

## **Methodology for the Independence Index of key public institutions in Moldova – List of institutions and indicators to be monitored**

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### ***Project***

The methodology was created within the initiative **“Supporting democracy, independence and transparency of key public institutions in Moldova”**, implemented by IDIS "Viitorul", in partnership with the Institute for Economic and Social Reforms in Slovakia (INEKO). The initiative is implemented during October 2019 – March 2021 and it is financially supported by the Official Development Assistance of the Slovak Republic (SlovakAid). It aims to support public debate about current state of democracy in Moldova, to strengthen the independence of key regulatory and judiciary institutions, and to increase transparency and support implementation of anti-corruption measures in state-owned companies and local governments in Moldova.

### ***Objective***

Supporting public debate about degree of independence of key public institutions in Moldova and introduction of recommendations to increase their independence based on related Independence Index.

### ***Activities***

1. October 2019 – January 2020: Preparation of research on independence of key public institutions. By November 2019, writing and publishing an electronic document of at least 5 pages with a list of institutions and indicators to be evaluated including sources of information. By January 2020, writing and publishing an electronic document of at least 5 pages describing methodology of evaluation including ways of data collection, calculation of indices and timing.

2. January 2020 – September 2020: Realization of research on independence of at least 15 key public institutions: collection and processing of data for at least 10 indicators, consultations with at least 10 experts, evaluation of independence. Writing a draft document summarizing research results.
3. July 2020 – October 2020: Writing and publishing an electronic Report on independence of key public institutions in Moldova; document of at least 25 pages summarizing research results including the ranking of independence of evaluated institutions and at least 20 recommendations to increase their independence. Informing media via press report, the goal is to have at least 20 media releases.
4. **October 2020: Organizing a conference in Chisinau** with at least 50 participants informing about a Report on independence of key public institutions in Moldova as well as about results of financial health evaluation of local governments (municipalities and regions).

### Timeline

Activity/Month	10 19	11 19	12 19	1 20	2 20	3 20	4 20	5 20	6 20	7 20	8 20	9 20	10 20	11 20	12 20	1 21	2 21	3 21	Responsible
2.1. Research on institutions and indicators for evaluation of their independence	X	X																	INEKO+IDIS
2.2. Development of methodology for evaluation of institutions	X	X	X	X															INEKO+IDIS
2.3. Collection and processing of data, consultations with experts and summarizing research results				X	X	X	X	X	X	X	X	X							INEKO+IDIS
2.4. Writing Report on independence of key public institutions										X	X	X	X						INEKO+IDIS
2.5. Publishing of Report on independence of key public institutions													X						IDIS
	10 19	11 19	12 19	1 20	2 20	3 20	4 20	5 20	6 20	7 20	8 20	9 20	10 20	11 20	12 20	1 21	2 21	3 21	

### **Methodology description**

Independent and professional public institutions, protecting citizens from abuse of power by politicians and influential economic groups, are crucial for properly functioning democracy and reducing the level of corruption. These include regulatory and supervisory authorities, the central bank, police, prosecution or judicial authorities. However, especially in young democracies, there is a high risk of “State capture” through these institutions. The main objective of this project is to analyze the degree of independence of these institutions from government and to present recommendations for increasing their independence. The methodology is based on a similar project, which has been successfully implemented in Slovakia. The evaluation of independence will focus on criteria such as sovereignty in the decision-making, financial independence, dismissals and selection procedures of the governing bodies in these institutions. The lists of criteria, related points and evaluated institutions are only indicative and will be specified in the next phase of the project.

