and unaware of their rights to participate in the decision-making process or how to make their needs and opinions heard. They do not know how to submit their concerns and recommendations, which leads to an under-utilization of existing channels.

A key strategy to ensure stakeholder participation is to raise public awareness of their right to participate in the decision-making process. This involves using local media, such as radio, television and newspapers, to announce upcoming meetings and discuss agenda items. However, many LPAs under-utilize these media channels, limiting community awareness and reducing participation rates. Most announcements are published on the official websites, social media platforms and information boards, which may prevent the information from reaching all citizens.

LPAs can increase stakeholder participation in public meetings through a combination of tools: effective communication, convenient scheduling, inclusive agenda setting, ensuring the exchange of information before the meetings, and providing feedback after the meetings. While some district councils, such as Causeni, have implemented strategies to improve participation, many level II LPAs still face challenges in reaching and fully engaging their communities. Addressing these shortcomings through wider use of local media, more accessible meeting times, and greater community involvement in agenda-setting will strengthen public engagement and foster a more transparent and participatory decision-making process.

The analysis of the six District Councils reveals significant variations in the number of decisions adopted. For example, in 2023, Căușeni District Council reported the highest number of decisions adopted (299), while the Basarabeasca District Council had the fewest (51) according to the reports on ensuring transparency in the decision-making process for 2023. Moreover, there is inconsistency in publishing decisions on official websites: the Briceni District Council published 254 decisions, while the Nisporeni District Council had only 28 decisions available online. Moreover, in the local acts registry Nisporeni District Council recorded 622 decisions in 2023, while its transparency report lists only 153 decisions and only 28 decisions were found on the institutional website. Sorooca and Basarabeasca

District Councils websites do not have dedicated sections for publishing decisions, making it difficult for the public to access these documents.

District council websites vary significantly in terms of transparency and accessibility, with some lacking dedicated sections for publishing decisions. For example, the Strășeni and Basarabeasca District Councils have relatively accessible web pages, but in cases like Soroca District Council, citizens may have difficulties in finding relevant information (such as draft decisions and announcements of public consultations), thus limiting public access and involvement.

The six District Councils analyzed prepare and publish on the institutional website reports on transparency in decision-making. This practice reflects a basic level of compliance with transparency requirements. These reports include data, figures, statistics and indicators achieved but do not emphasize the quality of the processes carried out. The absence of robust monitoring, enforcement and accountability mechanisms limits the effectiveness of these transparency efforts.

Local public authorities level I:

The analysis of the official websites indicates that the majority of first level LPAs do not ensure transparency and participation in initiating the local decision-making process. Very few Levels I LPAs, such as Balti (25 notices), Cupcini (115 notices) and Peresecina (3 notices) have published on their official website's announcements regarding the initiation of the decision-making process.

The analysis shows a low level of transparency of the draft decisions of the level I LPAs. Specifically, only about 33% of the 15 level I LPAs evaluated complied with the legal requirement to publish draft decisions on their official websites (Ungheni, Balti, Telenesti, Dondușeni, Cupcini). On the other hand, 60% of the assessed LPAs did not publish any draft decisions during 2023 (Făleşti, Otaci, Talmază, Zaim, Gura Galbenei, Basarabeasca, etc.). Cimisia partially complied with the legal requirements on the transparency of draft decisions during 2023 (3 published), given the significantly lower number of published decisions compared to the number of decisions recorded in the State Registry of Local Acts (99 decisions).

The analysis of data available on <https://particip.gov.md> shows that in total, during 2023, only 147 normative acts were made available to the public by LPAs. Therefore, even if all LPAs are registered in the portal, they do not use the portal for the purpose of public consultation of draft decisions. The only LPA that published draft normative acts on the portal <https://particip.gov.md> is [Balti Municipality](#). Given that the Particip.gov.md portal is currently undergoing updates and development to address technical issues, all accounts public authorities (credentials) will be updated accordingly as part of an upcoming campaign to be launched by the State Chancellery.

