

## Annex I

### State Measures for Strengthening Business Integrity

In line with a number of resolutions of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC), including, inter alia, resolutions 5/6, 6/5, 9/6 and 9/8, as well as the commitments made by States parties in the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly at its special session against corruption held in 2021, the secretariat is seeking information on good practices, practical examples and lessons learned by States parties on the engagement of the private sector and the use of sanctions and incentives to strengthen business integrity in the last decade. The answers provided by States parties will be used to update the 2013 UNODC publication “A Resource Guide on State Measures for Strengthening Corporate Integrity” ([English](#) - [Spanish](#) - [Russian](#)) and to develop an e-learning tool that will further support States parties’ efforts to strengthen business integrity.

The Resource Guide provides a catalogue of measures that States parties can adopt to promote business integrity and the reporting of corruption involving the private sector. The Resource Guide features three chapters: i) The United Nations Convention against Corruption and the private sector, which describes the articles of the Convention that frame State interaction with the private sector; ii) Engaging the private sector, which outlines the business case for countering corruption with an emphasis on governance and other factors that can drive business integrity; and iii) Using sanctions and incentives, which describes the range of sanctions and incentives that have been developed to prevent and address corruption involving the private sector.

The secretariat invites States parties to disseminate this questionnaire among relevant stakeholders, with a view to identifying internal measures adopted by private sector organizations to prevent and counter corruption. Respondents may choose to answer the whole questionnaire or only sections that are applicable and relevant to a State party. The secretariat would especially welcome the provision of illustrative examples.

Respondents’ contact details will be kept confidential, but submissions will be made public unless a State party requests otherwise. The secretariat may contact a respondent to seek additional information.

To facilitate the process of providing information, the Government may wish to complete the [online questionnaire](#) (English only). Alternatively, the Government may wish to submit the questionnaire to the secretariat by email to [florian.lair@un.org](mailto:florian.lair@un.org) and [sabrina.dandrea@un.org](mailto:sabrina.dandrea@un.org) at its earliest convenience but no later than **31 October 2022**.

## Questionnaire

### **Chapter 1 – The United Nations Convention against Corruption (UNCAC) and the private sector**

*Background: It is important that States' legislative and other measures contain sufficient detail to inform the private sector of their requirements and scope of application. In line with the principle of legal certainty, it is important to have clear provisions outlining prohibited conducts and consequences to the private sector.*

**1(a)** Please describe (cite or summarize) good practices and/or examples of measures taken by your country to promote business integrity and/or reporting of corruption in the private sector in line with the United Nations Convention against Corruption.

***The National Integrity and Anticorruption Strategy for the years 2017-2023 (NIAS)** represents the main public policy tool intended to systematize and streamline the efforts of public entities in the field of preventing and combating corruption. The Strategy is developed on 8 pillars of integrity, one of which is Pillar VII. Private Sector.*

*The Objective of Pillar VII is “Promoting a competitive, fair business environment based on corporate integrity standards, transparency and professionalism in interaction with the public sector”.*

*The sector's priorities established in the Action Plan are: VII.1. Transparency of private sector in relations with public sector; VII.2. Increasing integrity in the activity of enterprises with full or majority state/municipal shares; VII.3. Business ethics.*

*The Action Plan includes 10 actions with different periods of implementation for each action, intended to achieve the impact indicators established in the Strategy. Moreover, the plan also includes a series of actions with permanent term of implementation and annual evaluation of progress indicators.*

*The respective activities foresee commitments from both the private sector and the public sector, with such actions as amending legislation (which implies a longer period of implementation, taking into account the necessity of assessing best international practices, their adjustment to the national context), establishing platforms of communication with the private sector in the fields relevant to counteracting corruption (action promoted directly by the National Anticorruption Centre (NAC) of the Republic of Moldova through the means of organizing the “Anticorruption cooperation platform with the private sector” as well as more pro-active actions, i.e. **corruption risk assessment of the legislation and activity of state/municipal enterprises** (only these entities are subject to the law on the assessment of institutional integrity, no.325/2013) and other activities performed by the authorities enabled with control over the activity of the private sector. Increasing the efficiency in implementing the actions implies the necessity of enhanced communication among public entities, as well as on the public-private level in order to establish optimal path for the Republic of Moldova in strengthening integrity of the business environment.*

***The legal framework** governing the work of NAC on anti-corruption prevention and regulating business integrity, ethical standards, rules of conduct, conflicts of interest and related matters comprises:*

- ✓ *Integrity Law No. 82/2017 includes Chapter V “Enhancing integrity in the private sector”, inclusive:*

*Article 37. Measures for building integrity in the private sector in relations with the public sector;*

*Article 38. Compliance with the restrictions and limitations for former public agents;*

*Article 39. Business ethics;*

*Article 40. Internal managerial control systems;*

*Article 41. Transparency of shareholding, founders, administrators, and effective beneficiaries of commercial organizations;*

