

## **TWINNING PROJECT FICHE**

**Support to the strengthening of the operational capacities of the Law Enforcement Agencies of the Republic of Moldova in the field of prevention and investigation of criminal acts of corruption.**

### **List of Abbreviations**

**APO – Anti-Corruption Prosecutor's Office**

**CoE – Council of Europe**

**ECHR - European Convention on Human Rights**

**EU – European Union**

**GPI - General Police Inspectorate**

**HLA – High Level Adviser**

**MIA – Ministry of Internal Affairs**

**NAC – National Anti-Corruption Centre**

**NAS - National Anti-Corruption Strategy**

**PAR – Public Administration Reform**

**PSC - Project Steering Committee**

**SC - Steering Committee**

**SCP – Superior Council of Prosecutors**

**UNCAC – UN Convention against Corruption**

## 1. Basic Information

1.1 Programme: 2013 / 024-403 Framework Programme in support of EU – Republic of Moldova agreements 2013

1.2 Twinning Number: MD 13 ENPI JH 05 17 (MD/21)

1.3 Title: Support to the strengthening of the operational capacities of the Law Enforcement Agencies of the Republic of Moldova in the field of investigation of criminal acts of corruption.

1.4 Sector: Justice and Home Affairs

1.5 Beneficiary country: Republic of Moldova

## 2. Objectives

### 2.1 Overall Objective:

The overall objective of the Project is to strengthen the institutional capacities of the National Anti-Corruption Centre (NAC), Anti-Corruption Prosecutor's Office (APO), Ministry of Internal Affairs (MIA), General Police Inspectorate (GPI) and Customs Service, in order to increase the efficiency in the fight against corruption.

### 2.2 Project purpose:

The projects purpose is as follows: Strengthening of the investigative capacities of the NAC, APO, MIA, GPI and Customs Service of the Republic of Moldova (hereinafter Moldova) in the field of prevention and investigation of criminal acts of corruption.

### 2.3 Contribution to Partnership and Cooperation Agreement/EU-Moldova Association Agreement/Action Plan on Visa Liberalization

- Link with the Association Agreement

The present cooperation between the European Union (EU) and Moldova is based on an ambitious Association Agreement that entered into force on 1 July 2016. This Agreement will, together with the Deep and Comprehensive Free Trade Area, significantly deepen Moldova's political association and economic integration with the EU. Based on the structure of this agreement, an Association Agenda was approved in spring 2014, listing the priorities for joint work in the period 2014-2016. This Agenda is currently under review, for 2017-2019.

One of the major priorities of the Association Agenda is 2.1 *Political dialogue and reform*, which urges to "strengthen the coordination and information exchange between the authorities responsible for the fight against corruption, putting in place a functional framework for efficient financial investigations and asset recovery". Using efficient inter-institutional collaboration measures on investigating corruption cases, which should be acquired along with the EU standards and best practices, could support this priority action.

The fulfilment of the Visa Liberalisation Action Plan benchmarks (including fight against corruption) has granted Moldova visa-free regime with the EU. Moldova is supposed to

continuously fulfil these benchmarks. In case of backsliding, the visa-free regime could ultimately be suspended.

### **3. Description**

#### **3.1 Background and justification**

Corruption, as a phenomenon, has always been present in all countries worldwide and represents a constant threat that should be constantly addressed and overcome by all legal and institutional tools both preventively and repressively. Therefore, the fight against corruption must be a strategic priority in order to ensure sustainable long-term social competence and resistance to corruption in all its emerging forms. This means that corruption should be reduced to the minimum by unselectively discovering and sanctioning each and every case of corruption in practice.

In the course of the transition to the market economy, Moldova has been faced with plenty of serious economic and social problems including high levels of tax evasion and the emergence of a parallel economy. Corruption is regarded as a very worrying problem that impacts many sectors of public service and seriously undermines the government and democracy. The sectors usually mentioned as being worst affected are judiciary, police, custom service, tax authority, health, education and public procurement. The population lacks trust in authorities and, though intolerance towards corruption has been growing, it still does not cooperate enough with them in reporting and detecting corruption. According to studies conducted by Transparency International, Moldova is among the countries most affected by corruption and was ranked 123rd out of 168 countries in 2016.

The basic legal framework regulating the prevention and combating of corruption in Moldova is comprised of the following laws: Criminal Code, Criminal Procedure Code, Code of Conduct for Civil Servants; Law on National Anti-Corruption Centre, Law on corruption prevention and combating, Law on institutional integrity assessment, Declaration and Control of Income and Ownership by the State Dignitaries, Judges, Prosecutors, Civil Servants and Certain Persons Vested with Managerial Functions, Law on Prevention and Combating of Money Laundering and Terrorism Financing, Law on approving the Regulation on functioning of the system of anti-corruption hotlines, Law on declaring income and personal interests, Parliament Decision on approving the National Anti-corruption Strategy for 2011-2016, Government Decision on anti-corruption expertise of draft legislative acts, Government Decision on approving the Methodology of corruption risk assessment within public authorities and institutions, Government Decision approving the framework regulation on whistle-blowers, Government Decision establishing permissible value of symbolic gifts, those provided from courtesy or during certain protocol actions and approving the Regulation on the tracking, evaluation, storage, use and redemption of symbolic gifts, those provided from courtesy or during certain protocol actions, Government Decision on implementing Law no325/2013 by which was approved the framework Regulation on tracking undue influences cases and the Regulation on keeping and use of the record on professional integrity of public agents. The formative framework includes the international

agreements ratified by Moldova such as the Council of Europe (CoE) Criminal Law Convention on Corruption, the CoE Civil Law Convention against Corruption, the CoE Convention on Money Laundering Seizure and Confiscation of Proceeds from Crime, the UN Convention against Corruption (UNCAC) and the CoE European Convention on Mutual Assistance in Criminal Matters.

In 2016, the national legal framework was substantially modified, the major change being the establishment of specialised Prosecutor's Offices, including an Anti-Corruption Prosecutor's Office. Law no. 152 of July 1, 2016 on modifying and supplementing some legislative acts (draft law no. 243) entered into force on August 1, 2016, except provisions on prosecution staffing (the provision reading "To be approved Prosecution staff in the number of 720 prosecutors and 700 units of personnel, including technical staff" is to enter into force on January 1, 2017). Law no. 159 of July 08, 2016 on specialised prosecution offices (draft law no. 271) entered into force on August 01, 2016. On April 22, 2016, the chief prosecutor of the Anti-Corruption Prosecutor's Office was appointed via a contest organised by the Superior Council of Prosecutors (SCP).

The law on institutional integrity assessment was adopted and promulgated in August 2016, constituting a system for assessing the integrity of public institutions and testing the professional integrity of any public agent, a mechanism of unprecedented volume in European countries. According to Law no. 102, Law no. 325 on professional integrity testing has been renamed into "Law on institutional integrity assessment."

Law no. 152 of July 1, 2016 on modifying and supplementing some legislative acts delimits the competences of prosecutors from those of the criminal investigation body (NAC and the MIA) in the course of criminal proceedings. The law maintains conduct of criminal investigation by the NAC under the leadership of the Anti-Corruption Prosecutors's Office. There is a need to further delimitate the powers of the NAC, MIA, the Anti-Corruption Prosecutor's Office and other Prosecutor's offices for investigation of criminal acts of corruption.

In the meantime, work is being done on the establishment of an asset recovery office in Moldova. Also, amendments to strengthen the integrity testing system are considered.

**The National Anti-Corruption Centre (NAC)** is the national authority specialised in the prevention and fight against corruption, corruption-related acts and acts of corruptive behaviour.

NAC has the following tasks:

- Preventing, detecting, investigating and curbing corruption contraventions, as well as acts of corruptive behaviour.
- Preventing and combating money laundering and terrorism financing, according to Law no. 190-XVI of 26 July 2007 on preventing and combating money laundering and terrorism financing.
- Performing anti-corruption expertise on draft legislative acts and draft normative acts of the Government, as well as on other legislative initiatives submitted to Parliament, to ensure their compliance with state policy to prevent and combat corruption.