The report highlights the confusion that persists among LPAs, which often mistake the publication of a draft decision on their website for conducting a public consultation of the draft decision with citizens and ensuring their participation in the decision-making process. Specifically, some LPAs incorrectly consider that, once they have published the draft decision on the website, they have also ensured a broad public consultation. However, during the focus group discussions, some LPA representatives emphasized that the website is not the only tool used to ensure transparency and participation in the decision-making process. LPAs mentioned that as part of their efforts to actively involve citizens and stakeholders, they use more effective methods and tools, such as social media, local newspapers, information boards (classic and led type) placed at their premises, sectoral meetings with community members, presentation of draft decisions in other community events, among others.

The report reveals that none of the assessed level I LPAs have created permanent working groups in 2023 as an effective method of public consultation with stakeholders. The only such practice identified is in the Balti municipality. According to the Annual Report on Transparency in Decision-Making, in 2023, Balti municipality created 3 ad-hoc working groups to discuss draft decisions. However, there is no permanent working group with civil society and other stakeholders.

The analysis of the received recommendations and those considered by the authorities shows a very limited level of participation in the decision-making process at local level. As noted in the chapter on level I LPAs, only in 3 cases (Balti, Donduşeni and Ungheni) there were recommendations received from citizens and other stakeholders (civil society organizations, associations, business environment). In all other cases, we found a lack of data when analyzing the websites and annual reports on transparency in decision-making, where such reports were available. These findings strongly indicate a lack of active involvement in the decision-making process, which can be explained by the lack of transparency and the methods/channels used by LPAs for publishing and consulting draft decisions. Regarding the perception of LPAs, during the focus groups, LPA representatives mentioned that the local civic initiative is rather low; citizens generally approach authorities when they face a concrete problem.

The comparative analysis of published draft decisions versus adopted decisions and orders published in the State Registry of Local Acts reveals large discrepancies between the number of draft decisions published for consultation and the number of adopted decisions. This analysis allows us to conclude that for many decisions/orders, LPAs fail to comply with the legal requirements for transparency in the decision-making process.

The analysis of 14 websites of the level I LPAs that have them (with the exception of Criuleni, which does not have a functional web page) shows that only 3 out of 15 LPAs complied in 2023 with the legal requirement on the mandatory publication of the Annual Report on Transparency in the Decision-Making Process ([Balti](#), [Donduşeni](#), [Ungheni](#)). All reports that have been made available to the public comply with the legal requirements on the content set out in Government Decision No. 967/2016, paragraph 41.

Even though the new Law No. 148/2023 brings more clarity on public data, focus group participants (mainly secretaries of local councils responsible for transparency in decision-making) emphasize the confusion between public data and personal data. This confusion has negative effects on decision-making transparency, especially at local level, with authorities invoking personal data protection as a reason to blur public information in the State Registry of Local Acts.

Findings based on the survey on citizens' perception of transparency in decision-making at central and local level

Understanding citizens' perceptions of transparency in decision-making is essential. The survey provides information on citizens' perceptions of transparency at three levels of government: central public authorities (CPA), first level local public authorities (Level I LPAs) and second level local public authorities (Level II LPAs). The findings reveal:

- a general dissatisfaction with the transparency of decision-making processes at all levels of public authority, with a particularly low rating for level I LPAs. There is a notable tendency among respondents to perceive a lack of transparency, with a significant proportion of respondents unsure about the degree of transparency, especially regarding level II LPA.
- Limited public awareness of involvement in decision-making. People feel either 'poorly informed' or 'not informed at all' about decisions taken by the authorities. This suggests possible gaps in communication and transparency, particularly at level II LPA, where the lack of information is most pronounced.
- a strong tendency for citizens to disengage from public authorities, especially with regard to requests for information, especially at the levels of the Government/CPA and level II LPAs. Engagement is slightly higher at the level I LPA, indicating that people may feel more inclined to access information from local authorities. The low frequency of access suggests potential barriers to accessing information or a lack of awareness about the availability and importance of public information. Among those who did request information, the success rate in obtaining it was low, suggesting potential barriers to consistent access.

