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# NEWSLETTER

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## Synthesis and Foreign Policy Debates

*The materials are realized by Lina Grau, foreign policy expert and programme coordinator with APE.*

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- 1. Chairman of the Delegation to the EU-Moldova Cooperation Committee of the European Parliament, **Andi Cristea**: „Deeds speak more than words and promises. So we want to see results”.
- 2. **Petru Macovei**: Measures taken by the present government will worsen the media market
- 3. Ex-chairman of the Constitutional Court, **Victor Pușcas**: Prosecution should change its mentality and be independent.

The last period was marked by several important events for Moldova.



In one of the first plenary sessions this year that took place after the reformatting of the ruling coalition and swearing into office of the Philip Cabinet, the members of the new coalition adopted on February 25<sup>th</sup> the Declaration on the stability and modernization of the Republic of Moldova. The MPs assure the external partners and the Moldovan citizens that the reform agenda will be irreversible, the European course will be strengthened, the collaboration with the IMF will be continued, and the corruption will be combated. The lawmakers want social prices for bread, milk and medicines. The Declaration has been criticized by the deputies who are not part of the new coalition, who said that “a captured state cannot be modernized.”



The Parliament adopted a new Law on Prosecution, which is part of the judicial reform strategy required by the EU. The law provides for the de-politicization of the Prosecution, including changes in the way the Prosecutor General is appointed –the latter will be appointed by the President at the proposal of the Superior Council of Prosecutors. Currently, the Prosecutor General is appointed by Parliament.



Following the adoption of the law, the Prosecutor General, Cornelius Gurin, whose resignation has been repeatedly demanded in recent years both by the parliamentary opposition and the protesting citizens, has resigned, saying he was doing that for the “reform to begin with a new Prosecutor General.”



Parliament has introduced a number of amendments to the Broadcasting Code, reducing from 5 to 2 the number of licenses held by a physical or legal entity. The new law will be applied only when the currently valid licenses expire. “We are supporting the reduction of the number of licenses from five to two, but this draft is absolutely not ready as there is no Government’s approval and some licenses will expire only in 2021,” said Chiril Lucinschi, a PLDM Member of Parliament. The law was criticized also by the media NGOs that have urged the president not to promulgate the new amendments to the law.



Through a decision adopted on March 4<sup>th</sup>, the Constitutional Court reinstated the direct vote for the presidential election, cancelling the modifications to the Constitution from 2000, which introduced in Moldova a parliamentary system and election of the president by the Parliament. The Court decided the return to the old text of the Constitution on the grounds that the Parliament had adopted the amendments with procedural violations. The direct presidential elections could take place in autumn.



The European Union foreign ministers adopted on February 15th a Resolution on Moldova. The EU urges Moldova, in a 13-point list, to clarify the 2014 bank fraud, to improve the legislation on the broadcasters who own several broadcasting licenses, as well as to choose a politically unaffiliated BNM governor. The EU also urges to speed up the implementation of the Association Agenda, the public administration reform, the fight against corruption. As for financial support, it will be resumed when the political and economic situation clears up.

### **Andi Cristea: Deeds speak more than words and promises. So we want to see results**



**Chairman of the Delegation to the EU-Moldova Cooperation Committee of the European Parliament, Andi Cristea, and chairman of the Committee on Foreign Affairs of the European Parliament, Elmar Brok, have addressed an official letter to the Moldovan Prime Minister, Pavel Filip, with expectations from the Government.**

**“The Republic Moldova cannot count on the EU support until the Government proves by deeds and not by words seriousness and the necessary level of political ambition for the implementation of the reforms under the Association Agreement. The new Government has the obligation to act for a modern society, regain the citizens’**

**confidence, and restore the macro-economic stability. Negotiation and signing of an agreement with the IMF are essential. Only then, the European funding for Chisinau will be resumed. Particular attention should be given to combating corruption, effective independent judiciary and especially to the investigation of frauds in the banking system”, said Andi Cristea.**

