

CHAPTER 4

MOLDOVA



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Abstract

The relationship between the Republic of Moldova and the European Union (EU) dates back three decades. It began in 1994 with the signing of the Partnership and Cooperation Agreement between the European Communities, their Member States, and Moldova. In 2014, Moldova took a significant step forward by signing an Association Agreement with the EU and the European Atomic Energy Community, establishing a foundation for deeper political association and economic integration. On 3 March 2022, Moldova officially submitted its application for EU membership. Following a recommendation from the European Commission to grant Moldova candidate status and a clear path toward EU accession, the European Council approved its candidacy. Recognising Moldova's significant progress in meeting EU membership criteria – especially the political standards set by the Copenhagen European Council in 1993 – the European Council also decided to initiate accession negotiations. This decision aligns with Moldova's commitments under the EU-Moldova Association Agreement, including the Deep and Comprehensive Free Trade Area. A Negotiating Framework has been adopted, and Moldova is now actively working to align its laws and standards with EU regulations, striving to become a full member of the EU.

Keywords: Moldova's accession to the EU, accession criteria, fulfilment of the accession criteria, domestic institutions, referendum

Teodor Papuc (2026) 'Moldova'. In: Michal Petr (ed.) *EU Enlargement and Successful Integration: Is There a Way?* Volume II., pp. 705–730. Miskolc–Budapest, Central European Academic Publishing.



https://doi.org/10.54237/profnet.2026.mpeesitw_4

1. Initial Requirements on Candidate Countries

The first section is concerned with the requirements laid upon candidate countries before the accession process starts and before they join the European Union (EU). The text should cover the following questions but may be more extensive when necessary.

Question No. 1

What Conditions Did Your Country Need to Satisfy Before Formally Applying to Join EU? To Your Knowledge, Were These Conditions Different From Those Applied to Countries in a Comparable Position?

The EU is currently cooperating with the Republic of Moldova in the framework of the European Neighbourhood Policy and its eastern regional dimension, the Eastern Partnership. It aims to bring Moldova closer to the EU.

Although it differs in intensity depending on the party or parties in government, European integration remains a fundamental desire for the internal and external policy of the Republic of Moldova.

Relations between the Republic of Moldova and the EU are not new. They started on 28 November 1994 with the signing of the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova.¹ The Agreement entered into force on 1 July 1998 for an initial period of 10 years. It established the legal framework of bilateral relations between the Republic of Moldova and the European Communities in the political, commercial, economic, legal, and cultural-scientific fields. It had as its objectives the support for the Republic of Moldova to consolidate democracy and the rule of law with respect for human and minority rights by ensuring the framework corresponds to the political dialogue and to develop the economy and the completion of the transition process towards the market economy by promoting commercial exchanges, investments, and harmonious economic relations.

Later, in February 2005, a Moldova-EU Action Plan² was developed within the framework of the European Neighbourhood Policy. This Action Plan established the strategic cooperation aims for a period of three years. The period was eventually extended.

- 1 Council and Commission Decision of 28 May 1998 on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part.
- 2 Ministry of Foreign Affairs and European Integration, Plan no. 402 of 22 February 2005, EU-Moldova Action Plan.

The Moldova-EU Action Plan was replaced in 2014 by the 2014-2016 Association Agenda,³ accepted based on the Moldova-EU Association Agreement.⁴ This Agreement provides the foundations for stronger political association and economic integration between the EU and Moldova. On the trade side, the Deep and Comprehensive Free Trade Area makes it easier to export to and import from Moldova and reduces tariffs. It makes customs procedures more efficient and speedier. Additionally, the Agreement enhances trade by progressively aligning Moldovan legislation, regulations, and procedures, including standards, with those of the EU.

The implementation of the Association Agreement is regularly monitored through Association Implementation Reports.⁵ It was reviewed in several bilateral dialogue formats provided for under the Association Agreement: (a) the EU-Moldova Association Council on 7 February 2023; (b) the EU-Moldova Association Council on 28 October 2021; (c) the EU-Moldova Association Committee on 17 June 2022; (d) the EU-Moldova Association Committee in Trade Configuration on 29 November 2022 and various sub-committees, including the Sub-committee on Justice, Freedom, and Security, as well as an annual Human Rights Dialogue.