- Ensuring the performance of corruption risk assessment within public authorities and institutions through training and consultation, monitoring and analysis of data on corruption risk assessment, as well as coordination of the drafting and fulfilment of integrity plans.
- Carry out institutional integrity assessment according to Law no. 325/2013, monitoring the implementation of the integrity plans and appreciating the progress achieved
- Carry out operational and strategic analyses of corruption and related acts, as well as corrupt conduct, of information on analytical studies on the corruption phenomenon

The Office for Prevention and Fight against Money Laundering, as an independent specialised unit within NAC, currently has the power to freeze the accounts of the entities involved in suspicious transaction or activities.

In order to carry out its duties, NAC and the Office for Prevention and Fight against Money Laundering could request any stakeholder to hand over all relevant documents, information and data.

NAC is headed by a director appointed by the Parliament with the majority vote of elected deputies, for a mandate of 5 years, without the possibility of appointment for a consecutive mandate. The candidate for the function of director is selected based on a contest organised by the Legal committee for appointments and immunities of the Parliament, with the involvement of representatives from the civil society or the academic domain as observers.

The staff enjoys full autonomy whenever performing their duties. They are subordinate only to the law and their immediate superiors and no one else may interfere in their activities. A Board exercises peer Leadership of the National Anti-corruption Centre. The Centre is also monitored on fulfilling its functional attributions by the Civil Council, which is composed of three members. The membership of the Civil Council could be carried only by a non-governmental organization. The civil society delegates two members and, following a public contest, the Parliamentary Legal Committee for appointments and immunities delegates one member of the Civil Council for a period of three years.

The Centre is a centralised and hierarchical unitary authority, consisting of a central office and regional subdivisions. The Centre has three regional subdivisions in Central, Northern and Southern regions of Moldova. Regional subdivisions are conducted by headmen appointed by the Director of the Centre, on a competitive basis.

The National Anti-Corruption Centre has approximatively 350 employees, out of which approximatively 200 are dedicated to the repressive mandate of the Centre, in the investigative, operational and criminal prosecution activities. The EU peer-reviews of the NAC conducted in 2016 concluded that the NAC has sufficient staff to implement its mandate.

As mentioned above, a specialised **Anti-Corruption Prosecutor's Office** was reorganised by law in 2016. It is thought to be independent, having its own budgets, investigating and operative officers (detached from police or National Anti-Corruption Centre, and paid from the Prosecution's

budget). The Office will need support to build its institutional capacities, funds to purchase equipment and logistics.

Thus, a new role and concept for the Anti-Corruption Prosecutors's Office is provided (focus on the fight against „big and high level corruption”);

#### *Primary and secondary legislation*

The new legislative framework regulating the activities of the Anti-Corruption Prosecutor's Office:

- the Law on Prosecution Office no. 3 of 25.02.2016 (Art. 9, plus general provisions)
- the Law on Specialised Prosecution Offices no. 159 of 07.07.2016
- amendments to the Criminal Procedure Code as regarding clarification of the prosecuting power between the Anti-Corruption Prosecutor's Office and National Anti-Corruption Centre.

A very first version of the draft internal Regulation on the Anti-Corruption Prosecutor's Office activity is elaborated and has been examined.

#### *Structure*

The new Organigram of the Anti-Corruption Prosecutor's Office would be provided in the new internal Regulation that is being drafted. According to the discussions during the meetings, the staff would comprise: 50 prosecutors (including the chief prosecutor and 5 deputies), criminal prosecution and investigative officers (circa 30), analysts and auxiliary/technical staff.

Apparently, the new structure would be:

- the Central Apparatus;
- North Office (7 prosecutors);
- South office (6 prosecutors).

#### *Prosecuting powers*

According to Art. 270<sup>1</sup> of the Criminal Procedure Code (introduced by the Law no. 152 of 01.07.2016 on amending several laws), Anti-Corruption Prosecutor's Office is competent to:

- 1) exercise criminal prosecution in cases of „big and high level corruption”, according to 3 criteria:
  - a) status of the perpetrator (high level officials, high level public servants, police officers, lawyers, bailiffs etc.);
  - b) amount of bribe is higher than 5000 conventional units or the caused pecuniary damage is higher than 50000 conventional units;
  - c) the amount of embezzled money designed for political parties or electoral campaigns is higher than 5000 conventional units.
- 2) lead the criminal prosecution that is carried out by the National Anti-Corruption Centre.

Moldova has adopted the National Anti-Corruption Strategy (NAS) for the period 2011-2015, approved by Parliament Decision no 154 of 21.07.2011, which represents the main instrument of public policies that aims to lower corruption in the public and private sectors in Moldova. The progress in the implementation of the strategy has been limited, the Strategy was extended until

2016, through the Parliament Decision no.89 of 12.05.2016. To this end, the NAS has two general objectives: 1) Contributing to creation of “zero tolerance” environment towards corruption in Moldova; and 2) Transforming corruption from the high-pay and low-risk activity into a low-pay and high-risk activity. Implementation of NAS is overseen by a Monitoring Group, made of representatives of ministries, Parliament, judiciary and civil society, which convenes on a quarterly basis. NAC exercises the role of Secretariat for the Monitoring Group, calling its meetings, compiling progress reports on implementation from the public authorities, developing reports on NAS implementation and coordinating the development of subsequent action plans for its implementation. A new Anti-corruption strategy for 2017-2020 is being developed.

Corruption in Moldova is an unavoidable topic, widely addressed in public debates, sociological surveys, legal regulations and political negotiations. The government has in recent years created new organizations and passed new laws and legislation in an attempt to fight corrupt practices; this work has included reorganizing and bringing more focus to the governmental organization designed to fight corruption. Several arrests of governmental staff have occurred in recent times, and the disciplinary liability of members of the judicial system has been increased as well as judicial immunity in criminal cases removed.

The business environment in Moldova is among the region’s most challenging, with pervasive corruption in the government, weak implementation of laws and burdensome regulatory environment. The government has succeeded in passing anti-corruption legislation. During the institutional reform process, the Centre for Combating Economic Crimes and Corruption was renamed as the NAC.

However, the government continues to lack transparency and accountability, often favouring its own interests over corruption investigations. A lack of resources holds back agencies whose role is to combat corruption. Another issue is the unclear division of powers, as well as a lack of communication and coordination between the authorities involved.

There have been various reports in recent years about corruption that have been accompanied by, for example, arrests of customs officials and the questioning of government ministers. More than half of those surveyed in Moldova believe public institutions such as health services and the civil service to be corrupt and consider corruption to have increased in recent years.

Despite the abundance of general information about corruption and about specific persons who committed corruption, only a few corrupt persons are being put to justice in the criminal justice system, and those who are, often escape the consequences provided by law. Even though it provides laws and law enforcement bodies, the state is still struggling to fight corruption.

The NAC, Anti-Corruption Prosecutor's Office and other law enforcement agencies intend to enhance their capacities in investigating corruption cases, by consolidating their investigative and criminal prosecution capacities on corruption offences.

### 3.2 Linked activities (other international and national initiatives)

As the major national anti-corruption authority, the NAC benefited in 2011-2013 of several EU projects, which had contributed to strengthening the national anti-corruption policy in Moldova.