**The letter comes in the context in which following the investiture of the Filip Government on January 20<sup>th</sup>, 2016, the need for reforming the state is fundamental, the latter being among the conditions formulated by Romania for releasing the first tranche of a 150 million euros loan.**

**This financial assistance that is carefully monitored by the European Commission and the International Monetary Fund, has generated a number of terms and conditions, including strengthening of the judiciary and the banking system, resumption of the relations with the EU, improvement of business environment and of the cooperation with the civil society, reads a press release of the European Parliament.**

**In an exclusive interview, Andi Cristea said he had received positive signals from Chisinau to the letter mentioned above and that the Filip Government has no alternatives to the European reforms. "Otherwise, the Republic Moldova will tread into the unknown," said Andi Cristea. However, the EU expects not only adoption of laws but implementation of anti-corruption and justice system reform mechanisms, stated Andi Cristea.**

**Lina Grău:** During one of your visits to Chisinau you said that the European Union offered Moldova a very good chance that it failed to capitalize on. Are there levers to redress this situation?

**Andi Cristea:** Yes, there are levers, but they are more of internal nature, because the ball now is in the court of Chisinau and the Filip Government is driving on a one-way street - there is no option to succeeding. And it's about being able to gain the trust of citizens first, and then that of the external partners.

I'm still of the opinion that there was a very good window of opportunity for Moldova, but unfortunately, things did not have the developments we all wanted. I am confident that Moldova has the internal energy to succeed again, but for that it needs an accountable political class. And a new political class is not around the corner, so the Moldovan people would like to have accelerated developments and that the politicians understand the challenges and the need for a change in the paradigm.

In the recent years Moldova has gone through a number of stages meant to facilitate its approximation to the European Union. I refer to the Association Agreement and the visa liberalization. So when there

is will, there is a way. On the one hand, it is important to know that the assistance provided by the European institutions means affection for the recipient and respect for the donor. And here, I refer to the budgetary support funds that have been frozen, because there was no transparency and the impression was - I cannot tell whether subjectively or objectively - that the money coming from the European Union went into black holes.

**Lina Grău:** Do you see now conditions for the money to be spent transparently? What is the connection between a future agreement with the IMF, the EU assistance that has been suspended exactly for the reasons you mentioned above, and the loan promised by Romania?

**Andi Cristea:** We cannot do very much now - the ball is in the court of Chisinau. When the ball is with us we play smartly and in favour of Moldova. Regarding the developments that we are all expecting, I can only say that we have to be optimistic about the new Moldovan Government. I want to tell you that we received positive signals after me and Elmar Brok, Chairman of the Committee on Foreign Affairs of the European Parliament, had sent a letter to the Prime Minister. The statements of Mr. Pavel Filip are clear that the new Government is determined to demonstrate through concrete actions that it is working in the spirit of the European values. But deeds speak more than words or promises. So we would like to see results and not only politically correct statements.

**Lina Grău:** I've seen a number of measures undertaken lately in Chisinau - it is about adopting the Law on Prosecution, the package of anticorruption laws, the resignation of the Prosecutor General ... However, there are sceptical voices saying these changes are but simulation of reforms in order to please the foreign donors, especially because Moldova is in a very complicated economic situation and has to show quick results. What will convince you and the foreign partners of Moldova that this is not just simulation of reforms?

**Andi Cristea:** It's simple - when these reforms are implemented. It is relatively easy - not simple, but relatively easy - to adopt

measures in Parliament. And I'm welcoming all the measures that you mentioned, including the Declaration on stability. These are issues that we are expecting and I can say that the Parliament has done them. But as you have correctly said - and these are almost truisms, because we repeat them every time we are asked - these things need to be implemented.

