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***Guidance on Public Ethics Initiatives for
Public Authorities in Moldova***

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CONTENTS

Introduction	3
Section A. Initiatives related to the status of local elected officials	4
A 1 Existing legal framework	4
A 2 Disqualification, suspension and termination of office	5
A 3 Rights and obligations of elected representatives	7
A 4 Liability of local elected officials	9
A 5 Remuneration, working conditions and careers of local elected representatives	10
A 6 Training, informing and co-operating with local elected representatives	11
Section B. Initiatives related to the status of public servants	12
B 1 Existing legal framework	12
B 2 Disqualification, suspension and termination of office	14
B 3 Rights and obligations of local public servants	15
B 4 Liability of public servants	17
B 5 Remuneration, working conditions and careers of local elected representatives	18
B6 Training, informing and co-operating with local elected representatives	20
Section C. Initiatives related to transparency, access to information and administrative procedures	21
C 1 Transparency and access to information	21
C 2 Administrative procedures	23
Section D. Initiatives related to local authorities' relations with the private sector	
D1 Public contracts for the supply of goods or services, concluded by local authorities	24
D2 Delegation of public services to the private sector	27
Section E. Control and audit of local authorities	28
E1 External control	28
E2 Internal control	30
Glossary	33
Attachments	35
<i>Attachment 1 The description of the program Moldova Public Ethics Benchmarking and Improvement Programme</i>	
<i>Attachment 2 Moldovan Score Card for Public Ethics at Local Level</i>	
<i>Attachment 3 Report on Peer Review Visit to Anenii Noi Council</i>	
<i>Attachment 4 Detailed Peer Review Results Action Plan, Anenii Noi Council</i>	
<i>Attachment 5 Code of Conduct for Local Elected Officials</i>	

Introduction

This *Guidance on Public Ethics for Public Authorities in Moldova* is about how to make things work effectively, transparent and for the good of public in municipalities of Moldova. The *Guidance* provides a set of initiatives for various levels of public administration: central and local authorities, local elected representatives and public servants.

The purpose of this *Guidance* is to assist Moldovan public authorities in evaluating the ethical behavior at the local level. It also may serve as a Model of good practice ideas in public ethics, while developing law and policies aimed at giving assurance that appropriate ethical behavior is being followed at local level, in response to the need to maintain public confidence in local government

The *Guidance* entails a set of initiatives recommended for various levels of public administration. However, the initiative package is not a legal instrument; it is simply a collection of actions identified in various Moldovan laws regarding public administration and public ethics. Some initiatives recommended in the *Guidance* are already widely accepted and implemented in the practice of public administration of Moldova. Some other initiatives are still at the incipient stage. In all regards, all initiatives included in this *Guidance* have been drawn based on Moldovan legislation or good practices from CoE countries, which in no case contravene Moldovan legislation but rather supplement it.

A special debt in development of this *Guidance* is acknowledged to the Steering Committee on Local and Regional Democracy (CDLR), which based on best practices of the CoE's countries, prepared a Model Initiative Package on Public Ethics. The Moldovan *Guidance* draws heavily on this Model.

Prevention of corruption and other forms of financial crime is a major concern for all Council of Europe member states, far more so than the punishment of such crimes. It is a problem that concerns local authorities directly, and it is at local level that good solutions need to be found in order to preserve public ethics and thereby protect public interests. Moldova, a member of the Council of Europe, has committed to prevent and combat corruption at the local level.

So while this *Guidance* presents many initiatives to be undertaken by all categories of public administration, it can help local authorities learn more about public ethics and to educate their staff and citizens about public ethics. The *Guidance* is designed to be used as a reference manual or source book for the people who work in public administration.

A. Initiatives related to the status of local elected officials

According to the Law on the Status of Local Elected Officials N 768-XIV from 02.02.2000¹, local elected officials include councilors of villages (commune), town (municipal) and raion Councils, deputies of the Public Meetings of Gaguz-yeri and the mayors. The local elected official is the representative of the deliberative or executive authority of local public administration and while executing his/her mandate serves the given municipality.

Section A has been grouped according to responsibilities and liabilities of local elected officials in executing their mandates.

A 1 General framework

a. Central authorities

a.1 Existing Legal Framework

The central authorities in consultation with representatives of local authorities have established through several legislative acts the legal framework for the public officials in general and local elected representatives in particular. These include, firstly, but not limited to the Law on the Status of Local Elected Officials # 768-XIV as of 02.02.2000, published in *Monitorul Oficial* of the Republic of Moldova # 34/231 as of 24.03.2000, and amended in 2003, the Law of the Local Public Administration N 436-XVI from 28.12.2006², Regulation on creation and functioning of local and raion councils³, and other legislative acts on public administration activities. The legal framework governs the

- rights and obligations
- accountability
- guarantees and protection
- remuneration and working conditions
- supervision
- disqualification
- termination of office and
- suspension

of local elected representatives.

a.2 Recommended actions by central authorities

The central authorities should:

- develop a Model Code of conduct for elected officials and make it available to local authorities. The Model Code of conduct contains a list of compulsory provisions, which local elected officials must observe. The local authorities adapt the Model Code of conduct to the local circumstances. The Code of conduct must be approved by the local Council and be compulsory. Breaches of the local Code are subject to sanctioning by the courts.
- through diverse communication means such as publications (studies and analysis papers), newspapers, professional magazines, e-newsletters, web pages and others available, grant citizens and local authorities' access to information on:

¹ Published in the "Monitorul Oficial" N 34/231 from 24.03.2000

² Published in the "Monitorul Oficial" N 32-35 from 09.03.2007

³ Published in the "Monitorul Oficial" N 248-253 from 19.12.2003

- the various legal instruments governing the local elected representatives' performance and their duties
- the Model Code of conduct proposed by central authorities
- statistics concerning cases of corruption and other breaches of public ethics and public confidence in local elected officials.

b. Recommended actions by local authorities:

Local authorities should:

- revise Model Code, if such exists, proposed by central authorities and adapt if appropriate, to the situation in the municipality taking into account suggestions made by local authorities and associations of local authorities, if such available
- adopt Code of Conduct through a decision issued by the local council and make it mandatory
- Ensure the distribution of Code of conduct to elected representatives, the central authorities (if different than the Model Code), citizens and other interested bodies using all available means of communication such as mail, e-newsletters, municipal web pages, local newspapers, bulletin board and others.
- institute a commission on ethics within the local council with the purpose of monitoring the implementation of the Code of conduct and of the general framework for public ethics at local level through regular audits
- ensure the regular review and if necessary a revision of the Code of conduct.

