

# Main findings and recommendations from SIGMA assessment of public administration in the Republic of Moldova

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## Principles of Public Administration

The concept of "good administration" has been progressively defined by EU countries and is included in the EU Charter of Fundamental Rights. The notion of "European Administrative Space" was set up by SIGMA in 1999. It includes components such as reliability, predictability, accountability and transparency as well as technical and managerial competence, organisational capacity, financial sustainability and citizen participation. The Principles of Public Administration<sup>1</sup> were introduced to IPA countries in November 2014 and to Moldova in September 2015 as a basis for the first SIGMA Baseline Assessment carried out in the ENP region. The findings on each of the main dimensions of the Principles are the following:

## Strategic framework for Public Administration Reform (PAR)

### Identified weaknesses

- ✓ there is no a single strategy or cohesive strategic documents that may define the vision on how the Public Administration of Moldova will be in the future;
- ✓ there is no a unified mechanism for coordinating and monitoring the reforms in the Public Administration;
- ✓ there is no budget attached to the reforms in the Public Administration, therefore, it is difficult to make them happen;
- ✓ the National PAR Council is not yet fully operational (at the time of the Assessment – Nov-Dec 2015).

### The Government of the Republic of Moldova is recommended

- ✓ to prepare a **comprehensive strategic framework** for defining the reforms in the Public Administration;
- ✓ to strengthen **co-ordination and monitoring mechanisms and capacities** both at political and administrative level;
- ✓ to ensure that the **strategic documents have budgets attached to them** in order to ensure that the planned reforms will be implemented.

## Policy Development and Co-ordination

### Identified weaknesses

- ✓ lack of unified and comprehensive **procedures for policy development and monitoring** Government's performance, and weak co-operation and co-ordination between institutions;

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<sup>1</sup> <http://www.sigmaweb.org/publications/principles-public-administration.htm>.

- ✓ there are **no clearly defined procedures for policy-making, implementation of the policies and the monitoring of Government's performance**;
- ✓ the **co-operation and co-ordination between public institutions** in Moldova is rather weak;
- ✓ **co-operation between the Government and the Parliament** is regular but not adequately planned and the Government doesn't **report to the Parliament** on the implementation of the main laws;
- ✓ possibilities for policy making are presented to the Parliament without **assessing socio-economic impacts** on those who are likely to be affected.

#### **The Government of the Republic of Moldova is recommended**

- ✓ to clarify functions, roles and responsibilities of the main institutions involved in policy making and the implementation of the policies, and to develop **unified, written and aligned procedures and methodologies**;
- ✓ **co-ordination must be strengthened** for co-ordination and for monitoring of Government's performance;
- ✓ to improve the exchange of information with the Parliament and gradually introduce a system of regular **reporting on implementation of major laws**;
- ✓ to strengthen the **use of instruments for assessing the potential impacts of the policies and to ensure that costs of reforms** are systematically calculated;
- ✓ to establish and regularly utilise **inter-institutional conflict resolution forums** at both high administrative and political levels.

## **Public Service and Human Resource Management**

### **Identified weaknesses**

- ✓ **legislation regulating the civil service** does not cover all institutions that are performing duties of governmental administration;
- ✓ co-ordination, management and monitoring of the civil service are weak and the **IT system that gathers information related to the Management of Civil Servants and other public employees does not function well**, mainly due to incomplete data and limited scope;
- ✓ **merit-based recruitment and dismissal** of civil servants is not always respected, the salary system leaves too much discretion to management for establishing bonuses and promotions are not based on fully objective arguments;
- ✓ only 9 out of 16 **State Secretaries** envisaged by the Law on Civil Service have been appointed so far, their mandate is weak, their responsibilities are unclear and their appointment and dismissal is widely subject to political discretion.