*Article 42. Transparency of the private sector's business with the state.*

- ✓ *Law on State enterprise and municipal enterprise No. 246/2017 regulates in Chapter V "Conflict of interests" and Chapter VI "Disclosure of information by the state enterprise and the municipal enterprise".*

*At the same time, the Article 11 "Audit of financial statements" specifies that the annual financial statements of state-owned enterprises are subject to mandatory external audit. The Regulation regarding the selection of audit entities and the terms of reference for auditing the individual financial statements of state/municipal enterprises and joint-stock companies in which the state's share exceeds 50% of the share capital, is approved by Government Decision no. 875/2015.*

- ✓ *Law on internal public financial control No. 229/2010, the provisions of which also apply to state/municipal enterprises, commercial companies with full or majority public capital. In Chapter II, rules regarding internal managerial control" are regulated and Chapter III "Internal Audit.*
- ✓ *Law on whistleblowers No. 122/2018, whose subjects are also private entities.*
- ✓ *Law on public procurement No. 131/2015 regulates in Article 42 "Corruption in public procurement procedures":*

*(1) The contracting authority shall reject the tender if it finds that the economic operator that has submitted it proposes or agrees to propose, directly or indirectly, to any person in charge or to any employee of the contracting authority a favour in any form whatsoever, An offer of employment or any other service as a reward for certain actions, decisions or the application of a public procurement procedure to its advantage.*

*(2) Rejection of the offer and reasons for rejection shall be recorded in the tender notice and shall be immediately communicated to the economic operator concerned.*

*(3) The Public Procurement Agency / contracting authority and / or economic operator shall report immediately to the competent authorities any case of corruption or attempted corruption committed by the economic operator or the representative of the contracting authority.*

*(4) Corrupt procurement contracts, confirmed by the final decision of the court, are null.*

- ✓ *The Criminal Code of the Republic of Moldova, approved by the Law No. 985-XV/2002, includes Chapter XVI "Crimes committed in private sector"*

*Article 333 "Taking bribes"*

*Article 334 "Giving bribes"*

*Article 335 "Abuse of Official Positions"*

*Article 335<sup>1</sup> "Falsification in accounting documents"*

- ✓ *The corporate governance code, adopted by the National Commission for Financial Market by Decision no. 67/10 of 24.12.2015 (Published in the Official Gazette No. 49-54 and entered into force on 04.03.2016). Subjects of the Corporate Governance Code are all entities of public interest, namely, entities whose securities are admitted to trading on a regulated market; the bank; insurer (reinsurer)/insurance company; body for collective investment in securities with legal personality; large entity that is a state enterprise or a joint-stock company in which the state's share exceeds 50% of the share capital.*
- ✓ *Law on the declaration of assets and personal interests, No. 133/2016, includes Chapter IV "Incompatibility and restrictions", including:*

*Article 18 "Restrictions on the termination of employment or service agreements"*

*Article 19 "Restriction in case of commercial agreements conclusion"*

- (1) If a subject of the declaration ceases to fulfill his/her obligations undertaken in a public organisation, the company in which he/she or persons close to him/her have shares or work as part of the management or oversight structures, he/she has no right, for a year, to conclude any commercial agreements with the authority where he/she worked.*

*Article 20 "Restrictions on representation" - The subjects of the declaration who have terminated their employment or service agreements may not represent, for a year, the interests of natural persons*

or legal entities in the public organisation where they worked nor can they represent natural persons or legal entities on issues regarding the professional duties they previously carried out.

*Article 21 “Restrictions on advertising”*

- ✓ Law on joint-stock companies No. 1134-XIII/1997, which includes Chapter 17 "External control/audit" and Chapter 18 "Disclosure of information".
- ✓ Law on entrepreneurship and enterprises No. 845-XII/1992, includes Article 12. "Control over entrepreneurial activity".
- ✓ Law on state control over entrepreneurial activity No. 131/2012.
- ✓ Law on institutional integrity assessment N. 325/2013, the subjects of which are all public entities, including state or municipal enterprises, joint-stock companies in which the state holds the majority stake.

*In terms of the role and activity of the **Ministry of Finance of the republic of Moldova** (including the administrative authorities under its subordination - State Tax Service, Customs Service and Public Procurement Agency), it has interaction with the business environment in the process of tax and customs administration and in the process of monitoring the correct award of public procurement contracts.*

▪ *On the tax administration side*

*On the official website of the State Tax Service (www.sfs.md) it was developed and placed “The taxpayer’s Rights and Obligations Charter”. The purpose of this action was to ensure the compliance by the taxpayers with the legal rules in the field of taxation.*

*Also, the rights and obligations of the taxpayer within the tax control are published on the version of the Decision on initiating control, which according to the provisions of Article 216 paragraph (2) of the Tax Code, is necessarily handed over to the taxpayers by the fiscal officials delegated to carry out the tax audit.*

