

Gaps in the legal framework and insufficient transparency – steady-state problems of both the parliamentary oversight and the public service hiring process

May 19th, 2020

The Promo-LEX Association presented today, during a press conference, the Annual Reports on [“Monitoring Parliamentary Oversight for 2019”](#) and [“Monitoring on appointment/termination of public offices in 2019”](#).



According to the expert Adrian Fetescu, the author of the report on [“Monitoring Parliamentary Oversight for 2019”](#), there was still a stagnation in the

legislative’s activity for 2019 on the parliamentary oversight dimension. The majority of the recommendations made on this issue in the Monitoring Reports for the years 2016 to 2018 had not been taken into account. Moreover, in 2019 the process of strengthening the regulatory framework and Parliamentary

oversight tools was not finalized, although in November 2018 the draft Code of Parliamentary Rules and Procedures was voted in its first reading.

As a result of those reflected in the Report on Monitoring Parliamentary Oversight for 2019, the following findings were made:

- the Parliament, its working bodies and Members are not making full use of constitutional levers with a view to exercising a genuine parliamentary oversight.
- There is no legal framework that would allow sanctioning the decision-makers, including members of the Government providing false, incomplete or erroneous information to MPs and committees of inquiry.
- There is neither clear description in the regulatory framework of the working procedures, nor of the parliamentary oversight appropriate limits.
- Information about the parliamentary oversight activity is incomplete or completely missing from the official website of the Parliament (parlament.md).

In reference to the second report on [“Monitoring on appointment and termination of public offices in 2019”](#) presented during the same press conference, the expert Mariana Kalughin, emphasised the most important



findings concerning the **appointment and termination of public offices 2019**. In this context, the expert stated that it has been a very challenging year, however, things did not evolve essentially, compared to the years 2016-2018:

- The principles of legality, independence, integrity and transparency are guaranteed to a limited extent. The “minimum” rating presented in the report is given due to failures to guarantee the principles of independence and transparency. In particular, it is worth noting the trend of politicization of some offices that should have remained professional. This approach needs to be reconsidered.
- The legal provisions in this area do not cover all situations and are not sufficiently clear and enforceable.
- Competition Committees have been set up but they did not always operate fully and efficiently. As progress we can mention the inclusion of representatives of civil society and academia in the composition of the Competition Committees, which, unfortunately, has not always enhanced the credibility of the procedures thereof.
- As regards the application, there have been cases when, even if competitions have been organised and conducted, the results thereof have been challenged by the organisers. This has fundamentally damaged the prestige and credibility of both public competitions and the authorities organizing them.

The reports have been developed by independent experts contracted by the Promo-LEX Association. Both reports contain recommendations addressed to the Parliament, the President of the Republic of Moldova and the Government. The Promo-LEX Association has prepared similar reports for 2016 – 2018 which may be accessed [HERE](#).

For more details, please contact:

Inga Stegarescu, Press Officer of the Promo-LEX Association;

GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md