- a widespread perception of inadequate involvement of citizens in decision-making processes at all levels. The prevalence of responses such as 'rarely' and 'not at all' highlights a perceived gap between authorities and citizens, with rare opportunities for active involvement. Uncertainty among respondents also points to possible gaps in communication or transparency in terms of participation channels.
- a strong consensus that the main barriers to transparency in decision-making in the Republic of Moldova are the lack of digital tools, insufficiently trained or knowledgeable staff and lack of financial and technical resources. Other reasons cited by citizens include corruption, frequent leadership changes, citizens' disengagement/passivity, human factors, indifference, lack of internet access, lack of willingness to work, etc.

Following the analysis and findings the following **recommendations** are proposed:

Recommendations for the legal and regulatory framework:

1. Standardization and unification of the provisions regarding the stages of ensuring transparency of the decision-making process in Law No. 239/2008 and Government Decision No. 967/2016. For example, all requirements regarding the notice of intent should be published in one place in the law/Government Decision in a consistent manner, avoiding duplication. Likewise, all legal requirements concerning the notice on the organization of public consultations and how it is published should be consolidated; the same reasoning should also apply to the requirements regarding recommendations and how they are brought to the public's attention, as well as the provisions on decisions and their publication. These should be placed in one section in a clear manner, avoiding gaps and overlaps.
2. Introducing a legal obligation to publish information on decision-making meetings in the sections dedicated to decision-making transparency on the authorities' websites, as the current legal framework does not explicitly require this.
3. Update the legal framework to clarify how public interest information should be made available to the public via the website as well as provided upon request. The general transparency requirement should also be mentioned in the regulatory framework on transparency of decision-making. In addition, the legal framework should contain clear provisions on the accepted open data formats and how the open data format should be respected by public authorities.
4. Review and clarify legal provisions that may be interpreted in an ambiguous manner regarding the obligation to conduct public consultations. In particular, Article 3(4) of Law No. 239/2008 which provides that "Public authorities shall consult citizens, associations established in accordance with the law, other interested parties on draft regulatory, administrative acts that *may have* a social, economic, environmental (lifestyle and human rights, culture, health and social protection, local communities, public services) impact." This provision is ambiguous because, depending on the existing political discretion, interests and circumstances, many draft decisions could be interpreted as not having such an impact as described in the article.
5. Revision of Article 7(1)(e) of Law No. 239/2008, which states that public authorities "are obliged, *where appropriate*, to take the necessary measures to ensure opportunities for participation of citizens, associations established in accordance with the law and other interested parties in the decision-making process, *including by consulting* the opinions of all parties concerned by the examination of draft decisions". This rule is ambiguous and entails risks of misinterpretation and abusive application by public authorities.
6. Clarifying the meaning of the term "draft decision" in Law No. 239/2008 by supplementing Article 2 of the Law. For example, Article 12(2) of the Law stipulates that "the deadline for submitting recommendations *on draft decisions* shall be at least 10 working days from the date of publication of the decision initiating the procedure or from the date of the announcement in the mass media on the organization of public consultations". However, the announcements on the initiation of

the decision do not contain the draft decisions themselves, but only the announcement of the intention to prepare the draft decisions, therefore, at that stage no recommendations can be made directly on the draft, as it does not yet exist.