The project “Support to the Government of Moldova in the field of anti-corruption, reform of Ministry of Internal Affairs, including police and personal data protection (MIAPAC)” was implemented in the period 2011-2013. The overall purpose of the project was to support the Moldovan Government in the implementation of the requirements of the EU-Moldova Association Agreement and to conform to the recommendations of the on-going EU visa liberalisation dialogue. The Project provided expertise in developing the projects of the NAS (2011-2015) and the Strategy for Institutional Building of the National Anti-corruption Centre. Several specialised trainings on financial investigation and confiscation of illicit assets were organised for the law enforcement authorities. The purpose of the Project in supporting the effective implementation of the Strategy for Institutional Building of the NAC wasn’t accomplished enough because of the delay in adopting the policy document. In this context, some of the project’s objectives on strengthening the repressive capacities of the Centre were partially fulfilled.

The implementation of this project has assured a better comprehension of the role of international cooperation in strengthening the national anti-corruption system by acquiring best practices and know-how from other anti-corruption stakeholders.

Enhancing the fight against corruption is directly linked with the public administration reform (PAR). In this regard, it is to be mentioned that a strategic reform framework is in place (PAR Strategy 2016-2020 was adopted by the Government in July 2016 and a PAR Action Plan 2017-2018 was adopted by the Government in early December 2016). Three reforms will be launched as a consequence: reform of the State Chancellery (Government Administration), reform of the Government (central level) in 2017 and territorial reform in 2018.

Taking into account that Moldova is committed to fulfil a series of recommendations and conditionalities in the domain of anti-corruption, it is imperious to obtain development assistance and expertise from the European partners.

The EU is currently providing technical assistance (Sept 2014 – March 2017) to the General Prosecutor's Office which supports the Pre-Trial Investigation, Prosecution and the Defense Set-Up in Moldova. The project aims at contributing to the growth of the efficiency of pre-trial activities of investigation and prosecution and defense, particularly in the context of the reforms proposed in the Justice Sector Reform Strategy and Action Plan.

In 2016, the EU conducted a peer review of the rule of law institutions in Moldova including of the National Anti-corruption Centre, National Integrity Commission and Prosecutor Office.

In 2017-2020, the Council of Europe will implement an EU-funded project on anti-corruption. It will support reforms of the anti-corruption regulatory framework and relevant institutions in line with European and international standards, and re-enforce national and international co-operation of specialised law enforcement and prevention systems.



The on-going EU High Level Advisory mission counts with a High-Level Adviser (HLA) on anti-corruption, HLA on anti-money laundering, HLA to the Prosecutor Office, HLA to the Ministry of Interior, an HLA to the General Police Inspectorate, HLA on Justice, HLA on customs.

In 2017, the EU will launch a 4 years budget support programme to support the implementation of the National Reform strategy of Police which includes an important anti-corruption component.

### 3.3 Results

The project aims at achieving the following results:

1. Capacities of the NAC, Anti-Corruption Prosecutor Office, MIA, GPI and Customs Service to combat corruption through the appropriate use of special investigative techniques, methods and equipment are strengthened.
2. Decision-making, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption are enhanced in line with EU best practices.
3. Capacities of the NAC to conduct professional integrity testing in the public sector built up in line with best EU and international practices and respecting human rights.

### 3.4 Activities

The Twinning Project should not be a one-way technical assistance from a Member State to a Beneficiary Country; conversely it shall be implemented as a joint project in which each partner takes on responsibilities. The selected MS shall transfer the requested public sector expertise to a Beneficiary Country, support into introducing and sharing EU-wide best practices in connection with Community legislation and specific needs of the Beneficiary in the field of anti-corruption policies all aimed at achieving the results specified in the present Twinning Fiche.

Proposed list of activities and estimates of man-days are indicative:

**RESULT 1: CONSOLIDATION OF THE CAPACITIES OF THE NAC, PROSECUTION OFFICES, MIA, GPI AND CUSTOM SERVICE TO COMBAT CORRUPTION THROUGH THE APPROPRIATE USE OF SPECIAL INVESTIGATIVE TECHNIQUES, METHOD AND EQUIPMENT.**

**ACTIVITY 1.1. Assessment of the current investigative capacities of the NAC, Anti-Corruption Prosecutor's Office, MIA, GPI and Customs Service on processing corruption cases, notably high-level corruption cases and cases with corruptive element**

The NAC, Anti-Corruption Prosecutor's Office, MIA, GPI and Customs Service's investigators and prosecutors capacities need to be improved in order to build up solid corruption crime case for court proceeding. At the end of the day, the decision is made by court in corruption case. Therefore the aim of the pre-trial investigation is to gather enough relevant evidence in order to prove the facts of the case. Attention should be paid to evidence admissibility and the value of the

evidence. LEA investigators are required to know how to develop and preserve the chain of evidence in corruption case. These complex crimes need more attention and specific knowledge than an investigation on regular criminal activity. The concept of investigative plan should be noted as a valuable tool in increasing the efficiency of investigations. There should exist a well-developed mechanism of cooperation, in particular with the prosecutors, in relation to setting up approaches in specific cases.

The experts will assess the level of quality and number of the NAC, Anti-Corruption Prosecutor's Office, MIA, GPI and Customs Service's investigations and staffing table. Moreover, the expert will assess the general situation in the field of processing crimes with a corruptive element and the efficiency and suitability of mechanisms developed by the above mentioned institutions in detecting and investigating these crimes.

**Inputs:**

MS: 2 missions x 2 STE x 5 w/d each

**Outputs:**

- Assessment of the current investigative and analytical methods and techniques in the course of pre-trial investigation

**ACTIVITY 1.2. Study visit on special investigative techniques and methods (financial investigation, criminal intelligence, communication interception, etc.).**

15 members of the NAC, APO, MIA, GPI and Customs staff responsible for the operational and criminal investigation of criminal acts of corruption will participate in a study visit to familiarise themselves with using special investigative methods and techniques in the course of pre-trial investigation including using of special equipment. The study visit should take place after the assessment and before the drafting of the guidelines covered by the Activity 1.3, so lessons learnt from the study visit can be taken into account.

**Inputs:**

MS: 15 BC participants x 3 days x 2 EU countries. The list of participants should include staff of the APO, NAC, MIA, GPI and Customs.

**Outputs:**

- Introduction to using special investigative techniques, best standards and practices of EU countries.
- Improved understanding of the requirements in relation to quality and quantity of evidence that is to be presented in oral main hearing.

- Conclusions from Study Visit.

**Activity 1.3. Recommendations for improving investigative capacities of the NAC, APO, MIA, GPI and Customs on processing corruption cases with close cooperation with prosecutors, including high-level corruption cases and cases with corruptive element in order to build solid, logical and understandable case for court procedure.**

Based on the assessment covered by the Activity 1.1, the experts will develop/update (according to the latest amendments to the Criminal and Criminal Procedure Codes), if appropriate, the guidelines in order to enhance investigation procedure of the NAC, APO, MIA, GPI and Customs focusing on how to develop and preserve the chain of evidence in corruption case, make use of investigative plans and develop mechanisms of cooperation in particular with the prosecutors in relation to the setting up approaches in specific cases. Whenever written guidelines are developed, they shall be simple enough to be regularly updated and changed by the staff of the respective organisations without external support. Any guidelines or procedures developed shall not contradict with any legal provision of the country.

**Inputs:**

MS: 2 missions x 2 STE x 5 w/d each

**Outputs:**

- Written guidelines of investigation of corruption crimes focusing on how to develop and preserve the chain of evidence in a corruption case, make use of investigative plan and develop mechanisms of cooperation, in particular with the prosecutors in relation, to setting up approaches in specific cases and recommendations for process improvement.
- 6 months / 1 year after the adoption of the above mentioned guidelines, review (via a report/workshop) how the guidelines are being implemented by the staff on the job.