Indeed, there are conditions for them to be put into practice. We see some actions, but one swallow does not make spring. On the other hand, a swallow may mean that spring is coming. What I want is that the political spring comes in the sense that the expectations the people have are fulfilled. It is not easy, but the Filip Government must really succeed, otherwise, as I said before, Moldova is treading into the unknown.

**Lina Grău:** You know how reserved many political analysts and civil society in Chisinau are. The European Union has trusted the Republic of Moldova for years after 2009 onwards - laws were being adopted and measures were taken ... but beyond that, the things were carried to a certain point after which they were abandoned. Do you have any indication as to what should be the deadline by which results are expected that could unblock the funding from the EU and Romania?

**Andi Cristea:** Speaking about the general situation, the European Union is absolutely overwhelmed by big, serious and structural problems. Another thing to remind is Brexit, the negotiations with Great Britain and the referendum to be held this summer on this topic. In addition to this, there is Greece and its situation that has not been resolved - I mean the economic side, the euro crisis, and now the refugees' aspects. And I could add more to these.

It's important to mention these things to understand how the EU relates to what is happening in the East and the Republic of Moldova. The European Union wants peace in the East and Moldova as it wishes no other crises to manage. This is how we can explain the EU position from the end of the last year with regard to Moldova which saw extremely effervescent political developments.

So, things are known. Indeed, many things have been simulated and everyone knows

it- I mean the reforms that were made on paper, just as some tick squares, but in reality nothing happened.

A good question to which, frankly, I do not know what answer to give - or sometimes I even don't want to know the answer – is what the red line is over which the EU will not be able to pass or if it is crossed, it will generate measures that the EU has not taken so far with regard to the Republic of Moldova. I think the most important is that the Moldovan political elite understand that although Moldova is in a delicate geographical and geopolitical situation and that some things don't depend on it, there are still issues which can be resolved internally. And the things that depend on the Moldovan political class should be solved. I refer, of course, to the fight against corruption, investigations over what happened in the banking system, including finding and punishing the guilty, and generally to the people's expectations ... The political elite must listen to the people and meet their legitimate demands.

**Lina Grâu:** It is exactly the ability of the political elite to reform that was one of the Moldovan commentators' and civil society's reserves. Is a political class with a very bad image considered by the society to be involved in corruption schemes able to reform itself? Are there leverages that the EU can use to push for results?

**Andi Cristea:** Pressure that you are talking about has been made. For example, the freezing of funds for the budget support was exactly that- pressure. On the other hand, do we have a replacement? As I said earlier, is there a political class over the corner ready to replace the current one so that things could go better?

This is a process. And the very fact that this process could have begun, could be a good thing. There are many wishes, but practically, only the time will show if the political elites and the political class as a whole have understood this message and if things are changing.

There is another issue here- how things would have gone if Moldova had been given, or is given, the European perspective. I mean, to be clearly told: "Yes, we are starting the negotiations and you will

become EU candidate, and in a couple of years you will become EU member." We have tried, but obviously, it is a very complex matter. It is the Member States that decide such things and there are many reserves. And at this time when the EU is beset by crises, it is not an issue to be considered, unfortunately.

If Moldova had been given European perspective, the politicians would have had more energy and political ambition to do things, to reform and move towards the EU. But as long as there is no European perspective, the political elite in Chisinau sees it very clearly that reforms wouldn't primarily be in its interests - narrow interests, it is true, - to implement all these reforms.

**Lina Grâu:** Mr Cristea, what areas do the biggest challenges for the security of the Republic of Moldova come from – corruption or geopolitics?

**Andi Cristea:** Fighting corruption is a topic that should be treated absolutely seriously by Moldova, but we cannot play with geopolitics either as there is geopolitical pressure and propagandistic temptation in the East. They are serious issues and must be combated. Frankly speaking, I would have expected more strength from the EU. And I can give you an example. At one point I asked the European Commission for more staff, more employees at the EU Delegations in Chisinau, Ukraine and Georgia. And the answer I got was "no, it's ok, it's enough". There are things we would like to change, for example, in terms of propaganda, but we don't always manage to impose our views on this club which is the European Union.