7. Clarifying the legal provisions regarding the difference between publication of a draft decision on the website and holding a public consultation of the draft decision with stakeholders. In the absence of this clarity, some public authorities (as confirmed in the focus groups) wrongly assume that once the draft decision has been published on the website, it has also been publicly consulted with stakeholders. Greater regulatory clarity is needed on these issues, particularly regarding: (i) informing through publication; (ii) online consultation; (iii) organizing and conducting offline consultation meetings; (iv) other forms of public consultation.
8. Explicit provision in the legislation for the manner in which the authority is obliged to publish notices of initiation and public consultation of decisions as well as optional publication methods. For instance, requiring publication on the institutional website and the <https://particip.gov.md> portal, while keeping other methods optional. Currently, the legal framework is fragmented and contradictory in this respect, as it provides for too many different ways of publication, leaving it to the authorities to decide which one to use. Moreover, it would follow from some normative provisions that all the publication modalities listed in the corresponding articles and paragraphs of the legal framework would be mandatory, while from others it could follow that only some of them are mandatory (e.g.: para. 11 of GD no. 967/2016 vs. art. 9 para. (1) and Art. 10 of Law no. 239/2008).
9. Review and clarify legal provisions on the implementation of targeted and general information obligations that are contradictory. Thus, although both are described as mandatory in some provisions, other provisions (Article 9(1) of Law No. 239/2008) can easily be interpreted as allowing authorities to choose only one of the two.
10. Review and clarify the legal framework in terms of ensuring the functionality of the consultative platform as a legal obligation of the CPAs, which is currently not the case (GD 967/2016, para 23). It is recommended to identify mechanisms to ensure that the CPAs publish the participants list and minutes of platform meetings and that these are published in the Transparency section of the official website, in a dedicated sub-section.
11. Exclusion of legal provisions requiring the CPAs to publish the physical postal address of the persons designated to coordinate public consultations on a project (point 18 of GD 967/2016).

Recommendations for public authorities – CPA and level I and II LPAs:

1. Identify mechanisms to ensure that all public authorities report figures reflecting the total number of decisions adopted for the respective year (including ministerial/institutional orders and administrative acts). In order to comprehensive data collection, it should be collected automatically. One solution would be to publish these documents on <https://particip.gov.md> in the same manner as the government acts.
2. Undertake actions to identify mechanisms to ensure that all public authorities publish all their decisions (including ministerial/institutional orders and normative and administrative acts) and provisions on the transparency sections of the website. Currently, Article 15 of Law No. 239/2008, although specifying the obligation to publish such decisions, lacks clarity regarding the manner of publication. If the recommendation to establish by law the obligation to publish decisions (including normative acts) in the transparency sections is accepted, then paragraph 33 of GD 967/2016 should be excluded.
3. If the obligation to compile decision dossiers is kept as a legal provision, then it is recommended to specify that such dossiers should be published in the transparency sections of the institution websites, as the legal-normative framework currently only states that the dossier „related to the development of the draft decision shall be accessible to all citizens, associations established

in accordance with the law, other interested parties". Currently, only two of the analyzed CPAs comply with the provisions regarding the content of the dossier.

4. Identify mechanisms to ensure the compliance by the CPAs with the legally stipulated deadlines of 10 working (not regular) days for submitting recommendations after publishing the notice of intention (if the stage is kept) and the notice on the organization of public consultation, as most of the CPAs allowed for 10 (or even fewer) calendar days in 2023.
5. Analyzing the profile of citizens in local communities (level I LPA and level II LPA) and deciding on the best way to involve citizens in the decision-making process (e.g. general assemblies, public consultations, assemblies by sectors, assemblies in schools, kindergartens, etc.)¹¹⁷
6. Examining the possibility of introducing local transparency and participation formats modeled on existing positive examples that stimulate transparency and participation (e.g. Local Transparency Councils, District Participation Councils, Seniors Groups, Local Youth Councils, etc.) The formats may be different for level I LPAs and level II LPA, depending on the models currently in place.
7. Continuously use and update the list of stakeholders and specific information techniques only for inviting stakeholders to physical or online consultation meetings.
8. Identify mechanisms to ensure the enforcement of the legal obligation set out in Art. 17 (6) of Law No. 436/2006 regarding the publication of the minutes of the council meeting on the official website of the LPA.
9. Analyse and remediate of situations in which LPAs limit the participation of persons with filming devices by invoking Art. 17 (7) of the Law No. 436/2006 which states that local council meetings may be broadcast live on national and local public radio and television stations, other media channels, on social networks or on the official website of the local public authority by distributors or media service providers or by individuals in accordance with the provisions of the Audiovisual Media Services Code, Law No. 133/2011 on the protection of personal data and Law No. 239/2008 on transparency in the decision-making process.¹¹⁸
10. Development and implementation of a mechanism to record and control requests for information at the level of public authorities, to ensure that responses are provided to those requesting information.¹¹⁹
11. Informing the participants in the public consultations by email about the results of the public consultation process (final approval of the consulted document, accepted proposals, etc.).