#### **The Government of the Republic of Moldova is recommended**

- ✓ to review the **legal framework for the civil service** to cover all institutions exercising typical tasks of governmental administration and to ensure that recruitment is based on merit, promotions are based on objective arguments and dismissals are subject to a clearly defined and objective procedure.
- ✓ to improve the **salary system**;
- ✓ to **strengthen the IT system gathering information of civil servants and other public employees** by increasing the legal competencies and enhancing capacities of the Division for the Reform of Central Public Administration of the State Chancellery and by enlarging the scope of data collection for the personnel registry, including data on salaries;

- ✓ to fill the vacant positions of **State Secretaries**, clarify their responsibilities and limit discretion in their appointment and dismissal.

## Accountability

### Identified weaknesses

- ✓ the legal framework setting up the **organisation of state administration** is in place but fragmented and inconsistent, especially with reference to state-owned enterprises;
- ✓ modernisation of the **judicial system, including the administrative justice system**, is hampered by a lack of co-ordination between the Superior Council of Magistrates and the Ministry of Justice (MoJ);
- ✓ **citizens' access to public information** is not fully ensured because the law does not fully clarify the obligations of the public administration to proactively make it available and the implementation of the law is not monitored;
- ✓ the **People's Advocate institution** has not reached full operational capacity and has limited capacity to verify whether its recommendations are observed;
- ✓ **citizens' right to compensation** for damage caused by maladministration or omissions is not fully ensured.

### The Government of the Republic of Moldova is recommended

- ✓ to review the cost effectiveness and efficiency of the **state-owned enterprises** performing administrative functions;
- ✓ to strengthen co-ordination procedures for the implementation of **judicial reforms**, including the **administrative court system**;
- ✓ to extensively amend the **Law on Access to Public Information** to improve its implementation;
- ✓ to strengthen the capacities of the **People's Advocate institution** and to introduce comprehensive procedures for monitoring implementation of its recommendations;
- ✓ to review the existing regulation on **public liability and compensations** in case of administrative wrongdoing.

## Service Delivery

### Identified weaknesses

- ✓ the **quality and accessibility of public services** to citizens are not using the same standards across all public institutions and no institution is responsible for defining and ensuring **minimum quality benchmarks in service delivery**;
- ✓ a comprehensive legal framework to **protect citizens against maladministration and unjustified administrative decisions** does not exist;
- ✓ **users with special needs** face many challenges in **accessing public services** and obtaining information about services.

### The Government of the Republic of Moldova is recommended

- ✓ to strengthen the capacities for **designing, implementing and monitoring service delivery reforms**. and promoting continuous improvement in service **quality and accessibility** for all, especially for people with special needs;

- ✓ to develop an overarching law on **general administrative procedures** to enforce **good administration principles**;
- ✓ to continue with **digitisation** focusing on high-priority areas and advancing **communication between systems and institutions**, and gradually remove **digital and physical barriers** hindering access to public services.

## Public Financial Management

### Identified weaknesses

- ✓ Quality and timing of the preparation of **multi-annual budget** needs to be improved;
- ✓ There is limited progress in the development of the **financial management and control** at an organisational level and not all public organisations required to have internal audit have set up internal audit units;
- ✓ Significant problems remain in the implementation of **public procurement operations**;
- ✓ The **Court of Auditors** does not have sufficient capacities to audit all institutions under its mandate every year, the level of implementation of its recommendations is low, and the Parliament's scrutiny of its individual reports is not well developed.

### The Government of the Republic of Moldova is recommended

- ✓ to prepare a more comprehensive **Mid-Term Budgetary Framework (the basis for multi-annual budget)**, including analysis of long-term costs of investment, debt analysis and projected evolution of public sector debt;
- ✓ to secure more tangible support for the development of the **financial management and control system** and carry out more detailed follow-up of the Internal Audit annual reports;
- ✓ to amend the **Public Procurement Law** to align it with EU standards in order to make procurements safer, reducing arbitrary contract awards and enabling a fair complaint review mechanism;
- ✓ to strengthen the **Court of Auditors'** capacities and to establish effective arrangements with the Parliament to ensure that the Court of Auditors' recommendations are systematically implemented.

The full text of the SIGMA Baseline Assessment is available in English on the SIGMA website: [www.sigmaweb.org](http://www.sigmaweb.org). The Romanian version will be made available soon.