**ACTIVITY 1.4. Strengthening the capacities and individual skills of the NAC, APO, MIA, GPI and Customs staff on how to use special investigation methods and techniques in the course of pre-trial investigation of corruption cases in line with best standards and practices of EU countries (financial investigations, communication interception, etc.).**

Courts in Moldova seem to require a heavy amount of supporting evidence to order a conviction in a corruption case. A typical feature of corruption crime is that in these cases a difficult judicial reasoning is needed. In order to succeed to proof the facts of the case, the prosecutor has to present such evidence that directly establishes the link between the defendant and corruptive act. However, investigators are not completely aware of the requirements in relation to the quantity

and quality of the evidence that is to be presented in oral main hearing. This applies especially to special investigative methods and with financial evidence. Therefore, the skills of the LEA investigators need to be improved in order to fully use special investigation methods in relation to evidence gathering.

The aim of the training is to show functioning of the best models of EU countries on how to deal with special methods and equipment in order to put into practice the acquired special investigations methods. With the knowledge gained through training and study visit the participants should gain a clearer idea of how these modern techniques have been used in EU states. The aim is to tailor made new techniques reflecting the specific situation in Moldova in relation to identification and seizure of illegal assets and financial investigation. Moreover, the main focus is to improve the NAC, APO, MIA, GPI and Customs Service's staff individual skills to effectively investigate and prosecute corruption crimes.

To support continuous capacity building, two training sessions will be organised, one during the first and the other one during the second year of implementation. Training sessions shall be coordinated with the DRCPA, which is the central unit with responsibility over the training for civil servants.

**Inputs:**

MS: 5 missions x 2 STE x 3 w/d each

**Outputs:**

- Training on special investigation methods and best standards and practices of EU countries.
- 6 months / 1 year after the training, review (via a report/workshop) how the methods and best practices are being implemented by the staff on the job.

**RESULT 2: DECISION MAKING, INTERNAL PROCEDURES AS WELL AS INTERAGENCY CO-OPERATION, CO-ORDINATION AND COMMUNICATION RELATED TO INVESTIGATION OF CRIMINAL CASES OF CORRUPTION ARE ENHANCED IN LINE WITH EU BEST PRACTICES.**

**ACTIVITY 2.1. Assessing the current state of play in terms of decision-making, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption**

A further requirement for a successful corruption combating regime within the APO, NAC and other Law Enforcement Agencies is a strong knowledge base and experience of policing and investigation in general. An overly extensive level of specialization may cause misleading

prioritizing, backlog of cases and over burdening of staff with long standing complex cases, often with a certain level of outside pressure. In order to tackle these obstacles expert will evaluate the overall situation in relation to mandate and institutional framework. The key issues to focus on are assessing the independency of the NAC, APO, MIA, GPI and Customs investigations and the decision making policy. In other words, the decisions concerning investigation activities must be solely based on judicial reasoning. The expert will implement the assessment using direct and indirect methods. Direct methods include meetings, interviews and observation in the field. Indirect methods include assessment of information based on different reports and surveys. This information is to be analysed and used by expert in order to evaluate and identify loopholes in the system. The study and expert's recommendations for the enhancement in line with EU best practices are based on these findings. The expert will draft a set of recommendations to improve the mandate and institutional framework on carrying out investigative actions in line with the best standards and practices of EU countries.

**Inputs:**

MS: 2 x STE x 10 w/d each

**Outputs:**

- Assessment of the current state of play in terms of decision-making, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption.
- Recommendations made in the assessment are incorporated in the internal procedures
- 6 months / 1 year later, review (via a report/workshop) how the recommendations are being implemented by the staff on the job.

**ACTIVITY 2.2. Study visit related to internal regulation and inter-agency cooperation on the investigation of criminal acts of corruption**

Based on the assessment of the current situation, a study visit to an EU country will be organised in order to make the participants better aware of the best EU practices in terms of internal regulation and inter-agency cooperation on the investigation of criminal acts of corruption.

**Inputs:**

MS: 10 BC participants X 3 days

**Outputs:**

- Better knowledge of the participants of EU practices in terms of internal procedures and inter-agency cooperation related to the investigation of criminal acts of corruption
- Lessons learnt are incorporated in the internal procedures
- 6 months / 1 year later, review (via a report/workshop) how the learnings are being implemented by the staff on the job.

**ACTIVITY 2.3. Development of regulations/guidelines on coordination of communication defining the decision-making process, internal procedures as well as interagency co-operation in the course of investigation of criminal cases of corruption.**

Based on the assessment of the current situation, the experts will develop regulations/guidelines for the APO, NAC, MIA, GPI and Customs on the coordination of communication of investigation of criminal cases of corruption. The guidelines will define the inter-agency co-operation, co-ordination and communication mechanisms. Preparation of guidelines and procedures shall directly involve the beneficiaries; guidelines shall be simple enough to be regularly updated and changed by the staff of the respective organisations without external support. Any guidelines or procedures developed cannot contradict with any legal provision of the country.

**Inputs:**

MS: 3 (1 for the APO, two for the NAC and other LEAs) x STE x 10 w/d

**Outputs:**

- Regulation/guidelines for the NAC, APO and other LEA are developed and approved.
- 6 months / 1 year after the adoption, review (via a report/workshop) how the regulation/guidelines are being implemented by the staff on the job (linked to the output of activity 2.4)

**ACTIVITY 2.4. Training on the new regulation/guidelines related to coordination of communication defining the decision-making process, internal procedures as well as interagency co-operation in the course of investigation of criminal cases of corruption.**

To ensure the effective implementation of the regulation/guidelines and to strengthen the capacities of the NAC, APO and other LEA staff, the project will provide trainings where practical examples from the EU MSs will be presented and discussed. To support progressive capacity building, three training sessions will be organised, one during the first and the other one during

the two year of implementation. Training sessions shall be coordinated with the DRCPA, which is the central unit with responsibility over the training for civil servants.

**Inputs:**

MS: 3 missions x 1 STE x 5 w/d

**Outputs:**

- Training programme developed and staff trained
- 6 months / 1 year after the adoption and the training, review (via a report/workshop) how the regulation/guidelines are being implemented by the staff on the job. (linked to the output of activity 2.3)

**RESULT 3: CAPACITIES OF THE NAC TO CONDUCT INSTITUTIONAL INTEGRITY ASSESSMENT AND PROFESSIONAL INTEGRITY TESTING IN THE PUBLIC SECTOR ARE BUILT UP IN LINE WITH EU AND INTERNATIONAL BEST PRACTICES AND RESPECTING THE HUMAN RIGHTS.**

**Activity 3.1 Strengthening the professional capacities of the Risk Assessment Unit of the NAC on techniques, methodologies used in developing studies and assessment of risks of corruption.**

An effective fight against corruption requires a diagnosis of the conditions conducive to its emergence. The Centre's capacities on this issue should be strengthened by: enhancing the capacities of the Centre's employees in conducting research and information analysis; acquiring expertise in the area of modern procedures, techniques and methodologies for developing reports on the assessment of risks of corruption. Therefore, the training will focus on these particular areas. Training sessions shall be coordinated with the DRCPA, which is the central unit with responsibility over the training for civil servants.

The expert will provide coaching to the staff of the **Risk Assessment Unit** of the NAC on developing risks assessments based on practical examples of assessments carried out by the NAC.

**Inputs:**

MS: 2 trainings x 2 STEs x 5 w/d

MS: 1 coaching mission x 1 STE x 15 w/d

**Outputs:**

- Training of NAC staff on techniques used in developing risk assessments and information analysis.

- Coaching of the NAC staff on a practical example of a case study / practical assessment of corruption risks.
- 6 months / 1 year after the training and start of coaching, review (via a report/workshop) how the techniques, methodologies and assessments of risks of corruption (in line with EU and international best practices and respect of Human Rights) are being implemented by the staff on the job

**ACTIVITY 3.2. Assessment of the Moldovan framework and practices of conducting integrity testing as part of the newly established institutional integrity procedures, in light of EU best practices and the respect of human rights**

The Law on integrity testing was adopted in Moldova at the end of 2013, put into practice as of mid-2014 until first quarter of 2015, when its procedures were partially declared as unconstitutional by the Moldovan Constitutional Court, while upholding the need of such a law and recommending broadening the scope of the law. In the last quarter of 2016, the law was extensively amended, changing the procedure of authorising integrity testing and placing it in a broader framework of assessing the institutional integrity of public entities. The law was accordingly renamed into Law on institutional integrity assessment.

