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# **STRATEGIES FOR CONSOLIDATING THE RULE OF LAW IN THE REPUBLIC OF MOLDOVA: ANTI- CORRUPTION, ASSET RECOVERY, CONFISCATION OF UNEXPLAINED WEALTH**



**Asociația pentru  
Cooperare și  
Dezvoltare  
Durabilă**

**STRATEGIES FOR CONSOLIDATING THE RULE OF LAW  
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ASSET RECOVERY, CONFISCATION OF UNEXPLAINED  
WEALTH**

**Bucharest, 2024**



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This report was developed as part of the project "Rule of law resilience in Moldova", co-financed by the Knowledge Management Fund, through the Secretariat "[Knowledge Platform Security & Rule of Law](#)". The project aims to identify tools to ensure the resilience of the rule of law and stability in the Republic of Moldova by exchanging experiences, challenges, and best practices among law enforcement and rule of law professionals (including police officers, prosecutors, security experts, and civil society organizations) from the Republic of Moldova and Romania.

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The Association for Cooperation and Sustainable Development (ACDD) is a think tank that monitors and contributes to sustainable development policies both in Romania and internationally. ACDD focuses on two Sustainable Development Goals: peace, justice, and strong institutions, and quality education. In terms of security, justice, and the rule of law, ACDD monitors Romania's institutional capacity against corruption and organized crime, public attitudes, and the impact of prevention agencies and investigative bodies on human trafficking, corruption, smuggling, drug trafficking, and other illegal activities. ACDD promotes the social reuse of confiscated goods at national and European level as part of the [CHANCE](#) network. ACDD actively participated in developing whistleblower legislation in Romania. ACDD conducts research, provides training, and promotes networking between public sector stakeholders and civil society. In education, ACDD works with young people, teachers, and local communities to raise awareness, develop educational policies, and improve school curricula.

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## Content

1. Introduction.....	2
2. The strategic directions of action in the field of preventing and combating corruption and recovering criminal assets.....	3
2.1 Confiscation of unexplained wealth and sanctioning of lack of integrity.....	5
2.2 Fighting corruption.....	9
2.3 Recovery of criminal assets.....	11
3. collaboration with civil society and proposals to strengthen the partnership with civil society organizations.....	13
4. Consolidation of bilateral relations between the Republic of Moldova and Romania.....	15
5. Conclusions and recommendations.....	16

## List of tables

Table 1 Strategic targets in the field of confiscation of unjustified assets.....	7
Table 2 Strategic targets in the field of combating corruption.....	9
Table 3 Strategic targets in the field of asset recovery.....	11

## Abbreviations

ACDD	Association for Cooperation and Sustainable Development
ANAF	The National Fiscal Administration Agency from Romania
ANI Moldova	National Integrity Authority
ANI Romania	National Integrity Agency
ARBI	Criminal Asset Recovery Agency
CARIN	Camden Inter-Agency Debt Recovery Network
CNA	National Anticorruption Center
CRJM	Legal Resources Center from Moldova
CSM	Superior Council of Magistracy
CSP	Superior Council of Prosecutors
DNA	National Anti-corruption Directorate
GDPR	General Data Protection Regulation
JIT	Joint Investigation Team
MAI	Ministry of Interior
MDL	Moldovan lei
NEIWA	Network of European Integrity and Whistleblowing Authorities
OECD	Organization for Economic Cooperation and Development
PA	Anticorruption Prosecutor's Office
PCCOCS	Prosecutor's Office for Combating Organized Crime and Special Cases
PNIA	National integrity and anti-corruption program for the years 2024-2028
STS	State Fiscal Service
SNA	Romania's National Anti-Corruption Strategy
UNEJ	National Union of Bailiffs

## 1. INTRODUCTION

This public policy report aims to analyse the strategic agenda pursued by relevant anti-corruption and integrity assurance institutions in the Republic of Moldova in the context of its accession to the European Union. This report includes an action plan with recommendations on strengthening the rule of law, including improving cooperation with similar institutions in Romania.

The report is based on the discussions from the workshop "Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth. Consolidation of Bilateral Relations between Romania and the Republic of Moldova", held in Chisinau on February 15, 2024. The workshop was attended by representatives of the following anti-corruption and integrity institutions from the Republic of Moldova and Romania, as well as civil society representatives: the Criminal Asset Recovery Agency, the National Integrity Authority, the Legal Resources Center of Moldova, the National Anti-Corruption Center, the Soros Foundation Moldova, the Ministry of Justice of the Republic of Moldova, the Anti-Corruption Prosecutor's Office, the National Integrity Agency, the National Anti-Corruption Directorate, and the Ministry of Justice of Romania. During the workshop, common priorities were discussed, including the modernization of the legislative framework, the development of innovative work methods, the implementation of strategies, opportunities for strengthening bilateral relations between the Republic of Moldova and Romania (such as through grant applications in partnership), and cooperation with civil society. Each participating institution presented their recent achievements, the challenges they face (such as those related to human resources, finances, equipment, institutional and legislative frameworks, and collaboration capacity), the key strategic directions they are pursuing in 2024, measures to strengthen institutional capacity, data exchange with other agencies, and new ways of cooperation with counterparts in the other state.

The report also reflects developments immediately following the workshop, providing context for the institutional challenges discussed. We thank all the authorities and civil society organizations from the Republic of Moldova and Romania for providing data for this report and participating in the project's events.