*In accordance with the provisions of Law No. 131 of 08.06.2012 regarding state audit of entrepreneurial activity, the procedure for organizing and carrying out tax audit is regulated in order to ensure a higher level of protection for people who carry out entrepreneurial activity. Thus, according to the provisions of the Law, the bodies with audit attributions are obliged to prepare annually the audit plan for the following year and register it in the State Register of Audits by December 1 of the year preceding the calendar year to which the audit plan refers. **The information is similarly public** in the case of audits other than those planned annually (the monthly audit plan), the list of subjects being published on the website of the State Tax Service (www.sfs.md), and subsequently the information is transmitted to the State Register of Audits.*

*In order to reduce the level of corruption within the authority, the SFS **has approved the anti-corruption sector action plan in the fiscal field**, the half-yearly progress reports being published on the official website of the STS and presented in the address of the NAC.*

*Moreover, in order to prevent corruption, the STS has **approved regulations and registers**, namely:*

*The Regulation on how to declare and resolve conflict of interest and the Register of conflicts of interest declarations under the SFS; and*

*Regulation on how to declare and record cases of inappropriate influence and the Register of cases of inappropriate influence.*

*Moreover, on the STS website is published the press release entitled “Ways of communicating with the State Tax Service”, in which is promoted the **anti-corruption telephone line** within the Single call Center of STS.*

*Among the additional measures to increase awareness of integrity and anti-corruption elements, a number of **training activities were carried out**, with the participation of tax officials.*

▪ On the side of customs administration

*The relationship between the business Community and the Customs Service is an integral part of the work of customs authorities. The Customs Service has and applies a number of tools, which are meant to prevent and combat corruption within the customs entity, as well as to promote and ensure an upright way of activity.*

*In this respect, in order to minimize potential incidents of integrity, the implementation of certain procedures can be highlighted as measures to prevent corruption, namely:*

*– the reduction of direct contact between the economic operator and customs officials is carried out by digitizing and automating customs procedures;*

*– streamlining traffic and customs procedures through the implementation of the one-stop shop, extending the joint border control process;*

*– promoting trade facilitation measures through electronic goods declaration and other simplified procedures (approved exporter, AEO, PVD, etc.);*

*– anti-corruption expertise of departmental acts in order to identify the regulatory gaps that create a favorable environment for the emergence and development of corruption;*

*– the establishment, reform and modernization with the support of USAID Program “Structural reforms for Moldova” of the Single Appeal Center of the Customs Service, consisting of two distinct specialized lines – the information line and **the anti-corruption line**, which activates 24/24, being accessible for contact through Viber and WhatsApp applications. In order to notify the specialized subdivisions within the Customs Service about corruption acts, acts of corrupt behavior and other abuses committed by customs officials;*

*– the participation of the integrity subdivision in the consultative committees organized by the Customs Service, in order to identify the issues complained of, inform the business environment about the improvement of customs procedures and recommendations, with the continuous promotion of the principles of ethics and professional culture under the Code of Ethics and Conduct of the customs official;*

*– **approval** and publication on the institutional website **of the sectoral anti-corruption action plan in the customs field** which aims to strengthen the Customs Service activity through the compliant application of the legislation and standards of integrity and anti-corruption, continuous improvement of the regulatory framework, implementation of simplified customs procedures, developing the environment for conducting external economic transactions, developing capacities to prevent corruption and violations of professional ethics;*

*– informing the business environment about actions to promote integrity by organizing and participating in different visibility events (distribution of anti-corruption leaflets, installation of billboards and informative banners in the vicinity of customs posts and customs administrations premises, organization of public events, publication on the institutional website of the leadership’s pro-integrity message;*

*– preventing and counteracting acts of corruption through collaboration and reporting to the competent legal bodies.*

▪ In the field of public procurement

*According to article 19 paragraph (3) letter (h) from Law No. 131/2015 on public procurement<sup>6</sup>, the contracting authority has the obligation to exclude from the procedure of awarding the public procurement contract any bidder or candidate who is in a situation of conflict of interest that cannot be effectively remedied by the measures provided for article 79 of the law. This article provides the rules for avoiding conflict of interest during the application of the procedure for awarding the public procurement contract).*

*Another tool used to strengthen the level of integrity of the private sector, namely the economic agents participating in the public procurement process, is their inclusion in the prohibition list. If the conditions stipulated in Article 14 of the Regulation on the way of drawing up the list of prohibition of economic operators, approved by Government Decision No. 1418/2016, are met.*

*The list of prohibition of economic operators, which according to Article 25 paragraph (1) of Law No.131/2015, represents an official document and is drawn up by the Public Procurement Agency with the aim of limiting, for a period of 3 years, the participation of economic operators in the public procurement procedures provided by law. It is published on the official website of the Public Procurement Agency.*

*The number of economic operators registered in the prohibition list during the years 2015-2021 is presented as follows: in 2015 - 7 operators; in 2016 – 3 operators; in 2017 – 12 operators; in 2018 – 26 operators; in 2019 – 18 operators; in 2020 - 11 operators; in 2021 – 11 operators.*

