

Clarifications by EU Ambassador to the Republic of Moldova, Pirkka Tapiola, on the activities of the former Romanian prosecutor in an EU financed project

These clarifications are provided by Pirkka Tapiola, EU Ambassador to the Republic of Moldova, in the context of several questions received from the mass-media on the issue of the non-key expert contracted in the framework of the EU funded project "Support the Pre-Trial Investigation, Prosecution and the Defence Set-Up in Moldova".

1. What is the legal framework based on which the expert was contracted and shall perform the respective tasks?

Firstly, I would like to begin with re-iterating the importance of the reform process of the judiciary in the Republic of Moldova, for which the European Union has provided continuous support.

The issue of the non-key expert you are referring to, who indeed has previously worked as a prosecutor in the National Department of Anti-corruption in Romania, has been intensely reflected by the Moldovan mass-media and this is why I would like to provide some clarifications on the issue. The majority of these might sound rather technical; however this is the actual nature of this mission: a technical and expert based task of a non-key expert in one of the EU funded projects.

In regards to the legal framework you are referring to, the expert will carry out his assignment on the basis of the individual contract of consultancy concluded within the framework of the Technical Assistance project on "Support the Pre-Trial Investigation, Prosecution and the Defence Set-Up in Moldova". The project is part of the EU-Moldova Financing Agreement for the programme on Support to the Justice Sector Policy Reforms in Moldova, which was signed on 27th of April 2012, in the framework of ENPI (European neighbourhood policy instrument).

This is a Technical assistance project undertaken in the framework of the overall reform of the justice sector supported by the EU. The EU is offering support to the Republic of Moldova through a large number of technical support projects, in the framework of which a lot of key and non-key experts are contracted.

2. Which are the beneficiary institutions of the project receiving assistance from the contracted expert?

I would like to mention first the overall objectives of this project, which commenced in October 2014 with a period of implementation of 30 months: the growth of the efficiency of pre-trial activities; the support to the redefinition of institutional and procedural set-up for the

pre-trial stage; the support to the consolidation of capacity of prosecutors, criminal prosecution officers and defence lawyers.

Taking into these objectives, the direct beneficiaries are institutions involved in criminal investigation, criminal prosecution, as well as those rendering legal services in the course of criminal procedure: the Prosecutor General's Office (as leading authority), the General Directorate of Criminal Prosecution and National Inspectorate of Investigations of the General Inspectorate of Police of the Ministry of Interior, the Customs Service, and the National Anti-corruption Centre.

3. What are the tasks of the expert, namely what are the concrete actions which will be undertaken in the Republic of Moldova? Will the prosecutor have the right to intervene in certain files, and if yes, what will be the modality of this intervention?

Firstly, I would like to highlight the fact that the expert does not hold the status of prosecutor, but that of a consultant. The expert will assist the beneficiary institutions in the process of examination and review of files, based on the request of the beneficiary institution. A technical advice and legal opinion regarding the processed files will also be provided.

Secondly, the expert will provide recommendations regarding the investigation and prosecution of the processed files and inform the beneficiary institutions and the EU Delegation about the findings and conclusions regarding the processed files.

In regards to the level of interference of the expert in certain files, the expert will have the opportunity to independently examine and review files of interest which are to be made available by the beneficiary institutions (National Anticorruption Centre, Prosecutor's General Office).

Afterwards, the expert will come up with professional opinion and recommendations regarding procedural and legal aspects of these files, which will later on be provided to the beneficiary institutions. The expert will also report on her activities to the EU Delegation.

4. Will the expert have the right to request the re-examination of certain files, should some violations be identified, or will the activity of the expert be limited to consultancy and recommendation services?

The expert will inform the beneficiary institutions and the EU Delegation should some serious issues be identified in the process of examining files. In this context, the expert will also present recommendations to the beneficiary institutions and inform the EU Delegation in this respect.

5. Could you specify the amount of financial assistance provided by the European Union for the support this expert will provide to the National Centre of Anti-corruption?

Taking into account the confidential character of the individual contract of consultancy concluded between the free-lance expert and the consulting company implementing the Technical Assistance project on "Support the Pre-Trial Investigation, Prosecution and the

Defence Set-Up in Moldova", the remuneration of the expert cannot be disclosed. As mentioned previously, the EU assistance provided through this project is based on the Financing Agreement for the programme on Support to the Justice Sector Policy Reforms in Moldova.

6. In regards to the selection process, did more candidates apply for this position and who specifically from the Republic of Moldova evaluated the candidates?

Indeed, the expert was selected from a pool of experts with similar skills and qualifications from different EU Member States. I would like to specify that the expert was contracted as a free-lance consultant, for a period of 35 working days.

The selection process of this expert was undertaken in the framework of the project selection mechanism for non-key experts, which is fully in line with general procurement rules and regulations of the European Union. I would also like to mention that the selection was done by the project team, based on the job requirements as drafted in the Terms of Reference. The beneficiary institutions were consulted, with the final endorsement given by the EU Delegation, as is the case with similar selection procedures.