

ACADEMY OF SCIENCES OF MOLDOVA

Institute of Legal and Political Research

Center for Legal Research

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Policy brief

**REPUBLIC OF MOLDOVA – EUROPEAN UNION
ASSOCIATION AGREEMENT AT 1 YEAR AFTER
RATIFICATION**

Part I: Application framework

July 27, 2015



CHISINĂU – 2015

June 27, 2015 Republic of Moldova marked one year from the signature of the European Union Association Agreements.

On 29 November 2013 during the Vilnius Summit, Moldova initialed the Association Agreement with the European Union, an event that marked the end of negotiations in order to sign the document.

A little later, on June 27, 2014 in Brussels was signed Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and the Member States, on the other hand.

Subsequently, on July 2, 2014 by Law no.112 Moldovan Parliament ratified the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and the Member States, on the other hand.

An active role in terms of ratification of the Association Agreement was played by the Constitutional Court of Moldova, which by its Decision No.24 from 10.09.2014 on the constitutional control of RM-EU Association Agreement, acknowledged the constitutionality of both the provisions of the Agreement and the Law no.112 of July 2, 2014.

Meanwhile, in order to implement the provisions of the EU-Moldova Association Agreement, on October 10, 2014 came into force the Government Decision Nr.808 of 07.10.2014 on the approval of the National Action Plan for the implementation of the Association Agreement Moldova - The European Union in 2014-2016 years.

On 18/02/2015, by the Moldovan Parliament's Decision no.11 was approved the Programme of the Government of Moldova from 2015 to 2018, which contains several measures included in the EU-Moldova Association Agreement. Even if that program had a short application period (given the government's resignation), we believe that he had a particular impact yet (signals for our society and for our foreign partners).

Another important and long-awaited document constitutes the Decision from 13.07.2015 of Moldovan Parliament on the legislative program for transposition of commitments under the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and the Member States, on the other hand.

Finally, a pro-active position in implementing provisions of the Association Agreement is expected from the new government to be invested during the month of August 2015.

It presents an indisputable truth that the actual negotiations and the initialing of the Association Agreement took place in some rather accelerated circumstances. For these reasons, have existed opinions and suspicions that Moldova wanting to achieve the strategic goal – to sign the Association Agreement, admitted both conscious and in ignorance of the facts, some omissions or exaggerated its potential of making reforms and achieving results.

The fact is that one year from its ratification it is difficult to identify some embodiments more or less impressive with respect to the legal framework for implementing the provisions of the EU-Moldova Association Agreement.

However, some trends are relevant in this respect:

1.Theoretically, the implementation of the Association Agreement lasts for a year, but in practice, it is much shorter term – just some months, due to general parliamentary and local elections and the government instability in Moldova.

2.In fact, the actual implementation of the provisions of the Association Agreement started only on 10 October, with the entry into force of the Government Decision Nr.808 of 07.10.2014 on the approval of the National Action Plan to implement the Agreement Association Moldova - European Union in 2014-2016.

3.Therefore, we can speak of a real implementation period of only 9 months.

4.Even during these nine months there were some events that diverted the governmental attention from the implementation of the agreement. In particular, we can speak of an unfortunate overlap of the campaign for parliamentary elections and local elections campaign on the process of implementation. Obviously this affected the smooth running of the process of implementing the provisions of the Association Agreement.

5.Subsequently, after the parliamentary elections of 27 November 2014, as soon as they were validated on December 10, 2014, the government resigned. A resigned government had no way to bring the efficiency of implementing the provisions of the EU-Moldova Association Agreement.

6.Only since February 18, 2015 with a vote of confidence to the Government “Gaburici”, the implementation of the Association Agreement has shown some recovery.

7.The efforts of “Gaburici” Government to implement the Moldova-EU association agreement lasted only 114 days, this because on June 12, 2015 the Government has resigned (the Parliament noted the resignation of the Government on 18 June 2015). It obviously was a too narrow period of time to assess the performance of government, especially in terms of implementation of the Moldova-EU Association Agreement. Although later in the study we will point out

some events with negative connotation, which were foreshadowed or occurred within 114 days of the “Gaburici” government.

8.The governmental instability was amplified by the local election fever that has had deviated the Government’s attention from the realization of the Moldova-EU Association Agreement.

9.Consequently, the first anniversary of the signing of the EU-Moldova Association Agreement (June 27, 2015) and the ratification (July 2, 2015), Moldova marked without a functioning government, without celebrations and without providing any notable results.

10.Unlike the state leadership of Ukraine and Georgia that launched speeches on June 27, 2015 in order to show their commitment to the reforms and the implementation of the Association Agreements, the political class from Moldova preferred to sink this event into oblivion.

In these circumstances, it is a fact that some clauses of the Association Agreement appear to be unfeasible in terms undertaken by Moldova.

This is due largely exaggerated potential of the Republic of Moldova and inadequate assessment of the possibilities of our country to cope with the challenges and the emergence of regional factors with negative impact.

Also, during the year have occurred some internal politico-economic events that interfered with the process of implementation of the measures stipulated in the EU-Moldova Association Agreement.

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