A 2. Disqualification, suspension and termination of office

a. Actions by central authorities

a.1 Existing Legal Framework

Central authorities provide a legal framework governing disqualification, termination of office and the suspension of local elected representatives as provided in the Law on the Status of Local Elected Officials N 768-XIV from 02.02.2000, mainly addressed in Art. 5,7,8 and Art 24&25 of the Law of Local Public Administration N436-XVI from 28.12.2006 and are based on the following principles:

- i Disqualification as a candidate or also after election may arise from:
- a final criminal conviction for a serious offence
 - breach of the Constitution or other laws, or of public ethics in general
 - absence of elected counselors at the council's or commission meeting without serious reason from three consecutive meetings, these facts being registered in the meetings' minutes

legal incapacity established by judicial decision: such decision may have regard to

mental health in accordance with the law

- In the case of mayors and rayon presidents , the governor of the autonomous territorial unit with special legal statute, the president and vice president of the popular assembly of the autonomous territory unit with special legal status, incompatibility of the following:
 - o the simultaneous holding of another elective office which would prevent the elected representatives from fulfilling his or her responsibilities properly according to the law
 - o the simultaneous holding of a paid job or a position in any foreign or joint companies or organizations except the scientific, didactic or artistic organizations

- ii Suspension of the mayor from office is not automatic if that person is under investigation but:
 - may exceptionally be ordered by the Parliament, at the mayor's or Government's justified proposal, based on final court decision, taken when the circumstances that justify the activity ending were confirmed as provided by Art. 25 of the LLPA;
 - is ordered by the courts if continuation in elective office seriously threatens to hinder the judicial process or to cause damage that is substantial or difficult to repair.

- iii Early termination of office may be:
 - decided upon by the person concerned – straightforward resignation
 - decided by the courts, particularly in the case of serious misconduct in the performance of duties or a breach of public ethics
 - decided by the Parliament, in the case of suspension of the Local Council activity at the proposal of the Mayor or, in some cases, at the proposal of the Government based on a judiciary decision
 - violation of The Constitution, of other laws or of the local collectivity interests as well as participation in the non constitutional formations' activities, being confirmed by the final judiciary decision
 - In case of the counselor's decease, his (her) mandate is declared vacant by the council. The mandate is considered vacant as soon as the decision of its termination has been approved.

Disqualification suspension or termination of office of a candidate or also after election must be also considered in the following cases:

- behavior contrary to the interests of the local authority
- the existence of a potential conflict of interest; for example, individuals shall not hold a position in which they would be supervising themselves or a close relative

- based on findings by the local authorities or the relevant election office in the event of disqualification; the elected representative in question may contest the finding in the court which shall issue a ruling under emergency procedures

The period of disqualification shall depend on the gravity of the situation and is decided by a judicial body, which has a substantial freedom to determine the length of the period.

b. Recommended actions by local authorities

Local authorities should:

- inform the relevant body or person (court, election office, central authorities) of any incompatibility of which they become aware
- ask the courts to rule on the termination of office of an elected representative, particularly in the event of serious misconduct or a clear breach of standards of public ethics, and suspend the representatives until the courts issues a ruling

A 3. Rights and obligations of elected representatives

a. Actions by central authorities

a.1 Existing Legal Framework

Central authorities have:

- established the general requirements concerning the fundamental rights and obligations of local elected representatives - Law on Local Public Administration N436-XVI from 28.12.2006, art. 14 and Law on the Status of Local Elected Officials N 768-XIV from 02.02.2000, art. 13.

a.2 Recommended actions by central authorities:

Central authorities should:

- make known the rights and obligations of local elected representatives, using various means for circulating the available information
- set up appropriate monitoring procedures

b. Recommended actions by local authorities

Local authorities should:

- ensure that the fundamental rights of local elected representatives are respected by other elected representatives, public officials and citizens
- within the limits of their legal powers, repair and punish any infringement of a local elected representative's rights.

c. Recommended actions by local elected representatives

Local elected representatives should:

- fulfill all their obligations and exercise their rights with dignity and for the public good
- respect equality by not discriminating unlawfully against any person, including another local elected representative
- treat others with respect
- do not, in their official capacity or any other circumstances conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute
- make a written allegation to the appropriate authorities if they become aware of any conduct by another member which they reasonably believe involves a failure to comply with the current legislation and/or with local Code of conduct
- sign the local Code of conduct and agree to observe it
- encourage and promote any measure which fosters improvements in the operating performance of the Council
- do not perform their functions or use the prerogatives of their office to further their own direct or indirect private personal interests or the private interests of individuals or groups of individuals, with the aim of deriving a direct or indirect personal benefit there from
- while respecting the choice of their voters and especially when elected on a list, avoid:
 - a) collecting of special funds in favor of the political party's activities
 - b) using local public resources in support of candidates and election campaigns
 - c) posting and publicly promoting any slogans, names or other requisites of the affiliated party
 - d) propaganda and promotion of a specific party
- avoid, as far as possible, any conflict of interest or incompatibility
- declare any personal interest (economic or other interests, e.g. employment details, assets held, membership of organizations) and refrain from participating in any debates in which such personal interests would be likely to prejudice an elected representative's judgment of the public interest
- observe budgetary and financial discipline, as defined by the Law on Local Public Administration and Law on Local Public Finance and do nothing to misappropriate public funds and other public assets; do nothing that might lead to public funds or other public assets being used for direct or indirect personal purpose
- declare all gifts, favors, invitations or other benefits offered to them, their family, their friends or other persons or organizations which might affect or appear to affect the impartiality with which they perform their duties or which constitute or might constitute a reward in connection with their duties
- refuse all gifts or personal favors from persons who make a request of the municipality; where the gift can be neither refused nor returned to the sender, they declare it; clear rules concerning the conduct requested in case of the offer of gifts or

other favors are included in the local code of conduct

- promote all measures designed to increase transparency in the way they exercise their powers and the operation of the commissions for which they are responsible; make public the grounds for all their decisions; if such grounds have to remain confidential, representatives explain why
- oppose the appointment and promotion of local public servants and other employees on grounds other than merit and professional ability or for purposes other than departmental effectiveness
- respect the independence, the powers and prerogatives of other political appointees and of local public servants and refrain from doing something in order to obtain direct or indirect advantage
- play an active role in fighting and denouncing corrupt practices (for example: by giving publicity to any existing protective measures for whistleblowers or by establishing hot-line numbers for the use of citizens anonymously in order to denounce corruption cases).

A 4. Liability of elected representatives

a. Actions by central authorities:

a.1 Existing Legal Framework

Central authorities have, through the Law on Local Public Administration N 436-XVI from 28.12.2006 (art. 23) and other legislation, established the general framework on liability of local elected representatives, individually or collectively as a body, for acts or omissions in the performance of their duties.

The framework is based on the following principles:

- The counselors have collective responsibility for the Local Council's activity and for its decisions
- Each counselor is legally responsible according to the law in force for his (her) own actions while activity exercising his (her) mandate

a.2 Recommended actions by central authorities

Local authorities should enact laws that ensure that:

- any natural or legal person who has suffered unjustified damage as a result of an act or omission on the part of a local elected representative shall be entitled to reparation
- elected representatives shall not be held liable for any decisions they have opposed
- there shall be no automatic sanction of local elected representatives without prior adversarial proceedings and the possibility to appeal with suspensor effect, before a court

b Recommended actions by local authorities.