*For informational use, it is mentioned that the Ministry of Finance ensures transparency and publication on its official website ([www.mf.gov.md](http://www.mf.gov.md)) of all information/reports that may be of interest to the business environment.*

**1(b)** What challenges (if any) did you encounter in developing and/or enforcing such measures?

**1(c)** Please describe the steps you took to overcome such challenges (if any).

**Guidance on 1(a) and 1(b):** Measures could, for example, include policies and/or laws and regulations designed to achieve the following:

- Prevent bribery of national public officials, bribery of foreign public officials and officials of public international organizations, and bribery in the private sector
- Promote private sector transparency
- Promote cooperation between law enforcement agencies and private entities
- Promote cooperation between national authorities and private entities
- Prevent trading in influence
- Prevent conflicts of interest
- Prevent embezzlement of property in the private sector
- Promote the development of standards and procedures to safeguard the integrity of companies
- Ensure that companies have sufficient internal auditing and controls to assist in preventing and detecting acts of corruption
- Introduce or strengthen the liability of legal persons
- Promote public-private communication, cooperation and partnership (e.g., with business associations, networks, individual companies, small and medium-sized enterprises)

## **Chapter 2: Engaging the private sector**

*Background: Anti-corruption programmes, commonly referred to as compliance programmes, are a primary tool used by companies to advance ethical business practices. They provide a framework for articulating the values, policies and procedures used by a company to educate its employees and to prevent, detect and counter corruption in its business operations.*

**2(a)** Please describe (cite or summarize) good practices and/or examples of measures taken by your country to promote integrity through anti-corruption programmes in the private sector.

*The National Anti-corruption Centre (NAC), in accordance with provisions of Law no. 1104/2002, is the national authority specialized in the prevention and fight against corruption, corruption related acts and acts of corruptive behavior.*

*Considering that one of the principles in NAC's activity is the priority of applying corruption prevention methods to those of combating and in order to implement the provisions of Law no. 82/2017 on integrity, National Integrity and Anti-corruption Strategy for the years 2017-2020, approved by Parliament Decision no. 56/2017, expressly regulates the importance and necessity of the development of anti-corruption education by the National Anti-corruption Centre.*

*It should be noted that anticorruption prevention and education activities, organized by the NAC in public institutions and private sector, aim to develop and substantiate the theoretical and practical knowledge of public and private agents in order to properly apply the mechanisms of integrity and promote intolerance to corruption.*

*The anticorruption education provided by NAC is oriented towards **public awareness-raising campaigns through various podcasts and also through games, trainings, consultative and methodological support and information campaigns for public officials/entities and private sector** in implementing the integrity and anti-corruption standards, working with the civil society, public and private agencies and external partners in order to increase the efficiency of prevention mechanisms.*

***The campaign "A prosperous business is an integrity business"**, launched by the United Nations Development Program (UNDP) in Moldova and NAC - As part of the campaign, in order to promote the good business practices in the field of implementing integrity standards, social spots promoting integrity in the private sector were broadcast on several TV stations and social networks. At the same time, through cooperation with the Chamber of Commerce and Industry of the Republic of Moldova, during the annual organization of the **Moldovan Business Gala "Trademark of the Year"**, in 2020, 2021 and 2022, awards were given for the nomination "The implementation of business integrity standards". The contest aimed to support the implementation of integrity standards by private companies, as well as to promote good practices in this field.*

*Thus, at the first edition of the contest, held in 2020, six private companies from the Republic of Moldova became holders of the award for implementing business integrity standards. Six other companies received honorary degrees. At the second edition, in 2021, nine private companies were awarded for implementing business integrity standards. At the 3rd edition, in 2022, six private companies from the Republic of Moldova were awarded for the implementation of business integrity standards.*

*The winners were selected from a larger number of participants and went through several stages of the contest. They proved the implementation of mechanisms to promote integrity and anti-corruption standards in business. The companies presented to the competition jury their own codes of ethics or business conduct, the procedures for reporting irregularities at work and resolving conflicts of interest, the mechanisms for the protection of whistleblowers, as well as those for internal control and declaration and evaluation of gifts.*

**2(b)** Please describe (cite or summarize) good practices and/or examples of measures you have used to encourage transparency, public reporting and/or public participation through your anti-corruption programmes (both for the public and private sectors).