### **The indicators**

Nr.	Independence criterion	Maximum Points	Source
<b>I</b>	<b>Appointment of the Governing Body and Board Members</b>		
1	The governing body is comprised of multiple persons	<b>1</b>	Collection of Laws
1.1r	(R) The agency's head does not participate in the election of board members	<b>0,33 R</b>	Collection of Laws
1.2r	(R) The agency's head cannot hold a position on the board	<b>0,33 R</b>	Collection of Laws
1.3r	(R) Board members are not employees of the agency	<b>0,33 R</b>	Collection of Laws
2 <sup>1</sup>	Board members are not the heads of other public authorities	<b>1 R</b>	Collection of Laws
2 / 2.1	(R) Members of the governing body are not replaced simultaneously	<b>0,5 / 0,38 R</b>	Collection of Laws
2.2	(R) Board members are not replaced simultaneously	<b>0,13 R</b>	Collection of Laws
3	Members of the governing body are appointed in various ways (by different authorities)	<b>0,5</b>	Collection of Laws
4 / 4.1	(R) The head of the agency is nominated by a collective body	<b>1 / 0,75 R</b>	Collection of Laws
4.2	Board members are nominated by a collective body	<b>0,25 R</b>	Collection of Laws
5 / 5.1	(R) Members of the governing body are elected by multiple actors	<b>1 / 0,75 R</b>	Collection of Laws
5.2	(R) Board members are elected by multiple actors	<b>0,25 R</b>	Collection of Laws

6.1	Candidates for the governing body position must meet specific education requirements	<b>0,33</b>	Collection of Laws
6.2	Candidates for the governing body position must meet specific work experience requirements	<b>0,33</b>	Collection of Laws
6.3	Candidates for the governing body position must meet specific requirements regarding their political independence	<b>0,33</b>	Collection of Laws
7	Members of the governing body are not allowed to hold certain offices after their office term ends	<b>1</b>	Collection of Laws
8	Term of office of members of the governing body is limited	<b>1</b>	Collection of Laws
9	The appointment is only renewable once	<b>1</b>	Collection of Laws
10	Public hearing is part of the selection process for governing body positions	<b>1</b>	Collection of Laws
11	CVs of members of the governing body are publicly available	<b>1</b>	Official website of the agency, google search, or official information request
12	Members of the governing body were not politically active 2 years prior to being appointed	<b>1</b>	Official website of the agency, google search, or official information request
<b>II</b>	<b>Dismissal of Appointees</b>		
1	Dismissal of agency's head is possible for reasons related to policy, at regulator's discretion, if the appointed head of agency has been convicted of a crime or if he no longer meets the political independence criteria	<b>3 / 2,25 R</b>	Collection of Laws
1.1/ 1.1r	(R) Dismissal of agency's head is only possible for reasons related to policy	<b>1 / 0,75 R</b>	Collection of Laws
1.2/ 1.2r	(R) Dismissal of agency's head is only possible at regulator's discretion	<b>2 / 1,5 R</b>	Collection of Laws
1.3/ 1.3r	(R) Dismissal of agency's head is only possible if the appointed head of agency has been convicted of a crime or if he no longer meets a political independence criterion	<b>3 / 2,25 R</b>	Collection of Laws
1r	Dismissal of a board member requires justification	<b>0,75 R</b>	Collection of Laws
2 / 2.1	(R) Dismissal of the agency's head must be carried out by multiple authorities	<b>1 / 0,75 R</b>	Collection of Laws
2.2	Dismissal of a board member must be carried out by multiple authorities	<b>0,25 R</b>	Collection of Laws
3 / 3.1	Dismissal of the agency's head must be carried out by greater number of votes than it was at his	<b>1 / 0,75 R</b>	Collection of Laws