Local authorities should:

- take action to compensate parties injured by an act or omission on the part of their elected representatives
- provide public access to full information about local authority liability and liability of elected representatives.

c. Recommended actions by local elected representatives

Local elected representatives should:

- perform their responsibilities diligently and honestly
- minimize the risk of substantial or irreversible damage to third parties resulting from an act or omission on their part
- provide the authorized bodies with full information regarding cases in which they are liable.

A 5. Remuneration, working conditions and careers of local elected representatives

a. Central authorities:

a.1 Exiting Legal Framework

Central authorities have established through the Law on the Status of local elected officials # 768-XIV a framework governing the remuneration working conditions and careers of local elected representatives, based on the following principles:

- the majority of local elected representatives in any council hold office without remuneration; however, local elected representatives are reimbursed for sitting on council's meetings for the associated costs and are paid allowances of not less than two minimal salaries for each day of participation in the council meeting
- allowances and remuneration paid to local elected representatives shall be taken into account in the calculation of taxes, contributions and social benefits

a.2 Recommended actions by central authorities

Central authorities should enact laws that ensure that:

- the amounts of allowances and remuneration received by local elected representatives shall be made public; the central authorities shall prepare national statistics on these allowances and make them available to the public through all available communication means

b. Recommended actions by local authorities

Local authorities should:

- establish, as far as possible, working hours which are compatible with the work schedule of elected representatives
- provide the equipment and staff's support needed for the work of local elected representatives (premises, equipment and, if necessary and available, transport)
- publish, particularly using any available means of communication, the amounts of allowances, remuneration and reimbursements received by local elected

representatives.

- upon mandate expiry, the local elected official which has been acting as councilor for not less than two years, is paid one allowance equal to one average monthly salary per national economy calculated on the basis of percentage year figures

c. Recommended actions by local elected representatives

Local elected representatives should:

- declare honestly and provide proof of expenses, loss of earnings and material benefits resulting from performance of their duties
- refrain from actions which aim to secure them occupational advantage in public or private entities and avoid working for such companies when their term of office expires - at least for a reasonable time period after the expiry of their term of office
- require ceasing of law violation in the place it occurred, and whenever necessary, call for involvement of public authorities with a view to ceasing such a violation

A 6. Training, informing and co-operating with local elected representative

a. Actions by central authorities

a. 1 Existing Legal Framework:

Central authorities have:

- ensured that there is a general framework for training of elected representatives, through adoption of the national Training Strategy for Local Governments, Government Decision N 31 from 11.01.2007 and by monitoring the Academy's of Public Administration mandatory training
- encouraged the sharing of experience among local elected officials through seminars, conferences and forums
- created a framework for, and encourage and take part in, the various forms of inter-municipal, inter-regional and international cooperation designed to identify best practices regarding the status of local elected representatives

a. 2 Recommended actions by central authorities

Central authorities should:

- ensure existing training programs for local elected officials by providing training guidelines and/or covering part of the cost of training
- ensure availability of Local elected official's manuals and new assignment documents for newly elected officials
- make available through various communication means the existing training modules and distribute them to training organizations and/or local authorities which request them, using information technology

- encourage and assist private or local authority initiatives regarding the training of local elected representatives
- make available to the public national legislation and provisions of international treaties concerning the status of local elected representatives, as well as the best European practices and recommendations of international organizations in this field.

b. Recommended actions by local authorities

Local authorities should:

- provide training for elected representatives
- distribute information needed by elected representatives for the performance of their duties
- adapt the training modules made available by central authorities to the needs of their own elected representatives
- take part in various experience-sharing activities at local, regional, national and international levels regarding the status of local elected representatives.

c. Actions by local elected representatives

Local elected representatives should:

- take training courses after being elected for the first time
- keep constantly abreast of legislative developments and new management tools
- ask their authority for the information they need to perform their duties properly
- play an active part in experience-sharing activities organised by central or local authorities.

B. Initiatives related to the status of local public servants

This set of initiatives specifically applies to the situation of local public servants. Public servants are state persons with functions aimed at performing according to the mission and goals of the public authority unit they represent, with the purpose to develop and protect the economy, culture, social values, rights and freedoms of citizens they serve. The norms of conduct for the public servants are described in the Law on Public Service and the Draft Code of conduct for public servants submitted to Parliament for approval in November 2006. The following actions draw upon actions listed in the above-mentioned Acts and also from best practices of CoE countries:

B1. General framework

The general principles of the legal framework for the public servants are stipulated in the Constitution of the Republic of Moldova, Law on public service N 443-XIII from 04.05.1995 ⁴ and other related laws.

a. Existing Legal Framework:

Central authorities ensure that local public servants have a legal framework which:

- is as simple, clear and comprehensive as possible
- sets out rights and obligations, responsibilities, liabilities and protective mechanisms and covers recruitment, pay, working conditions, professional development, disqualifications and termination of duties
- follows the basic principles of the legal framework applying to central-government civil servants.

The Law on Public Service Nr. 443-XIII from 04.05.1995 includes provisions on appropriate behavior for the public servants. Based on responsibilities and restrictions listed in the Law, local authorities may draw up codes of conduct for local public servants. These codes shall contain a list of provisions, which local authorities must include in the codes of conduct adopted at local level. The provisions of the codes of conduct become compulsory for local public servants upon their signature. Failures to comply with the Code of conduct triggers disciplinary sanctions.

a.2 Recommended actions by central authorities:

With the help of information technologies, central authorities ensure public and local authority access to the rules applying to local public servants. In particular they should:

- publish and promote the various pieces of legislation governing the work of local public servants
- collect, process and publish statistics on Court decisions on cases of corruption and other infringements of public ethics, together with statistics relating to public confidence in local authority staff.

b. Recommended actions by local authorities

Local authorities should:

- in so far as the law permits, adapt, mainly through the adoption of local codes of conduct, the legal framework for local public servants to the particular features and requirements of the individual authority on the basis of model codes of conduct
- adopt codes of conduct for local public servants by using as basis the Law and/or by adapting central government's Model code if such exists to the circumstances of the particular authority
- ensure that codes of conduct are known to local authority staff, the central authorities, other interested bodies and the public by using information technologies and other means.

c. Recommended actions by local elected representatives and local public servants

Local elected representatives should:

⁴ Published in the "Monitorul Oficial" N 61 from 02.11.1995

- know the provisions of the code of conduct applying to the local public servants
- refrain from applying improper pressure on local public servants
- do not seek or tolerate any infringement of the code of conduct by the authority's public servants
- report any breach of the code of conduct to the competent authority.

Local public servants obey the legal rules and codes of conduct applicable in the local authority.

