

## COUNTRY PROFILE

### Republic of Moldova

#### I. BACKGROUND

<b>Area:</b>	33,846 sq. km
<b>Population:</b>	3,555,200 (January 2015 estimate)
<b>GDP:</b>	USD 7,970 billion
<b>GNI per capita:</b>	USD 2,483
<b>HDI:</b>	0.693; ranked 107 out of 188 countries (2014)
<b>Life expectancy at birth:</b>	71.6 years
<b>Mean years of schooling:</b>	11.2

Source: UNDP HDI; World Bank (2015)

#### a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	30.7	26.3	30.6	41.6	39.9
Regulatory quality	38.2	36.6	49.3	49.3	53.8
Rule of Law	33.0	40.7	42.2	42.7	46.6
Control of corruption	32.7	31.2	28.6	24.4	20.7

Source: World Bank (2015)

#### b. Political and Administrative Structure

Sandwiched between Romania and Ukraine, Moldova emerged as an independent republic in 1991, following the collapse of the USSR. The country is listed as a lower middle income country by the World Bank<sup>1</sup>.

Moldova is a parliamentary republic with a President as Head of State and a Prime Minister as Head of Government. The President is elected by Parliament, requiring a three-fifths majority (at

<sup>1</sup> <http://data.worldbank.org/country/moldova>

least 61 votes). Since 2001, the President is elected by a 101-member National Assembly (parliament). The change was designed to decrease the executive authority in favour of the legislature. The President appoints the Prime Minister, who functions as Head of Government and who, in turn, appoints a cabinet, both subject to parliamentary approval<sup>2</sup>. The 2014 parliamentary elections were the eighth parliamentary elections since independence in 1991. The Government designs and implements domestic and foreign policy of the State and it manages its Public Administration. It is accountable to Parliament. The Government includes the Prime Minister, the First Deputy and Deputy Prime Minister, ministers and other members, as determined by law<sup>3</sup>. Administratively, the Republic of Moldova is divided into 32 districts, 5 municipalities, and 1 autonomous territorial unit (Gagauzia)<sup>4</sup>.

The Republic of Moldova is a Member State of the United Nations, the Council of Europe, the World Trade Organization (WTO), the Organization for Security and Cooperation in Europe (OSCE), the GUAM Organization for Democracy and Economic Development, the Commonwealth of Independent States (CIS) and the Organization of the Black Sea Economic Cooperation (BSEC). It wishes to join the European Union.

## II. CIVIL SERVICE PROFILE

### *a. Legal basis of the civil service*

Civil service regulatory framework includes the following laws and regulations:

- Law “On the Public Office and Status of Civil Servant” (Law 158/2008);
- Law “On the Civil Servants’ Code of Conduct” (Law 25/2008);
- Law “On Conflicts of Interest” (Law 16/2008);
- Law “On the Approval of the Single Classification of Civil Service Positions” (Law 155/2011);
- Government Decision on the Enforcement of the Provisions of Law 158/2008 (Law 201/2009).

The Law “On Public Offices and the Status of Civil Servants” (Law 158/2008)<sup>5</sup> regulates the regime of public offices, the status of civil servants and their relationship with public authorities. It also sets out the vertical and horizontal scope of the civil service. According to Article 7 of the Law 158/2008, civil service positions are classified as follows: [i] Senior civil service; [ii] Managerial civil service; and [c] Executive civil service. From a vertical perspective, different pieces of legislation apply to different groups. These include: [i] Group A officials holding “public dignity” offices (political appointees)<sup>6</sup>, listed in the Annex to Law 199/2010<sup>7</sup>; [ii] Group B personnel (discretionary

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<sup>2</sup> Constitution of the Republic of Moldova (29.07.1994): In English at <http://www.presidente.md/eng/constitution>; In Russian at <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311496&lang=2>

<sup>3</sup> Law No 64 (31.05.1990) “On Government” Chapter IV, Article 24,

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312895&lang=2>

<sup>4</sup> Law No 764 (27.12.2001) “On Administrative-Territorial System of the Republic of Moldova”,

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312874&lang=2>

<sup>5</sup> Law No 158 (04.07.2008) “On the Public Function and Civil Servant’s status”:

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

<sup>6</sup> Deputy Ministers are political appointees placed below the Minister and the highest ranks of civil servants.

