



PARLIAMENT OF THE REPUBLIC OF MOLDOVA

L A W

on transparency in the decision-making process

no. 239-XVI of 13.11.2008  
(in force as of 05.03.2009)

Official Monitor no. 215-217 art. 798 of 05.12.2008

\* \* \*

C O N T E N T

Chapter I

GENERAL PROVISIONS

- Article 1. Subject matter
- Article 2. Notions
- Article 3. Scope of this Law
- Article 4. Purpose of this Law
- Article 5. Principles of transparency in the decision-making process
- Article 6. Rights of interested parties
- Article 7. Obligations of public authorities

Chapter II

TRANSPARENCY IN THE DECISION-MAKING PROCESS

- Article 8. Steps to ensure transparency
- Article 9. Notice of initiation of the preparation of the decision
- Article 10. Access to draft decisions
- Article 11. Consultation of interested parties
- Article 12. Reception and consideration of recommendations
- Article 12<sup>1</sup>. Notice of withdrawal of a draft decision from the preparatory process

Chapter III

TRANSPARENCY IN THE DECISION-MAKING PROCESS

- Article 13. Participation in public meetings
- Article 14. Adoption of decisions as a matter of urgency
- Article 15. Informing the public of decisions taken
- Article 16. Reports on transparency in the decision-making process
- Article 16<sup>1</sup>. Liability for lack of transparency in the decision-making process

Chapter IV

FINAL AND TRANSITIONAL PROVISIONS

- Article 17. Entry into force of this Law
- Article 18. Organization of the enforcement of this Law

The Parliament adopts this organic law.

Chapter I  
GENERAL PROVISIONS

**Article 1.** Subject matter

This law establishes the applicable rules for ensuring transparency in the decision-making process within the central and local public administration authorities, other public authorities and regulates their relationship with citizens, associations established in accordance with the law, other interested parties in order to participate in the decision-making process.

**Article 2.** Notions

For the purposes of this law, the following notions shall mean: association established in accordance with the law - an association established in accordance with the law or an informal citizens' association, created to express, propose and promote the common interests of its members; public hearing - a meeting at which public authorities falling within the scope of this law consult the opinion of citizens, associations established in accordance with the law, other interested parties on a draft decision under debate; citizen – an individual who is a citizen of the Republic of Moldova, as well as a foreign citizen or a stateless person, with the exceptions established by law; public consultation - mutual communication between citizens, associations established in accordance with the law, other interested parties, on the one hand, and public authorities falling under this law, on the other hand, as a result of which both parties are informed and can influence the decision-making process; decision - a legal act adopted by the public authorities falling within the scope of this Law; public debate - a way of consulting the public opinion, in which the necessity of adopting the draft decision subject to consultation is argued and divergent opinions are presented, and citizens, associations established in accordance with the law, other interested parties may make recommendations on the draft decision; interested party - citizens, associations established in accordance with the law, legal persons under private law, who will be affected, might be affected by the adoption of the decision and who can influence the decision-making process; decision-making process - procedure of development and adoption of decisions by public authorities falling under this law; recommendation - any suggestion, proposal or consultative opinion, expressed orally or in writing by citizens, associations established in accordance with the law, other interested parties on the drafts of the decisions elaborated; transparency - the open and explicit provision of all information on the activity of public authorities falling within the scope of this Law and the consultation of citizens, associations established in accordance with the law, other interested parties in the process of elaboration and adoption of decisions.

**Article 3.** Scope of this Law

(1) The scope of this Law shall cover all legal relations, established within the decision-making process, between citizens, associations established in accordance with the law, other interested parties, on the one hand, and public authorities, on the other hand.

(2) The following public authorities preparing draft decisions shall fall within the scope of this Law:

- a) Parliament;
- b) President of the Republic of Moldova;
- c) Government;
- d) autonomous public authorities
- e) specialized central public administration authorities;
- f) authorities of autonomous territorial units with special legal status;
- g) local public administration authorities.

(3) Legal persons of public and private law that manage and use public financial means are also covered by this Law.