Recommendations to improve the portal <https://particip.gov.md>:

1. Undertake the necessary actions to implement the obligation (paragraph 15, point 15 of GD No. 728/2023) of the CPA to incorporate the module <https://particip.gov.md> in their website. This is already being done by some CPAs, which allows them to reduce their workload by posting mandatory information on the portal <https://particip.gov.md> portal, which by default also means automatic publication on the official website. This is important given the fact that notices, draft decisions, related documents, summaries of recommendations are mandatory to be published on the official website. Identifying the best ways, complying with the legal requirements of the transparency sections, to integrate the <https://particip.gov.md> on institutional websites should be a priority given the opportunities of making use of automated solutions.
2. Establish the obligation to use the correct tagging of "document types" on the <https://particip.gov.md> portal, since some authorities do not tag documents, which makes it difficult to find the necessary information.

¹¹⁷ Recommendation received in public consultations with which the experts agree.

¹¹⁸ Recommendation received in public consultation.

¹¹⁹ Recommendation received in public consultation

3. A simplified User's Guide to the portal should be developed.
4. Develop a functionality on particip.gov.md allowing the tracking of a decision from the very first stage of the process (i.e. the notice of initiation, if this stage is kept) to the adoption and publication of decision, or the withdrawal from public consultations. This seems achievable through the implementation of a special tag, that should be unique for each decision. This functionality would automatically solve the problem of the implementation of the obligation, by each authority, to compile a dossier for each decision, and which is currently not implemented by most of the analyzed CPAs. If the functionality is implemented, and its employment is stipulated as an obligation for the CPAs, the obligation to draft dossiers can be scrapped (for CPAs).
5. Mandatory posting on the portal <https://particip.gov.md> of the date of publication of documents related to a draft decision. Currently, such information is not available, which makes it impossible to assess compliance with the legal publication deadline (including the date of publication of the summary of recommendations).
6. Make sure that the categories, filters, and stages by which the draft decisions are tagged and searched for, correspond to the provisions of the legal-normative framework in the field of transparency (i.e. Law No. 239/2008 and Government Decision 967/2016). For instance, right now there is no category for 'adopted decisions' as a document type, although the publication of decisions is obligatory according to the law. Another example: as of today, on particip.gov.md, the public consultation is put in the same category with the endorsement and expertise (consultare/avizare/expertizare), therefore it is not clear why are some projects placed in that section: for endorsement, expertise, or for consultation? This situation also affects the statistical analysis possibilities.
7. Intensive and large-scale promotion of the portal <https://particip.gov.md> (through advertising spots, TV commercials, social media) as citizens are not aware of the portal and do not get involved. The portal should have a simple structure, intuitive to use and functional search filters allowing citizens to easily access information¹²⁰.
8. Explore the possibility of encouraging stakeholders to submit recommendations mainly on <https://particip.gov.md>. This would streamline and centralize all essential information related to public consultations and, because <https://particip.gov.md> already provides such functionality which could be further improved.
9. Integration of the Parliament's decision-making process into the <https://particip.gov.md> platform (E-parliament or E-legislature components could be integrated). Each legislative proposal should have a unique identification number on the portal.
10. Identify a legal solution to require the LPAs to incorporate the <https://particip.gov.md> module into their institutional websites.