An Association Agenda was approved for the period 2017-2019,⁶ containing reform actions that should have been addressed as a matter of priority by the Moldovan authorities. The 2017-2019 Association Agenda established four fields of action: (1) strengthening institutions and good governance; (2) economic development and market opportunities; (3) connectivity, energy efficiency, environment, and climate action; and (4) mobility and people-to-people contacts.

The priorities across these fields of action were structured as follows:

- (a) **Judicial Independence:** Strengthening the independence of the judiciary by enforcing laws that ensure impartiality, integrity, professionalism, and efficiency within the judicial system, including the prosecution service. Efforts also focused on eliminating corruption and preventing unethical conduct.
- (b) **Combating Corruption and Financial Crimes:** Implementing the Law on Integrity and legislation on proportionate sanctions for corruption and money laundering. Enhancing anti-corruption strategies in line with EU standards, improving coordination among relevant agencies, and establishing legal protections for whistleblowers.

3 European Commission, Annex to the Joint Proposal for a Council Decision on the Union position within the Association Council established by the Association Agreement between the EU, the European Atomic Energy Community and its Member States, of the one part, and the Republic of Moldova, of the other part, regarding the adoption of the EU-Republic of Moldova Association Agenda.

4 Association Agreement between the EU and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part.

5 European Commission, 2021.

6 Recommendation No 1/2017 of the EU-Republic of Moldova Association Council of 4 August 2017 on the EU-Republic of Moldova Association Agenda [2017/1489].

- (c) Asset Recovery and Financial Fraud Investigations: Investigating the large-scale banking fraud from 2012-2014 and setting up a robust national asset recovery service.
- (d) Public Administration Reform: Advancing the implementation of the 2016 Public Administration Reform Strategy, developed with OECD/SIGMA and international donors, to improve public financial management and institutional efficiency.
- (e) Media Freedom and Pluralism: Adopting a new Audiovisual Code in compliance with European and OSCE recommendations to align Moldova's legislation with the EU's Audiovisual Media Services Directive. Addressing media ownership concentration, monopolisation of the advertising market, and reforming the national broadcaster.
- (f) Human Rights and Gender Equality: Implementing the National Human Rights Action Plan with a focus on vulnerable groups, ensuring adequate budget allocation, and enforcing European Court of Human Rights judgments. Strengthening parliamentary oversight and integrating gender equality as a cross-cutting priority.
- (g) Transnistrian Conflict Resolution: Developing a sustainable resolution framework based on Moldova's sovereignty and territorial integrity, granting Transnistria a special status that ensures political, economic, and social rights for its population while fostering engagement with Transnistrian authorities.
- (h) Macroeconomic Stability: Implementing economic, tax, and financial policies in alignment with the International Monetary Fund (IMF) reform program.
- (i) Agriculture and Rural Development: Applying the General Law on Subsidising Agriculture and Rural Development to enhance policy execution, boost competitiveness in high-export-value sectors, improve rural employment and living conditions, and promote sustainable land and water resource management.
- (j) Trade Facilitation and Regulatory Alignment: Using OECD trade facilitation indicators as benchmarks, enhancing cooperation with EU regulatory bodies, aligning Moldova's customs legislation with the EU Customs Code, and improving customs administration efficiency, transparency, and integrity. Harmonising the legislation of the Republic of Moldova to facilitate its accession to the Convention on the Common Transit Procedure.
- (k) Energy Independence and Regulation: Strengthening the independence of Moldova's National Agency for Energy Regulation by depoliticising director appointments and budget-setting processes. Adopting a new Energy Law through a transparent and inclusive process and implementing electricity and natural gas sector reforms in line with EU directives.
- (l) Transport and Aviation Sector Reform: Restructuring the railway sector, accelerating the implementation of EU aviation legislation to optimise the Common Aviation Area Agreement, and ensuring fair competition in aviation. Measures included introducing non-discriminatory access clauses in the

Chisinau airport concession and restoring competition in ground handling services.

