

CORRUPTION PROOFING OF DRAFT LEGISLATION. MOLDOVAN EXPERIENCE

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Case of Moldova

- **December 2005** – Concept Paper of Cooperation between the Parliament and the Civil Society
- **June 2006** – NGO launched corruption proofing
- **July 2006** – Gov Decision # 977 passing the Rules of conducting corruption proofing of draft laws and by-laws
- **November 2006** – Law # 332 amending law on legal acts, law on normative acts of Gov, Law on the National Anticorruption Center

What is corruption proofing?

- **corruption proofing** – process of expert reviewing of the draft laws and of other regulatory acts in the view of identifying the compliance with the national and international anti-corruption standards, also, prevention of new regulations that favor or encourage corruption, by developing recommendations for excluding such provisions or reducing their effects.

- **Corruption proofing** is mandatory for all draft laws and regulatory acts, with the exception of drafts of single application and policy documents;
- **Corruption proofing** is performed only after the completion of the draft, taking into account the objections and recommendations of the institutions concerned.

- Starting with may 2009, we started to perform the anticorruption expertise using a special soft, created by the same NGO – Centre for the analysis and prevention of corruption;
- The soft complies with the rules provided in the methodology for conducting anti-corruption expertise of draft laws and regulations.

Results

- All incoming draft laws and by-laws checked (203 drafts long screened in 4 months 2015 by NAC, 76% of all the promoted drafts)
- In these 203 drafts, were identified 448 corruption factors, 290 were taken into the consideration by the authors according to the recommendations
- Efficiency of NAC (Gov/Parl) –65%
Parliament – 49% Government – 87%

What is the advantage of corruption proofing?

- For the 9th year, we are excluding factors of corruption from the legislation through corruption proofing, we are identifying the author's hidden goals, in order to respect human rights and comply with international anticorruption standards.

Can the legislation process be corrupted?

- Every draft law or Government decision is promoting some interests or benefits, which can be general, personal or for a specific group of people;
- Corruption implies using the work position in personal favor. The legislation process involves actors from the Government and Parliament, so can they use their positions in order to promote laws in their favor?

In the process of corruption proofing:

- It is important to identify the hidden goals behind the draft;
- If the interests are conflicting the general interest, we must establish the people, organizations that will benefit or be prejudiced by this draft.

Examples of private interests promotion identified in drafts

- Exemption from tax and customs duty
- Changing land destination
- Public-private partnerships
- Exceptional tax exemptions
- Establishment of industrial parks
- Unjustified payments
- Other categories



MINISTRY OF ECONOMY
The Republic of Moldova

Minister



BRIDE ST.

Founder - 99%
Administrator

Husbands



I.M. S.A. GRANT
THORNTON AUDIT S.R.L.

Founder
1%



BRIDE O.



**MINISTRY OF FINANCE
The Republic of Moldova**

Head of Direction/
Project author



FOALEA L.

Husbands



FOALEA V.

Parents

Founder - 25 %



FOALEA M.

Founder - 75 %
Administrator



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"VALAUDIT" L.T.D.**



**MINISTRY OF AGRICULTURE
AND FOOD INDUSTRY**

Ownership



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mun. Chisinau**

Intent of acquiring



"Beto-Plus" L.T.D.



**Sajin O.
prosecutor
General Prosecution**

Parents



Sajin L.

Founder - 100 %
Administrator

**LEGISLATION AND
ANTICORRUPTION EXPERTISE**

CRIMINAL INVESTIGATION BODY

**OPERATIVE INVESTIGATION
ACTIVITY**

**SERVICE FOR PREVENTION AND
COMBATING OF MONEY
LAUNDERING**

ANALYTICAL DEPARTMENT

Our successes

- We can measure the effectiveness of our work;
- We cooperate with the civil society, mass-media;
- Possibility to react during the Government meetings, Parliament's commissions and Parliament meetings;
- Blocking the draft's ulterior promotion.

***Thank you
for your attention!***