Integrity testing is not a common practice in the EU Member States and there is no unified approach on how to apply this measure. Nevertheless, it is widely accepted as an efficient corruption prevention tool, giving relatively quick results and bringing multi-fold benefits to the public sector, citizens and the state, consolidating integrity of public institutions, cultivating zero tolerance to corruption among civil servants, restoring credibility in civil services, as well as improving reputation of the state, and thus creating conditions for social and economic development of the society. By showing positive developments in fighting against corruption, it will also have a positive change in the corruption perception index, allowing the country to improve its ranking in international public opinion surveys.

The project will assess the integrity testing and institutional integrity assessment framework in Moldova from the point of view of its effectiveness and respect of human rights and, if appropriate, will bring expertise to ensure its consistency with best EU and international practices.

**Inputs:**

MS: 2 x STE x 5 w/d each

**Outputs:**

- Assessment of the state of play on the implementation of integrity testing and institutional integrity assessment, including procedures, capacities and



decision making processes

- Based on the assessment and its recommendations, develop and adopt a set of internal guidelines on integrity testing and institutional integrity (in line with EU and international best practices and respect of Human Rights)
- 6 months / 1 year after the adoption of the new guidelines, review (via a report/workshop) how the guidelines are being implemented by the staff on the job

**ACTIVITY 3.3. Study visit on methods of professional integrity testing in accordance with EU standards and international best practices.**

Seven members of NAC will participate in a study visit to familiarise themselves with methods of professional integrity testing.

**Inputs:**

2 study visits X 7 BC participants x 3 days

**Outputs:**

- Introduction to methods of integrity testing, EU standards and best practices.
- Enhanced understanding of the concept of the professional integrity testing.
- Relevant lessons learnt will be reflected in the set of internal guidelines on integrity testing and institutional integrity (see output of activity 3.2)
- 6 months / 1 year after the study visit, review (via a report/workshop) how the lessons learnt (including those reflected in the above-mentioned guidelines) are being implemented by the staff on the job

**ACTIVITY 3.4. Development of public presentation and communication skills needed to present the results of institutional integrity assessment and integrity testing**

Pursuant to the Law on institutional integrity assessment, the depersonalised version of the report on institutional integrity assessment shall be released publicly on the webpage of the institution which has performed the institutional integrity assessment (article 18 par. (6) from the Law).

Considering the stated principle in article 3 of the Law on institutional integrity assessment, namely transparency of institutional integrity assessment results, there is the need to publicly present the results of the institutional integrity assessment (corruption risks that were identified).

In this respect, there is the need to strengthen the skills of NAC staff to make a public presentation of the results achieved in the integrity procedures. Training sessions shall be coordinated with the DRCPA, which is the central unit with responsibility over the training for civil servants.

**Inputs:**

MS: 1 STE x 5 w/d

**Outputs:**

- Training of NAC's staff on public communication and presentation techniques.

**ACTIVITY 3.5. Providing training to NAC staff on the provisions of the European Convention on Human Rights (ECHR) and on practical methods and techniques in employing integrity testing**

According to the Law on institutional integrity assessment, the assessment report should include *inter alia*, information on the risks of corruption in the activity of public entities, findings on the integrity climate of the public entities, integrity testing results, as well as the impact of corruption from the public entity subject to integrity assessment on the human rights of the ordinary citizens. Therefore, drafting institutional integrity assessment reports require good knowledge and understanding of the fundamental human rights and liberties, as provided by the European Convention of Human Rights, as well as the European Court of Human Rights' jurisprudence.

On the other hand, conducting integrity testing in itself infringes upon certain human rights of the public agents subjected to integrity testing (right to privacy, right to a fair trial). Therefore, to apply properly the provisions of the law, the NAC staff involved in institutional integrity assessment and integrity testing requires special training. Therefore, the training programme will focus on training the staff on the provisions of the ECHR.

Also, provided the broadening of the circle of subjects to whom integrity testing applies under the revised law, there is also a special need to train new staff and/or retrain older staff on practical methods and techniques in employing integrity testing.

To support progressive capacity building, three training sessions will be organised throughout the project implementation period. Training sessions shall be coordinated with the DRCPA, which is the central unit with responsibility over the training for civil servants.

**Inputs:**

MS: 2 trainings on human rights x 2 STE x 5 w/d each

MS: 2 trainings on tactic and technic x 2 STE x 5 w/d each

**Outputs:**

- 4 trainings delivered, NAC staff trained
- 6 months / 1 year after the training, review (via a report/workshop) how the techniques and methods in integrity testing (in line with ECHR) are being implemented by the staff on the job

**ACTIVITY 3.6. International workshop on exchanging existing best practices in conducting the institutional integrity assessment and the integrity tests.**

The institutional integrity assessment and integrity tests are an effective tool to reduce the risks of corruption. There are several countries that have a vast experience in this domain and could share it with other interested stakeholders including international organisations. At the same time, there is great attention at regional and international level given to the professional integrity testing in Moldova. NAC was visited by representatives of the Ministry of Justice of Ukraine and of the Anti-corruption Agency of Serbia and received an invitation from the Lithuanian counterparts to present its experience with respect to integrity tests. Organizations such as OSCE, OECD, Regional Anti-corruption Initiative and the UN Global Anti-corruption Initiative - have shown the same interest in this practice of Moldova, NAC representatives being invited to present its results at the fora of these organizations.

**Inputs:** 1 international workshop x 2 STE x 5 d/each

**Outputs:** International workshop on presenting the best practices in conducting the institutional integrity assessment and the integrity tests. 50 participants (out of which 35 international participants, including EU MS)

- International workshop on presenting the best practices in conducting the institutional integrity assessment and the integrity tests. 50 participants (out of which 35 international participants, including EU MS)
- Relevant lessons learnt will be reflected in the set of internal guidelines on integrity testing and institutional integrity (see output of activity 3.2 and 3.3)
- 6 months / 1 year after the study visit, review (via a report/workshop) how the lessons learnt (including those reflected in the above-mentioned guidelines) are being implemented by the staff on the job

**3.5 Means/ Input from the MS Partner Administration**

The project will be implemented in the form of a Twinning contract between the Beneficiary

country and EU Member State.

The implementation of the project requires one Project Leader, responsible for the overall coordination of project activities, one Resident Twinning Adviser, responsible for management and implementation of project activities foreseen and a pool of short-Term Experts.

It is essential that the team have sufficiently broad expertise to cover all the areas included in the project description.

The interested Member State(s) twinning team shall include in its proposal the CVs of the designated Project Leader, Resident Twinning Adviser, and some proposed Short-Term Experts and the specific tasks to which they will be assigned.

The details of implementation of the Twinning Project will be agreed upon during the preparation of the work plan.

### 3.5.1 Profile and tasks of the Project Leader

The MS Project Leader will continue to work at his/her Member State administration but will devote some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning project, and ensure the attainment of the projected outputs. The Project Leader is fully responsible for co-ordination of the work of the experts.

The MS Project Leader will manage the implementation of the project with the Project Leader from the Beneficiary Country and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. The Project Leader's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. In addition, he/she should coordinate, on the Member State side, the Project Steering Committee (PSC), which will meet in Chisinau at least every three months and which s/he will co-chair.

He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

Tasks for the PL:

- Conceive, supervise and coordinate the overall preparation and implementation of the project
- Prepare the project progress reports with the support of the RTA
- Coordinate MS experts' work and availability
- Co-chair the Project Steering Committee
- Communicate with the beneficiaries and Delegation of the European Union to Moldova (EUD) together with the RTA
- Ensure the backstopping functions and financial management
- Guarantee from the MS administration side, successful implementation of the project.