## 2. THE STRATEGIC DIRECTIONS OF ACTION IN THE FIELD OF PREVENTING AND COMBATING CORRUPTION AND RECOVERING CRIMINAL ASSETS

The Republic of Moldova is implementing a set of **overlapping reforms** in the fields of justice, anti-corruption, and organized crime, involving multiple interdependencies, interconnections, and institutional actors, including development partners. These overlapping reforms in justice involve defining a coherent strategic framework to align with the European Union, recovering the judicial system, and strengthening law enforcement institutions. Reforms in the field of justice aim at legislative transformations, resource allocation, and human resource development. Due to the pressure of the reform calendar, the multitude of normative acts at different stages of development, and the lack of capacity at the institutional level, challenges have arisen in coordinating and cohering efforts. For judicial staff, these challenges manifest as decreased job security and motivation.

Before analysing the strategic directions pursued, we present a non-exhaustive list of the main concerns at the time of drafting this report, reflecting the complexity and impact of these reforms:

- Appointment of General Prosecutor and PCCOCS Chief Prosecutor; On February 28, 2024, the Superior Council of Prosecutors annulled the results of the first contest and decided to resume the contest for the position of general prosecutor<sup>1</sup>. The contest was cancelled due to the possible abusive behaviour of a CSP member<sup>2</sup>. To extend the interim General Prosecutor's mandate until the appointment of a new General Prosecutor, the Parliament adopted an interpretation law<sup>3</sup>. In March 2023, the competition for the position of PCCOCS chief prosecutor was also cancelled.
- Vetting process of prosecutors<sup>4</sup> and judges<sup>5</sup>; The evaluation commissions began their activity in December 2023 and June 2023, respectively. According to the first activity reports, the Judge Evaluation Commission<sup>6</sup> submitted twelve evaluation reports to the CSM, and the Prosecutor Evaluation Commission<sup>7</sup> held four public hearings. The two commissions initiated a process to coordinate the assessment practices<sup>8</sup>.
- Allocation of resources to the Anti-corruption Prosecutor's Office following the process of sharing powers with the CNA; In February 2024, through Parliament Decision no. 14/2024<sup>9</sup> and later by the decision of the Superior Council of Prosecutors, the organizational chart of the Anticorruption Prosecutor's Office was expanded to include 54 new functions positions

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<sup>1</sup>[The Superior Council of Prosecutors announced a new competition for the position of Prosecutor General](#)

<sup>2</sup>[The Anticorruption Prosecutor's Office has completed the examination of the criminal case regarding the CSP contest for the position of General Prosecutor](#)

<sup>3</sup>[The draft law for the interpretation of the provisions of article 17, paragraph \(17\) of Law no. 3/2016 regarding the Prosecutor's Office.](#)

<sup>4</sup>The prosecutor evaluation commission, established by Law 252/2023, evaluates the ethical and financial integrity of certain categories of prosecutors, including the management of the general prosecutor's office and the prosecutors of specialized prosecutor's offices. The prosecutor evaluation commission is also responsible for finalizing the evaluation of candidates for the self-administration bodies of prosecutors, according to Law 26/2022.

<sup>5</sup>The external evaluation commission of judges and candidates for the position of judge at the Supreme Court of Justice performs three types of evaluations based on Law no. 65/2023 and Law no. 252/2023: the vetting of current and future judges of the Supreme Court of Justice (SCJ), the pre-vetting of candidates for the position of member in the Superior Council of Magistracy (SCM) and in the two colleges subordinate to the SCM and the vetting certain categories of judges.

<sup>6</sup>[ANNUAL REPORT June 15, 2023 - March 31, 2024](#)

<sup>7</sup>[Activity report of the Commission for the Evaluation of Prosecutors](#)

<sup>8</sup>[Vetting commissions of prosecutors and judges will coordinate their evaluation practices](#)

<sup>9</sup>[Parliament decision no. 14/2024](#)

for support services and criminal investigation officers<sup>10</sup>. Effective recruitment of staff, provision of equipment, and securing a suitable headquarters remain necessary.

- Establishment of a specialised anti-corruption court; The Venice Commission examined the draft law on establishing a judicial system specialized in corruption cases in October 2023<sup>11</sup>. The commission left it to the national authorities to decide on the creation of specialised courts but recommends a "[preliminary] analysis of the root causes of the problems that this reform aims to address".
- Development of a civil forfeiture mechanism; The Ministry of Justice drafted a civil forfeiture draft law in September 2023<sup>12</sup>, which is still under public debate for improvement<sup>13</sup>.
- Improving the criminal confiscation mechanism; The Ministry of Justice developed a draft law to improve the mechanism for confiscating criminal assets, currently undergoing public consultation, approval, and assessment for compatibility with EU legislation<sup>14</sup>.
- Improving the effectiveness of confiscation of unexplained wealth and sanctioning conflicts of interest and incompatibilities. Legislation on integrity in the Republic of Moldova is constantly being updated to meet citizens' expectations.<sup>15</sup>

In light of these operational challenges, it is necessary to establish and consistently pursue a strategic direction. To this end, the Republic of Moldova has adopted several strategic documents to strengthen the rule of law in preparation for joining the European Union:

- Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2022-2025<sup>16</sup>;
- The National Integrity and Anti-Corruption Program for 2024-2028<sup>17</sup>;
- The National Program for the Recovery of Criminal Assets for 2023-2027<sup>18</sup>;
- The National Action Plan for the Accession of the Republic of Moldova to the European Union for 2024-2027<sup>19</sup>
- The Plan of Measures to Limit the Excessive Influence of Private Interests on Economic, Political, and Public Life<sup>20</sup>

The main challenge identified by stakeholders is ensuring coordination and monitoring among these strategic documents, given the extremely ambitious targets. In pursuing this agenda, the Republic of Moldova benefits from the experiences of Romania and other EU member states. During the Republic of Moldova - Romania bilateral workshop, part of the pursued strategic targets were analysed, namely the confiscation of unexplained wealth, the fight against corruption, and the recovery of criminal assets.