(4) The public authorities shall consult citizens, associations established in accordance with the law, other interested parties on draft normative, administrative acts that may have social, economic, environmental (on lifestyle and human rights, on culture, health and social protection, on local communities, public services).

(4<sup>1</sup>) Informing and consulting the public:

a) in the strategic environmental assessment process - is carried out in accordance with the provisions of [Law no. 11/2017](#) on strategic environmental assessment;

b) in the environmental impact assessment process for planned activities falling within the scope of Annexes No. 1 or No. 2 to [Law No. 86/2014](#) on environmental impact assessment - shall be carried out in compliance with the provisions of [Law No. 86/2014](#);

c) in the biodiversity assessment process for planned activities not covered by Annexes No. 1 or No. 2 to [Law No. 86/2014](#) on environmental impact assessment - shall be carried out in compliance with the provisions of [Law No. 86/2014](#).

(5) The provisions of this law shall not apply in the process of drafting decisions and holding meetings within public authorities where official information with limited accessibility under the conditions of the law is examined, as well as in the process of holding operational meetings convened by the heads of the respective public authorities.

[Art.3 par. (4<sup>1</sup>) introduced by [Law no. 369 of 30.11.2023](#), in force as of 21.12.2023]

[Art.3 amended by [Law no. 105 of 12.06.2014](#), in force as of 11.07.2014]

[Art.3 amended by [Law no. 38 of 27.03.2014](#), in force as of 18.04.2014]

#### [Article 4. Purpose of this Law](#)

The purpose of this Law is:

- a) to ensure multilateral information on the decision-making process within public authorities;
- b) to ensure the direct participation of citizens, associations constituted in accordance with the law, other interested parties in the decision-making process;
- c) to streamline the decision-making process within public authorities;
- d) to increase the accountability of public authorities towards citizens and society;
- e) to stimulate the active participation of citizens, associations constituted in accordance with the law, other interested parties in the decision-making process;
- f) to ensure transparency in the work of public authorities.

#### [Article 5. Principles of transparency in the decision-making process](#)

Transparency in the decision-making process is based on the following principles:

a) informing, in the established manner, citizens, associations established in accordance with the law, other interested parties about the initiation of the drafting of decisions and public consultation on the draft decisions;

b) ensuring equal opportunities for participation of citizens, associations established in accordance with the law, other interested parties in the decision-making process.

#### [Article 6. Rights of interested parties](#)

Citizens, associations formed in accordance with the law, other interested parties have the right to:

- a) to attend, under the conditions of this law, any stage of the decision-making process;
- b) to request and obtain information related to the decision-making process, including to receive draft decisions accompanied by the related materials, under the conditions of the Law on access to information;

- c) to propose to the public authorities the initiation of the preparation and adoption of decisions;
- d) to submit recommendations on draft decisions to the public authorities under discussion.

**Article 7. Obligations of public authorities**

(1) Public authorities are required, where appropriate, to take the necessary measures to ensure opportunities for the participation of citizens, associations established in accordance with the law, other interested parties in the decision-making process, including by:

a) distribution of information on the annual activity programs (plans) by placing them on the official website of the public authority, by displaying them at its headquarters in a publicly accessible space and/or by broadcasting them in the central or local media, as appropriate;

b) informing, in the established manner, on the organization of the decision-making process;

c) institutionalizing cooperation and partnership mechanisms with society;

d) receiving and examining the recommendations of citizens, associations constituted in accordance with the law, of other interested parties in order to use them in the preparation of draft decisions;

e) consulting the opinion of all parties concerned by the examination of draft decisions in accordance with this Law.

(2) The transparency of the decision-making process in Parliament shall be ensured in accordance with its Regulation.

(3) Relevant information on the decision-making process shall be placed on the official website of the public authority and, where appropriate, on other electronic platforms.

[Art.7 par. (3) introduced by Law no. 49 of 21.03.2024, in force as of 05.07.2024]

[Art.7 supplemented by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

## Chapter II

### TRANSPARENCY IN THE DECISION-MAKING PROCESS

**Article 8. Steps to ensure transparency**

The main steps to ensure transparency in the decision-making process are:

a) informing the public about the initiation of the elaboration of the decision;

b) making available to interested parties the draft decision and the materials to provide the draft decision

c) consultation of citizens, associations established in accordance with the law, other interested parties;

d) examining the recommendations of citizens, associations formed in accordance with in the process of preparing draft decisions;

e) informing the public about the adopted decisions.