Profile for the PL:

- High-ranking public servant or equivalent staff of a Member State administration, and preferably the Head of a Department engaged in issues of anti-corruption within a relevant institution with relevant working experience of minimum 7 years
- Minimum Bachelor Degree in law/political science, economy (Master would be an asset) or an equivalent field.
- Adequate IT literacy with knowledge of common software applications such as MS, Word, Excel and PowerPoint.
- Excellent knowledge of EU policies, legislation and institutional set up related to the areas justice, Home Affairs and Fundamental Rights of the EU Acquis
- Previous experience in project management of EU funded projects will be an asset.
- Working knowledge in written and spoken English.
- Have strong inter-personal skills is an asset

### 3.5.2 Profile and tasks of the Resident Twinning Adviser

One Resident Twinning Advisor (RTA) will be appointed, and he/she will be located in the premises of the NAC in the Beneficiary country. The secondment of the RTA will last 24 months.

He/she will come from an EU Member State to work on a full time and day-to-day basis with the beneficiary administration. The Resident Twinning Adviser will have a key role in the coordination of the inputs required for the successful implementation of the project activities under the overall guidance of the MS Project Leader. He/she shall be supported by a pool of short – term experts.

The RTA will have good knowledge of the project field and will have substantial recent experience working as senior manager in anti-corruption institutions (especially prosecutor's office, anti-corruption agency or police), with specific experience and knowledge in the area of corruption cases investigation, integrity testing, special investigation methods and techniques).

S/he will need to have good interpersonal and communication skills, and be an effective negotiator. Prior experience in coordinating complex projects would be an advantage, especially in the context of transition countries.

The RTA will work closely with the Moldovan RTA Counterpart to deliver the project, as specified in the Twinning Contract, and part of the task will be to negotiate the Contract and work plan after the project has been awarded. The RTA will be responsible for the selection and supervision of the RTA Assistant and the management and performance of the STEs while in Moldova. S/he will be responsible for drafting the quarterly and final project reports for the Steering Committee.

Profile for the RTA:

- Civil servant or equivalent staff seconded to work within departments/units related to Justice, Home Affairs and Fundamental Rights of the EU Acquis in EU Member State bodies.
- Minimum Bachelor Degree in law/political science, economy or an equivalent field relevant for the assignment.
- 5 years of relevant professional experience in the anti-corruption body/agency/ministry or within the judiciary or law enforcement sector in EU Member States.
- Minimum of 5 years of professional experience in the field of enforcement of anti-corruption legislation in EU Member States.
- Good knowledge of EU policies, legislation and institutional set up related to the areas justice, Home Affairs and Fundamental Rights of the EU Acquis.
- Experience in developing and/or delivering training programmes to build capacity for efficient fight against corruption will be considered as an advantage.
- Previous experience in project management.
- Excellent communication skills.
- Good command of written and spoken English.

Tasks of the RTA are:

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the RT's tasks will include:

- Coordination of all project activities and experts' inputs in the country.
- Provision of technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan to ensure timely completion of project outputs.
- Drafting of the Terms of Reference for short-term experts, coordination, facilitation and monitoring of their work during implementation.
- Liaise with MS and BC Project Leaders; daily contact with the BC RTA counterpart
- Co-preparation of project progress reports with the Project Leader
- Ensuring day-to-day implementation of the Twinning project in the BC.
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan.
- Taking corrective actions, if necessary, within the terms of the signed contract.

### 3.5.3 Profile and tasks of the short-term experts

Other specialist staff will be made available by the Twinning Partner to support the implementation of activities. Specific and technical matters not directly covered by the Resident Twinning Adviser can be taken over by a pool of short-term experts within the limits of the budget.

CV's and proposed activities of main Short-Term Expert should be an integral part of the MS Offer. The detailed expert input shall be established when drawing up the twinning work- plan.

Indicative STE Profiles - general experience:

- A university degree in a relevant subject or equivalent professional experience of three years in the field of prevention of corruption, repression of corruption, procedures of integrity testing, conflict of interests, asset recovery etc.;
- A minimum of three years of experience in EU Member body related to prevention of corruption, repression of corruption, procedures of integrity testing, conflict of interests, asset recovery or similar will be required;
- A good command of written and spoken English;

Tasks of the Short-Term experts:

- Prepare and implement specific tasks based mainly on practical cases and experience in compliance with their mission definition and in accordance with project activities.
- Provide practical advices to relevant staff for execution of different tasks related to the Project.
- Address crosscutting issues.

The twinning partners are invited to define the specific STE profiles during the preparation of the twinning contract.

## **4. Institutional Framework**

### **4.1 Beneficiary institution:**

As this Twinning project is focused on strengthening the investigative capacities of the Moldovan anti-corruption agencies, officers from the following divisions of NAC (operative unit, prevention and analytical), as well as Anti-Corruption Prosecutor's Office, MIA's Internal Protection and Anti-corruption Service, General Police Inspectorate and Customs will be involved in project activities, benefiting from expert advice, expertise, hands-on experience obtained during on the job and off the job trainings, study visits and other project activities.

### **4.2. Project Steering Committee**

A Steering Committee (SC) will be established to monitor the implementation of the project. The Committee shall be composed of representatives of the Beneficiary Institution, the Beneficiary Country Project Leader, the Member State Project Leader, the Resident Twinning Adviser, the RTA counterpart, representatives from the Programme Administrative Office for Twinning project, (State Chancellery) and representatives of the Delegation of the European Union as Contracting Authority.

The Committee will meet to discuss the progress of the project, verify the achievement of the outputs and mandatory results and discuss actions to be undertaken in the following quarter. The

SC will also discuss the draft of the quarterly report submitted to it beforehand and will recommend corrections.

The SC will meet quarterly or more frequently, if required; its meetings are called and chaired by both Project Leaders. The RTA will be responsible, jointly with the national counterpart, for drafting an interim quarterly report and presenting it to members of the committee at least 2 weeks prior to each SC meeting.

The SC will take the necessary decisions related to project facilitation and progress and will be the forum to discuss any unforeseen difficulties. Exceptional SC meetings can be convoked in case of exceptional needs.

#### 4.3. Reporting requirements

Proper project reporting is essential to ensure proper follow-up of project implementation and to properly evaluate the results. Reports shall consist of a content section and a financial section.

Every three months, the MS Project Leader in co-operation with the BC Project Leader will prepare and submit interim quarterly reports. Each report will cover a three months period calculated from the date of notification of endorsement/signature of the contract.

Interim quarterly reports will be prepared and distributed to all the participants in advance of the meetings of the Project Steering Committee. The financial part of the interim reports, must document the actual expenditure in relation to budgeted expenditure. A list detailing each item of expenditure incurred in the period covered by the reports, and indicating for each its title, amount, relevant heading in the Budget of the Action and the reference of the justifying document, is annexed to them.

The first report will be due in the fourth month counting from the date of notification of endorsement/ signature of the Twinning contract.

The MS Project Leader shall submit the final report before the end of the legal duration of the Twinning contract. The final report shall be forwarded no later than three months after the implementation period of the Action (work plan) as defined in article 2 of the Special Conditions of the Twinning Contract.

The final report will be accompanied by a verification expenditure report. This means that the final report, final invoice, and expenditure verification report have to be submitted at the latest during the final month before the end of the legal duration of the Twinning contract.

Reports will follow the templates of Annex C4/Annex C5 of the Twinning Manual. In addition to these formal reporting stages, the twinning partners are obliged to inform in writing the Contracting Authority as well as the final beneficiary of the action of any critical aspects or conditions of project implementation, or any amendments/modifications necessary within the



budget.

All reports must be produced in English, in electronic and hard copy. Both Project Leaders shall sign these reports. Each report must be presented in electronic format two weeks prior to the Steering Committee meetings and in two hard copies to the Project Beneficiary, the members of the Steering Committee Meeting and the EU Delegation. The final versions should incorporate any comments and discussions during the Steering Committee meetings.