✓ *NAC, according to its competence, also carries out actions to prevent corruption. Thus, alongside the activity of evaluating institutional integrity, anti-corruption education, the **anti-corruption expertise** is also carried out.*

*The **anti-corruption expertise** as a tool for preventing corruption in the Republic of Moldova has been applied since 2006 and represents the process of detailed analysis of the content of the draft normative act and identification of risk factors and corruption risks, as well as the elaboration of recommendations for removing or reducing their effects.*

*According to art. 25 of the Integrity Law, no. 82/2017, anti-corruption expertise is a measure of integrity control in the public sector that is the responsibility of NAC. Art. 27 of the same law provides*

*that the anti-corruption expertise is carried out on the basis of the Methodology for carrying out the anti-corruption expertise of draft legislative and normative acts, approved by the College of NAC, which establishes the objectives and stages of the anti-corruption expertise, the description of the typology of risk factors that determines the emergence of corruption risks and the detailed structure of the anti-corruption proofing expertise.*

*During 2021, NAC elaborated 586 anti-corruption proofing expertises, identifying 2687 corruption factors.*

✓ *NAC, with the support and involvement of UNDP Moldova through the "Curbing corruption by building sustainable integrity in the Republic of Moldova" project, funded by the Ministry of Foreign Affairs of Norway, has developed a new corruption prevention mechanism - **the "reLAWed" platform.***

*In this sense, for the creation of the platform, a Legathon was organized in November 2019 with the generic "Hack corruption. Law to the people", during which 30 young men and women from the Republic of Moldova, passionate about IT, had the opportunity to contribute to the development of the interface of the reLAWed application. The young people were divided into several teams, guided by IT specialists and anti-corruption experts, and the interface and design that now represents the reLAWed platform belongs to the winning team.*

*"reLAWed" is an online platform, an application, which offers the possibility of reporting the legal norms in force with the risk of corruption. Through this platform, any person can get involved in the process of improving the legal framework, identify and communicate the normative acts, which, in his opinion, are deficient, lacunae or interpretable and which, when applied, have generated or can generate acts of corruption, abuse or other illegalities.*

*The objective of the reLAWed application is to increase the quality of normative acts, their uniform and effective application, by identifying and removing corruptible norms.*

*"reLAWed" is a new corruption prevention tool adjusted to the modern trends of digitization of citizens' contact/communication with public authorities. Thus, the aim is also to increase the interest of citizens to contribute, in an easy and convenient way, with signals of concrete legal norms that can generate risks of corruption.*

*The platform can be accessed through the official website of NAC ([www.cna.md](http://www.cna.md)) or from [www.relawed.cna.md](http://www.relawed.cna.md).*

*During 2021, 61 reports submitted through the "reLAWed" platform were received and 56 of them were examined.*

✓ *The responsibility for strengthening institutional integrity, carrying out actions to prevent corruption and establishing integrity tools, including by systematizing and streamlining the efforts of public entities in the field of anti-corruption are coordinated within a single national document - **the National Integrity and Anti-Corruption Strategy (NIAS) for 2017-2023** (adopted by Parliament Decision No. 56/2017, extended by Parliament Decision No. 241 of 24.12.2021 on the amendment of Parliament Decision No. 56/2017 on the approval of the National Integrity and Anti-Corruption Strategy for the years 2017-2020, (in force from 28.01.2022, Official Gazette No. 27-33 art. 32).*

*The present Strategy is the 3rd national strategy in the field of anti-corruption and comes with an innovative approach on several dimensions, in particular, ensuring the recovery of criminal assets, enhancing the integrity of the private sector, guaranteeing respect for fundamental human rights and freedoms, protecting whistleblowers and victims of corruption, strengthening ethics and integrity in the public, private and non-governmental sectors, ensuring transparency of public institutions, transparency of political party financing and media.*

*The document is based on an analysis of the national integrity system (NIS) carried out by Transparency International Moldova, based on established international standards agreed by most countries. The NIS is based on pillar institutions and sectors underpinning the society. Dysfunctional institutions and sectors compromise the NIS and the rule of law in general, affecting social welfare.*



*Therefore, the Strategy was developed based on the NIS assessment and is built on eight pillars of integrity: I. Parliament; II. Government, public sector and local public administration; III. Justice and anti-corruption authorities; IV. Central Electoral Commission and political parties; V. Court of Auditors; VI. Ombudsman; VII. Private sector; VIII. Civil society and the media.*

*Subsequently, the purpose and objectives of the NIAS are interlinked with the United Nations Sustainable Development Goals (SDGs) and namely the Goal 16 of the 2030 Agenda for Sustainable Development which is aimed at Promoting peaceful and inclusive societies for sustainable development, ensuring access to justice for all and creating effective, accountable and inclusive institutions at all levels. In particular, the measures set out in this goal should be taken into account to: [...] significantly reduce illicit financial flows [...], strengthen the recovery and return of stolen assets [...] (16.4); significantly reduce corruption and bribery in all its forms (16.5); develop effective, accountable and transparent institutions at all levels (16. 6.); ensuring responsive, inclusive, participatory and representative decision-making at all levels (16.7); ensuring public access to information and protecting fundamental freedoms [...] (16.10) and promoting and enforcing non-discriminatory laws and policies for sustainable development (16.b).*

*At the same time, NAC, in its capacity as Secretariat of the Strategy Monitoring Groups, is responsible for ensuring the effective management of the Strategy by coordinating, monitoring and objectively evaluating the implementation of the Action Plans by all public entities.*