B 2 Disqualification, suspension and termination of duties

a. Actions by central authorities

a1 Existing Legal Framework:

Central authorities establish through the Law on Public Service N 443-XIII from 04.05.1995, Law on Local Public Administration N 436-XVI from 28.12.2006 and other Acts, a legal framework governing disqualification, staff suspensions and termination of duties in local public service, and based as far as possible on the following principles:

- i. disqualification may arise from:
 - conflict of interest; for example, no-one may be in a position where they would be supervising themselves or supervising a close relative
 - outside activities which would prevent the public servant from properly performing his or her duties
 - legal incapacity established by judicial decision; such decision may have regard to mental health in accordance with the law
 - a final criminal conviction for a serious offence or for an infringement of public ethics; the period of disqualification depends on the seriousness of the situation and the courts have a wide discretion in deciding the period.
- ii. termination of duties against the will of the staff member concerned may be decided, in accordance with the law, by the representative of the local authority, on the ground of serious professional misconduct or breach of public ethics and subject to judicial safeguards.

a.2 Recommended actions by central authorities

Central authorities should develop a Model Code of Conduct, in which stipulated all the cases that lead to disqualification of public servants

b. Recommended actions by local authorities

Subject to the law and to the local code of conduct, local authorities should:

- define the cases of conflict of interest
- decide what conduct an official must adopt in cases of conflict of interest

- resolve, before any appointment is made, any conflict of interest declared by a candidate for a position or an applicant for a post
 - suspend or dismiss a staff member in certain cases, in particular where there has been serious negligence or misconduct or a breach of public ethics and the offence is contrary to law, the code of conduct or the employment contract
- c. Recommended actions by local public servants*
Local public servants should:
- avoid, wherever possible, putting themselves in a real or apparent conflict of interest or in a situation disqualifying them from service and observe restrictions on conflicts of interest
 - make known any situation that may give rise to an incompatibility or conflict of interest as soon as it arises
 - refrain from taking up any post or position, whether paid or not, which is incompatible with the proper performance of their public duties or which would harm performance of their public duties; where there is doubt as to whether an activity is incompatible, they consult the Law on public service and other documents
 - subject to observance of basic and constitutional rights, take care that any personal involvement in political activities or political debate does not damage public confidence, or the public authorities' confidence, in their ability to perform their duties impartially and loyally
 - declare all gifts, favours, invitations or other benefits offered to them, their family, their friends or other persons or organizations which might affect or appear to affect the impartiality with which they perform their duties or which constitute or might constitute a reward in connection with their duties.

B 3. Rights and obligations of local public servants

a. Actions by central authorities

a.1 Existing Legal Framework

Central authorities in the Law on Public Service N 443-XIII from 04.05.1995 establish legal rules that set and ensure that the following principles are observed:

- entry to local public service is based solely on competence
- the terms of employment of local public servants are fair
- local public servants have the right of association and other social rights

a.2 Recommended actions by central authorities

Central authorities should:

- inform public servants and the public at large about the rights and obligations of local public servants, using the various channels available
- ensure an appropriate and reasonable level of social protection afforded to local

public servants

- establish appropriate and fair supervisory procedures.

b. Recommended actions by local authorities

Local authorities should:

- ensure that the material and employment conditions of public servants are appropriate and consistent with the position
- establish rules of conduct to help local public servants meet the relevant standards of public service
- define clearly the responsibilities and duties of local public servants
- monitor how the codes of conduct are being followed by local public servants
- aim to prevent any unlawful or unethical behavior on the part of public servants
- protect the rights of local public servants and, within the limits of their statutory powers, make good and punish any infringement of a local public servant's rights
- foster transparency, discourage arbitrary behavior and reduce anonymity; at the same time, protect the privacy of public servants by keeping confidential, save as otherwise provided by law, the various statements which local public servants are required to make
- improve communication with the public and inform them of what they are entitled to expect from public servants
- ensure that no prejudice is caused to a local public servant who reports any violation of law or corruption acts to their superiors

c. Recommended actions by local public servants

Local public servants should:

- loyally serve the local authority, with due regard for the law on public service, law on the local public administration and other related laws, professional ethics and the established hierarchy
- are honest, impartial, conscientious, fair and dedicated to their public task
- ensure that the resources with which they are entrusted are managed appropriately, efficiently and thriftily in the public interest
- in the exercise of their duties should not promote the ideas of any political party
- are efficient and perform their duties to the best of their ability with skill, fairness and understanding, having regard only to the public interest and the relevant circumstances of the particular matter
- are respectful in their dealings with the public, as well as in their dealings with their superiors, colleagues and subordinate staff
- observe the principles of good administration and promote administrative ethics

- know all their rights and obligations.
- try to avoid any conflict of interest and refrain from commenting on any case in which they have a personal interest; they must never take improper advantage of their official position for their own personal interest
- refuse all gifts or personal favors from persons who make a request of the municipality; where the gift can be neither refused nor returned to the sender, they declare it, keep it and make as little use of it as possible; they officially notify, preferably in writing, their superiors and, where appropriate, the competent authorities: clear rules concerning the conduct requested in case of offer of gifts or other favors are included in the local code of conduct
- promote all measures designed to increase transparency in the way they perform their duties and in the work for which they are responsible
- not put themselves in a position which requires them, or appears to require them, to render a favor to a third party
- when they believe they are being required to act in a way which is unlawful, improper or unethical, which involves maladministration or which is otherwise inconsistent with the law or the code of conduct, they report the matter in accordance with the law
- report in writing to the competent authorities if they become aware of breaches of the law or the code of conduct by public functionaries and other public officials
- carry out the lawful instructions they have been given if a matter has been treated through the procedures and appeals set out in the legislation, even if they do not agree with the outcome
- report to the competent authorities any evidence, allegation or suspicion of unlawful or criminal activity relating to the public service coming to their knowledge in the course of, or arising from their employment
- if they supervise or manage other public officials, they take reasonable steps to prevent corruption by their staff in relation to their office.

B 4. Liability of local public servants

a. Actions by central authorities

a1. Existing legal framework:

Central authorities establish in the Law on Local Public Service N443-XIII from 04.05.1995 the general framework on the liability of local public servants for acts or omissions in the performance of their duties. The framework is based on the principle:

- local public servants do not execute orders which are clearly illegal

a2. Recommended actions by central authorities

Central authorities should establish laws that ensure that:

- any person who has suffered undue damage as a result of an act or omission on the part of local public servants is entitled to compensation

- local public servants cannot be held liable for decisions of their superiors or elected representatives to which they have not participated or they have made known their objections

b. Recommended actions by local authorities

Local authorities should:

- take action to compensate parties injured by an act or omission of their public servants
- take action to recover costs from public servants who cause them damage through serious negligence or willful misconduct
- provide public access to full information about local authority liability and liability of public servants.

c. Recommended actions by local public servants

Local public servants should:

- perform their duties diligently and honestly
- take care there is minimum risk of substantial or irreversible damage to any third party resulting from an act or omission on their part
- provide the authorized bodies with full information about cases in which they are liable.