I said that corruption remains the biggest problem. There is also the propensity of the political class in Moldova to "show the cat" – trying to scare us: "If it were not for us, the country would slide towards the East. The challenges are big and everything that has been achieved so far may fall apart". And it must be said that it is partially correct. On the other hand, this scarecrow should not be a pretext to credit indefinitely the parties that have been in power since 2009. There is need for more accountability on their part as you cannot always wave the threat of the tanks coming from the East and of other such matters.

But I think the biggest risks for Moldova on the inside are certain policies and I refer here to the deep gap between the politicians and the ordinary citizens.

**Lina Grâu:** You mentioned several times the quality of the political class in Chisinau. Do you think there are premises for a new pro-Western political class that would be closer to the people, more credible and committed to its promises?

**Andi Cristea:** I believe that the current political class got the message of the people who took to streets and that things will go into a positive direction. And I'd like this process to happen. The political class cannot become responsible overnight, this may take some time. And if this process started - and I think it did - then this is beneficial for Moldova as things do not happen in the short term, it takes years for the situation to improve.

But we must be optimistic. Not that there are many elements that make us necessarily optimistic, but we need to find the internal resources to change things in Moldova and not be characterized by gloomy pessimism.

For example, the World Bank forecasts for Moldova in terms of economic growth for the current year are positive. So there exist reasons for hope but, of course, we would have liked to have more such reasons.

**Lina Grâu:** What you are saying refer more to the medium and long term perspective. In the short term, do you think Moldova has premises to sign an agreement with the IMF, get the loan from Romania and overcome the economic crisis that could hit the country in the next few months?

**Andi Cristea:** Yes, certainly, the current government headed by Mr. Philip has the ability to negotiate and sign the agreement with the IMF. After that, it can also get the loan from Romania, which is a way opener to other international financing. And definitely, the possibility of signing an agreement with the IMF is quite real and I wish it happened quickly.

# Petru Macovei: Measures taken by the present government will worsen the media market



Vasile Botnaru (RFE/RL)

**S**everal important civil society organizations addressed Friday, March 4<sup>th</sup>, an appeal to President Nicolae Timofti asking him not to promulgate the law amending the TV and Radio Broadcasting Code, adopted by the Parliament a week earlier. The amendments reduce from 5 to 2 the maximum number of licenses that a media owner can hold, but the amendments shall enter into force after the expiry of the current licenses.

However, the new amendment stipulates that a physical or legal entity can be the majority shareholder in no more than two broadcasters. Thus, the authors of the draft law have returned to the formula of the current code, however, excluding the notion of "investor". In practice, this change

will create conditions for further monopolization of the media market, or, the real owners of audiovisual companies will be able to formally comply with the legal provisions, retaining only two licenses after the expiry of validity of the licenses they are holding at present, while remaining "investors" in an unlimited number of broadcasters.

The NGOs, including the media organisations, condemn the lack of transparency and violation of legislative procedures while amending the Broadcasting Code on February 26th, 2016, qualifying these actions as an attempt to simulate reforms and protect the private interests of certain media owners. "The haste with which the amendments to

the Broadcasting Code were voted and the vague provisions intensify the distrust in the sincerity of the governmental intentions to limit the media concentration. The reason brought by the Speaker of Parliament that the draft is in line with the recommendations of the EU Council of Ministers is not justified as these recommendations should be implemented in good faith and in strict compliance with the norms for ensuring transparency in the decision-making process", reads the text of the statement. One of the signatories, the executive director of the Independent Press Association, Petru Macovei, said that in order to demonstrate that it doesn't simulate reforms, the government should take over the European and Romanian practices of combating the concentration of the media ownership.