*At the same time, in order to reduce corruption risks in the most vulnerable sectors, the NIAS for 2017-2020 included a sectoral approach to corruption, by coordinating the approval and implementation of nine sectoral anti-corruption plans in the following vulnerable areas: customs, public order, public property management and disposal, taxation, environmental protection, agri-food, education, health and compulsory health insurance and public procurement, as well as local anti-corruption plans, developed by the second-tier local public authorities.*

*As a result, during the reporting period, the nine sectoral anti-corruption plans were approved and implemented. Subsequently, in order to strengthen the public integrity among the local administration authorities, the Action Plan of the Strategy has foreseen a series of actions aimed at ensuring the maximization of the impact as well as the efficiency, transparency and integrity of the local public administration authorities, the provision of quality public services, the adequate and efficient use of public funds, the improvement of the public image and the increase of the society's trust, as well as the establishment of conditions for a sustainable development process, thus ensuring the approval and implementation of the Local Anti-Corruption Action Plans for the period 2018-2020 by 97% of the rayons' Councils.*

*In accordance with the provisions of NIAS, public entities share the common responsibility of achieving the goal of "Integrity instead of corruption", primarily by strengthening the climate of institutional integrity. For this purpose, in order to strengthen the capacities of public agents at the central and local level, on the efficiency of the process of monitoring and reporting the progress and deficiencies recorded in the implementation of the Strategy, a cycle of practical training workshops with the generic "Procedures of monitoring and reporting of anti-corruption policies" was ensured. Thus, the trained persons perform the role of focal points within public entities in the field of corruption prevention and facilitators in terms of implementing measures to ensure institutional integrity, provided for in the Action Plan of the Strategy.*

*Subsequently, in order to ensure the implementation and participatory monitoring of the Strategy, as well as to stimulate and support the involvement of civil society in corruption prevention activities, the Small Grants Program was launched - "Monitoring of the National Integrity and Anti-Corruption Strategy through the development of alternative reports of monitoring of sectoral and local anti-corruption action plans". Thus, the efforts of civil society were encouraged, especially considering the specifics of the areas addressed by the anti-corruption sectoral plans and the analytical efforts necessary for independent and impartial monitoring, but also for the equidistant information of society on the deficiencies in the system.*

*At the same time, the validation of the results contained in the Alternative Reports on the implementation of Sectoral Anti-corruption Plans led to a closer collaboration between public authorities, including NAC and members of civil society, a fact that results in more transparent debates and more optimal solutions in case of identifying challenges in implementation.*

*In order to assess the progress and difficulties registered in the implementation of the Sectoral Anti-corruption Plans, a series of public consultation meetings were held on the implementation of the Sectoral Anti-corruption Plans, in order to present the current situation in the implementation process and identify the actions that foresee complexities in the implementation. In this regard, advisory support was provided in solving the established challenges, including the risks related to the implementation of due actions. In addition, the promotion of the commitment of each of the responsible institutions to ensure active involvement in the implementation and reporting of the progress of the sectoral plans was ensured.*

*Also, the integrity mentoring program was established for each sector identified under the Priority II.2. The sectoral approach to corruption, of the Pillar II of the Strategy, which aims to ensure the methodological support of public entities involved in implementing the measures contained in the sectoral/local anti-corruption action plans, by offering the advice possibility on the anti-corruption and integrity side.*

*In addition, in order to identify, capitalize on the most effective achievements and inform the public about the good practices registered by public entities in the implementation of sectoral anti-corruption initiatives, an innovative exercise was launched to evaluate anti-corruption initiatives. This exercise aims to encourage public entities and their leaders to make voluntary and proactive efforts to create the climate of institutional integrity, as well as ensuring a constant mechanism for monitoring and guiding public entities by the NAC in achieving effective and practical measures for the prevention of corruption, including anti-corruption and integrity policy documents.*

*In accordance with the provisions of NIAS, one of the key elements of the monitoring process of the Strategy is the evaluation of the impact of the actions targeted in the Action Plan of the Strategy. As a result, surveys on the evolution of the Strategy's impact indicators were carried out. Social surveys measure the perceptions and experiences of the population, private sector representatives and public officials on corruption, including from the gender perspective. At the same time, the findings of the sociological reports, which include a comprehensive assessment of the effectiveness and impact of the implementation of the Strategy, have been reflected in the Monitoring and Evaluation Reports on the implementation of the Strategy.*

*In order to facilitate the monitoring and reporting process of the Strategy, the electronic platform “e-Institutional Integrity” was developed, which contains the Implementation Reporting module “National Anti-Corruption Strategy”, intended to report the progress and deficiencies registered by the responsible public authorities in the process of Strategy implementation.*

*Regarding the private sector, the Objective of Pillar VII of NIAS is “Promoting a competitive, fair business environment based on corporate integrity standards, transparency and professionalism in interaction with the public sector”.*