The European Commission Report of November 2023<sup>21</sup> noted an average level of preparedness in the field of justice and the fight against corruption. The report states that "no significant progress has been made in the prosecution of high-level corruption cases and long-standing criminal cases" (p.21),

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<sup>10</sup> [CSP decided - PA fortified](#)

<sup>11</sup> [Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law \(DGI\) of the Council of Europe on the draft Law on the anti-corruption judicial system and on amending some normative acts, adopted by the Venice Commission at its 136th Plenary Session \(Venice, 6-7 October 2023\)](#)

<sup>12</sup> [Draft Government Decision on the approval of the draft law on civil confiscation](#)

<sup>13</sup> [The draft law on civil confiscation will be improved following the recommendations of Council of Europe experts](#)

<sup>14</sup> [Draft Law for the amendment of some normative acts \(improvement of the mechanism for confiscation of criminal assets\)](#)

<sup>15</sup> [The National Integrity Authority: between expectations and results](#)

<sup>16</sup> [Law no. 211/2021](#)

<sup>17</sup> [Parliament decision no. 442/2023](#)

<sup>18</sup> [Parliament decision no. 342/2022](#)

<sup>19</sup> [Government Decision no. 829/2023](#)

<sup>20</sup> [The plan of measures to limit the excessive influence of private interests on economic, political and public life](#)

<sup>21</sup> [Republic of Moldova 2023 Report, SWD\(2023\) 698 final](#)



but notes "improved international cooperation at the investigative and operational level" (p. 27). Regarding the implementation of the nine recommendations/steps to follow, the report emphasizes that "Moldova must ensure that anti-corruption institutions operate in a clear organizational structure and with adequate resources" (p. 9) and "Moldova must continue updating and implementing the de-oligarchisation action plan, including through relevant regulations such as cash payments and financial flows. Existing coordination should allow for timely review and supplement the plan whenever necessary" (p.10). Illicit financial flows are the most visible form of destabilization and proliferation of corruption and organized crime in the Republic of Moldova<sup>22</sup>.

The OECD report<sup>23</sup> from October 2023 concludes an average level of performance in most criteria, with the lowest scores recorded for sanctioning corruption cases, the integrity of public procurement, the integrity of the business environment, and the protection of whistleblowers.

### 2.1 CONFISCATION OF UNEXPLAINED WEALTH AND SANCTIONING OF LACK OF INTEGRITY

The confiscation of unexplained wealth is a common challenge both in the Republic of Moldova and in Romania. In Romania, legal instruments are outdated in relation to the evolution of new technologies and methods of concealing unjustified differences in wealth. In the Republic of Moldova, the legal instruments still do not produce the expected final results; there are no final decisions to confiscate unexplained wealth, although in 2023 alone, over 20 decisions identified unjustified differences exceeding 30 million lei (1.5 million Euros)<sup>24</sup>.

The main challenge is developing a functional mechanism for exchanging data and administrative and financial information between the Republic of Moldova and Romania (as well as other states), but also between the institutions of the two countries, for the verification of asset declarations. There is a collaboration agreement between Romania and the Republic of Moldova for exchanging operative data and information in criminal matters<sup>25</sup>. In criminal matters, the Republic of Moldova also has access to data and information through the CARIN network. To prevent and combat money laundering and terrorist financing, the Republic of Moldova is part of the Egmont Group. However, these cooperation mechanisms in criminal matters are not applicable to administrative procedures for verifying asset declarations. Similarly, international tax cooperation mechanisms cannot be used to verify wealth declarations either<sup>26</sup>.

To have access to financial information from abroad (taxes, bank accounts, financial securities, companies, trust funds, foundations, real estate, motor vehicles, movable goods, or intellectual property rights) for verifying wealth declarations, the Republic of Moldova has signed the International Treaty on the Exchange of Data for the Purpose of Verification of Asset Declarations<sup>27</sup>. The treaty was also signed by Montenegro, Serbia, and North Macedonia. To become relevant, this treaty must also be signed by

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<sup>22</sup>In this sense, see also the conclusions of the 2021 UNICRI Report -[Illicit financial flows and asset recovery in the Republic of Moldova](#).

<sup>23</sup>OECD (2024), Baseline Report of the Fifth Round of Monitoring of Anti-Corruption Reforms in Moldova: The Istanbul Anti-Corruption Action Plan, OECD Publishing, Paris, <https://doi.org/10.1787/25fc47ac-en>.

<sup>24</sup>[ANI 2023 activity report](#), p. 10

<sup>25</sup>[Cooperation agreement between DIICOT and the General Prosecutor's Office of the Republic of Moldova](#).

<sup>26</sup>The Republic of Moldova is part of [Convention of the Organization for Economic Cooperation and Development on mutual administrative assistance in fiscal matters](#). Through [Law 45/2022](#), the Parliament of the Republic of Moldova ratified the Multilateral Agreement of the competent authorities for the automatic exchange of information on financial accounts.

