

## **New law for defence and security procurement**

The Moldovan authorities want a relevant regulatory framework for defence and security procurement. A [draft law on procedures for the award of certain works, supply and service contracts by contracting authorities or entities in the fields of defence and security](#) has been prepared by the Ministry of Finance and the Ministry of Defence and has been submitted for public consultation.

In the project's [Information Note](#) it is mentioned that the project is developed in accordance with the [National Action Plan for the Accession of the Republic of Moldova to the European Union \(EU\) for the years 2024-2027](#) to regulate the mechanism of organization and conduct of public procurement in the fields of defense and security. It is also noted that following the assessment of the Republic of Moldova's performance in public administration in accordance with SIGMA's "Principles of Public Administration", SIGMA experts found that the Republic of Moldova has not made progress in transposing the EU Directive on public procurement in the field of defence and security. Thus, the need arose to draft a law on defence and security procurement aligned with the EU Directive on defence and security procurement.

"Defence and security procurement has specific characteristics and cannot be organized according to the general regulatory framework. At the moment defence and security procurement is organized under the exceptions approved in Art. 5 lit. (l) and (i) of Law No. 131/2015 and Art. 66 of Law No. 181/2014. The current legislative framework does not expressly regulate the mode of procurement in the field of defence and security, which leaves room for interpretation and ambiguity in the management of this sector," the Information Note states.

It is also mentioned that many producing countries impose certain restrictions on export authorizations, impose certain specific procedures (e.g. advance payment before the start of production, average production time, end-user control, specific rules on the procurement of maintenance and training services, etc.) "All these aspects make it impossible to procure defence and security goods and services through classical procurement procedures, which in turn require the approval of special rules," the Information Note says.

**Author: Institute for Development and Social Initiatives (IDIS) "Viitorul"**