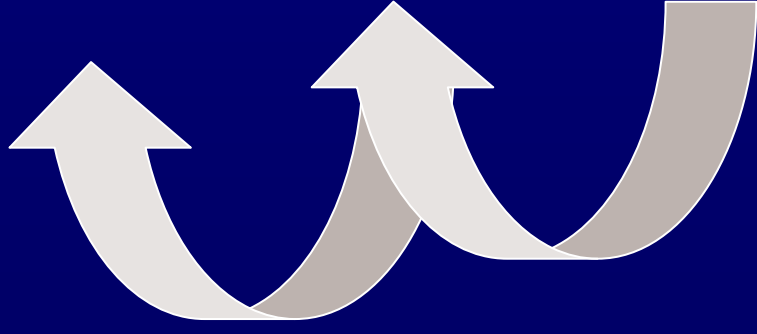


# **Anti-corruption expertise of draft legislative and regulatory acts**



**Republic of Moldova**

# Advantages of corruption prevention

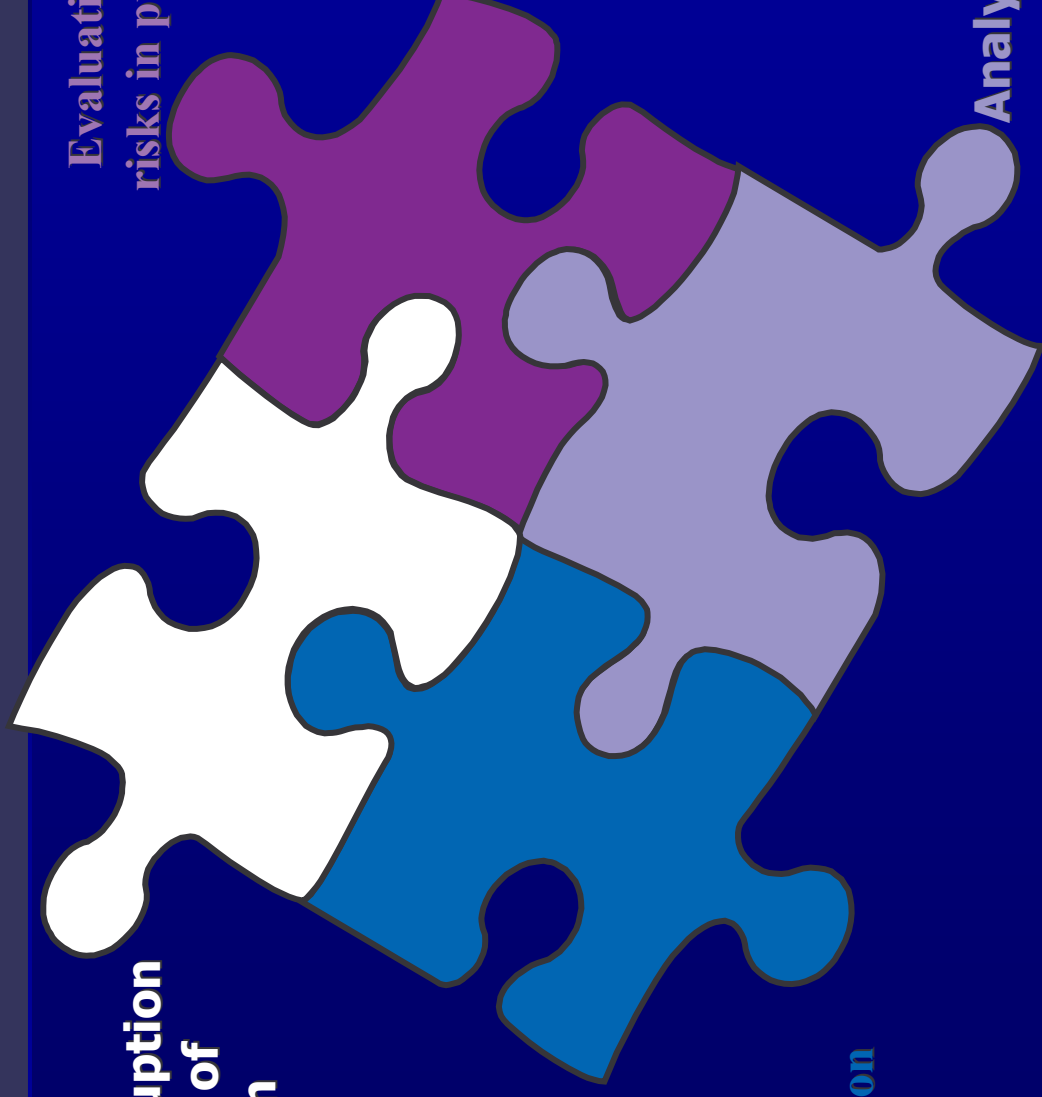


**Effects at all levels (individual, sectorial, general)**

**Enjoys public trust and support**

**Demands less expenses**

# Tools of the sectorial corruption prevention



**Anti-corruption  
expertise of  
legislation**

**Evaluation of corruption  
risks in public institutions**

**Public opinion  
analysis**

**Analysis of crimes**

# Relevant legislative framework:

- Law no. 780-XV from 27.12.2001 on legislative acts;
- Law no. 317-XV from 18.07.2003 on the regulatory acts of the Government and other central and local administration bodies;
- Law no. 1104-XV from 06.06.2002 on Centre for Combating Economic Crimes and Corruption;
- Regulatory act of The Government no. 977 from 23.08.2006 on anti-corruption expertise of draft legislative and regulatory acts;
- Methodology on conducting anti-corruption expertise of draft legislative and regulatory acts.

# Used terms:

**Anti-corruption expertise of draft legislative and regulatory acts: the process of assessing the compliance of the draft legislative and regulatory acts contents with national and international anti-corruption standards, in order to identify the corruptibility factors and to draw up recommendations for excluding them or reducing their effects.**

**Corruptibility of legal provisions: the eventual capacity of the legal provisions to generate or favor corruption acts after its enforcement.