**Article 9. Notice of initiation of the preparation of the decision**

(1) After initiating the decision-making process, the public authority shall, at the latest within 15 working days, place the respective notice on the official website, immediately send it by electronic mail to interested parties, display it at its premises in a publicly accessible place and/or disseminate it in the central or local media, as appropriate.

(2) The notice of the initiation of the preparation of the decision shall contain the following mandatory information:

a) the justification of the need to adopt the decision;

b) the deadline, place and manner in which interested parties may submit or send recommendations;

c) the contact details of the persons responsible for receiving and considering recommendations (name, telephone number, e-mail address).

(3) The notice on the initiation of the decision may be removed from the official website of the public authority only after the decision has been adopted or the draft decision has been withdrawn from the drafting process.

[Art. 9 amended by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

#### Article 10. Access to draft decisions

(1) The public authority shall ensure access to the draft decisions and the materials related to them by mandatory publication on the official website of the public authority, by providing access to the premises of the public authority, as well as by sending them by post or other available means, at the request of the interested person.

(2) The draft decision and its related materials shall be posted on the official website of the responsible public authority at least for the period of receipt and consideration of recommendations.

[Art. 10 in the wording of Law no. 105 of 12.06.2014, in force as of 11.07.2014]

#### Article 11. Consultation of interested parties

(1) The consultation of citizens, associations established in accordance with the law, other interested parties shall be ensured by the public authority responsible for preparing the draft decision through the following means: public debates, public hearings, opinion polls, referendum, soliciting the opinions of experts in the field, setting up permanent or ad hoc working groups with the participation of representatives of civil society.

(2) Consultation shall be carried out:

- a) at the initiative of the public authority responsible for preparing the draft decision
- b) at the initiative of another public authority, according to its competence;
- c) at the proposal of the citizen, association established in accordance with the law, other interested party.

(21) In the case referred to in par. (2) letter c), the public authority responsible for preparing the draft decision may not refuse consultation.

(22) The notice on the organization of the public consultations and the related materials shall be made public at least 15 working days before the finalization of the draft decision.

(3) The procedures for consulting citizens, associations established in accordance with the law and other interested parties shall be established by the Parliament, the President of the Republic of Moldova and the Government respectively.

[Art. 11 supplemented by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

#### Article 12. Reception and consideration of recommendations

(1) The recommendations of citizens, associations established in accordance with the law, other interested parties shall be received by the public authority responsible for preparing the draft decision in the following manner:

- a) recommendations in oral and written form, submitted in the consultations will be reflected in the minutes of the respective meetings, finalized in the established manner;
- b) written recommendations received individually, including by electronically, will be recorded in accordance with the legislation.

(2) The deadline for submitting recommendations on draft decisions shall be at least 10 working days from the date of publication of the announcement on the initiation of the preparation of the decision or from the date of publication of the announcement on the organization of public

consultations. At the request of interested parties, the public authority may extend the deadline for submitting recommendations.

(3) The recommendations shall be examined by the public authority responsible for preparing the draft decision.

(4) The public authority shall draw up a file on the preparation of the draft decision, which shall contain the minutes of the consultation of citizens, associations established in accordance with the law, other interested parties, the recommendations received and their synthesis. The file on the preparation of the draft decision is accessible to all citizens, associations established in accordance with the law, other interested parties.

(5) The synthesis of the recommendations received shall be placed on the official website of the public authority, displayed at its headquarters in a publicly accessible place and/or disseminated in the central or local media, as appropriate.

(6) The draft decision shall be forwarded to the competent authority for consideration together with the summary of recommendations.

(7) If the citizens, associations established in accordance with the law, other interested parties do not submit recommendations within the set time limit and the public authority, with reasons, does not deem it necessary to hold consultations, the draft decision may be subject to the adoption procedure. The reason for not considering it necessary to hold public consultations shall be made known to the public by placing it on the official website of the public authority responsible for preparing the draft decision.

