



NPPP members discussed the draft of the new public procurement Law.

The members of the National Platform for Public Procurement (NPPP) met in the fourth working session, on Thursday, January 30, 2025, dedicated to the presentation and discussion of the provisions of the draft of the new public procurement law, which was published for public consultation by the Ministry of Finance in December 2024. The need to develop the new law emerged together with the status of a candidate country for accession to the European Union (EU), as the Republic of Moldova undertook to align the national legislation with the *acquis Communautaire*, 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, Diana Enachi and Viorel Pîrvan, presented an analytical note on the provisions of the draft of the new law, along with comments and recommendations for their improvement. Olga Pisarenco, head of the procurement and contract management department of the National Bank of Moldova, also made a presentation on the new law. The NPPP members commented on the new provisions, submitting recommendations.

Carolina Ungureanu, deputy director of IDIS "Viitorul", stated at the opening of the meeting that the Ministry of Finance is a key actor of NPPP, which requested the involvement of NPPP members in the consultation of the draft of the new law on public procurement. "We have a document that promises to facilitate the activity of contracting authorities, economic operators, but also civil society, regarding public procurement procedures. We want to analyze what we can propose to improve the draft of the new law, which has been published for consultation. We thought that it would be good for as many people as possible to propose this aspect," said Carolina Ungureanu.

Ana Luca, deputy general secretary of the Ministry of Finance, mentioned that for the institution she represents, any feedback is important for improving the draft of the new law. "We are committed to fully align the national legislation to the EU *acquis*, in what concerns Chapter V – Public Procurement. These commitments can be found in the national accession plan, where it is specified that in 2027 the Republic of Moldova must become aligned to the EU regulations and directives in the field of public procurement. This project will be submitted, necessarily, to the EU in order to receive approval from the partners as well", mentioned Ana Luca.

According to **Sergiu Căinăreanu**, head of the Public Procurement Directorate within the Ministry of Finance, who presented the provisions of the draft of the new public procurement law, the main purpose of the document is to increase the level of transparency and efficiency of the public procurement process, but also the integrity in the use of public funds. "The draft of the new law regulates the scope, existing exceptions, general principles, procedures, specific tools and techniques, procedural and transparency requirements, the method of selecting participants and awarding contracts, the attributes of relevant institutions, etc.," said Sergiu Căinăreanu.

IDIS "Viitorul" experts, Diana Enachi and Viorel Pîrvan, developed an analytical note on the draft of the new law on public procurement.

According to **Diana Enachi**, the new document contains several clarifications of the rules that are currently deficient, as well as provisions that help improve the procurement process. Although, on some



aspects, there are different views on some provisions of the new law, even contradictory views, the project coordinator at IDIS "Viitorul", stated that the document must be discussed and analyzed with all actors in the field to have a law that ensures a transparent and efficient procurement process. "We have several proposals to avoid vague wording, which generates discretion, abusive interpretations, and risks in implementing the law. We have proposals aimed at value thresholds, allocation, rules to avoid conflicts of interest, award criteria, a new guarantee for the offer, additional agreements to increase the procurement contracts, etc.", stated Diana Enachi.

Viorel Pîrvan, a legal expert, stated that the text of the law is difficult to understand even by specialists in the field and doubted that the document would be understood by other members of society. In his opinion, the transposition of the EU norms into the national legislation does not mean that the provisions of the directives are copied, which must be adapted and adjusted to the realities of the Republic of Moldova.

Olga Pisarenco, head of the procurement and contract management department of the National Bank of Moldova (NBM), specified that the new law is much clearer in some respects, some changes are significant on several key aspects, but there are also challenges that need to be solved. "These provisions remain to be applied in practice, we must be careful not to exceed the legal powers," said Olga Pisarenco.

Mariana Kalughin, a representative of Transparency International Moldova, specified the fact that big laws everywhere represent a risk of abuse by their very volume, which makes them less transparent. However, the investigative journalist appreciated the efforts of the authorities to draft a new law, which is much better than the previous one.

During the meeting, NPPP members developed a series of recommendations, which were integrated into a note with proposals.

The Institute for Development and Social Initiatives (IDIS) "Viitorul" launched, in December 2023, the National Platform for Public Procurement (NPPP), a national discussion forum, a permanent mechanism for communication and dialogue between actors in the public procurement sector - authorities responsible for policies, control, regulation, contracting authorities/entities, economic operators and representatives of civil society. NPPP members represent authorities and organizations interested in the operation and viability of the national public procurement system.