■ **Lina Grău:** To what extent can we speak about honouring by the current government of its commitments towards the European partners? Do you believe in the government's ability to fulfil its commitments in the audiovisual area?

■ **Petru Macovei:** Speaking about commitments, it would be more correct to refer to the 10 requirements from the governments, some of which relate to the media. None of them have been met by the government.

And what happened in the Parliament - amendment of the Audiovisual Code - is no merit of the Government. It's an initiative coming from outside the government majority. The initiative

formally belongs to the opposition – the Socialist Party.

Secondly, in no case can this be called reform aiming at improving the situation on the broadcasting market because, firstly, the law was adopted without transparency, consultation and approval by the Government. Secondly, the law contains ambiguous provisions, which, in my view, not only don't improve, but rather worsen the media market.

On the one hand, they introduced the restriction to own more than two licenses, but on the other hand, they excluded from the law the quality of investor that a person can own in audiovisual companies. This means that a subterfuge was created- a very good option for those who want to avoid the law to do so. And that will happen, as in Moldova, unfortunately, people do not understand that laws should be observed - when a law is adopted they rather seek ways to avoid it.

**What should have happened now?**  
Discussions on the topic of the media concentration should have been organized or at least talks should be starting around the famous Audiovisual Code draft that is allegedly still being discussed - the Parliamentary committee has organized another hearing in the meantime. That draft contains several provisions against concentration of the media ownership. In my opinion, there should be more such provisions and the Western European practices should be taken over. Even the Romanian practice is very good.

The Romanian Broadcasting Act has an entire chapter entitled "The ownership in broadcasting", which has several sub-chapters that regulate very many aspects: audience share, market share; it imposes prohibitions to register audiovisual properties on behalf of third parties, relatives, godchildren etc. It also contains certain restrictions in the case

of companies that have "a predominant position in shaping the public opinion" - so as not to allow an owner to hog the entire information space or an important part of it, thus holding the monopoly in shaping the public opinion.

There are many things that must be considered, not merely the reduction in the number of licenses that a media magnate can hold, which especially in our case didn't solve anything. That's why we have urged the president not to promulgate the law and return it to the Parliament for review.

So, in conclusion, in the area of mass media, the government did nothing, it didn't even launch consultations with experts who could offer solutions. I admit that the Moldovan government has no capacity, but there exist experts - people who have dealt with the issues in a serious way, studying anti-monopoly and anti-concentration practices in other countries. In our case, they did what they usually do- cartel agreements-, because in the opinion of several media NGOs, what happened on February 26<sup>th</sup>, when the Broadcasting Code was voted in two readings, was nothing but promoting the private interests of media owners. In our case it is about promoting Plahotniuc's interests.

**Lina Grâu:** When it comes to the topic of combating propaganda, the European partners spoke about the need to adopt the new Broadcasting Code, whose draft has been in the Parliament for some years. Do you think they will use the opportunity to adopt certain regulations aiming at combating the propaganda?

**Petru Macovei:** I believe that the draft we are talking about- the one developed by the civil society in 2011- does not contain enough provisions to combat propaganda as this phenomenon is newer and requires

additional provisions. And again, not even in this respect anything happened.

After the scandal that erupted as a result of an earlier proposal made by the Democrats and Liberal Democrats, - to ban certain foreign television channels re-broadcast in Moldova together with some limitations on freedom of expression, -nothing relevant happened despite the fact that we have proposed that in the government programme be introduced the obligation of the Audiovisual Supervisory Board (CCA) to continuously monitor the foreign TV channels re-broadcast in Moldova, with all ensuing consequences. It means monitoring, identifying and sanctioning the violations. In addition, the sanctions should be increased. But this has not been done. I have the impression that at present, they don't want to seriously fight against propaganda as this can affect the economic interests of media owners.

**Lina Grâu:** Mr. Macovei, how do you, as a leader of opinion and political and civic activist, regard the Constitutional Court's decision to return to the election of the president by popular vote?