[Art. 12 amended by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

#### Article 12<sup>1</sup>. Notice of withdrawal of a draft decision from the preparatory process

In case of withdrawal of a draft decision from the drafting process, the public authority that initiated the drafting process shall place the notice of withdrawal on the official website, stating the reason for the withdrawal.

[Art. 12<sup>1</sup> introduced by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

### Chapter III

#### TRANSPARENCY OF THE DECISION-MAKING PROCESS

##### Article 13. Participation in public meetings

(1) Meetings of public authorities concerning decision-making shall be public, except in cases provided by law.

(2) The notice of the public meeting shall be placed on the official website of the public authority, sent by electronic mail to interested parties, posted at the headquarters of the public authority in a publicly accessible place and/or broadcast in the central or local media, as the case may be, containing the date, time and place of the public meeting, as well as its agenda. The notice of the public meeting shall be made public at least 3 working days before the date of the meeting.

(3) Interested persons shall participate in public meetings within the limit of available seats in the meeting room and in the order of priority determined by the person chairing the meeting, taking into account the interest of citizens, associations established in accordance with the law, other interested parties in the subject of the public meeting.

[Art. 13 amended by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

##### Article 14. Adoption of decisions as a matter of urgency

(1) In the case of exceptional situations, the regime of which shall be established by law, as well as in the case of acts to be adopted by the Central Electoral Commission during the

electoral period, draft urgent decisions may be submitted for preparation and adoption without observing the stages provided for by this Law.

(2) The justification of the necessity to adopt the urgent decision without consulting the citizens, associations established in accordance with the law, other interested parties shall be made known to the public within 10 working days from the adoption of the decision, at the latest, by posting it on the website of the public authority, by displaying it at its headquarters in a publicly accessible place and/or by broadcasting it in the central or local media, as the case may be.

[Art. 14 supplemented by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

[Art. 14 supplemented by Law no. 216 of 17.09.2010, in force as of 01.10.2010]

#### **Article 15.** Informing the public of decisions taken

Public authorities shall ensure access to the decisions adopted by publishing them in the manner prescribed by law, by posting them on their official website, by displaying them at their headquarters in a place accessible to the public and/or by broadcasting them in the central or local media, as appropriate, and by other means prescribed by law. [Art.15 supplemented by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

#### **Article 16.** Reports on transparency in the decision-making process

(1) Public authorities shall draw up and make publicly available annual reports on transparency in the decision-making process, including:

- a) the number of decisions taken by that public authority during reference year;
- b) the total number of recommendations received in the decision-making process
- c) the number of consultative meetings, public debates and public meetings held;
- d) the number of cases in which actions or decisions of the public authority have been challenged for failure to comply with this Law and the sanctions imposed for violation of this Law.

(2) The annual report on transparency in the decision-making process shall be made public in accordance with the law not later than the end of the first quarter of the year immediately following the reference year.

#### **Article 16<sup>1</sup>.** Liability for lack of transparency in the decision-making process

Failure to comply with the provisions of this Law shall constitute a disciplinary offense and shall be sanctioned in accordance with the provisions of the **Labour Code** or special legislation. Individuals and persons in positions of responsibility shall be liable for contravention in accordance with the **Contravention Code** of the Republic of Moldova.

[Art. 16<sup>1</sup> supplemented by Law no. 161 of 07.07.2016, in force as of 28.10.2018]

[Art. 16<sup>1</sup> introduced by Law no. 105 of 12.06.2014, in force as of 11.07.2014]

### Chapter IV

#### FINAL AND TRANSITIONAL PROVISIONS

#### **Article 17.** Entry into force of this Law

This law shall enter into force 3 months after the date of its publication.

#### **Article 18.** Organization of the enforcement of this Law

The Government within 3 months:

- a) shall submit proposals to Parliament for bringing the legislation in force into in accordance with this Law;
- b) shall bring its normative acts in line with this law;

c) shall draft and adopt the normative acts necessary for the enforcement of this Law.

PRESIDENT OF THE PARLIAMENT

Marian LUPU

Chisinau, November 13, 2008. No. 239-XVI.