**

**Factors of corruptibility: the legal constructions and solutions which, upon enforcement, generate or enhance the risk or corruption manifestations' occurrence.**

# The objectives of expertise:

- to identify provisions which contradict or do not adequately fulfill national and international anti-corruption standards;
- to identify provisions which are likely to generate or favor manifestations of corruption;
- to provide recommendations for excluding or reducing eventual effects of the legal provisions corruptibility.

# Stages of the expertise:

## General evaluation:

Justification of the  
Draft

The compatibility  
of the draft with  
national  
and  
international  
anti-corruption  
standards



## Substantive evaluation:

Factors of corruptibility  
of the legal provisions

Conclusions and  
recommendations on  
removing or  
reducing the effects  
of the corruptibility  
factors



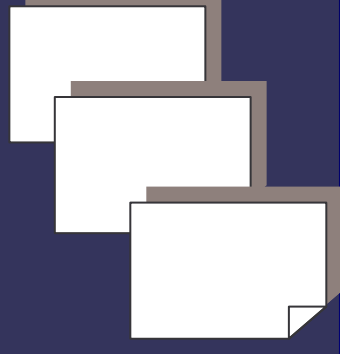
Report  
drawing up

# Typology of the corruptibility factors:

- **ambiguous linguistic formulation;**
- **conflict of legal provisions;**
- **inside and outside reference provisions;**
- **excessive discretion of the public authorities;**
- **excessive requirements for persons to fulfill their rights;**
- **limited access to information and lack of transparency;**
- **lack/insufficiency of control mechanisms;**
- **inadequate responsibility and sanctions for violations.**



# Expertise report



## Formal conditions:

To be written in a coherent and consequent manner;

To be written in an accessible language;

To ensure the correctness and clarity of legal expressions;

To observe the uniformity of the terminology used.