- (m) Environmental Protection and Climate Action: Advancing administrative reforms to enhance Moldova's ability to implement the environmental and climate action chapters of the Association Agreement. Key priorities included adopting legislation on air protection, chemical substance management, and industrial emissions, as well as enforcing regulations on strategic environmental assessments and waste management.
- (n) Education Reform: Improving the implementation of Moldova's new Education Code at all educational levels while reinforcing the administrative capacity of the Ministry of Education and its affiliated institutions.
- (o) Vocational Training and Labor Market Alignment: Advancing vocational education and training (VET) reforms in line with the 2013-2020 VET Development Strategy to better align with labour market demands. Establishing a legal framework for Sector Committees and promoting stakeholder participation (businesses, social partners) in lifelong learning and professional development.
- (p) Youth Sector Development: Implementing the National Strategy for Youth Sector Development to improve opportunities and engagement for young people.

The 2017-2019 Association Agenda also outlined short- and medium-term priorities for each action area. Some were obligations of result (requiring tangible outcomes), while others were obligations of diligence (focusing on ongoing efforts and processes).

An updated EU-Moldova Association Agenda for the period 2021-2027 was adopted on 22 August 2022.⁷ It comprises jointly agreed priorities on further implementation of the Association Agreement and sets a programme of reforms. The updated agenda fixes the detailed priorities under the following categories: rules and institutions guaranteeing democracy; human rights and fundamental freedoms; public administration reform, including public financial management; freedom of expression; ill-treatment and torture; civil society cooperation; rights of the child; gender based violence; equal treatment; trade union rights and core labour standards; terrorism, non-proliferation of weapons of mass destruction, and illegal arms transfers; the Transnistrian conflict; independence of the judiciary; prevention of and fight against fraud and corruption; ensuring asset recovery; anti-money laundering and Countering Terrorism Financing and combating financial crime; prevention and fight against organised crime; police/law enforcement; illicit drugs; trafficking of human beings;

⁷ European Commission, the proposal for a Council Decision on the position to be taken on behalf of the EU in the Association Council established under the Association Agreement between the EU and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, Brussels, 28.2.2022 COM (2022) 69 final 2022/0049 (NLE).

cybercrime; cybersecurity; data protection; mobility, migration, asylum, and border management; legal cooperation; climate action; environment; digital economy and society; education, training youth, and sport; public health; economic development and market opportunities; corporate law, accounting, auditing, and governance; employment, social policies, and equal opportunities; consumer rights protection; statistical systems; taxation and customs regulations; industrial and enterprise policy; agriculture and rural development; fisheries and maritime policy; energy; transport; tourism; regional development; civil protection; research and innovation; culture, audio-visual policy, and media; and public outreach and visibility.

In some cases, the 2021–2027 Agenda establishes terms for the realisation of the priorities, varying from 3–4 years to 7 years. For example, the Republic of Moldova must ratify Protocol no. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms on anti-discrimination within 3-4 years and the Optional Protocol to the Convention on the Rights of Persons with Disabilities within 7 years.⁸

The conditions set up for the Republic of Moldova in the Association Agenda do not differ, in essence, from those established for Georgia in the 2021–2027 EU-Georgia Association Agenda⁹ or for Ukraine in the EU-Ukraine Association Agenda,¹⁰ especially in matters like judicial independence, human rights protection, or anti-corruption policies. The problems in these three countries seem to be closely related due to their common Soviet past and similar mentalities.

Question No. 2.

When Did Your Member State Formally Apply to Join the EU?

On 3 March 2022, the Republic of Moldova submitted its application for EU membership to the Council amid Russia's war of aggression against Ukraine.

