



## **The draft of the new public procurement law, discussed at a new meeting of the Public Procurement Monitoring Coalition**

The members of the Public Procurement Monitoring Coalition met on Tuesday, January 28, 2025, in its meeting No. 7 which was dedicated to the discussion of the draft of the new Public Procurement Law, which was [published](#) for consultation by the Ministry of Finance in December 2024. In the context in which it obtained the status of a candidate country for EU accession, the Republic of Moldova undertook to align its national legislation with the Community acquis, which implies the gradual integration of European norms.

During the meeting, the Ministry of Finance presented the draft of the new law and the main changes compared to the current legal framework. The IDIS experts presented an analytical note on the provisions of the draft of the new law, with the formulation of comments and recommendations for improvement, while the members of the Coalition presented their experience regarding the implementation of the current legislation, the challenges they face in the process of applying the law, but they did and recommendations.

Carolina Ungureanu, deputy director of IDIS "Viitorul", stated at the opening of the meeting that the field of public procurement has been in the sights of IDIS "Viitorul" for several years, especially the training and capacity building of civil society to monitor public procurement procedures. IDIS is also focused on the creation of procurement monitoring tools, such as the Red Flags Guide in Public Procurement, to facilitate the activity of organizations monitoring procurement procedures, of contracting authorities, to be able to spot potential illegalities. Carolina Ungureanu also emphasized that IDIS has launched communication platforms between different actors in the public procurement sector. "The Republic of Moldova is committed to the alignment of national legislation with European directives, and one of the requirements is to have a new procurement law and not amendments to Law 131, to be fully consistent with the community acquis", said Carolina Ungureanu.

Ana Luca, deputy secretary general of the Ministry of Finance, welcomed the receptivity of civil society to participate in the presentation of the draft of the new law on public procurement. "Through this draft law, we aimed to ensure the transposition of three normative acts to the EU acquis. This project, which is currently subject to public consultations, is proposed to be adopted by the Parliament in June-July. This is the first presentation session for actors involved in the public procurement process. We propose to have a series of such sessions, to have more reactions, comments, and proposals, to improve, develop, and adjust the draft of the new law. The law should enter into force on January 1, 2027, as we are in discussions with the World Bank to develop a single e-procurement system, which would ensure the full application of the draft of the new law. The currently existing e-procurement platform will no longer be functional", said Ana Luca.

Sergiu Căinăreanu, head of the Public Procurement Directorate, Ministry of Finance, presented the provisions of the draft of the new public procurement law, noting that the option of drafting a new normative act was adopted because an amendment to Law No. 131 was impossible to achieve, the adjustments were to be many, extensive, substantial and different from the current project. "This new law has several objectives. The basic one is alignment with European standards. Then we have the transparency, efficiency, and fairness of using public money. Some shortcomings, that exist in current legislation have been excluded. Before implementing this new law, several systems must be put in



place, including that of professionalization. Until the law enters into force, we must make sure that all the actors involved are prepared to work according to this new law, which is not easy at all", said Sergiu Căinăreanu.

Diana Enachi, project coordinator at IDIS "Viitorul", presented an analytical note on the draft of the new law on public procurement, which she elaborated together with the legal expert Viorel Pîrvan. According to the authors, the draft of the new law contains several clarifications of the currently deficient rules and provisions that should improve the procurement process. However, in some aspects, there are different maybe even opposite views, which makes it necessary to discuss and analyze them with all actors to have a law that ensures a transparent and efficient procurement process.

"First of all, it should be emphasized that in the process of the drafting and of public consultation of the project, the provisions of the Law regarding transparency in the decision-making process were mostly respected. Regarding the content, we have several proposals to avoid vague formulations, which generate discretion, abusive interpretations, and, respectively, risks in the implementation of the law. At the same time, we formulated proposals regarding the small value procurement thresholds, clear rules to avoid conflicts of interest, the award criteria, a new guarantee for the offer, and additional agreements to increase the procurement contracts, among others", stated Diana Enachi.

The expert of the NGO "Implicare Plus", Valeriu Ciorba", said that, currently, the contravention liability mechanism related to the field of public procurement is non-functional. It is noted that the normative deficiencies and the lack of the mechanism of bringing contravention liability in the public procurement process are risk factors that lead to the non-application of contravention coercion measures in public procurement and the generation of risks of fraud and corruption.

The members of the Public Procurement Monitoring Coalition formulated a series of recommendations on the draft of the new law, mainly intended to support transparency, the responsibility of the authorities in the public procurement process, and a public procurement process that ensures adequate value for public money. All recommendations will be analyzed and integrated into the Note with proposals and will be forwarded to the Ministry of Finance in the public consultation process.

The Public Procurement Monitoring Coalition was created at the initiative of the Institute for Development and Social Initiatives (IDIS) "Viitorul" and aims to support reforms in the field of public procurement in the Republic of Moldova. The Coalition includes over 20 civil society organizations, investigative journalists, experts, and independent monitors from the Republic of Moldova.