Failure to submit satisfactory reports in time may lead to the decision to suspend EU financing for the project.

## **5. Budget**

The project will be implemented through a Twinning Contract estimated at a maximum of EUR 1,000,000

The project will be located in the premises of the NAC. The NAC will ensure appropriate facilities and basic equipment for the work of the experts. This includes administrative support, office space, telephone and fax and other necessary facilities.

## **6. Implementation Arrangements**

### 6.1 Implementing Agency

EUD (Delegation of the European Union to Moldova)

Mr. Tsvetomir Svilenov  
International Aid Cooperation Officer / Project Manager  
Chisinau, Republic of Moldova  
12 Kogalniceanu Str., MD 2001, Chisinau, Moldova  
tel.: +373-22-505210  
e-mail: [tsvetomir.svilenov@eeas.europa.eu](mailto:tsvetomir.svilenov@eeas.europa.eu)

### 6.2 Main counterpart in the BC

The main counterpart in the BC is the National Anti-corruption Centre.

Beneficiary Country Project Leader:  
Ms. Cristina Țărnă, deputy-head of the National Anti-corruption Centre  
National Anti-corruption Centre

198, Stefan cel Mare avenue, Chisinau  
MD-2004, Republic of Moldova  
Tel./Fax: +373 22 257 430

Resident Twinning Adviser -

Mr. Vitalie Verebceanu  
Head of the General Corruption Prevention Directorate  
National Anti-corruption Centre  
198, Stefan cel Mare avenue, Chisinau  
MD-2004, Republic of Moldova  
Tel./Fax: +373 22 257 425

**Programme Administrative Office (PAO)**

Ms Oxana Gluscenco  
Acting Director of Policy coordination and strategic planning  
State Chancellery  
Piata Marii Adunari Nationale, 1  
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Tel: +373 22 250 215  
  
Fax: +373 22 250 2596.2

6.3 Contracts

One (1) Twinning contract is foreseen to implementation of the above-mentioned activities. An ancillary supply contract will be tendered in parallel and this twinning will help to take a better use of the equipment.

**7. Implementation Schedule (indicative)**

7.1 Launching of the call for proposals

The estimated date for the launching of the call for proposals is February 2017

7.2 Start of project activities

The estimated date for the start of the project activities is October 2017

7.3 Project completion

The estimated date for project completion is September 2019

7.4 Duration of the execution period

The overall execution period of the Twinning project is 27 months (implementation period is 24 months).

## **8. Sustainability**

The Beneficiary administration is fully committed to ensuring a long- term impact of the activities of this Twinning Project. The expected combined impact of this project will bring about significant improvement in the fight against corruption. The project will have impact on improving the skills, practices, mechanisms, rules and strategies of the relevant institution. Ensuring that any guidelines or procedures are developed with the direct involvement of the beneficiary, that they are simple enough to be regularly updated and changed by the staff of the respective organisations without external support and that they are coherent with existing legal provision of the country will contribute to sustainability of results. An ongoing review of key issues impacting on sustainability will start from the beginning of project implementation, based on the results and outcomes that should be achieved over time. The objective of this review is to facilitate the sustainable impact of outcomes beyond the end of the project. After project completion, the key elements of the mechanisms are expected to be in place and operational.

The Member State Twinning partner shall transfer their best practices and know-how necessary to achieve the mandatory results to the Beneficiary administration. Staff benefiting from trainings shall transfer knowledge through subsequent training to their colleagues. Coordination with the DRCPA, the central unit with responsibility over the training for civil servants, will also contribute to sustainability of capacity building results.

## **9. Crosscutting issues**

Cross cutting issues will be taken into consideration in all phases and aspects of the project, including in the definition of the Work plan, selection of project staff/participants/stakeholders and implementation of activities. However, the crosscutting issues do not need to be specifically implemented by means of direct activities of the project, but solely need to be taken into consideration – i.e. if possible, mainstreamed, and in any case, not breached during the preparation and implementation of the Project.

## **10. Conditionality and sequencing**

### **10.1 Conditionality**

The project includes the following conditionality elements:

- Adoption by the beginning of the project of a new National Anti-corruption Strategy following a broad inter-institutional consultation (including the Parliament and the Government) and public consultation with civil society and all interested external stakeholders. The strategy shall be costed and sufficient resources shall be reflected in the annual and multi-annual budget. In addition, the strategy shall be accompanied with a performance-based monitoring framework to allow assessing progress against objectives;

the necessary leadership and administrative capacities at both political and administrative level shall be ensured.

- The parallel co-financing provided by the Beneficiary is provided to the ancillary supply contract.
- Proactive involvement of the NAC in the implementation of the project;
- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries as per work plan of the project;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
- Sufficient managerial and technical human resources allocated to the relevant Departments and support from the NAC members.

### Annex 1: Logical Framework Matrix

<b>Support to the strengthening of the operational capacities of the Law Enforcement Agencies of the Republic of Moldova in the field of prevention and investigation of criminal acts of corruption.</b>		Name and number of the program: 2012/023-421 Framework Programme in support of the current and new agreements between the European Union and Moldova	
		Contractual period expires at: 25/08/2017	
		Total Budget: 1.000.000 EUR	ENPI financing: 100%
<b>General Objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of verification</b>	
Strengthen the operational capacities of Law Enforcement Agencies of Moldova (LEAs), including National Anti-Corruption Centre (NAC), Prosecution offices, Ministry of Interior, General Police Inspectorate (GPI), Customs Service, in order to increase the efficiency in the fight against corruption.	<ul style="list-style-type: none"> <li>Progress in Moldova's compliance with CoE and international anti-corruption treaties in comparison with the initial phase of the project.</li> </ul>	<ul style="list-style-type: none"> <li>External review of the project</li> <li>Relevant Legislative acts</li> <li>GRECO, UN and OECD reports</li> <li>Transparency International Reports</li> </ul>	
<b>The project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Source of verification</b>	<b>Assumptions</b>
Strengthening of operational capacities of the NAC, Anti-Corruption Prosecutor's Office and other Law Enforcement Agencies of Moldova in the field of prevention and investigation of criminal acts of corruption.	<ul style="list-style-type: none"> <li>Qualitative improvement of capacities and co-ordination mechanisms</li> <li>Number of trainings delivered</li> <li>Number of officers and prosecutors trained</li> <li>Number of study visit organised</li> </ul>	<ul style="list-style-type: none"> <li>External review of the project, including EU peer-assessments.</li> <li>Final report of the project Assessment of EUD to Moldova and reports of EU HLAs (anti-corruption, prosecution, justice, AML, police, customs, internal affairs)</li> <li>Reports of the</li> </ul>	<ul style="list-style-type: none"> <li>Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> </ul>

		Council of Europe, UNCTAD <ul style="list-style-type: none"> <li>• Training assessment questionnaire filled in by trainees</li> </ul>	
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Source of verification</b>	<b>Assumptions</b>
<ul style="list-style-type: none"> <li>• Capacities of Law Enforcement Agencies to combat corruption through the appropriate use of special investigative techniques, methods and equipment are strengthened.</li> <li>• Decision-making, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption are enhanced in line with EU best practices.</li> <li>• Capacities of the NAC to conduct institutional integrity assessment and professional integrity testing in the public sector are built up in line with EU and international best practices and respecting the human rights.</li> </ul>	<ul style="list-style-type: none"> <li>• Formalised inter-institutional co-operation mechanisms between agencies involved in investigation of criminal acts of corruption that are implemented by the end of the project.</li> <li>• Investigation procedures of the NAC, Anti-Corruption Prosecutor's Office and other LEAs are improved</li> <li>• Improved anti-corruption case management system</li> <li>• Regulations/guidelines related to the investigation of criminal cases of corruption defining the decision-making process, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption are enhanced</li> <li>• The Risk Assessment of NAC produces quality assessments of risks of corruption in public</li> </ul>	<ul style="list-style-type: none"> <li>• Internal orders of the beneficiary institutions approving the regulations and guidelines</li> <li>• Government reports including statistics on cases</li> <li>• The assessments and reports of EU HLAs (anti-corruption, prosecution, justice, AML, police, customs, internal affairs)</li> <li>• Final report of the project</li> <li>• TI, GRECO and UNCTAD reports</li> <li>• Annual Reports of NAC, APO and other LEAs showing improvements</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>