Recommendations for CS:

1. Develop and present proposals on how to update the lists of stakeholders in the public consultation process.
2. Make efforts to ensure that authorities organize the decision-making transparency sections into sub-categories reflecting the legal requirements regarding the content of the respective sections.
3. It is recommended that a mechanism is established to ensure the publication of the notices on decisions to be adopted as a matter of urgency, as even according to CPA reporting, most if not all of them currently are not being published. It is recommended to stipulate the obligation to publish such notices in the transparency sections, as, in this respect, the legal provisions are once again too imprecise (art. 14, Law No. 239/2008).

¹²⁰ Expert opinion and recommendations from participants in the public consultations.

4. Proactively ensure throughout the year that CPAs fulfill their legal obligations regarding transparency in decision-making. The annual reports on transparency in decision-making of CPAs and LPAs are published with multiple errors, as noted by the SC, which makes these data inaccurate and difficult to use, analyze and compare. To ensure the accuracy of the data and its collection throughout the year, the process should be automated, in particular through the portal <https://particip.gov.md> which should become the main source of information on ensuring the transparency of the authorities' decision-making process.
5. It is recommended that the State Chancellery puts forward a new report template that reflects all the legal provisions of the Law No. 239/2008 and Government Decision No. 967/2016 in the area of decision-making transparency that are not found neither in the existing structure, nor in the template used by the State Chancellery for 2023. The new template report should request mandatory links referencing all figures/data presented in the report. Besides quantitative indicators, it is also proposed to include qualitative indicators in annual reports on decision-making transparency.
6. Verification of the authenticity, integrity and accuracy of the data and information presented in the annual reports on transparency in CPA decision-making. Data collection on the portal <http://particip.gov.md> could ensure both accuracy and availability of data, disaggregated by authorities, categories of acts, stages of legislation, etc. if the transparency reports are generated automatically based on available data.
7. It is recommended to establish a mechanism (perhaps through the consultative platforms functioning at CPA level, and in which CSOs are also present), to decide (in a transparent manner, with the publication in the transparency section of the institutional website of the relevant minutes, documents, etc.) based on the evaluation of the impact according to art 3 of the Law No. 239/2008, for which internal administrative and normative acts of the respective authorities (orders and decisions), should public consultations be conducted.
8. Identify mechanisms to ensure compliance by authorities with the legal provisions on the content/structure of the notices of initiation of a decision-making process and the organization of consultations, as half of the CPAs surveyed currently do not comply with this structure.
9. Identify mechanisms to ensure that the CPAs comply with point 13 of Government Decision No. 967/2016 on the mechanism for public consultation with civil society in the decision-making process, namely that the public should be informed about the intention to draft the decision at least 15 working days before the consultation of the draft decision by the authorized subdivision of the public authority, as currently half of them do not do so.
10. It is recommended to identify mechanisms to ensure that the CPAs respect the legal provision related to the content of the notice on the organization public consultations, especially regarding the announcement of the specific methods of conducting public consultations to be used, and regarding the publication of the way interested parties may submit recommendations.
11. Develop a mechanism to ensure that all CPAs comply with the legal obligations to designate a responsible person (and not institutional departments or directorates) to deal with processes related to information, participation and consultation in decision-making.
12. Establish a mechanism to ensure that public authorities adopt and publish internal regulations on public consultations as required by the legal framework.
13. Introducing the obligation to publish the summary of public consultation results on <https://particip.gov.md>.
14. Develop mechanisms to ensure that the minutes of the public consultations are published on the transparency sections of the websites. Although all CPAs and some LPAs reported conducting of public meetings and debates, none of them published any minutes.