<sup>27</sup>The signing of the International Treaty on the exchange of data for the purpose of verification of wealth declarations was recommendation no. 16 of the technical document [Analysis of the legislative framework, internal procedures, organization and effectiveness of the national integrity authority in the Republic of Moldova](#).

the European Union, but there are legal impediments (GDPR) to the transfer of data and information from the EU to third countries<sup>28</sup>. Until a functional international framework is established, it is important to set a precedent for bilateral cooperation with Romania by analysing the feasibility of concluding a bilateral treaty.

These gaps in international cooperation could be filled at the national level by better cooperation between wealth assessment and tax authorities or with criminal prosecution/exchange of criminal data and information. The task-force mechanism was successfully applied in Romania in a few specific cases, such as the issuance of driving licenses in Argeş county, in 2014. In Romania, there is still cooperation and information exchange in certain situations, for example, between ANI Romania and DNA. A similar ad-hoc cooperation mechanism exists in the Republic of Moldova, between ANI Moldova and ARBI, for example. It is necessary for these mechanisms of inter-institutional cooperation to be more clearly regulated at the legislative level, to provide a solid evidential basis, but also to ensure the respect of human rights.

Common challenges in assessing integrity by agencies in the two states:

- The existence of media reports regarding undeclared assets abroad by dignitaries or civil servants (especially those with dual citizenship) and the inability to officially confirm these situations, either because the assets are registered in the name of other persons or due to a lack of effective cooperation with that jurisdiction.
- Integrity agencies lack the legal competence to verify wealth from the perspective of the beneficial owner, and those required to declare their wealth often register unexplained assets in the names of relatives or friends.
- The legislation governing fiscal bodies is not compatible with that for verifying wealth declarations, preventing effective collaboration between the two types of institutions. For example, when ANI Romania requests information from abroad through ANAF, the response is often delayed (over six months), and usually states that no assets owned by the assessed persons have been identified. In such situations, ANI Romania is forced to close the evaluation procedure.
- Those required to declare their wealth often formally divorce and transfer assets to their ex-spouse to avoid possible assessment.
- There is insufficient access to information on amounts used in gambling.
- The unattractiveness of positions within integrity agencies due to low pay and exposure to harassment and professional stress. Recruitment contests usually attract college graduates with no experience. For instance, in Romania, integrity inspectors do not have a special status.
- The existence of a non-harmonized legal framework creates ambiguity and lack of predictability. A significant portion of the integrity incidents identified by the institutions of the two states is due to misunderstandings by the subjects about their declaration and conduct obligations. These could be prevented by clarifying the legal framework. In 2023, ANI Romania implemented a project to analyse and systematize the legal framework on integrity (incompatibilities and conflicts of interest), but the draft law has not yet been promoted at the legislative level due to the political context, which is marked by multiple rounds of elections in 2024. ANI Moldova proposes an analysis of the regime of incompatibilities to rationalize them across various professional categories.

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<sup>28</sup>Dr. Tilman Hoppe and Dr. Felix Lüth, [Why the EU could and should join the International Treaty on Exchange of Data for the Verification of Asset declarations](#), March 26, 2024

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

- The activity of establishing prohibitions on occupying a public position or a position of public dignity due to conflicts of interest and incompatibilities must respect the principle of proportionality, which requires rethinking how legal provisions are implemented by integrity agencies and courts<sup>29</sup>.
- There is constant pressure to discredit integrity assessment institutions. For example, in Romania, the integrity legislation was declared unconstitutional in 2010, and political factors, especially at the local level, question the institution's professionalism and exert public pressure when they are subject to integrity assessment activities. Similarly, in the Republic of Moldova, other institutions question the independence of ANI<sup>30</sup>.
- Non-unitary jurisprudence (different court solutions in similar cases) affects the credibility of the institutions. Therefore, a constant effort is needed to identify these situations and initiate procedures to unify practices or clarify the legal text.
- The very long judgment periods for cases involving integrity agencies. For example, many cases regarding the confiscation of unexplained wealth in the Republic of Moldova are under examination at the Supreme Court of Justice.
- High expectations from citizens, media, and civil society organizations regarding integrity agencies.

To overcome these risks and challenges and increase capacity, a series of strategic targets were defined in the Republic of Moldova (table 1). Regarding target 1.1.8, ANI Moldova is developing a new organizational structure responsible for risk analysis by categories of wealth declaration subjects and types of wealth. Regarding target 23.16, ANI Moldova collaborated with CRJM to improve the work methodology<sup>31</sup>.

**Table1: Strategic targets in the field of confiscation of unexplained wealth**

No. target	Description (term)	Source
1.1.6	Extension of verification to include expenses, virtual assets and assets of beneficial owners (implementation deadline: Quarter IV 2024).	The National Integrity and Anticorruption Program for the years 2024-2028
1.1.8	Implementation of risk-based verification of declarations of assets and personal interests (implementation deadline: Quarter IV 2025).	
23.15	Approval of a new organizational structure of the National Integrity Authority (March 2024)	The national action plan for the accession of the Republic of
23.16	Modification of the Methodology for controlling wealth and personal interests and ensuring compliance with the legal regime of conflicts of	

<sup>29</sup>CJEU houses [C-40/21](#): "The principle of proportionality must be interpreted in the sense that it does not oppose a national legislation that provides for a measure consisting in the prohibition to hold any elected public office for a predetermined period of three years against a person against whom s-found to existPof a conflict of interestQn the exercise of such a function, provided that, taking into account all the relevant circumstances, the application of this legislation leads to the application of a sanction appropriate to the seriousness of the violation it represses, taking into account the objective of ensuring integrity and transparency in the exercise of functions and dignities public, as well as to prevent institutional corruption. This situation does not-would regUmand then câno,QexceptionallyPional, avâwhenQin view of the mentioned objective, the observed illegal behavior does not presentUmno element of seriousness, while the impact of the respective measure on the personal, professional and economic situation of this person proves particularly serious".

