

# Promo-LEX submitted the monitoring reports on parliamentary oversight and meritocracy in the civil service during 2017

On Friday, June 15, 2018, Promo-LEX Association published the annual reports on 'Monitoring Parliamentary Oversight in the Republic of Moldova in 2017' and 'Monitoring the Appointment to/Termination of Public Positions in 2017'.

The purpose of the event is to inform decision-makers and opinion leaders on Parliament's performance in terms of parliamentary oversight, as well as on how the law is obeyed when it comes to appointment to / termination of public positions.

Based on what was discussed in the report on **parliamentary oversight**, there are some essential findings, which mainly repeat the findings of 2016:

- The parliamentary oversight is often constrained by the incomplete legal framework, which neither defines appropriately the Parliament's oversight competences, nor describes clearly the operating procedures part of the parliamentary oversight work;
- The MPs' questions and interpellations are inefficient when used as parliamentary oversight tools, as the questioned parties submit incomplete, evasive, formal answers, often with a delay;
- Lack of legal framework meant to hold accountable (administratively or penally) the decision makers that provide the MPs and Inquiry Committees with inaccurate,

incomplete or erroneous information makes it impossible for them to carry out their mandate properly;

- The legal provisions that concern the duty of some public authorities (General Prosecutor's Office, Court of Accounts, etc.) to report to the Parliament are incomplete and some situations are not described at all.

However, the Parliament of the Republic of Moldova has taken some concrete actions to build over time the effects of a modern parliamentary oversight focused on European best practice. This effort took the form of the following actions undertaken during 2017-2018:

- Development of the Methodology on the Ex-post Assessment of the Implementation of Legislative Acts and its approval by the Decision of the Standing Bureau No 2 of February 7, 2018. It is worth mentioning that the ex-post assessment has already started and the extent of its implementation is going to be analysed in the Assessment Report for 2018;
- Starting the drafting of the new Parliament's Rules of Procedure, where the parliamentary oversight role is approached in a more profound and qualitative manner, by explaining thoroughly the parliamentary oversight procedures and avoiding situations where legal provisions leave room for interpretation.

As a result of the findings reported in the study on parliamentary oversight in 2017, the expert Adrian Fetescu provided some recommendations to be implemented as soon as possible:

1. Describe in the Parliament's Rules of Procedure and in other regulatory acts, including the internal ones, a parliamentary oversight procedure, which would cover all its perspectives (hearings, motions, inquiry committees, etc.);
2. Regulate from a procedural perspective the way inquiries

are conducted, in order for them to be an efficient parliamentary oversight tool, with no political innuendos, with clearly provided duties for the inquiry committees;

3. Set the necessary legal framework for the mandatory ex-post assessment of the legislation; develop the methodology for this purpose, as well as identify the authorities responsible for this activity.

**With respect to the second study that was presented during the event, the expert Mariana Kalughin mentioned the following findings related to the employment to/termination of public positions in 2017:**

- *Legal framework:* There was noticed during the regulation process a trend of the public authorities to skip some stages (the written test) in the competition for filling some public dignity positions or public positions of senior level;
- *Institutional framework:* In the competition for filling the position of NAC Director, it was worrisome that the competition was not observed by representatives of civil society and academia, but also that when applying for this position the candidates were exempted from presenting their vision regarding the institutional development strategy;
- *Enforcement:* The provisions are enforced, to a limited extent though. The qualifier mentioned in the study is assigned because of the unavailability of information, the authorities' refusal to provide information or because the information provided is incomplete and confusing;
- *Outcome:* The principles of legality, independence, integrity, transparency are guaranteed to a limited extent. The qualifier mentioned in this study is assigned because of the failure to guarantee the principle of transparency.

Given that the recommendations formulated in the previous Monitoring Report (2017) are still topical, but also taking into the account the developments in 2017, the expert recommends the following:

1. develop a single legal act that would regulate how the Parliament shall organize and conduct the competition for filling public dignity positions (the respective draft document that is in the Parliament could support a public debate on this topic);
2. inform the public effectively on the organized and conducted competitions, including by showing in institutional activity reports information on how applicant verification procedures and polygraph tests are applied, as well as comprehensive information about the results of the competitions;
3. raise the transparency of competitions by improving web resources.

The reports had been developed by independent experts contracted by Promo-LEX Association – Mr. Adrian Fetescu developed the report on **‘Monitoring Parliamentary Oversight in the Republic of Moldova in 2017’** and Mrs. Mariana Kalughin developed the report on **‘Monitoring the Appointment to / Termination of Public Positions in 2017’**. Both reports include recommendations for the Parliament, President and Government of the Republic of Moldova. Promo-LEX Association has produced similar reports for 2016. Promo-LEX will continue to monitor these topics until 2019.

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