15. Develop mechanisms to ensure that the CPAs publish, in the dedicated transparency compartments, both the recommendations received and their summaries, including for decisions not adopted. However, the publication of summaries of recommendations could be sufficient if such summaries would include unchanged the actual recommendations.
16. Identify a mechanism to ensure the publication of recommendations received also during the stage of the publication of the notice of intent to initiate a decision, as no such recommendations (or lack thereof) have been reported by the CPAs or could be identified in the course of this analysis.
17. Revising the interpretation of the transparency provisions in paragraph 3.5 of the Law stating that “the provisions of this law shall not apply... in the process of holding operational meetings convened by the heads of the respective public authorities”. It is unclear what, from a legal perspective, „an operational meeting” is, as for instance, no such definition of meetings is included in the Regulation of the Government - GD 610/2018).
18. Introduce a special article in the Contravention Code to address violations against the provisions of Law No. 239/2008 and Government Decision No. 967/2016 and provide that the State Chancellery is responsible for continuous and proactive compliance verification.
19. Strengthening the capacities of the persons responsible for transparency in decision making within the CPAs and LPAs of level I and level II by initiating and running regular training programmes (both online and offline).
20. It is recommended for the Government to launch a yearly grant programme for civil society organizations and journalists focused specifically on the continuous monitoring of the implementation of the decision-making transparency legislation by CPAs and LPAs. The findings resulting from such a programme should serve as a basis for improving the existing transparency framework and for applying fines and disciplinary actions in cases of legal violations.

Recommendations for the Government and LPAs based on the survey on citizens’ perception of transparency in decision-making at central and local level

1. Improving communication strategies and increasing the accessibility of information on decisions that can enhance public understanding and involvement.
2. Raising public awareness and facilitating access to information and its relevance to citizens’ needs could encourage more proactive collaboration with public authorities.
3. Ensuring the involvement of civil society organizations in fostering a participatory spirit and increasing CSOs capacity to participate in the decision-making process.
4. Increasing efforts to improve transparency and make decision-making processes more visible and accessible to the public, which will encourage greater citizens engagement and increase service satisfaction.
5. Raising public awareness and promoting opportunities for citizen involvement. Promoting active opportunities for citizens to get involved in governance processes can bridge the gap between the authorities and the public. Participants in the public consultations concluded that citizens lack the participatory culture and the necessary training to get involved in the decision-making process and the recommendation is to work intensively with citizens, with a focus on the younger generation to educate civic spirit in school children, youth.
6. Investing in technology, improving staff training and raising awareness among officials and citizens can remove identified barriers to transparency and engagement.

7. The survey showed a strong consensus on several approaches to increasing transparency and citizen engagement, with an emphasis on accessible information, open forums for discussion and direct involvement in community projects. Respondents also recommended the use of mass media (television and radio), with a focus on local development and budgeting, increasing salaries and addressing misinformation, etc. These findings suggest that citizens favor transparent communication and regular and structured opportunities to participate in decision-making. Implementing these suggestions could significantly improve the transparency and inclusiveness of public governance.

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ANNEXES

Annex 1. Questions for omnibus

1. How informed do you feel about the decisions made by public authorities?

Government / CPA	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer
LPA level I	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer
LPA level II	Very informed	Quite informed	A little informed	Not at all informed	Don't know / no answer

2. How many times in the last 3 years have you accessed or requested information from a public authority?

Government / CPA	never	once	a few times	I don't know / no answer
LPA level I	never	once	a few times	I don't know / no answer
LPA level II	never	once	a few times	I don't know / no answer

3. Have you obtained access to the requested information from public authority?

Government / CPA	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer
LPA level I	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer
LPA level II	Always	Yes, most of the time	Only a few times	Never	Don't know / no answer

4. How do you assess the transparency of the decision-making process of public authority?

Government / CPA	Very high	Quite high	Low	Very low	Don't know / no answer
LPA level I	Very high	Quite high	Low	Very low	Don't know / no answer
LPA level II	Very high	Quite high	Low	Very low	Don't know / no answer

5. How frequently do you consider that citizens are involved in the decision-making process?

Government / CPA	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer
LPA level I	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer
LPA level II	Frequently	Quite frequently	Rarely	Not at all	Don't know / no answer

6. What do you consider to be the main challenges for ensuring decision-making transparency in the Republic of Moldova?

- Insufficient staff who are not equipped with the knowledge and skills to ensure transparency in the decision-making process and communication with citizens.
- Lack of awareness by authorities and public officials of the importance and necessity of transparency within public authorities
- Lack of resources (financial, technical, etc.);
- Lack of digital tools to facilitate the process of ensuring transparency
- Other