B 5. Recruitment, remuneration, working conditions and career development of local public servants

a. Actions by central authorities

a1. Existing Legal Framework

Central authorities establish in the Law on public service N 443-XIII from 04.05.1995 the framework governing the recruitment remuneration, working conditions and career development of local public servants, based on the following principles:

- the recruitment and promotion of local public servants rests on equality of entry to public service, individual merit, open competition and non-discrimination; the general prerequisites for entry to public service are prescribed by the Law on public service or other acts adopted in pursuance of the law
- there is a general framework for the remuneration of local public servants, in dependence of level of the public servant, experience and skills, which is described in the Law on public service
- remuneration is commensurate with the responsibilities and duties performed
- allowances and remuneration paid to local public servants are taken into account in the calculation of taxes, contributions and social benefits

- public servants, especially those holding executive positions for the first time or those promoted to executive positions are sworn in accordance with the Law on public service

a.2 Recommended actions by central authorities:

Central authorities should require that the amounts of allowances and remuneration received by the various categories of local public servant are made public; central authorities prepare national statistics on these allowances and make them available to the public, using information means available

b. Recommended actions by local authorities

Local authorities should:

- recruit local public servants under clearly defined, transparent procedures designed to ensure that the best candidate is recruited according to the specific needs of the direction or body concerned
- ensure the confidentiality of any sensitive personal information provided under the selection procedure
- determine, within the limits prescribed by law, the remuneration and system of reimbursement of expenses for local public servants
- ensure that promotions involving an increase in responsibilities are based on merit or, in case of equal merit, on seniority or criteria that ensure the promotion of under-represented groups
- see to it that there is no discrimination, notably on the ground of age, disability, sex, marital status, ethnic origin, social background, political or philosophical opinions or religious beliefs, as regards access to public service or treatment, promotion or termination of the duties of local public servants
- ensure within realistic possibilities that local public servants have the material and logistical facilities they need for their work.

c. Recommended actions by local public servants

Local public servants should:

- declare honestly and provide proof of expenses, loss of earnings or material benefits arising from the performance of their duties
- refrain from actions which procure them professional advantage from public or private entities which they supervise, with which they enter into contractual relations or which they were professionally involved in setting up, and avoid working for such companies when their employment ends, in accordance with the applicable law
- do not allow the prospect of other employment to create for them an actual, potential or apparent conflict of interest; they immediately disclose to their supervisor any concrete offer of employment that could create a conflict of interest or their acceptance of any offer of employment

- comply with any lawful rules that apply to them regarding the acceptance of appointments on leaving the public service
- public servants and former public servants refrain from using or disclosing any confidential information which they obtain in their official capacity as public servants unless allowed to do so by law.

B 6. Training, information, co-operation and transparency

a. Recommended actions by central authorities

Central authorities should:

- provide a general framework through the National Training Strategy and other acts and cover at least part of the cost for the education and training of public servants concerning prevention of corruption for public administration
- prepare training modules through the Academy of Public Administration and distribute them to any training entities which so request
- prepare legal and management manuals for public servants
- provide legal advice service to any local authorities which so request
- encourage the sharing of experience among local public servants through seminars, conferences and best practices presentations
- encourage and assist private or local authority initiatives involving the training of local public servants.

b. Recommended actions by local authorities

Local authorities should:

- ensure access of public servants to training and recognized education and training as a high priority both generally and strategically (the improvement of public administration culture and confirmation of ethical values) and as a practical tool for providing information on and explanations for rules and guidelines, for acquiring practical knowledge and skills, for spreading good practices, etc.; it should be recommended to involve judges, prosecutors, police officers, in the process of education in appropriate forms (lectures, debates, publication of their experience)
- ensure that all information which public servants need for their work is made available
- take part in various experience-sharing activities at local, regional, national and possibly international level regarding the rights and duties of local public servants
- establish a special service to provide professional advice and training in the prevention of corruption in public administration and the interpretation and application of codes of conduct
- help the local media to accurately cover issues relating to administrative ethics; in any case, local authorities must offer accurate information and respect the presumption of innocence

- publish the results of anti-corruption measures taken at local level.

c. Recommended actions by local public servants

Local public servants should:

- take basic training courses
- keep abreast of legislative developments and new management tools (mechanisms, techniques and procedures)
- ask their authority for the information they need to do their work properly
- play an active part in experience-sharing activities organized by central or local authorities.

Senior public officials must be obliged (and evaluated accordingly) to:

- recognize as their duty to behave in a way that can serve as a model for the staff;
- exercise consistently their supervisory functions and apply or initiate disciplinary and other kinds of procedure
- use the means of positive motivation, not only of material but also of moral character (appreciation, expressed clearly and without a delay in minor, common events).

Senior officers are expected to play a stronger role in maintaining appropriate standards of conduct, and they need to tackle problems arising in a proper way, for example through the tactful handling of cases, with respect to presumption of innocence and requirements of fair treatment.

Chapter C. Initiatives related to transparency, access to information and administrative procedures

C1. Transparency and access to information

a. Actions by central authorities

a.1 Existing legal framework

Law on Access to Information No. 982-XIV of May 11, 2000 is the main legal framework ensuring a person's access to information. The Law sets the principles of government policy in the area of access to official information:

- Any individual, pursuant to this Law, is authorized to search, obtain, and get conversant with, official information.
- The exercise of rights hereof can be subject to restrictions for specific reasons in line with the principles of international law, including protection of the national security or privacy of a person.
- The exercise of rights envisaged by paragraph (1) hereof by no means presumes discrimination based on race, nationality, ethnic background, language, religion, gender, opinions, political affiliation, property, or social origin."

Law on Local Public Administration N 436-XVI from 28.12.2006 establishes the principle of „citizens’ consultation regarding “matters of special interest”. The Law elaborates on what public consultation is:

- Consultations with the public on matters of special importance for an administrative territorial unit can be held in compliance with the Election Code by holding a local referendum.
- Regarding matters of local importance of interest for some of the population of an administrative territorial unit, consultations, public hearings, and discussions can be held with that population in compliance with law.
- Local Councils’ meetings are public.
- Decisions of regulatory nature shall take effect on the day of their publication in the press or by posting in public locations, and those of individual nature, on the day of bringing them to the notice of individuals they affect.

a. Recommended actions by central authorities

- transparency is the rule, secrecy is the exception and should be limited to information connected with particular interests determined by law (public safety, crime prevention, etc)
- through use of available communication means, central authorities make the following information available to the public:
 - statistics for external administrative and judicial controls and information on the main problems found and remedial measures taken
 - best practice in the organization of internal control and best European practice in management auditing and controls
 - budgets and financial documents, in particular, should always be available to the public
- law enforcement and judicial authorities are guaranteed access to relevant information in order to enable them to perform their duties, in particular in the investigation and prosecution of offences of corruption
- there are clearly defined penalties for contravening the law on transparency and access to information.
- The findings of external administrative controls are of a public nature. The manner in which external control findings are made known to the public must be laid down clearly in high-ranking legal dispositions. The guiding principles here are as follows:
 - the external control authority arrives at its own findings and makes them public as the outcome of an adversarial procedure in which the local authority undergoing the control participates
 - the executive or Council of the local authority cannot - even though they are the main recipients of the findings - prevent the external control authority from making the findings public
 - the replies of the local authority are published together with the findings.