<sup>30</sup> [UAM expresses its concern about arbitrary actions directed against lawyers and implicitly against the Rule of Law by ANI](#), February 12, 2024

<sup>31</sup> [ANI will have a new methodology for carrying out control procedures](#), September 14, 2022

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

	interest, incompatibilities, restrictions and limitations (January 2024)	Moldova to the European Union for the years 2024-2027
23.17	Purchase/development of intelligent software to analyse the income and expenses of the subjects of the declaration to automatically identify the substantial difference (December 2024)	
23.18	Adjustment of the algorithm for random allocation of files to integrity inspectors through SIA "e-Integrity" (December 2025)	
23.19	Ensuring SIA "e-Integrity" interoperability with new systems and databases through the "MConnect" platform (January 2024)	
23.20	Developing integrity training courses and placing them on the government's e-Learning platform (2024-2025)	

In the field of ensuring integrity, similar to the field of justice, there is a very dynamic reform process involving several international donors, each contributing with good practices, recommendations, and events to increase institutional capacity (training, exchange of experience, etc.). This dynamic presents the risk of involving ANI Moldova in a constant process of legislative changes, changes in institutional practices and following foreign models, leaving insufficient time for the development of the basic activity, the sedimentation of institutional practices, and the full implementation of previously established measures. Too many improvement commitments may increase the level of bureaucracy of the activity beyond institutional capacity. Participants in the debate emphasized the priority of implementing the existing legal framework as effectively as possible.

## 2.2 FIGHTING CORRUPTION

Regarding the fight against corruption, the DNA has a strong strategic mandate. In contrast, the PA and the CNA have recently very strictly delimited their competences in fighting corruption (July 2023). Based on DNA's experience, improvements at both the human resources level and the technical and operational levels are made progressively. It is very beneficial that the recruitment and promotion rules grant more responsibility to the chief prosecutor in choosing the team.

With the help of ARBI, the seizure enforcement mechanism seems to be working optimally. The total value of assets seized during 2023 is 1.79 billion MDL lei (94 million euros). In the 'Bank Fraud' case, seizures amounting to 7.88 billion MDL/412 million euros were instituted (of which 1.59 billion MDL were applied abroad), constituting approximately 59.1% of the damage.

The number of high-ranking individuals prosecuted increased in 2023 (18 in 2023 compared to 13 in 2022, 7 in 2021, and 2 in 2020).

In 2023, 101 convictions for corruption were pronounced on the merits (involving 115 individuals). In 72 sentences, the confiscation of 2.3 million MDL/121,000 euros was ordered. There is no data on appellate court sentences. The lack of complete statistics with final decisions and amounts actually executed undermines the credibility of the fight against corruption.

**Table2: Strategic targets in the field of combating corruption**

No. target	Description (term)	Source
2.5.2	Streamlining the exchange of information with foreign, regional and international organizations/institutions, in the field of investigating corruption, crimes related to corruption, and corruptible acts, including the recovery of criminal assets. Joint Investigation Teams (JITs) constituted. (Annual Report).	The National Integrity and Anticorruption Program for the years 2024-2028
23.10	Inclusion and separate administration of the budget of the Anticorruption Prosecutor's Office in the budget of the General Prosecutor's Office (January 2024)	The national action plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027
23.12	Identifying the needs for increasing the capacities of the Anti-Corruption Prosecutor's Office and allocating the necessary resources (March 2024)	
23.13	Increasing the share of criminal cases managed by the Anticorruption Prosecutor's Office in which proactive measures are taken (special investigative measures, delegations to ARBI in order to start parallel investigations, etc.). Statistical data on the number of criminal cases in which prosecutors have submitted actions for the purpose of starting special investigative measures, delegates to the ARBI versus the number of criminal cases they investigate (reported quarterly)	
23.14	Review and update of existing inter-agency agreements between different anti-corruption and law enforcement agencies (January 2024)	
23.23	Increase in the share of serious and particularly serious corruption cases (trafficking in influence, abuse of office) sent	

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

	to court compared to less serious and light corruption cases (trafficking in influence, abuse of office) (2024-2027). Statistical data on the total number of criminal cases concerning serious or particularly serious corruption offenses sent to the court of law versus the number of minor or less serious criminal corruption cases sent to the court of law (reported quarterly).	
23.24	More frequent use of international legal assistance instruments in corruption-related cases (rogatory letters, joint investigation teams). Number of cases utilizing international legal assistance instruments in the current quarter versus the number for the previous quarter (2024-2027).	The national action plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027
23.25	Increasing the efficiency of prosecutors in representing of the Prosecutor's Office in court processes in corruption cases (trafficking in influence, abuse of office). Statistical data on the total number of sentences on criminal cases involving corruption and related offenses (in the public and private sectors), starting from 2022 (reported quarterly, 2024-2027).	