7. How can transparency and citizen participation in the decision-making process be improved?

- Publishing and updating information in an accessible and understandable format for all
- Establishing permanent consultative councils/platforms with civil society
- Organizing hearings, public debates with the participation of civil society
- Organizing visits of specialized services to citizens' homes
- Involving citizens in community development projects to stimulate participation in the decision-making process
- Implementing mechanisms for direct citizen involvement in the decision-making process, such as participatory budgeting
- Establishing audience programmes for communication with citizens, appeals and complaints
- Implementing personalized tools for citizens to engage in dialogue with public officials
- Creating specially designed places in neighborhoods for proposals, complaints and petitions
- Inviting citizens, through online posts, to LPA meetings/activities/events

Annex 2. Questions for focus groups and interviews

QUESTIONNAIRE

Focus group with representatives of local and central public authorities, CSO on ensuring transparency in the decision-making process

The focus groups were organized in order to evaluate the current situation regarding transparency in the decision-making process. Representatives of public authorities and CSOs were invited to assess the quality of the legal framework and the extent to which it reflects the realities and capacities/resources of the CPA/LPA; the extent to which transparency is ensured in the decision-making process at the local / central level, the methods / tools / platforms of communication and collaboration used by the authorities (including the establishment / operation of permanent consultative platforms at the central level), the challenges of the active involvement of citizens in the decision-making process, but and recommendations for improving the legal framework and streamlining the public consultation process.

Date: October 17, 2024, online through Zoom platform

Participants: CPA, LPA, CSO

The discussions were centered around the following questions:

1. How familiar are you with the legal framework regarding transparency in the decision-making process and the obligations of public authorities in this regard?
2. How do you assess the legal framework aimed at ensuring transparency in the decision-making process (in terms of simplicity, relevance, coherence, practical application)? Do you believe there are unclear, contradictory, or outdated legal norms? If so, which ones are they?
3. How necessary do you consider the stage of announcing the intention to develop a draft decision, given that legislation requires the inclusion of such projects in annual and/or quarterly programmes/plans, specifying the projects that must undergo public consultation? How do citizens react to these announcements (do you receive recommendations)?
4. Through what methods/tools do you inform the public about announcements regarding the consultation of draft normative acts (draft decisions and related materials) or the results of public consultations (summary of recommendations, etc.), organization of public meetings, etc. (e.g., website, participation portal, informational bulletin board, social media, organizing meetings with citizens, other methods)? From your experience, which of these have been the most effective?
5. For those who use the particip.gov.md portal, what challenges and difficulties have you encountered when publishing draft decisions?
6. How frequently and through what methods have you organized public consultations on draft normative acts with the participation of all stakeholders (citizens, civil associations, businesses, etc.)?
7. For approximately what percentage of draft normative acts, administrative (ministerial orders/dispositions, etc.) that may have social or economic impact, did you organize public consultations in 2023? How do you decide which and how many of these acts to hold public consultations for?
8. Does your public authority have established permanent consultation mechanisms with stakeholders, such as permanent advisory platforms whose members are involved in all consultation processes within the authority?
9. Did your institution ensure access to meetings in 2023 and publish the announcement for their conduct according to Article 13 of Law No. 239/2008?

10. How frequently and actively do civil society organizations, citizens, and other stakeholders engage in the decision-making process, including through concrete recommendations on draft decisions?
11. At the conclusion of consultations, do you ensure the preparation of decision project files and their publication on the website in accordance with the law?
12. Through what methods do you inform the public about the decisions made, including those regarding the projects subject to consultations?
13. What are the biggest challenges for the authority in ensuring transparency in the decision-making process and organizing public consultations?
14. What are your proposals for improving and simplifying the legal framework regarding transparency?
15. Are you familiar with the provisions of Law No. 148 of 2023 regarding access to public interest information? Do you apply it, and what aspects do you consider useful or unclear, or less applicable?

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