Central authorities encourage and assist the local authorities' efforts to improve transparency in local administration: information drives, training, websites, widely accessible databases, etc.

b. Recommended actions by local authorities

Through use of available communication means, local authorities should make public the findings of external, judicial or internal controls and of external audits. Local authorities lay down clear rules on administrative transparency and access to information in general, according to the following principles:

- administrative transparency is stated as a principle not only for the relations between administration and citizens, but also for the standards of individual conduct of civil servants
- local authorities inform citizens of the measures adopted to implement the principle of administrative transparency, in order to foster the general application and the appropriation by citizens of this principle
- local authorities do not hesitate to consult the Center of preventing economic crime and corruption for advice on anti-corruption measures and issues
- the meetings of local elected bodies are normally held in public; in this case, documents and information relating to their proceedings and decisions are available to the public except where exceptional circumstances require the protection of personal or confidential data
- administrative archives and files are kept in such a way as to facilitate public access to them

c. Required actions by local elected representatives and local public servants

Local elected representatives and local public servants should participate in the pooling of experience as regards management audits and controls. Local elected representatives and local public servants:

- observe the right of access to official information and never try to withhold information which could or should be made public
- deal appropriately, with proper regard for confidentiality, with all information and documents acquired in the performance, or in connection with the performance, of their duties and must not make improper use of them
- do not try to access information which it would be inappropriate for them to have
- refrain from disseminating information which they know, or have reasonable grounds for supposing, to be false or misleading.

C 2. Administrative procedures

a. Actions by central authorities

Central authorities establish the general framework for local administrative procedures according to the following principles:

- administrative decisions of local authorities must include a statement on the reasons for them, the preliminary inquiries made and the criteria used to make the choice which is the subject of the decision; these rules are especially recommended for procedures relating to the recruitment, conclusion of contracts, financial support for private enterprises and associations, land-use planning and building permission
- the contract is awarded on a competitive basis in procedures relating to the conclusion of contracts with private individuals
- there are time limits for responding to any request made by private individual or enterprise

b. Recommended actions by local authorities

Local authorities set standards for administrative procedures at the level of each municipality based on the following legal rules and principles:

- information on administrative procedures and on officers responsible for carrying them out is made public
- local authorities and their representatives give reasons for their decisions
- when an administrative procedure begins, the person in charge is specified; his/her name, position and administrative address is supplied to the interested parties at the beginning of the procedure and in any subsequent communication with them
- the time limit for completion of the procedure and its notification to the interested parties is laid down in general provisions and they are made public
- the public servant may be held liable if he or she fails to meet a time limit without good cause
- local authorities make sure that their records are held such as to be easily accessible and usable by the public and investigation bodies.

c. Recommended action by local elected representatives and local public servants

- local elected representatives and local public servants observe administrative procedures and play an active part in improving them.

D. Initiatives related to local authorities' relations with the private sector

D1. Public contracts for the supply of goods or services, concluded by local authorities

The conclusion of public contracts raises specific and very important risks of corruption and breach of public ethics. Public procurement rules should therefore be very clear, detailed and strict and their implementation should be carefully scrutinized by the central authorities.

a. Actions by central authorities

a.1 Existing legal framework

Central authorities establish through the Law on public procurement N 1166-XIII from 30.04.1997⁵ a legislative framework for public procurement contracts, which:

- lay down principles, general arrangements and procedures for the award of contracts
- determine thresholds above which the public supply procedure must be followed
- guarantee free competition and openness of public procurement markets by creating conditions which ensure that qualified suppliers of goods and services can participate, regardless of their location or nationality
- lay down criteria which disqualify potential suppliers; these may include conflicts of interest, not being of a specified size, a lack of financial credibility or experience in the field concerned or inscription on the national list of disqualified companies and persons

The Agency for Material Reserves, Public Procurement and Humanitarian Aid, a public authority with the statute of legal person, formed as a specialized central body subordinated to the Government for state regulation, control and inter-branch coordination in the Public Procurement field offer methodological help and consultations to contracting authorities on issues of procurement, organise and manage the training of the contracting authority's personnel responsible for the organisation and conduct of tenders and contract award.

a.2 Recommended actions by central authorities

Central authorities should:

- lay down minimum transparency, information and publication requirements for procedures and conditions governing the award of contracts
- lay down rules to ensure confidentiality and to protect trade secrets and the bidders' intellectual property rights.

b. Recommended actions by local authorities

Local authorities should:

- follow public procurement procedure whenever a contract's a value exclusive of value-added tax (VAT) is estimated to be equal or greater than the following thresholds:
 - a) for public supply contracts – MDL10 000;
 - b) for public works contracts – MDL20 000;
 - c) for public service contracts – MDL20 000;
- set objectives for the selection procedure: quality, cost, lead-times, continuity, risks, sustainable development, job protection, etc.
- provide sufficient staff to organise the tenders procedure properly
- limit cases where contracts are extended without calling for tenders
- clearly lay down the rights and obligations of all contracting parties

⁵ Published in the "Monitorul Oficial" N67-68/551 from 16.10.1997

- lay down precise, objective, quantifiable and reliable selection criteria, ensuring as far as possible that the specified objectives will be met
- provide full and clear documentation on the purpose of the contract and on conditions for bidding and being selected
- inform disqualified bidders of the reasons for their disqualification
- assess tenders solely with reference to the specified objectives and selection criteria
- publish all the information needed on public contracts and reply immediately to all requests for information on calls for tender in progress; whenever possible, include all the documents in a compendium or single text also available on the Internet
- prepare good conduct agreements to be signed by all those involved in the tenders procedure; the local authority and its members of staff on the one hand; on the other hand companies also, their employees and any subcontractors. These agreements spell out the main rules on transparency, on equal treatment of bidders, on accepting, soliciting or offering undue advantages, and on reporting any fraudulent activities detected; apart from incurring legal penalties, persons or firms which fail to respect this agreement will be debarred from participating, as bidder or organiser, in any future tenders procedure
- ensure that the necessary information on the candidates and their possible subcontractors is available and fully examined by the selection panel
- ensure that members of selection boards or panels have the professional knowledge and personal probity needed to select bidders, assess tenders and award contracts
- establish speedy, fair procedures for dealing with complaints and appeals.

c. Recommended actions by local elected representatives and local authority staff

Local elected representatives and local authority staff should:

- do not bid, directly or by proxy through firms or other persons, in response to calls for tenders issued by their local authority
- do not take part in organizing calls for tender and, in particular, do not sit on selection boards or panels, if they or members of their family have a personal interest in award of the contract
- do not discriminate between bidders, particularly in supplying information on calls for tender
- do not communicate information on a bidder without his/her written consent
- do not attempt to influence members of selection boards or panels in favour of or against one or more bidders
- report any irregularities in the selection procedure to their superiors and/or the statutory supervisory body
- do everything possible to avoid any conflict of interest and, if a conflict of interest

arises, indicate this and withdraw from the proceedings

- refuse any important personal benefits (expensive gifts, excessive hospitality, paid travel, etc.) offered by firms or individuals seeking contracts with the local authority and declare any smaller benefit accepted and report any benefit offered.