**Petru Macovei:** From my point of view, on the one hand, it is important that they returned to electing the president through the direct vote. On the other hand, the circumstances in which that ruling was passed by the Constitutional Court leave room for interpretation.

I believe that the Moldovan political class is in shock now. If we assume that this proposal was not somewhat guided by politicians - as some of the previous rulings of the Constitutional Court made us think they had been politically influenced- it's a very good decision, which I think could really solve many of the problems that existed in the last 16 years, problems that were created through modification and abusive interpretation of constitutional provisions.

# **Victor Pușcaș: Prosecution should change its mentality and become independent**



**T**he Parliament adopted a new Law on Prosecution, which is part of the judicial reform strategy required by the EU. The law provides for the de-politicization of the Prosecution, including changes in the way the Prosecutor General is designated –the latter will be appointed by the President at the proposal of the Superior Council of Prosecutors. Currently, the Prosecutor General is appointed by Parliament.

**A**nother provision is that prosecutors will be assigned to regional courts and can no longer handle lawsuits. Prosecutors, also, will not be able to receive a pension and salary at the same time, and their salary will be equated with that of judges. Prosecution system will consist of General Prosecution, territorial and specialized prosecution offices for anti-corruption and other special cases. The military and transport prosecution offices from the Courts of Appeal level will disappear. The provisions will come into force starting from the 1<sup>st</sup> of August.

**E**x-chairman of the Constitutional Court, Victor Puscas, says the justice system in

**Moldova has undergone many reforms. It remains only that they are put into practice.**

■ **Lina Grău:** Prosecution reform was one of the conditions required from Moldova when the latter joined the Council of Europe. Did the recently adopted law convince you of the serious intention of the current government to make real reforms or this is just a simulation of reforms as many experts believe?

■ **Victor Pușcaș:** The prosecution reform started back in 1990 when Moldova became member of the Council of Europe and when it assumed certain commitments in the sense that it will determine clearly the role of the Prosecution in the society. That's because at that time Moldova was having a Soviet Prosecution. Since 1992 there have been adopted 21 laws on Prosecution. The recent one is the 22<sup>nd</sup> law. Three of them have been completely new laws and the others contained quite essential amendments. Of course, every law, including the last one was a positive step.

The latest law provides for the first time for the independence of the Prosecution from the legislative, executive and judicial powers. It also provides for a series of concrete steps. For example, the role of the Council of Prosecutors becomes more important – the Prosecutor General

candidate will be proposed by the Council of Prosecutors and confirmed by the President for a 7- year term. But one of the main measures is the procedural independence of the prosecutor. There's only one person now who can give instructions to the prosecutor investigating a case and those instructions must be made in writing. So the prosecutor becomes an independent figure.

But the most important is to change the mentality of Prosecution so that it wants to be truly independent. I have worked for almost 40 years in the justice system and I know the problems from within - the Prosecution did not want during the last years to truly get reformed.

■ **Lina Grău:** What will convince you and maybe the European partners that the Prosecution is, indeed, on the positive track and that changes have started to happen?

■ **Victor Pușcaș:** My opinion is that Prosecution should be a bridge between the executive and the judiciary. To my mind, the Prosecution should operate a little bit different. Article 124 on Prosecution stipulates four functions - it defends the general interests of society, leads criminal investigation, conducts criminal investigation and supports the court accusations. In order to have a truly European prosecution, the first function mentioned in the Constitution –the one referring to the supervision- should be removed. Because what the Constitution stipulates may mean that the Prosecution can supervise all branches of state power, which does not coincide with the role of a European Prosecution, which focuses solely on fighting crime. But let's see how it will work as the prosecution cannot be more independent than at present, according to the new law.

Prosecution must not be defended by any political force. It must be defended by law. But because at present the Prosecution is not held liable, I believe that additional steps should be made in order to really reform the Prosecution.