<sup>7</sup> Law No 199 (16.07.2010) “On the Status of the Persons Performing Responsible State Positions”,

<http://lex.justice.md/ru/336193/>

appointments) in the Cabinet's of "public dignity" offices (Law 80/2010<sup>8</sup>); and [iii] Group C civil servants (Law 158/2008), which also comprises senior civil servants and other civil servants.

In sum, civil service related legislation presents a reasonable horizontal and vertical spread. It covers not only state authorities but also local self-governments. Different pieces of legislation regulate the various groups of public servants, providing a clear distinction between civil servants, senior civil servants and political appointees. The structure of the civil service of the Republic of Moldova is implemented under the Government Decree No 1001 (26.12.2001)<sup>9</sup>.

### *b. Definition of civil servant*

In the Republic of Moldova, a civil servant is an individual appointed to a public office in accordance with the law. Civil service positions are established on the basis of Acts of Parliament, by the President of the Republic, the Government and other public authorities, duly empowered by the Constitution and other laws. Civil service positions are classified into three categories: [i] senior management positions; [ii] management positions; and [iii] executive positions. According to Article 33 of Law 158/2000, there are three classes for every rank of civil service:

- **First rank:** State Councillor of the Republic of Moldova, first class; State Councillor of the Republic of Moldova, second class; and State Councillor of the Republic of Moldova, third class;
- **Second rank:** State Councillor, first class; State Councillor, second class; and State Councillor, third class;
- **Third rank:** Councillor, first class; Councillor, second class; and Councillor, third class.

Class ranks are assigned in accordance with qualification levels of personnel and their performance assessment results. A next rank is assigned, if an individual receives "good" or higher score result in three consecutive annual performance appraisals, or "very good" result in two consecutive annual performance appraisals. Every promotion in rank is accompanied by a pay increase. Civil servants may be deprived of their class rank or demoted from their class rank only by a court decision in the event of committing illegal acts implying criminal liability, as well as in the event that a class rank was conferred in violation of established procedures for awarding the rank.

### *c. Civil servants' profile*

#### ***Eligibility criteria***

According to Article 27 of Law 158/2008, citizens of Moldova, who have not reached retirement age, who possess the appropriate educational background allowing them to perform requisite service functions, who possess knowledge of the Moldovan language and the official languages of interethnic communication and who have no prior criminal record are eligible for admission into the civil service.

#### ***Total number of civil servants***

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<sup>8</sup> Law No 80 (07.05.2010) "On the Status of the Staff of the Office of Responsible State Positions", <http://lex.justice.md/ru/335147/>

<sup>9</sup> Annex 1 to the Government Decree No 1001 (26.12.2001) "On Introduction of the Provisions of Certain Laws": <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=341685&lang=2>

As of 2014, the total number of civil servants was 17,145. Of these 10,448 work in central authorities and 6,657 in local authorities.

### ***Number of civil servants as proportion of the total population and of the labour force***

Civil servants represent 0.48% of the country's population and 1.4% of its labour force.

### ***Gender and age distribution of civil service***

Of all public servants, 12,231 are female and 4,914 are male, with an overall mean age of 42.7 years.

#### ***d. Civil servants' remuneration structure***

According to the Central Public Administration Reform Division of the State Chancellery, the average monthly salary of civil servants in Moldova is 5,235 lei (USD 261 approximately). The salary structure consists of: [a] a fixed part, comprising of the basic salary, plus an allowance for class (and diplomatic) rank and special title; and [b] a variable component, consisting of an allowance for the collective accomplishment of the tasks assigned to a structural unit / public authority. The variable component is paid in the form of an annual bonus.