The application was signed by the President of the Republic, the speaker of the Parliament, and the Prime Minister. In a press conference, the President of the Republic mentioned

Today, we are signing the application for the accession of the Republic of Moldova to the European Union. It is addressed to Mr. Emmanuel Macron, President of France, the country that currently holds the Presidency of the Council of the European Union.¹¹

8 Moldova ratified the Optional Protocol through Law no. 162 of 4 November 2021.

9 Recommendation no. 1/2022 of the EU-Georgia Association Council of 16 August 2022 on the EU-Georgia Association Agenda 2021–2027.

10 EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement as endorsed by the EU-Ukraine Association Council on 16 March 2015.

11 The text of the application is not published in the Official Gazette. See Zdg.md, 2022.

One day later, the separatist authorities of Transnistria¹² reacted, saying

the submission of the application for membership in the European Union by the leadership of the Republic of Moldova as a geopolitical decision leading to a change in international borders and spheres of influence in the regional space and radically changing the circumstances of the final settlement of Moldovan-Transnistrian relations. [...] In the new circumstances that have arisen, including those created by the actions of the Moldovan leadership, we call on the Moldovan side to begin a dialogue with Transnistria with the aim of a final civilised settlement of relations based on the peaceful, good-neighbourly existence of two independent states by signing a comprehensive interstate treaty.

2. Institutions and Procedures of Accession

The second section is concerned with legal aspects of the procedure of accession, including institutions set up for that purpose, legislative changes at the national level, and monitoring of the process by the EU institutions.

Question No. 5

What Was the Legal Framework of the Accession Procedure (From the Application to Join the EU Until Accession)? What Agreements Were Signed With the EU?

What Legal Measures Adopted by the EU Governed the Proceedings?

Were There Any National Rules Specifically Governing the Procedure of Accession?

The main steps Moldova completed since its application to join the EU are as follows:

- (a) Moldova applied to the Council (EU Member States) on 3 March 2022.
- (b) The European Commission submitted an Opinion on the application.

The Council of the EU asked the European Commission to provide its Opinion on the application. This request was later supported by EU Heads of State and Government during an informal meeting in Versailles on 11 March 2022.¹³ Moldova received two questionnaires: the first, focusing on political and economic criteria, was delivered on 11 April 2022, and the second, addressing the EU *acquis* chapters, was sent on 19 April 2022. The country submitted its responses on 22 April and 12 May, respectively. On 17 June 2022, the European Commission issued its Opinion on Moldova's application for EU membership, recommending that the European Council grant Moldova a Eu-

¹² Ministry of Foreign Affairs of the Republic of Moldova, 2022a.

¹³ European Council, 2022b.

ropean perspective and candidate status, conditional on the implementation of specific reforms.

- (c) EU Member States decided unanimously to grant the country candidate status.

On 23 June 2022, the European Council adopted conclusions addressing a range of topics, including Wider Europe, Ukraine, the membership applications of Ukraine, the Republic of Moldova, and Georgia, as well as matters related to the Western Balkans, economic issues, the Conference on the Future of Europe, and external relations.¹⁴

The European Council granted candidate country status to both Ukraine and the Republic of Moldova. Additionally, it requested the European Commission to provide updates on Moldova's progress in meeting the conditions outlined in the Commission's Opinion on its membership application as part of its regular enlargement reports.

The European Commission closely monitored Moldova's implementation of these steps and provided detailed assessments of the country's advancements in its reports. Its Analytical Report of 1 February 2023¹⁵ completes the Commission's Opinion on the Republic of Moldova's application for membership to the EU on 17 June 2022. This analytical report provides a structured evaluation based on the criteria established by the European Council in Copenhagen in 1993, as well as subsequent conclusions from the European Council. It draws on insights and expertise accumulated through the EU's extensive and long-standing collaboration with Moldova, alongside Moldova's responses to the comprehensive questionnaires it received on 11 and 19 April 2022.