The challenges of fighting corruption in the Republic of Moldova identified by the participants in the debate:

- The failure of various procedural measures or cases in court leads to a decrease in staff motivation. Frequent legislative changes necessitate constant verification and re-verification of competence. The lack of specialists and high staff turnover affect the quality and speed of handling corruption cases. Under these conditions, anti-corruption prosecutors have to fill institutional gaps and take on more bureaucratic obligations, which affects their core activities.
- There is no political understanding of the need to ensure the independence of the judiciary, including by refraining from political statements that undermine citizens' trust. Without technical skills or objective assessments, politicians comment negatively on the performance of anti-corruption and asset recovery agencies. There is a disconnect between the political and technical levels in the fight against corruption.
- Ensuring the necessary material resources to guarantee the independence of the Anticorruption Prosecutor's Office (headquarters, equipment, personnel).
- The multiplication of joint investigation teams, including with Romania, and Moldova assuming leadership of such teams.

### 2.3 RECOVERY OF CRIMINAL ASSETS

ARBI cooperates with all criminal investigation bodies and specialized prosecution offices in identifying and confiscating criminal assets. In 2023<sup>32</sup>, ARBI executed 190 delegations regarding 261 subjects, in 143 criminal cases (out of a total of 272 delegations received, regarding 380 subjects, in 207 criminal cases). Most delegations came from the MAI, CNA and PA, and referred to corruption and corruption-related offenses (80 delegations) and illicit enrichment (57 delegations). As a result of the parallel financial investigations, 1048 assets were identified and seized (629 agricultural lands, 84 means of transport, 56 construction lands, 167 constructions), worth 1.9 billion lei (including 25 assets abroad in value of 1.4 billion lei).

In terms of capacity, ARBI staff has increased to 29 people. To offset resource needs, ARBI has intensified dialogue with civil society organizations, media and other institutions. ARBI has developed several cooperation agreements to enhance the efficiency of activity and access to information (for example, cooperation agreements with UNEJ and SFS). In 2023, a working group within the Ministry of Justice drafted a law amending the criminal procedure code, the enforcement code, Law no. 371/2006 regarding international legal assistance in criminal matters, and Law no. 48/2017 regarding the Criminal Asset Recovery Agency. This draft law<sup>33</sup> aims to improve the criminal confiscation mechanism in the Republic of Moldova, in accordance with Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders and with Directive (EU) 2024/1260 on asset recovery and confiscation.

**Table3: Strategic Asset Recovery Targets**

No. target	Description (term)	Source
2.4.3	Take actions to strengthen the seizure enforcement mechanism (Quarter III 2024).	The National Integrity and Anticorruption Program for the years 2024-2028
2.3.8	Elaboration of a strategic analysis with reference to the judicial practice regarding the application of the mechanism of special confiscation and extended confiscation, as security measures (Quarter I 2025).	
1.1.5.	Elaboration and implementation of the mechanism for seizure and administration of the social capital of legal entities, as well as securities (Quarter II 2024).	The National Program for the recovery of criminal assets for the years 2023-2027
1.1.7.	Analysis of the opportunity to grant ARBI powers to identify assets post-conviction in all situations where the confiscation order is not fully enforced (Quarter III 2024).	
1.4.1.	The development and implementation of a functional mechanism for the social reuse of confiscated assets (Quarter II 2025)	
1.4.3.	Development and implementation of a mechanism for the repatriation of assets confiscated abroad or their equivalent value	

<sup>32</sup>Conformable [The activity report of the CNA for the year 2023](#).

<sup>33</sup> [Draft Law for the amendment of some normative acts \(improvement of the mechanism for confiscation of criminal assets\)](#)

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

	(Quarter IV 2024).	
23.21	Modification of the legal framework to streamline the process of tracking and confiscating criminal assets and strengthening the role of the institution of confiscation (April 2024)	The national action plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027

The challenges of recovering criminal assets in the Republic of Moldova identified by the participants in the debate:

- Consolidation of the legal framework in the matter of recovery of criminal assets - promoting a draft law transposing European standards in the matter (seizure planning, clarification of the basis and procedure of the seizure, assets identification post-conviction, repatriation of criminal assets, etc.), but also specific draft laws for the clarification of competing seizures, the interlocutory sale of excise goods or VAT bearing goods, the cooperation between insolvency practitioners in the administration of claims, and ensuring transparency.
- Strengthening the capacity of ARBI regarding IT tools (operationalization of the automated information system "Register of seized criminal assets", IT equipment, software, ensuring cyber security).
- Increasing the attractiveness of vacancies to ensure successful recruitment.
- Strengthen ARBI's ability to publicly communicate results to increase citizen confidence in the criminal justice system.



### 3. COLLABORATION WITH CIVIL SOCIETY AND PROPOSALS TO STRENGTHEN THE PARTNERSHIP WITH CIVIL SOCIETY ORGANIZATIONS

One way of cooperating with civil society organizations in both states is the participation of civil society representatives in official committees. For example, three civil society representatives selected by the National Anticorruption Center participate in the Monitoring Group of the implementation of the National Integrity and Anticorruption Program 2024-2028. Three representatives of civil society, selected by the Ministry of Justice, are members of the Integrity Council. However, civil society organizations are not represented in the National Coordination Platform for the recovery of criminal assets, originating from corruption and organized crime.