*The sector's priorities established in the Action Plan are: VII.1. Transparency of private sector in relations with public sector; VII.2. Increasing integrity in the activity of enterprises with full or majority state/municipal shares; VII.3. Business ethics.*

*The respective activities foresee commitments from both the private sector and the public sector, with such actions as amending legislation (which implies a longer period of implementation, taking into account the necessity of assessing best international practices, their adjustment to the national context), establishing platforms of communication with the private sector in the fields relevant to counteracting corruption (action promoted directly by the NAC through the means of organizing the “Anticorruption cooperation platform with the private sector ” as well as more pro-active actions, i.e. corruption risks assessment of the legislation and the activity of state/municipal enterprises and other activities performed by the authorities enabled with control over the activity of the private sector. Increasing the*

*efficiency in implementing the actions implies the necessity of enhanced communication among public entities, as well as on the public-private level in order to establish optimal path for the Republic of Moldova in strengthening integrity of the business environment.*

*Following the sectoral evaluation, in order to remove the factors that generate corruption risks in the activity of enterprises with a full or majority state/municipal share, recommendations were formulated and disseminated both for founders and for administrators/boards of administration. In order to facilitate the implementation of the recommendations, the entities were proposed a model Integrity Plan for enterprises and a model Code of Conduct for small and medium-sized enterprises.*

<https://cna.md/libview.php?l=ro&idc=83&id=1848&t=/Evaluarea-integritatii-institutionale/Rapoarte-de-evaluare/Rapoarte-privind-rezultatele-evaluarii/Evaluarea-riscurilor-de-coruptie-in-legislatia-si-activitatea-intreprinderilor-cu-cota-integrala-sau-majoritara-de-statmunicipala> )

**2(c)** What was the impact of the measures described above (2a and 2b)?

- *In 2020, the study " Assessment of the Integrity Plans and/or of Risk Registers Implementation by the State-owned and Municipally owned Enterprises" was developed by the Institute for Development and Social Initiatives (IDIS) "Viitorul" within the project "Curbing corruption by building sustainable integrity in the Republic of Moldova", implemented by the UNDP Moldova, with the financial support of the Ministry of Foreign Affairs of Norway.*

<https://cna.md/public/files/RaportintegritateSIMPNUDIDIS12112020f5e79.pdf>

- *7 editions of the Carte Blanche were launched, elaborated by the experts of the Association of Foreign Investors (FIA Moldova), which aims to improve the business environment and includes 10 chapters: Justice System, Fiscal Legislation, Labor Relations, Competition, etc. In each chapter, the experts in the field point out the gaps and challenges faced by the community of foreign investors in the Republic of Moldova, difficulties that create impediments in business development and offer solutions for improvement.*

- *According to the survey of the impact assessment of the NIAS, carried out at the request of UNDP Moldova in 2019, integrity in the private sector was appreciated with the highest values, compared to other sectors. At the same time, the survey also found a high level of intolerance of the population towards corruption, so that 62% of the population and 83% of the companies declared any situation of corruption as unacceptable. This fact demonstrates an increased demand from the population and the business community for anti-corruption efforts.*

**2(d)** What challenges (if any) did you encounter in implementing the measures above (2a and 2b)?

**Guidance on 2(a) and 2(b):** Measures and good practices could, for example, include those designed to:

- Raise awareness of business integrity
- Encourage the private sector to establish anti-corruption policies, procedures and/or programmes
- Promote training and education on anti-corruption in the private sector
- Provide trainings or guidance, or develop model anti-corruption programmes or policies for companies to use and adapt
- Provide appropriate reporting channels
- Encourage public reporting of efforts to prevent and counter corruption in the private sector

### Chapter 3: Using sanctions and incentives

*Background: While effective sanctions for corruption offences are required under the United Nations Convention against Corruption, the Convention also recognizes the essential role of incentives that encourage and reward corporate self-reporting and preventive efforts.*

## Part A - Sanctions

**3(a)** Please describe (cite or summarize) good practices and/or examples of sanctions used to strengthen business integrity and/or reduce corruption in the private sector in your country.

**3(b)** What were the main challenges (if any) your country faced in enforcing these sanctions?

**3(c)** What steps did you take to overcome those challenges (if any)?

**Guidance on 3(a):** Sanctions could, for example, include any of the following:

- Monetary sanctions for legal persons (companies) liable for the participation in an offence of corruption
- Incarceration or other criminal sanction of natural persons (individuals) who have committed an offence of corruption acting on behalf of a company
- Confiscation of proceeds of corruption for both companies and individuals who acted on their behalf
- Contract remedies and other means to communicate and enforce anti-corruption contractual provisions
- Suspension and/or debarment of contractual partners from government processes
- Denial of government benefits (fiscal or otherwise)
- Liability for damages and compensation of victims of corruption
- Reputational damages to hold wrongdoers publicly accountable
- Any other type of sanctions not listed above

## Part B - Incentives

**3(d)** Please describe (cite or summarize) good practices and/or examples of incentives used to strengthen business integrity and/or reduce corruption in the private sector in your country.