The Association Agreement, which includes a Deep and Comprehensive Free Trade Area, encompasses a significant portion of the EU *acquis*. It also establishes a robust institutional framework for bilateral dialogue and for monitoring the progressive alignment of Moldova's legislation with the EU *acquis*. Since 2016, Moldova's progress in implementing the EU *acquis* has been documented in the EU's annual 'Association Implementation Reports'. This analytical report specifically examines Moldova's legal alignment with the *acquis* across the 33 *acquis* chapters, excluding areas thoroughly addressed in the Opinion. Following the adoption of the revised enlargement methodology of the EU's enlargement policy,¹⁶ the EU *acquis* is further structured around six thematic clusters: Fundamentals; Internal market; Competitiveness and inclusive growth; Green agenda and sustainable connectivity; Resources, agriculture, and cohesion; and External relations. The 'Fundamentals' cluster serves as a key driver in the process. The revised enlargement methodology

14 European Council, 2022a.

15 European Commission, 2023.

16 European Commission, 2020a.

seeks to revitalise the accession process by enhancing its predictability, credibility, and dynamism while ensuring stronger political oversight. This approach is grounded in objective criteria, rigorous application of both positive and negative conditionality, and reversibility.¹⁷

On 8 November 2023, the European Commission communicated another report on the Republic of Moldova,¹⁸ assessing the implementation of the nine steps specified in its 17 June 2022 Opinion. Based on the analysis outlined in this report, the Commission recommended that the Council initiate accession negotiations with Moldova. Additionally, the Commission advised that the Council adopt the negotiating framework once Moldova achieves the following: (1) sustain significant progress in appointing vetted Supreme Court Justices and members of judicial and prosecutorial self-governance bodies, as well as the nomination of a new Prosecutor General through a merit-based and transparent process; (2) allocate sufficient resources and establish appropriate structures for Moldova's Anticorruption Prosecutor's Office; (3) advance further measures on de-oligarchisation, including the implementation of relevant regulations, such as those addressing cash payments and financial flows.

- (d) After establishing the conditions had been met, Member States (unanimously) agreed to open the accession negotiations.

The European Council approved the launch of accession negotiations with Moldova.¹⁹ Negotiations commenced based on Moldova's adherence and commitment to upholding the fundamental values of the Union, as outlined in Art. 2 TEU, including respect for human dignity, freedom, democracy, equality, the rule of law, and human rights, including the rights of minority groups.²⁰ Adherence to these values is a prerequisite for accessing all the rights associated with EU membership. Moldova has demonstrated a significant level of alignment with the membership criteria, particularly the political criteria established by the Copenhagen European Council in 1993, as well as the

17 European Council, 2024, p. 8. See also: European Commission, 2020b: '[T]he revised methodology is based on the same, well-established criteria to join the EU. These were defined already in 1993 at the European Council in Copenhagen: need to have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; a functioning market economy and the capacity to cope with competition and market forces in the EU; the ability to take on and implement effectively the obligations of membership. [...] There are no shortcuts to membership. It is true that the accession process today is more demanding than in the past. But this is because the process has been made more rigorous to help the countries tackle the more difficult challenges they face in their reform efforts'. See also Cenusa, 2023, pp. 5–6.

18 Commission staff working document, Republic of Moldova 2023 Report, Brussels, 8 November 2023, SWD (2023) 698 final.

19 European Council, 2023.

20 The Council referred to the Commission's Opinion on the Republic of Moldova's application for membership of the EU. See: 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 EU, COM (2022) 406 final, Brussels, 17 June 2022.

objectives of political association and economic integration outlined in the EU-Moldova Association Agreement, including the Deep and Comprehensive Free Trade Area.

- (e) The Commission proposed a draft negotiating framework as a basis for the talks. Accession negotiations formally started once Member States agreed on the Negotiating Framework.

On 21 June 2024, the Council approved the Negotiating Framework for negotiations with Moldova.²¹ The inaugural intergovernmental conference, which officially initiated the accession negotiations, took place in Luxembourg on 25 June 2024.

- (f) Throughout the negotiations, which are organised into clusters and chapters, Moldova shall implement EU laws and standards.

After submitting the application to join the EU, Moldova had ratified 25 agreements with the EU.