## **III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION**

The unit mainly responsible for the civil service is the Central Public Administration Reform Division of the State Chancellery. The Division is in charge of:

- Reforming and building capacity in the central administrative authorities, so that they may be able to formulate and implement national policies efficiently and effectively;
- Formulating/revising and promoting state policies and regulatory frameworks for the civil service;
- Ensuring the advocacy and implementation of state policy for public service, particularly in human resources management;
- Monitoring compliance with the civil service legal framework;
- Coordinating implementation of the public administration reform programme state-wide; and
- Contributing to the continuous modernization and improvement of the state administration's institutional and functional systems.

#### ***a. Organisation of the selection and recruitment process in the civil service***

In Moldova, different rules for recruitment, dismissal and career development apply to different groups of civil servants (Article 8 of Law 158/2008). Thus, for senior civil servants, the recruitment, dismissal and career rules are different than those for the rest of the civil service<sup>10</sup>, although the specific recruitment procedures have only been applied since 2014. The senior civil service includes three salary grades with five steps in each. Appointments are indefinite.

A senior management (1<sup>st</sup> category) civil service position is filled by means of a competitive process (Government Decision 201/2009). The Government appoints a special standing

<sup>10</sup> Article 8, Law No 158 (04.07.2008) "On Civil Service and Civil Servants' Status", <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

committee comprising seven experts in the field of public administration to fill vacancies at the levels of the ministerial state secretaries and deputy heads of administrative authorities. Conversely, competition commissions are established by the responsible public authorities in order to fill, through competition, the positions of the head of the civil service and the deputy head of a public authority<sup>11</sup>. All vacancies are advertised on the government's website, on the website of the public authority announcing the vacancy and in various national publications. The selection process provides for inspection and validation of the application forms, a written examination including several tasks and an interview.

#### *b. Promotion and transfer process in civil service*

Promotion in the Civil Service of Moldova is based on the results of the performance appraisal. The decision to promote a civil servant belongs to the head of the public authority, where the civil servant works. Civil servants, whose performance appraisal is rated "very good" or whose last two appraisals were rated as "good" may be promoted to a higher position, provided that they meet all other requirements of the position.

Transfers take place between subdivisions of a public authority and between public authorities. A transfer is authorised by the head of the public authority<sup>12</sup>. It is carried out in order to meet the requirements of particular tasks in a public agency or at the request of the civil servant. In the former case, the written consent of the transferred civil servant is required. A request for a transfer is an instrument used by civil servants in order to advance their careers, horizontally. Secondment can also be used to improve one's competencies<sup>13</sup>, but it is not widely practiced.

#### *c. Performance appraisal, training and career development*

Performance appraisal is regulated by the Civil Service Law (Articles 34 and 36) and by secondary legislation. It has been implemented by all public authorities since 2010. Professional performance appraisal is carried out annually for all three categories of civil servants: senior, managerial and executive civil servants. It is not undertaken for junior civil servants or for civil servants who have been in the position for less than four months during the appraisal period. Secondary legislation (Annex 8 to the Government Decree 201/2009<sup>14</sup>) contains provisions for internal complaints in this regard.

The direct supervisor carries out the performance appraisal for managerial and executive civil servants. For senior civil servants, the appraisal consists of two phases. First, the direct supervisor prepares the assessment report and proposes appraisal scores. Then, the documents are sent to an evaluation committee, which completes the evaluation form and takes the final decision. During a performance appraisal, the results are compared with targeted goals (indicators), which are based on appraisal criteria. The results of a performance appraisal are utilised to make decisions for promotion, an award of a higher qualification grade, a salary advancement, training or dismissal. The performance appraisal of civil servants takes either of two approaches: centralised and decentralised.

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<sup>11</sup> Parliament, President, Superior Council of Magistracy, Constitutional Court, Supreme Court, General Prosecutor's Office and Court of Accounts.

<sup>12</sup> Civil Service Law, Article 48.

<sup>13</sup> Civil Service Law, Article 47.