D 2 Delegation of public services to the private sector

a. Actions by central authorities

a.1 Existing Legal Framework

Central authorities

- prepare guidelines, handbooks and model contracts to help local authorities decide the public services to be delegated, and how this is to be achieved.

a2. Recommended actions by central authorities:

Central authorities should:

- provide a technical advice service for local authorities seeking it

b. Recommended action by local authorities

Local authorities should:

- base decisions to delegate public services having regard solely to public interest and on the basis of clear, reliable data, and particularly cost/benefit ratios for users and tax-payers
- refrain from delegating responsibilities that entail significant exercise of public authority; delegation of services must not jeopardize individuals' basic rights and freedoms, legal guarantees or other good governance principles
- ensure that concession/delegation contracts provide for clear division of risks and responsibilities, clear funding arrangements and strict reporting and assessment procedures
- define performance indicators, which operators must calculate and report
- ensure that quantitative and qualitative management objectives are spelled out clearly in the contract
- equip themselves to assess performance, either directly (specialized staff) or indirectly (independent management auditors);
- make all transfers of public funds contractual, defining in advance the terms on which they are granted, the purposes for which they are granted, and the methods used to calculate them
- ensure sustainable development and make the town/city more attractive to residents and businesses;
- publicize the criteria on which the decision to delegate a service and the choice of operator are based, and also the results of any assessment.

E. Control and audit of local authorities

To ensure that appropriate auditing procedures apply to the activities of public administration, to provide effective supervision of local authorities and avoid infringements of public ethics (for example, the exercise of powers for personal advantage, conflicts of interest, misuse of assets, abuse of trust, misuse or abnormal use of delegated management) while preserving local autonomy, the Law on the local public administration N 436-XVI from 28.12.2006 provides for a control system that is organized according to the following principles:

- local authorities are subject to the rule of law and the arrangements for supervising compliance with the law must be clearly laid down
- democratic control in the form of public access to information, in particular administrative and budgetary documents, is possible and to be encouraged
- there is independent external control, which does not limit the local authorities right to manage autonomously, according to the law
- the control is adapted to the size and to the tasks of the municipality.

Also, Article 8 of the European Charter of Local Self-Government from 15.10.1985 is taken into account when preparing any piece of legislation in the field of control and audit of local authorities' action.

E1. External control

a. Actions by central authorities

a1 Existing Legal Framework

Central authorities by Law on Local Public Administration and other legislative acts have laid down a legal framework, which is based on the following principles:

- i. the purpose of controls is to give elected representatives in charge of the local authority and all interested third parties - essentially the citizens and central government - a reasonable guarantee that the authority is being managed in accordance with:
 - the Constitution, the international treaties at which Moldova is part, the law on local public administration and other legislative acts applicable in the various fields for which it has responsibility
 - general or special accounting and budget rules
- ii. the external control is laid down in the Law on the local public administration and the Law on local public finance and is conducted by the bodies stipulated in the Law. The Government is responsible for organizing the administrative control of the local public authorities activity, implemented by the Ministry of Local Public Administration itself or through its designated territorial offices. However, the control body should act independently and according to well-defined rules, ensuring that the advisory function remains compatible with the principle of local authority of self-government and with the control function.

iii. external control entails:

- annual evaluation of the accuracy of the local authority's accounts which also covers the accounts of public services which the local authority has contracted out to private firms, and here the supervisor/auditor has to be able to check the books on the spot for accuracy

iv. external control is performed independently both of the authorities being supervised and of the central authorities. In terms of organization and performance, it involves principles such as the following:

- administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interest which it is intended to protect
- the body conducting the control is a legal entity with own budget, while the chief of the controlling body can not be a member of any party
- an obligation on local authorities to accept external control and the main arrangements for that control are laid down in the Law on Local Public administration and the Law on Local public finance
- the purpose of external control is to verify the quality and effectiveness of internal procedures
- the authority responsible for external control is irremovable or is at least to be appointed for a lengthy, specified period, longer than the electoral terms of office

a.2 Recommended actions by central authorities:

The functioning of external control also shall follow the principles that:

- control is based on generally acknowledged principles of economics, efficiency and effectiveness
- professional control rules are laid down in high-ranking legal instruments based on generally accepted international standards. The rules cover, in particular, the arrangements for enabling the local authority to comment on the supervisory authority's observations.
- Control is based on the principles of public ethics as laid down in the local, national and international codes of conduct
- Control entails to the extent possible a regular performance evaluation, adjusted to the size of local authorities; this audit may assess the general management performance and have as an objective to improve the quality of local services and the municipal management
- Central authorities publish an annual report on the control of the local public administration authorities' activity.

b. Recommended actions by local authorities

Local authorities should:

- provide all relevant information to the external supervisory authority
- make it clear, as a matter of general policy, that in taking decisions in the course of their duties, local public servants are answerable to no-one but the local authority
- co-operate in good faith with the external supervisory authority.

E.2 Internal control

a Actions by central authorities

a1 Existing Legal Framework:

As stipulated in the Law on Local Public Administration, art 14. c) the Council names, decides the organization of internal audit. The audit units have 1, 2 or 3 employees, according to the size of the administrative and territorial units and the complexity of the assigned tasks. Central Authorities in articles 86-89 of the Law on Local Public Administration establish a legislative framework, which lays down the general principles of internal control:

- in order to regularly assess the local public authorities' activity and to elaborate the necessary recommendations for its improvement, the internal audit institution, as separate functional unit, is formed within the local public administration structures as provided by the Law on local public administration
- the creation of the internal audit service is mandatory for all local public authorities, according to the provisions of the present law, and which must function based on a methodological and procedure framework, harmonized with the European one and the good practice existent in this sphere
- the assisting of the internal audit units, the elaboration of methodological recommendations, the training of the auditors, the harmonizing of the audit plans and programs in order to achieve compatibility between the audit activities, is an obligation of the Ministry of Local Public Administration, together with the Chamber of Accounts and Ministry of Finance
- the internal audit unit provides assistance to operational departments in the design of procedures; the internal control service is also responsible for checking that procedures adopted are complied with; where they are not being complied with, internal control is responsible for establishing why and suggesting solutions to the problem (revision of inappropriate procedure, training, reassignment of staff, etc)
- The internal audit unit is independent from the other specialized units, in order to assure the independence of the internal audit procedure and of the assessment reports' preparation, that has to be made without pressure or undesirable influence

a2. Recommended actions by central authorities

Central authorities should ensure that:

- the competent ministries will create conditions in order to facilitate the informing, the dialog and assistance to the local level internal auditors, while using the audit instruments and practices, of the public sphere standards and of perspective plans
- advice will be provided on to the organization of internal control to local

authorities, which request it.

b. Recommended actions by local authorities

Local authorities are wholly answerable for their management to the electorate, public opinion, and the administrative or civil courts or, in appropriate cases, the criminal courts. They should