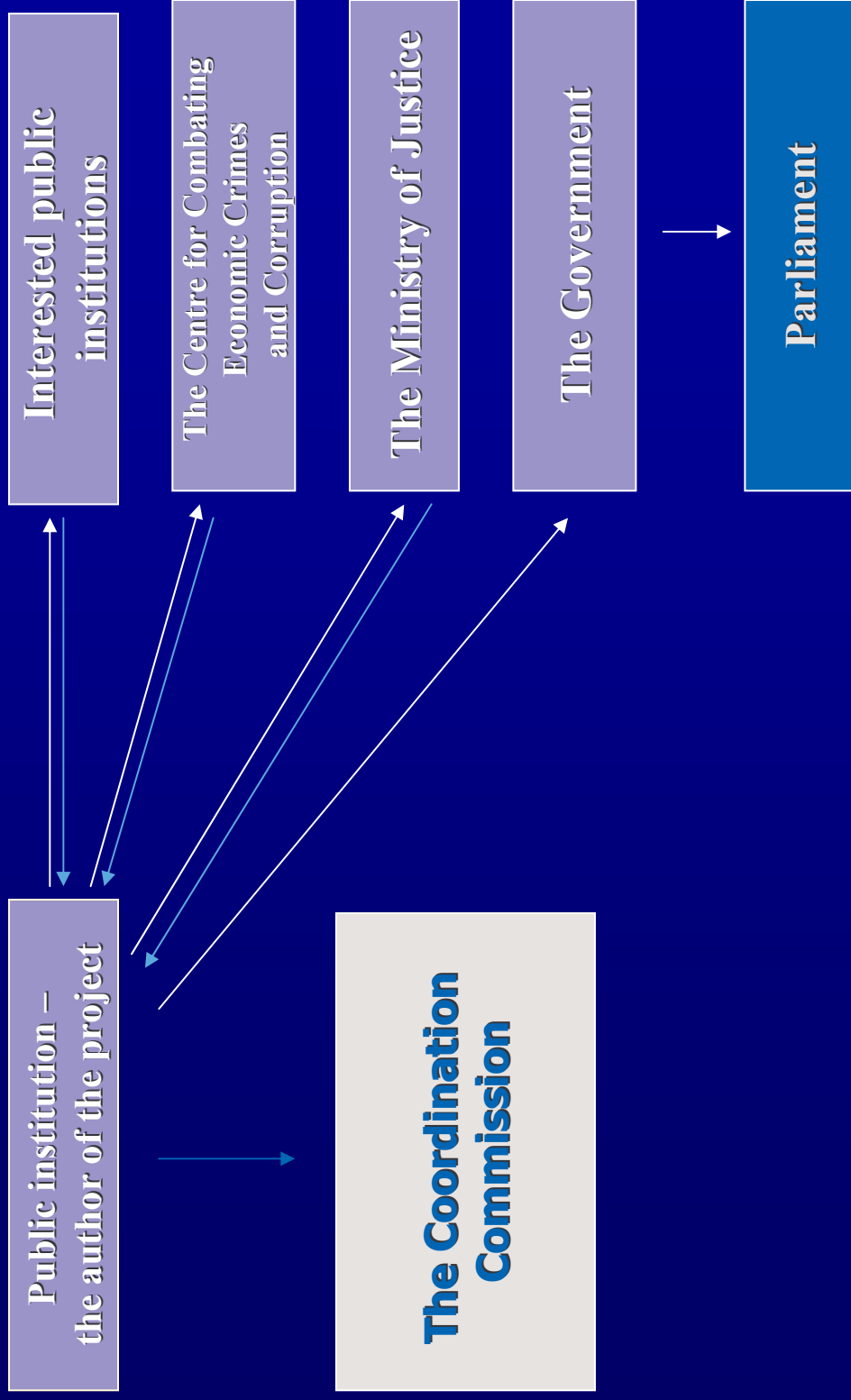
## Substantive conditions:

To contain the date and place of its drawing up, the name of the author;

To contain conclusions on both general and substantive evaluations of the corruptibility of the draft provisions;

To contain concrete recommendations on removal or reduction of factors of corruptibility effects as well as recommendations, if the case is, on supplementing the draft with corruption prevention norms.

# Organizational process of expertise



# Our resources and advantages:

- support of the Joint Project of the European Commission and the Council of Europe against Corruption, Money Laundering and Terrorist Financing in the Republic of Moldova (MOLICO);
- specialized division in expertise realization (12 experts);
- possibility to involve in expertise realization of operative investigators;
- possibility to involve in expertise realization of national experts from NGO-s, educational and academic sector;
- our expertise is obligatory.

# The Centre for Combating Economic Crimes and Corruption



[www.cccec.md](http://www.cccec.md)