<sup>14</sup> Annex 8 to the Government Decree No 201 (11.03.2009) "On Enactment of Law on Civil Service and Civil Servants' Status No 158-XVI, 4 July 2008," <http://lex.justice.md/ru/331023/>

Annual training objectives are achieved once a civil servant has received 40 hours of training per year. However, the focus of this objective is quantitative, i.e. number of hours of training that a civil servant has received; rather than qualitative, i.e. the higher levels of competency acquired through training (OECD/SIGMA, 2012). Furthermore, data provided by central public authorities indicate that not all civil servants benefit from this number of training hours (40 hours per year)<sup>15</sup>.

The Government approves the Professional Development Plan for all public authorities annually, by State Order. The Plan is elaborated by the State Chancellery on the basis of requests received by public authorities. The requests reflect the horizontal training needs identified at the individual and organisational levels, as well as the Government's overall strategic goals. A training service provider (to date, the Academy of Public Administration) evaluates the Plan. A quarterly report is submitted to the State Chancellery (centralised approach). Each public authority approves its professional development plan for specific training annually.

#### **IV. ETHICS AND ANTI-CORRUPTION STRUCTURES**

The National Anti-Corruption Centre<sup>16</sup> - formerly known as the Centre for Combatting Economic Crime and Corruption – is an independent agency established by Law 1104 in 2002. The Centre gave away its function of combatting economic crime, which resulted in a change in its title. The Centre is a mixed anti-corruption agency, responsible for both combatting and preventing corruption, with a staff of 350 individuals. The Centre's main responsibilities are:

- Prevention, investigation and countering corruption and corruption-related offences and crimes;
- Prevention and combating of money laundering and the financing of terrorism;
- Preparation of legal drafts and other legislative initiatives for presentation to Parliament;
- Conduct of corruption risk assessments in public authorities, monitoring and data analysis;
- Conduct of training and consultation; and
- Coordination for development of integrity plans.

The Anti-Corruption Prosecutor's Office is a specialised office, established shortly after the creation of the Anti-Corruption Agency in 2002. This Office is in charge of leading all criminal investigations conducted by the National Anti-Corruption Centre. However, it can also conduct its own criminal investigations. The National Integrity Commission, established in 2012, is in charge of verifying public officials' assets, examining cases of conflict of interest and looking into other incompatibilities associated with public office tenure. In carrying out its mandate, the National Integrity Commission works with the National Anti-Corruption Centre and the Anti-Corruption Prosecutor's Office, when the need arises for the joint investigation of criminal cases. There is no special provision for an officer-in-charge of ethics compliance within ministries and civil service agencies.

#### **V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED**

<sup>15</sup> "Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine", OECD/SIGMA: <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDjezS-CS-Professionalisation-Nov2014.pdf>

<sup>16</sup> The National Anti-Corruption Centre was one of the winners of the "Innovative Solutions Scheme", launched by the Regional Hub of Civil Service in 2015. The Hub marked out two innovative solutions of the Centre. The "Integrity Testing" mechanism of civil servants and the "Anti-corruption proofing" software, both developed, introduced and currently being in use.

### *a. Past Reforms*

Following the elections of April 2005, the President, with the support of Parliament, announced that the implementation of the Central Public Administration Reform 2006-2013 (CPAR) programme would be one of the top priorities of his administration. Focusing on PAR helped him win over the support of the non-Communist opposition in Parliament, which realised that enhancing professionalism and effectiveness in public administration was an important political step towards European integration. In response to one of the President's original reform objectives, i.e. to increase the salaries of civil servants, while downsizing staff positions by 70%, the Prime Minister requested the international development partners<sup>17</sup> and other development actors to provide technical assistance for PAR implementation.