Debate participants identified a number of good practices and collaborative activities that can be strengthened in the future:

- The participation of civil society organizations in the implementation of the measures established in the strategic anti-corruption documents (e.g. the Soros Foundation – ARBI partnership for the development and implementation of the program for the recovery of criminal assets).
- Alternative and independent monitoring/evaluation of progress in the implementation of strategic anti-corruption measures by civil society organizations.
- Raising citizens' awareness and providing anti-corruption information through civil society organizations.
- Moldova's participation in several European-level funding programs (for example, within the Justice program).
- Enhancing cooperation between anti-corruption agencies and civil society organizations in projects and programs, including with external grant funding. At the moment, Moldova's anti-corruption institutions are mainly involved in technical assistance projects (for example, ANI Moldova is involved in two such projects).
- Involving Moldovan institutions as partners in projects financed by the European Union. Increasing the number of projects benefiting institutions, agencies and civil society organizations from the Republic of Moldova, including in partnership with similar organizations from Romania and other EU member states.
- Increasing the participation of young people and the Moldovan business community, through the "reLAWed" platform, to anonymously reporting risks and irregularities<sup>34</sup>. The recommendations received through this platform are used in anti-corruption proofing of legislation.

The Republic of Moldova has started a Program for the development of civil society organizations for the period 2024-2027<sup>35</sup>. The program aims at three general objectives, within which activities in preventing and combating corruption can also be found: General objective 1: Improving access to

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<sup>34</sup>natural and legal persons, regardless of the field of activity, have the opportunity to report, including anonymously, the normative act, unclear, interpretable and/or conflicting provisions, normative deficiencies and legal vulnerabilities.

<sup>35</sup> [Announcement regarding the public consultation of the Civil Society Development Program Concept for the period 2024-2027](#)

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

decision-making processes at the central and local public authority levels; General objective 2: Ensure sustainable funding for civil society organizations, from both public and alternative sources; General objective 3: Strengthening the operational environment of civil society organizations to effectively and sustainably achieve their mission.

#### **4. CONSOLIDATION OF BILATERAL RELATIONS BETWEEN THE REPUBLIC OF MOLDOVA AND ROMANIA**

Debate participants mentioned the need to facilitate access for the anti-corruption authorities of the Republic of Moldova to European-level work formats, dialogue, and cooperation (e.g., inviting Moldovan institutions to join as partners in projects implemented by European consortia, and inviting Moldovan institutions as observers at various European-level meetings/dialogue platforms). During the discussions, the opportunity was identified for institutions from the Republic of Moldova to participate in the NEIWA network, a community of practices in the field of preventing and fighting corruption<sup>36</sup>.

Strengthening bilateral relations can involve multiple aspects, such as:

- Increasing the number of Joint Investigation Teams. Effective exchange of data and information (and informal consultation). Effective legal assistance in criminal matters.
- Public presentation of the results obtained in criminal cases with a cross-border component, through joint events or joint press releases.
- Strengthening relations between civil society organizations in Romania and anti-corruption authorities in the Republic of Moldova.
- Intensifying high-level collaboration and consultation between the leadership of similar institutions in both states. There is already very good cooperation at the level of the presidents of integrity agencies. This example has been recently followed by cooperation between the chief anti-corruption prosecutors of the two countries.
- Collaborating on the implementation of strategic anti-corruption documents. In Romania, the Ministry of Justice is responsible for coordinating the implementation of the National Anti-Corruption Strategy (SNA), while in Moldova, the National Anti-Corruption Center (CNA) ensures the coordination of the implementation of the National Integrity and Anti-Corruption Strategy (PNIA). Both institutions face challenges such as insufficient staff for policy monitoring and delays in the implementation of certain measures. To facilitate inter-institutional dialogue, Romania has established five cooperation platforms and specific working groups in the fields of health and education. The implementation of strategic documents also helps to enhance communication, awareness, and compliance with legal norms in the field of integrity and corruption prevention.

The participants in the debate emphasized the need to transition from the presentation and adaptation of good practices to the phase of targeted collaboration, with bilateral requests for cooperation, in order to improve joint efforts and strengthen the capacity of institutions in both states.

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<sup>36</sup> [Network Of European Integrity And Whistleblowing Authorities](#)

## 5. CONCLUSIONS AND RECOMMENDATIONS

### General conclusions

- The main challenge identified by stakeholders is ensuring coordination and monitoring among all adopted strategic documents, considering the extremely ambitious targets. The Republic of Moldova is implementing a set of overlapping reforms in the fields of justice, the fight against corruption, and organized crime, involving multiple interdependencies, interconnections, and institutional actors. It is necessary to increase the coherence, prioritization, and clarity of strategic actions to allow time for the full implementation of the measures already adopted, as well as for monitoring and evaluating their impact.
- Frequent legislative changes lead to unpredictability, a decrease in quality and speed of file processing.
- In all anti-corruption agencies, there is an under-dimensioning of human resources and a lack of attractiveness of the positions, either due to low salary or exposure to fraudulent actions, the constant political pressure to discredit the anti-corruption institutions or professional stress.
- There is no understanding, dialogue, or consensus at the political and social levels on the need to ensure the independence of the judiciary.

### Conclusions and recommendations on the sanctioning of lack of integrity

- The procedure for the confiscation of unexplained wealth in the Republic of Moldova does not produce the expected final results; there are no definitive decisions to confiscate unexplained wealth.
- Another challenge is developing a functional mechanism for the exchange of data and administrative and financial information between the Republic of Moldova and Romania (as well as other EU states), and between the institutions of the two countries, for verifying asset declarations. Ways of hiding wealth abroad and in other people's names are not sufficiently investigated.
- Existing inter-institutional cooperation mechanisms for ensuring integrity need to be more clearly regulated at the legislative level to provide a solid evidential basis while ensuring respect for human rights.
- There is still a non-harmonized legal framework in the matter of ensuring integrity, which induces ambiguity, lack of predictability and non-unitary jurisprudence (including in terms of compliance with the principle of proportionality).

