

Final Methodology for the Independence Index of key public institutions in Moldova

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Project

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

Objective

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

Activities

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

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

Timeline

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

Methodology description

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

The indicators

ID	Nr.	Independence criterion	Points for agencies without a management board	Points for agencies with a management board	Source
IN01	I.	Appointment of the Governing Body and Board Members			
IN0101	1	The governing body is comprised of multiple persons	1,00	N/A	Collection of Laws
IN0102	1.1.r	The agency's head does not participate in the election of board members	N/A	0,33	Collection of Laws
IN0103	1.2.r	The agency's head cannot hold a position on the board	N/A	0,33	Collection of Laws
IN0104	1.3.r	Board members are not employees of the agency	N/A	0,33	Collection of Laws
IN0105	2 / 2.1.	Members of the governing body are not replaced simultaneously	0,50	0,38	Collection of Laws
IN0106	2.2.	Board members are not	N/A	0,13	Collection of Laws

		replaced simultaneously			
IN0107	3	Members of the governing body are appointed in various ways (by different authorities)	0,50	0,50	Collection of Laws
IN0108	4 / 4.1.	The head of the agency is nominated by a collective body	1,00	0,75	Collection of Laws
IN0109	4.2.	Board members are nominated by a collective body	N/A	0,25	Collection of Laws
IN0110	5 / 5.1.	Members of the governing body are elected by multiple actors	1,00	0,75	Collection of Laws
IN0111	5.2.	Board members are elected by multiple actors	N/A	0,25	Collection of Laws
IN0112	6.1.	Candidates for the governing body position must meet specific education requirements	0,33	0,33	Collection of Laws
IN0113	6.2.	Candidates for the governing body position must meet specific work experience requirements	0,33	0,33	Collection of Laws
IN0114	6.3.	Candidates for the governing body position must meet specific requirements regarding their political independence	0,33	0,33	Collection of Laws
IN0115	7	Members of the governing body are not allowed to hold certain offices after their office term ends	1,00	1,00	Collection of Laws
IN0116	8	Term of office of members of the governing body is limited	1,00	1,00	Collection of Laws
IN0117	9	The appointment is only renewable once	1,00	1,00	Collection of Laws

IN0118	10	Public hearing is part of the selection process for governing body positions	1,00	1,00	Collection of Laws
IN0119	11	CVs of members of the governing body are publicly available	1,00	1,00	Official website of the agency, google search, or official information request
IN0120	12	Members of the governing body were not politically active 2 years prior to being appointed	1,00	1,00	Official website of the agency, google search, or official information request
			11,00	11,00	
ID	Nr.	Independence criterion	Points for agencies without a management board	Points for agencies with a management board	Source
IN02	II.	Dismissal of Appointees			
IN0201	1	Dismissal of agency's head is possible for reasons related to policy, at regulator's discretion, if the appointed head of agency has been convicted of a crime or if he no longer meets the political independence criteria	3	2,25	Collection of Laws
IN0202	1.1. / 1.1.r	Dismissal of agency's head is only possible for reasons related to policy	(1)	(0,75)	Collection of Laws
IN0203	1.2. / 1.2.r	Dismissal of agency's head is only possible at regulator's discretion	(2)	(1,5)	Collection of Laws

IN0204	1.3. / 1.3.r	Dismissal of agency's head is only possible if the appointed head of agency has been convicted of a crime or if he no longer meets a political independence criterion	(3)	(2,25)	Collection of Laws
IN0205	1.r	Dismissal of a board member requires justification	N/A	0,75	Collection of Laws
IN0206	2 / 2.1.	Dismissal of the agency's head must be carried out by multiple authorities	1	0,75	Collection of Laws
IN0207	2.2.	Dismissal of a board member must be carried out by multiple authorities	N/A	0,25	Collection of Laws
			4,00	4,00	
ID	Nr.	Independence criterion	Points for agencies without a management board	Points for agencies with a management board	Source
IN03	III.	Sovereignty and Constitutional Basis			
IN0301	1.1.	The agency has a legal basis in the Constitution of the Republic of Moldova	0,4	0,4	Constitution of the Republic of Moldova
IN0302	1.2.	Agency's head appointment procedure is defined in the Constitution of the Republic of Moldova	0,2	0,2	Constitution of the Republic of Moldova
IN0303	1.3.	Agency's head deputy appointment procedure is defined in the Constitution of the Republic of Moldova	0,2	0,2	Constitution of the Republic of Moldova

IN0304	1.4.	Constitutional majority is required for the election of the agency's head or a member of the body	0,4	0,4	Constitution of the Republic of Moldova
IN0305	1.5.	Formation of the agency's budget is defined in the Constitution of the Republic of Moldova	0,4	0,4	Constitution of the Republic of Moldova
IN0306	1.6.	Agency's competencies are defined in the Constitution of the Republic of Moldova	0,4	0,4	Constitution of the Republic of Moldova
IN0307	2	The agency is established outside of direct government influence (the agency is not one of central government bodies)	1	1	Collection of Laws
IN0308	3	The agency is sovereign in its decisions	1	1	Collection of Laws
IN0309	4	Agency's budget is separately appointed within the state budget	1	1	Collection of Laws
IN0310	5	The agency is funded from multiple sources (excluding EU funds)	1	1	Collection of Laws
IN0311	6	The agency has the authority to decide on its own internal organisation	1	1	Collection of Laws
IN0312	7	Agency's head is not appointed solely by government	1	1	Collection of Laws
IN0313	8	The agency is solely responsible for staffing its own employees and filling its own managerial positions	1	1	Collection of Laws
			9,00	9,00	

ID	Nr.	Independence criterion	Points for agencies without a management board	Points for agencies with a management board	Source
IN04	IV.	Income of Appointees and Employees			
IN0401	1.1. / 1.1.r	Average gross monthly wage of agency's head	(2)	(1,5)	Official information request, Annual report
IN0402	1.2. / 1.2.r	Average gross monthly wage of agency's head deputy	(1)	(0,75)	Official information request, Annual report
IN0403	1.3. / 1.3.r	Average gross monthly wage of high ranking officers	3	2,25	Official information request, Annual report
IN0404	1.r	Average gross monthly wage of board members	N/A	0,75	Official information request, Annual report
IN0405	2	Average gross monthly wage of employees	2	2	Official information request, Annual report
			5,0	5,0	

Note: R, r – Valid for agencies with management boards

Nr.	Score for each category	Points for agencies without a management board	Points for agencies with a management board
I.	Appointment of the Governing Body and Board Members	11,0	11,0
II.	Dismissal of Appointees	4,0	4,0
III.	Sovereignty and Constitutional Basis	9,0	9,0
IV.	Income of Appointees and Employees	5,0	5,0
	Total max.	29,00	29,00

The list of monitored institutions

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