UNDP and SIDA offered technical assistance that addressed, the initial need for PAR management capacity building and, in coordination with the World Bank, initiated the first phases of a horizontal functional reviews and analyses of the governance system, as well as of the civil service and decision-making systems in place. Additionally, the World Bank responded with a non-lending technical assistance programme in support of the Government, with a view to developing a credible agenda for public administration reform. The efforts of the development partners were driven by a desire to help the Government create a PAR strategy before taking action on downsizing or other administrative changes. The results of these initiatives were:

- (a) On Institutional Reorganization:
  - (i) A government-wide functional review of the central public administration entities has been conducted;
  - (ii) A legal framework for the organization of public administration has been further developed; and
  - (iii) Capacity-building measures for the CPAR unit of the State Chancellery of the Republic of Moldova have been undertaken.
  
- (b) On the Government's Policy-Making Capacity:
  - (i) A policy planning system has been reviewed and a methodology for improved elaboration and coordination of policy proposals have been developed;
  - (ii) An on-the-job-training plan is under preparation or has been conducted and procedures for policy documents have been approved;
  - (iii) Government acts and additional regulations passed on policy coordination systems have been reviewed and amended; and, finally
  - (iv) Mechanisms linking policy and budget planning have been developed further.
  
- (c) On a Merit-based Professional Civil Service:
  - (i) A draft Civil Service Law and secondary civil service legislation have been revised;
  - (ii) Civil service human resources management methodology and human resources functions have been developed further;
  - (iii) Capacity building measures in the civil service management entity have been conducted;
  - (iv) Civil service classification, grading and remuneration systems have been developed further;

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<sup>17</sup> The World Bank (WB), the United Nations Development Programme (UNDP), the Swedish International Development Cooperation Agency (SIDA), among other.

- (v) Training workshops and study tours for civil servants have been conducted; and
  - (vi) A civil service register has been designed and implemented; software, hardware and office equipment for the central ministries' personnel management units have been provided.
- (d) On Management, Information and Communication:
- (i) A communication programme to increase awareness, participation and support for the CPAR programme has been developed and implemented;
  - (ii) A CPAR website has been maintained;
  - (iii) Training and communication materials to increase the awareness and participation of major stakeholders in monitoring the CPAR programme have been disseminated; and
  - (iv) Surveys on CPAR implementation progress have been conducted.
- (e) Trust Fund Management:
- (i) Technical assistance has been provided, including management support to the CPAR Unit in conducting financial, procurement and implementation monitoring and reporting activities and audit services.

As a result of all these initiatives, such modern personnel procedures and regulations have been introduced into the Moldovan public administration as:

- The development of job descriptions for civil service positions, in line with the appropriate methodological requirements;
- The delimitation of categories of positions in public authorities, through the endorsement of staff lists;
- Employment in the civil service, including through competitive processes;
- Probation for junior civil servants;
- Part-time jobs for civil servants;
- Ongoing professional development of civil servants; a written commitment to continue work in the civil service after completing training courses;
- Performance appraisal system for civil servants;
- Disciplinary liability procedures for civil servants;
- Regulation on the termination of civil service employment.

As part of the PAR programme, the Government committed itself to opening up its data and launching its first open data portal, in 2011. Four years later, the portal [www.data.gov.md](http://www.data.gov.md)<sup>18</sup> is already on version 3.0 and home to over 800 datasets. However, there are still areas that could be improved, as it appears that some most crucial data are still not available.

### ***b. Current Reforms***

According to the Division for Reform of the Central Public Administration of the State Chancellery, civil service HR management is currently being upgraded through the implementation of an automated information system. Its title is: "The Register of Civil Service and Civil Servants'

<sup>18</sup> "Moldova: Small country, big data?", <http://europeandcis.undp.org/blog/2015/08/05/moldova-small-country-big-data/>

Positions". This has been introduced together with a single government portal on vacant government positions in the administration<sup>19</sup>.

### *c. Planned Reforms*

According to the Division for Reform of Central Public Administration in the State Chancellery, the following reforms are planned for implementation in the coming period:

- Development of an efficient management system of public administration;
- A variety of mechanisms introduced to support the best performing personnel;
- Development of the professional competencies of civil servants;
- Improving the system for the financial and non-financial motivation of public administration employees.

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<sup>19</sup> <http://careers.gov.md>