**3(e)** What is the main impact of such incentives?

**Guidance on 3(d):** Incentives could, for example, include any of the following:

- Penalty mitigation – encourages self-reporting of offences, credits companies' preventive efforts
- Procurement preference – rewards good practice through procurement preference
- Preferential access to benefits – rewards good practice with preferential access to government benefits and/or services
- Reputational benefits – encourages good practice through public recognition
- Whistle-blower protection and awards – encourages reporting of potential violations by individuals
- Any other types of incentives not listed above

*The campaign "A prosperous business is an integrity business", launched by the United Nations Development Program (UNDP) in Moldova and the National Anticorruption Center (NAC) of the Republic of Moldova - As part of the campaign, in order to promote the good business practices in the field of implementing integrity standards, social spots promoting integrity in the private sector were broadcast on several TV stations and social networks. At the same time, through cooperation with the Chamber of Commerce and Industry of the Republic of Moldova, during the annual organization of the Moldovan Business Gala "Trademark of the Year", in 2020, 2021 and 2022, awards were given for the nomination "The implementation of business integrity standards". The contest aimed to support the*

*implementation of integrity standards by private companies, as well as to promote good practices in this field.*

*Thus, at the first edition of the contest, held in 2020, six private companies from the Republic of Moldova became holders of the award for implementing business integrity standards. Six other companies received honorary degrees. At the second edition, in 2021, nine private companies were awarded for implementing business integrity standards. At the 3rd edition, in 2022, six private companies from the Republic of Moldova were awarded for the implementation of business integrity standards.*

*The winners were selected from a larger number of participants and went through several stages of the contest. They proved the implementation of mechanisms to promote integrity and anti-corruption standards in business. The companies presented to the competition jury their own codes of ethics or business conduct, the procedures for reporting irregularities at work and resolving conflicts of interest, the mechanisms for the protection of whistleblowers, as well as those for internal control and declaration and evaluation of gifts.*

### **Part C - Additional measures**

**3(f)** Please describe (cite or summarize) good practices and/or examples of any other additional measures used to strengthen business integrity and/or reduce corruption in the private sector in your country.

**Guidance on 3(f):** Additional measures could, for example, include any of the following:

- Integrity pacts – written agreements between government agencies and companies to strengthen integrity in public procurement, usually overseen by an independent monitor
- Collective action – collaborative initiatives that bring companies and other relevant stakeholders together to prevent and counter corruption and raise standards of business integrity
- Public sector reform – civil service and/or regulatory reforms that reduce the opportunities for corruption
- Public education – activities that raise public awareness of corruption and its harmful effects

*NAC in partnership with the Association of Foreign Investors from Moldova, which aims to ensure the information of the managers of private companies regarding the integrity standards in the private sector and good practices in the field of anticorruption, including the challenges that are attested in the implementation of the integrity policies.*

*Another partnership of NAC, on the awareness and information component, was with the National Agency for Energy Regulation (ANRE), which consisted in the launch, at country level, of the Consumer Information and Awareness Campaign by promoting integrity standards and anti-corruption in the sectors regulated by ANRE. The purpose of the information campaign was to promote integrity standards in the private sector.*

*During the campaign, information activities were provided regarding integrity policies in the private sector and consultation/awareness and information activities on aspects related to consumer rights, the resolution of misunderstandings that arise in relation to license holders.*

*In the same way, as part of the information and awareness campaign, informative leaflets containing information on integrity standards, consumer rights, mechanisms for reporting to NAC and ANRE, etc., were distributed to employees of private companies and to citizens.*

*Also, NAC annually provides information activities for employees of private companies regarding integrity standards in the private sector. Information activities aim to strengthen and cultivate integrity in the private sector.*

*The Chamber of Commerce and Industry (CCI) of the Republic of Moldova has joined the anti-corruption measures and encourages companies to proactively contribute to preventing and combating this scourge. This can be achieved by implementing the tools and good practices of integrity as well as the anti-bribery management system, implicitly the ISO 37001 standard "Anti-bribery management systems. Requirements with User Guide". In order to support companies from the Republic of Moldova, the CCI of the Republic of Moldova provides informational support and offers entrepreneurs from the Republic of Moldova the best tools developed by the International Chamber of Commerce (as the first business organization to publish anti-corruption rules and remains the leader in the development of codes of ethics and corporate responsibility)*

*(<https://chamber.md/instrumente-eficiente-de-integritaate/>)*

*The Institute for Standardization of Moldova organizes training courses "Anti-bribery management system: - Anti-bribery management system specialist, according to SM ISO 37001:2016; - Internal auditor for the anti-bribery management system, according to SM ISO 37001:2016. (<https://monitorul.fisc.md/editorial/iso-37001-sisteme-de-management-anti-mita.html> )*

### **Additional information**

Is there any other information that you wish to share which has not been addressed by the previous questions?