### Conclusions and recommendations regarding the fight against corruption and the recovery of criminal assets

- The lack of complete statistics with final decisions and amounts actually executed affects the credibility of the fight against corruption.
- The lack of resources at the level of the Anticorruption Prosecutor's Office in accordance with functional requirements, limits the capacity for action and affects independence.
- It is necessary to strengthen the capacity and autonomy of ARBI concerning available IT tools, legal tools and public communication tools.

### Conclusions and recommendations regarding cooperation with civil society and international cooperation

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

- It is beneficial for civil society organizations to participate in the implementation of measures established in anti-corruption strategic documents by diversifying the ways of cooperation, including through projects in partnership, financed by external non-reimbursable funds (available along with the intensification of the European accession process). Cooperation can occur at the levels of consultation, information, and anti-corruption awareness of citizens, as well as through alternative and independent monitoring/evaluation of progress in implementing strategic anti-corruption measures
- Intensification of high-level collaboration and consultation between the leadership of similar institutions in the Republic of Moldova and Romania should complement cooperation at the technical level.

**Action plan for the implementation of conclusions and recommendations**

Level	Measure description	KPIs	Sources of verification	risks	responsive	Resources	Deadline
<b>OBJECTIVE NO. 1 – Development of a modern legal framework and effective work tools in the matter of ensuring integrity</b>							
Measure 1.1	Analysis of the legal framework regarding incompatibilities in the Republic of Moldova in order to harmonize the system of prohibitions between various categories of public sector personnel	Incompatibilities regime analysis report Draft law on the rationalization of the incompatibilities' regime	Annual activity report	Opposition from the staff categories for which the regulation of incompatibilities is expected	National Integrity Authority, Ministry of Justice of the Republic of Moldova	Technical assistance project budgets / development partners	December 2024
Measure 1.2	Identification of a legal mechanism (bilateral treaty) through which ANI Romania can aid ANI Moldova regarding assets owned by Moldovan citizens or those with dual citizenship on Romanian territory, under conditions of reciprocity.	Analysis report of legal alternatives (bilateral treaty feasibility)	Annual activity report	Lack of political will in the two states	National Integrity Agency, Ministry of Justice of Romania, Ministry of Justice of the Republic of Moldova	Grants, pre-accession budget	December 2025
Measure 1.3	Establishing at legislative level the obligation of law enforcement agencies to exchange operative data with the National Integrity Authority (in a task-force type system) and to inform ANI about the measures taken	Updated cooperation agreements	Annual activity report	Reluctance to further amend Law no. 132/2016	National Integrity Authority, The Parliament of the Republic of Moldova	Technical assistance project budgets / development partners	December 2024

## Strategies for strengthening the rule of law in the Republic of Moldova: anti-corruption, asset recovery, confiscation of unexplained wealth

Level	Measure description	KPIs	Sources of verification	risks	responsive	Resources	Deadline
Measure 1.4	Integrated definition and rationalization of technical support needs across all development partners to ensure optimal change management.	Developing the roadmap for institutional strengthening (short, medium and long term strategic focus) as part of the institutional strategic plan	Updated institutional strategic plan	Taking on numerous commitments or projects, too ambitious or sophisticated for the level of institutional development	National Integrity Authority	Technical assistance project budgets / development partners	December 2024
<b>OBJECTIVE NO. 2 – Development of a modern legal framework and effective working tools in the field of preventing and combating corruption</b>							
Measure 2.1	Strengthening the independence of the Anticorruption Prosecutor's Office	Access to the necessary resources according to the assessment of functional needs	Annual activity report	Lack of identification and allocation of the necessary resources in 2024	The Government of the Republic of Moldova and the General Prosecutor's Office	The state budget	December 2024
Measure 2.2	Consolidation of ARBI's autonomy at the level of IT infrastructure, public communication and institutional identity	The operationalization of the automated informational system "Registry of seized criminal assets", the development of ARBI's own institutional identity, as a support institution for all prosecutors' offices and criminal investigation bodies.	Annual activity report of ARBI	Delay in implementing capacity building measures	Criminal Asset Recovery Agency	Technical assistance project budgets / development partners	December 2024
Measure 2.3	Consolidation of the legal framework in the matter of the recovery of criminal assets	Adoption and entry into force of the draft law on the improvement of the mechanism for the confiscation of criminal	Publication of the law in the Official Gazette	Postponing the adoption of the draft law	Ministry of Justice, Government of the Republic of Moldova, Parliament of the	The state budget	July 2024

Level	Measure description	KPIs	Sources of verification	risks	responsive	Resources	Deadline
		assets			Republic of Moldova		
<b>OBJECTIVE NO. 3 – Development of cooperation with civil society as well as bilateral and multilateral cooperation with EU member states</b>							
3.1	Involving Moldovan institutions as partners in projects financed by the European Union. Increasing the number of projects for which applicants/partners are institutions, agencies and civil society organizations from the Republic of Moldova, including in partnership with similar organizations from Romania and other EU member states.	Number of projects implemented in partnership by anti-corruption agencies with similar institutions in the European Union	Annual activity report	Lack of capacity to manage such projects.	All anti-corruption agencies and civil society organizations	Grants from EU programs (e.g. the Justice program)	December 2028



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