[MD] New access to information statute adopted

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On 11 May 2023 the Parliament of the Republic of Moldova adopted at first reading the Statute “On access to information of public interest”, submitted by the government. Adoption of the statute was recommended by the Council of Europe Action Plan for the Republic of Moldova (2021-2024) and is part of the country’s commitments as a candidate to the EU. The explanatory note to the statute also speaks of Moldova’s obligations as a party to the Convention on Access to Official Documents (Tromsø Convention) of the Council of Europe.

The new law has 33 articles. Article 3 lists the parties that fall under the obligation to provide information to the public. They are public authorities; public institutions; state or municipal enterprises; legal entities under private law founded or co-founded by the above entities, or controlled by them; legal entities that provide public services (in terms of information which refers to the provision of public services); professional associations; bailiffs and notaries (with regard to information relating to exercising their legal duties); political parties and public associations.

According to Article 17, information of public interest is communicated to the applicant no later than 15 days from the date of registration of the request. It can be extended by no more than five days, when a large volume of information is requested, which requires additional time for its processing.

A Chapter of the statute is devoted to the “proactive transparency” of public bodies. Article 8 therein provides a list of obligatory types of information to be published on the official websites of public authorities; it also states that these must be adapted for access by persons with disabilities.

On 9 June, the new Statute was adopted in the final reading. It enters into force on 8 January 2024 and replaces the current Statute “On access to information”, No. 982/2000 of 5 November 2000.

Council of Europe Action Plan for the Republic of Moldova, 2021-2024, CM(2020)161, 29 October 2020

https://rm.coe.int/0900001680a029ad#:~:text=The%20Council%20of%20Europe%20Action,rule%20of%20law%20and%20democracy

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European Commission. Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council. Commission Opinion on the Republic of Moldova's application for membership of the European Union. Brussels, 1.2.2023 SWD(2023) 32 final, p. 25

https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-02/SWD_2023_32_%20Moldova.pdf

LEGE Nr. 148 din 09-06-2023 privind accesul la informațiile de interes public

https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro

Law No. 148 of 09 June 2023 regarding access to information of public interest

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