	<p>sector</p> <ul style="list-style-type: none"> <li>• The NAC conducts professional integrity testing in line with EU and international best practices and respecting human rights</li> </ul>		
<b>ACTIVITY 1.1. Assessment of the current investigative capacities of the NAC, Anti-Corruption Prosecutor's Office, MIA, GPI and Customs Service on processing corruption cases, notably high-level corruption cases and cases with corruptive element</b>	<ul style="list-style-type: none"> <li>• Assessment done</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<b>ACTIVITY 1.2. Study visit on special investigative techniques and methods (financial investigation, criminal intelligence, communication interception, etc.).</b>	<ul style="list-style-type: none"> <li>• Study visit done</li> <li>• Conclusions from Study Visit produced.</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and</li> </ul>

			<p>investigation of criminal acts of corruption</p> <ul style="list-style-type: none"> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>Activity 1.3. Recommendations for improving investigative capacities of the NAC, APO, MIA, GPI and Customs on processing corruption cases with close cooperation with prosecutors, including high-level corruption cases and cases with corruptive element in order to build solid, logical and understandable case for court procedure.</b></p>	<ul style="list-style-type: none"> <li>• Written guidelines produced and effectively implemented</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>ACTIVITY 1.4. Strengthening the capacities and individual skills of the NAC, APO, MIA, GPI and</b></p>	<ul style="list-style-type: none"> <li>• Training delivered</li> <li>• 6 months / 1 year after the</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> </ul>



<p><b>Customs staff on how to use special investigation methods and techniques in the course of pre-trial investigation of corruption cases in line with best standards and practices of EU countries (financial investigations, communication interception, etc.).</b></p>	<p>training review (via a report/workshop) methods and best practices are being implemented by the staff on the job.</p>		<ul style="list-style-type: none"> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>ACTIVITY 2.1. Assessing the current state of play in terms of decision-making, internal procedures as well as interagency co-operation, co-ordination and communication related to investigation of criminal cases of corruption</b></p>	<ul style="list-style-type: none"> <li>▪ Assessment is done</li> <li>▪ Recommendations made in the assessment are incorporated in the internal procedures</li> <li>▪ 6 months / 1 year later, review (via a report/workshop) how the recommendations are being implemented by the staff on the job.</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be</li> </ul>

			performed
<b>ACTIVITY 2.2. Study visit related to internal regulation and inter-agency cooperation on the investigation of criminal acts of corruption</b>	<ul style="list-style-type: none"> <li>▪ Study visit organised</li> <li>▪ Lessons learnt are incorporated in the internal procedures</li> <li>▪ 6 months / 1 year later, review (via a report/workshop) how the learnings are being implemented by the staff on the job.</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<b>ACTIVITY 2.3. Development of regulations/guidelines on coordination of communication defining the decision-making process, internal procedures as well as interagency co-operation in the course of investigation of criminal cases of corruption.</b>	<ul style="list-style-type: none"> <li>▪ Regulation/guidelines for the NAC, APO and other LEA are developed and approved.</li> <li>▪ 6 months / 1 year after the adoption, review (via a report/workshop) how the regulation/guidelines are being implemented by the staff on the job (linked to the output of activity 2.4)</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> </ul>

			<ul style="list-style-type: none"> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<b>ACTIVITY 2.4. Training on the new regulation/guidelines related to coordination of communication defining the decision-making process, internal procedures as well as interagency co-operation in the course of investigation of criminal cases of corruption.</b>	<ul style="list-style-type: none"> <li>▪ Training programme developed and staff trained</li> <li>▪ 6 months / 1 year after the adoption and the training, review (via a report/workshop) how the regulation/guidelines are being implemented by the staff on the job. (linked to the output of activity 2.3)</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<b>Activity 3.1 Strengthening the professional capacities of the Risk Assessment Unit of the NAC on techniques, methodologies used in developing studies and assessment of risks of</b>	<ul style="list-style-type: none"> <li>▪ Training of NAC staff on techniques used in developing risk assessments and information analysis is delivered.</li> <li>▪ Coaching of the NAC staff on a practical example of a case</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with</li> </ul>

<p><b>corruption.</b></p>	<p>study / practical assessment of corruption risks.</p> <ul style="list-style-type: none"> <li>▪ 6 months / 1 year after the training and start of coaching, review (via a report/workshop) how the techniques, methodologies and assessments of risks of corruption (in line with EU and international best practices and respect of Human Rights) are being implemented by the staff on the job</li> </ul>		<p>appropriate qualifications will be available to participate in the project</p> <ul style="list-style-type: none"> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>ACTIVITY 3.2. Assessment of the Moldovan framework and practices of conducting integrity testing as part of the newly established institutional integrity procedures, in light of EU best practices and the respect of human rights</b></p>	<ul style="list-style-type: none"> <li>▪ Assessment is done.</li> <li>▪ Develop and adopt a set of internal guidelines on integrity testing and institutional integrity (in line with EU and international best practices and respect of Human Rights)</li> <li>▪ 6 months / 1 year after the adoption of the new guidelines, review (via a report/workshop) how the guidelines are being implemented by the staff on</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how</li> </ul>

	the job		integrity testing is to be performed
<b>ACTIVITY 3.3. Study visit on methods of professional integrity testing in accordance with EU standards and international best practices.</b>	<ul style="list-style-type: none"> <li>▪ Introduction to methods of integrity testing, EU standards and best practices.</li> <li>▪ Relevant lessons learnt will be reflected in the set of internal guidelines on integrity testing and institutional integrity (see output of activity 3.2)</li> <li>▪ 6 months / 1 year after the study visit, review (via a report/workshop) how the lessons learnt (including those reflected in the above-mentioned guidelines )are being implemented by the staff on the job</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<b>ACTIVITY 3.4. Development of public presentation and communication skills needed to present the results of institutional integrity assessment and integrity testing</b>	<ul style="list-style-type: none"> <li>▪ Training of NAC`s staff on public communication and presentation techniques is done</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with</li> </ul>

			<p>appropriate qualifications will be available to participate in the project</p> <ul style="list-style-type: none"> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>ACTIVITY 3.5. Providing training to NAC staff on the provisions of the European Convention on Human Rights (ECHR) and on practical methods and techniques in employing integrity testing</b></p>	<ul style="list-style-type: none"> <li>▪ 4 trainings delivered, NAC staff trained</li> <li>▪ 6 months / 1 year after the training, review (via a report/workshop) how the techniques and methods in integrity testing (in line with ECHR) are being implemented by the staff on the job</li> </ul>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective activities of prevention and investigation of criminal acts of corruption</li> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
<p><b>ACTIVITY 3.6. International workshop on exchanging existing best practices in conducting the institutional integrity assessment and the</b></p>	<p>international workshop organised</p>	<ul style="list-style-type: none"> <li>• Project Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova remains committed to the fight against corruption in line with EU best practices</li> <li>• The project's beneficiaries are willing to co-ordinate among themselves their respective</li> </ul>

<b>integrity tests.</b>			<p>activities of prevention and investigation of criminal acts of corruption</p> <ul style="list-style-type: none"> <li>• Sufficient staff with appropriate qualifications will be available to participate in the project</li> <li>• There is a common understanding between the project partners on how integrity testing is to be performed</li> </ul>
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