- set up special internal-control machinery so as to reduce to a minimum the risk of:
 - economic or financial mismanagement
 - administrative mismanagement
 - poor delivery of services
 - administrative, civil or criminal proceedings.
- ensure that members of the Council have access to all internal-control documents. Internal audit units are formed by the Local Council's decisions, following the mayor's or rayon president's proposal. The creation of the internal audit unit is preceded by the adoption of the functioning regulations that will provide the activity forms and principles, the rights and obligations of the internal auditor.
- ensure that the creation of the internal audit will be preceded by the adoption of the functioning Regulations, that will provide the activity forms and principles, the rights and obligations of the internal auditor, the documents adopted as a result of audit activity, as well as the obligations of the audited subjects to correct the irregularities that were found
- establish the terms of reference, the functions and the number of employees of the audit unit via Council Regulations, approved by the vote of the present local counselors' majority
- ensure that the internal audit units must perform the financial and management auditing, the assessment of performance and of quality and information systems
- require the internal audit units must provide periodic assessment of: the efficiency and conformity of achieving the respective institution's objectives; the exact fulfillment of the activities provided by the functioning statute, the specific functions and the approved action plans; the efficiency and rationality of resources utilization; the suitability of the resources' utilization and protection verification
- ensure that the internal audit units will assure the verification of the corresponding local public funds' utilization, as well as of the international funds received by these institutions
- where small budgets and the size of the local authorities do not allow the creation of independent internal audit structures, the local authorities may associate in order to create common internal audit structures, that would assure the audit function.
- recognize that the payment for the auditors' work will be made from the local budgets according to the functioning Regulations approved by the local councils.

c. Recommended actions by local elected representatives and local public servants

Local authority elected representatives and local public servants should:

- make available to the internal control or audit body any information they hold which that body requests or which they consider relevant to the internal control work
- report to the local executive any negligence found in the local authority's work and any malfunctioning of the supervisory machinery and, where appropriate, make proposals on how to improve the effectiveness of this control
- request the local authority to use external audit whenever they consider it necessary.

3. Judicial supervision

a. Recommended actions by central authorities

Central authorities should adopt the provisions and organize judicial supervision of the local authorities in such a way as to:

- prevent the courts from usurping the local authority's role of assessing the advisability of measures and ensure that, where the diligence of a measure or of behaviour needs reviewing, the review is performed by an independent body or by the administrative supervisory authorities
- empower the courts to take interim measures where such measures are justified by the urgency of the matter or by a risk of irreparable harm
- ensure full and immediate execution of judicial decisions concerning the legality of a reviewed measure.

b. Recommended actions by local authorities

Local authorities should:

- make available to the courts whatever information is necessary
- take the necessary steps to give immediate effect to judicial decisions.

c. Recommended actions by local elected representatives and local public servants

Local elected representatives and local public servants should:

- make available to the courts whatever information is requested
- disclose any suspected case of corruption as a result of any internal or external control is reported to the competent law enforcement authorities.

Glossary

- Local elected official** - councilor of village (commune), town (municipality) and county Councils, the councilor in the Chisinau City Council, deputy to the Public Meeting of Gagauz-Yeri, mayors and chairmen of raions.
- Internal Audit** - activity set up by a public deliberative authority to provide an independent and objective opinion on risk management, control and governance, by measuring and evaluating their effectiveness in achieving the authority's objectives.
- Local public administration** - the totality of the local public authorities, set up, according to the law, and acting on the territory of the village (commune), town (municipality), raion and the autonomous territorial unit with the aim to pursue the general interests of the inhabitants of a certain administrative and territorial unit.
- Code of conduct** - a system of rules of conduct, essential in the relationships between people from the same community, or society as a whole, which assures the correctness and honesty of any activity from the point of view of moral principles.
- Local council** - first or second level representative and deliberative authority of the administrative and territorial unit's population, elected in order to deal with local interest issues. Local councilors fall under the jurisdiction of the Law on the status of local elected officials.
- Conflict of interests** - a situation in which a person in a position of trust, such as an elected representative or a public servant, has competing professional political or personal interests. Such competing interests can make it difficult for that person to fulfill his or her duties impartially.
- Corruption** - the fact of requesting, offering, giving and accepting directly or indirectly an illegal commission, advantage or promise for such an advantage, which affects the fulfillment of a function or the behaviour requested to the beneficiary of the illegal commission, advantage or promise of such an advantage
- Delegation** - legal transfer of the right to execute and organize an activity to another person or body (e.g. delegation of public services to the private sector).
- Disqualification** - withdrawal of powers received through a mandate (local elected official in the present guide) or through assignment to a function (public servant).
- Mandate termination** - termination of execution of rights and obligations due to objective and subjective reasons, necessarily provisioned by a normative act.
- Public servant** - person assigned or elected for a public position within an authority of a public administration, possessing ranks secured by law.
- License** - authorization issued by a competent agency to a juridical or physical person for the purpose of allowing the execution of a specific type of activity.
- Professional negligence** - attitude of lack of concern in performing professional obligations; failure to perform or deficient performance of professional duties resulting in damages to public interests or to the legal interests of a person.
- Permission** - written authorization issued by a competent authority giving permission to practice a profession or to benefit of certain rights.
- District president** - public executive authority of the district council. The district president falls under the jurisdiction of the Law on the status of local elected officials.
- Mayor** - representative authority of the administrative and territorial unit's population and executive authority of the local council, elected by universal, equal, direct, secret and freely expressed voting. The Mayor falls under the jurisdiction of the Law on the status of local elected officials.
- Traffic of Influence** - the receipt or seeking of financial or other rewards by a person who either has some influence over an elected representative(s) or public servant (s), or

creates the impression of having such influence, and is prepared to use this influence to secure a decision that is favorable to the person giving the financial or other reward.

- the act of an public agent or of another person to request or accept directly or indirectly a benefit for himself/herself or for another person with the aim to make abuse of his/her the influence in order to gain a personal benefit fom an administrative or public authority.

Transparency - activity under which the decisions and the actions of the public administration are open to the public, thus ensuring the administration's accountability to citizens, resulting in authority' trust and discipline.

Nonprofit sector - domain of activity related to organizations, nongovernmental associations activating for the achievement of a specific goal without getting profits.

Private sector - domain of activity based on private property, where the main goal of an activity is generating profit.

Public sector - public institutions and organizations which using public means, activate for the public interest.

Suspension - temporary recess of an activity, temporary prohibition of the retention of particular rights and obligations due to specific circumstances that block its implementation till the elimination of the circumstances that caused the recess.

District vice president - the district vice president is elected by the District Council at the district president's initiative, with the vote of the majority of the elected councilors. Any person, including councilors, can be elected for the district vice president function. District vice president is in the local collectivity's service and has the protection and guarantee provided by the Law of public service.

Vice mayor - the vice mayor is elected at the mayor's initiative, through the decision of the Council, with the vote of the majority of the elected councilors. Any person, including councilors, can be elected for the district vice president function. The vice mayor is in the local community's service and has the protection and guarantees provided by the Law of public service.