**Lina Grâu:** Also, in this period, an anti-corruption package laws regarding the deputies has been adopted. Do you think these measures will really help combatting the big corruption?

**Victor Pușcaș:** It is about changes to the Constitution concerning the immunity of MPs. You can compare the current text of the Constitution with the amendments that were proposed by the Government and the existent populism. Only one provision was introduced in the Constitution - there is already the possibility of lifting the immunity if the MPs are caught red-handed and if it is found out that they had committed an offense and hidden it before becoming Members of Parliament. This modification is very narrow: it neither removes the immunity of MPs nor limits it. The society has been announced that the amendment has a revolutionary character. It's not true.

**Lina Grâu:** So from your point of view, are the reforms being simulated or is it about a real intention of bringing change into the judiciary, anti-corruption and prosecution?

**Victor Pușcaș:** I have been at the heart of events all these years. I've contributed to the development of the legal and justice reform concept in Moldova. We can say that the reforms in the courts have already happened. This year we are marking 20 years since the judiciary has been reformed. Namely the judiciary has undergone most changes. At present, there is no need for something radical – we need only to strengthen and deepen the reforms, train the staff, work on the internal control and revise the role of the Superior Council of Magistracy. I would say that at present, the legislation has had enough changes.

**Lina Grâu:** You are saying the major reforms have already been made in the justice system. Why is it then that we are still

talking about corruption in the judiciary and prosecution, about political control? Why have the European partners stopped funding for this area?

**Victor Pușcaș:** Parliament has introduced amendments to the legislation and allowed the prosecuting authorities to initiate criminal proceedings without the consent of the Superior Council of Magistracy in cases of suspicion of corruption or political influence. In these cases, the immunity of judges has already been limited.

I think that in our country they bring a lot of baseless accusations. There have been cases of corruption in the judiciary over decades but these are rather exceptions. They also say judges have never been tried – that is not true and the people are simply not informed properly.

Experts say that 93-95 percent of cases are resolved correctly in courts. The rulings are not correct where the sharks are involved – that is where big financial interests and media are involved on both sides. These are the cases that influence the public opinion, which is why they speak about a lot of corruption in the courts.

I do not rule out that there are such cases, but they have always existed- also in the USA and worldwide. And these are exceptions.

**Lina Grâu:** What is your opinion about the ruling of the Constitutional Court on the return to the direct election of the president?

**Victor Pușcas:** It is clear that when the public requires that the president be elected through direct vote, and when that is also supported by 3-4 political parties and when mass media talks about it - what can I say? It seems to be a positive solution to the problem, although the process of collecting signatures for organizing a referendum to

amend the Constitution is getting to an end. Why was this decision necessary now? But, well, these are political issues.

But what did the Constitutional Court do from the legal perspective? The Court has modified the Constitution. Although I agree that we need to make order in the Republic of Moldova and meet the people's requirements, I still believe that the Constitutional Court had no right to amend the constitution. Given the situation, the Court has probably interpreted the Constitution so as to avoid a parliamentary and constitutional crisis. During the recent years, the mechanism for electing the head of state by the Parliament did not prove to be a successful one. If that was the reason, I accept it, but I'm still of the opinion that the Constitutional Court had no right to replace the constituent legislator, even if the decision seems to be a positive one.

So, this is my position - not very clear. On the one hand, an important problem was solved that was done by the Constitutional Court based on the functional interpretation of constitutional norms. If the constitutional norms are not functional, they are not rational and if they are not rational, they must be interpreted in one way or another.

On the other hand, this ruling is dangerous as well as the precedent of amending the Constitution by the CC instead of the Parliament. The Parliament in Moldova is the constituent legislator. The Parliament adopts the Constitution and the Parliament alone can amend it.

There were similar precedents before in the activity of the Constitutional Court – it's about the decision on the Declaration of Independence, which was raised above the Constitution, and others that should not fall under the competence of the Constitutional Court.

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