	appointment		
3.2	Dismissal of a board member must be carried out by greater number of votes than it was at his appointment	0,25 R	Collection of Laws
<b>III</b>	<b>Sovereignty and Constitutional Basis</b>		
1.1	The agency has a legal basis in the Constitution of the Republic of Moldova	0,4	Constitution of the Republic of Moldova
1.2	Agency's head appointment procedure is defined in the Constitution of the Republic of Moldova	0,2	Constitution of the Republic of Moldova
1.3	Agency's head deputy appointment procedure is defined in the Constitution of the Republic of Moldova	0,2	Constitution of the Republic of Moldova
1.4	Constitutional majority is required for the election of the agency's head or a member of the body	0,4	Constitution of the Republic of Moldova
1.5	Formation of the agency's budget is defined in the Constitution of the Republic of Moldova	0,4	Constitution of the Republic of Moldova
1.6	Agency's competencies are defined in the Constitution of the Republic of Moldova	0,4	Constitution of the Republic of Moldova
2	The agency is established outside of direct government influence (the agency is not one of central government bodies)	1	Collection of Laws
3	The agency is sovereign in its decisions	1	Collection of Laws
4	Agency's budget is separately appointed within the state budget	1	Collection of Laws
5	The agency is funded from multiple sources (excluding EU funds)	1	Collection of Laws
6	The agency has the authority to decide on its own internal organisation	1	Collection of Laws
7	Agency's head is not appointed solely by government	1	Collection of Laws
8	The agency is solely responsible for staffing its own employees and filling its own managerial positions	1	Collection of Laws
<b>IV</b>	<b>Income of Appointees and Employees</b>		
1.1 / 1.1r	(R) Average gross monthly wage of agency's head	2 / 1,5 R	Official information request, Annual report
1.2 / 1.2r	(R) Average gross monthly wage of agency's head deputy	1 / 0,75 R	Official information request, Annual report
1.3 / 1.3r	(R) Average gross monthly wage of high ranking officers	3 / 2,25 R	Official information request, Annual report
1r	(R) Average gross monthly wage of board members	0,75 R	Official information request, Annual report

2	Average gross monthly wage of employees	2	Official information request, Annual report
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**Note:** R, r – Valid for agencies with management boards

### *The list of institutions*

	<b>Public authorities with functions of regulation, control, provision of services and in the field of judicial activity (hereinafter - public entities)</b>	<b>Web address</b>
1	Ombudsman	<a href="http://www.ombudsman.md">www.ombudsman.md</a>
2	National Agency for Regulation in Energy	<a href="http://www.anre.md">www.anre.md</a>
3	National Agency for Food Safety	<a href="http://www.ansa.gov.md">www.ansa.gov.md</a>
4	Public Procurement Agency	<a href="http://www.tender.gov.md">www.tender.gov.md</a>
5	National Agency for Car Transport	<a href="http://www.anta.gov.md">www.anta.gov.md</a>
6	Public Property Agency	<a href="http://www.app.gov.md">www.app.gov.md</a>
7	Public Services Agency	<a href="http://www.asp.gov.md">www.asp.gov.md</a>
8	National Integrity Authority	<a href="http://www.ani.md">www.ani.md</a>
9	National Bank of Moldova	<a href="http://www.bnm.md">www.bnm.md</a>
10	National Bureau of Statistics	<a href="http://www.statistica.gov.md">www.statistica.gov.md</a>
11	National Anticorruption Center	<a href="http://www.cna.md">www.cna.md</a>
12	Constitutional Court	<a href="http://www.constcourt.md">www.constcourt.md</a>
13	National House of Social Insurance	<a href="http://www.cnas.md">www.cnas.md</a>
14	National Medical Insurance Company	<a href="http://www.cnam.md">www.cnam.md</a>
15	Broadcasting Council	<a href="http://www.audiovizual.md">www.audiovizual.md</a>
16	Competition Council	<a href="http://www.competition.md">www.competition.md</a>
17	Superior Council of Magistracy	<a href="http://www.csm.md">www.csm.md</a>
18	National Commission of the Financial Market	<a href="http://www.cnpf.md">www.cnpf.md</a>
19	The Court of Accounts	<a href="http://www.ccrm.md">www.ccrm.md</a>
20	The company "Teleradio - Moldova"	<a href="http://www.trm.md">www.trm.md</a>
21	General Inspectorate of Police	<a href="http://www.politie.md">www.politie.md</a>
22	Financial Inspection	<a href="http://www.if.gov.md">www.if.gov.md</a>
23	Procuratorate	<a href="http://www.procuratura.md">www.procuratura.md</a>
24	The State Tax Service	<a href="http://www.fisc.md">www.fisc.md</a>
25	Customs Service	<a href="http://www.customs.gov.md">www.customs.gov.md</a>