Some agreements regard the participation of the Republic of Moldova in the Employment and Social Innovation strand of the European Social Fund Plus; the participation of the Republic of Moldova in the Digital Europe programme (2021–2027); the participation of the Republic of Moldova in the Union Civil Protection Mechanism; the participation of the Republic of Moldova in the Union programme Single Market Programme; the participation of the Republic of Moldova in ‘Customs’, the Union programme for cooperation in the field of customs; the participation of the Republic of Moldova in ‘Fiscalism’, the Union programme for cooperation in the field of taxation; the participation of the Republic of Moldova in the Union programme LIFE, the Programme for the Environment and Climate Action; or the participation of the Republic of Moldova in the Union programme Connecting Europe Facility.

Other agreements suspend Moldova’s obligation to pay a financial contribution in the context of its association with Union programmes; establish the status of the EU Partnership mission in Moldova; provide financing for the Interreg programme (Interreg VI-B) NEXT Black Sea Basin, the Interreg programme (Interreg IV-B) Danube Region programme, and the Interreg programme (Interreg VI-A) NEXT; and under EU Resilience and Governance programme.

Some other agreements provide for the association of the Republic of Moldova with the EU4Health programme, the operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova, or the mutual recognition of the authorised economic operator programme of the Republic of Moldova and the authorised economic operator programme of the EU. An agreement concerns the carriage of freight by road.

21 European Council, 2024.

The remaining agreements concern the EU's financial assistance for the Republic of Moldova.²²

On 17 November 2022, the Parliament of the Republic of Moldova approved, through Law no. 315, the National Strategy of Development 'European Moldova 2030' adopted by the Government.²³ The strategy serves as a national long-term strategic vision document, outlining the development pathways for the country and society. It aligns the priorities, objectives, indicators, and targets of the international commitments made by the Republic of Moldova – notably the Association Agreement with the EU, the European Atomic Energy Community, and their member states – with the national context. Additionally, it incorporates commitments stemming from Moldova's status as a candidate country for the EU accession, including the 2030 Sustainable Development Agenda. The strategy outlines national priorities set by the Government, and its structure and components serve as the foundation for the national strategic planning framework, highlighting the vision, priorities, objectives, and key long-term action areas.

Question No. 6

What Institutions Were Set Up for the Purposes of Accession at Both EU and National Level?

Since 2005, the Ministry of Foreign Affairs has been denominated as the Ministry of Foreign Affairs and European Integration.²⁴ One of its main domains of activity was 'the European integration process'. It had a Directorate of European Integration. A Government's Decision of 13 March 2024 changed the denomination of the Ministry in the Ministry of Foreign Affairs.²⁵

22 Addendum No. 2 to Financing Agreement between the Republic of Moldova and the European Commission on development of rural areas in the Republic of Moldova; Addendum to the Memorandum of Understanding between the Republic of Moldova and the EU on macro-financial assistance for the Republic of Moldova; Addendum to the Grant Agreement between the Republic of Moldova and the EU on macro-financial assistance for the Republic of Moldova; Addendum to the Loan Facility Agreement between the Republic of Moldova, the National Bank of Moldova, and the EU on macro-financial assistance for the Republic of Moldova; Macro-financial assistance for the Republic of Moldova MFA Grant Agreement between the Republic of Moldova and the EU; Memorandum of Understanding between the EU and the Republic of Moldova of providing macro-financial assistance to the Republic of Moldova; Loan Facility Agreement between the Republic of Moldova, the National Bank of Moldova, and the EU on macro-financial assistance for the Republic of Moldova.

23 Law no. 315 of 17 November 2022 on approval of the national strategy of development 'European Moldova 2030'.

24 Government's Decision no. 1156 of 4 November 2005 on the approval of the Rules of the Ministry of Foreign Affairs and European Integration.

25 Government's Decision no. 179 of 13 March 2024 on the restructuring of some public authorities and the amendment of some Government's decisions.

On 22 April 2022, the President of the Republic of Moldova issued a decree regarding the establishment of the National Commission for European Integration.²⁶ The Commission is composed of the President of the Republic, the Prime Minister, the President of Parliament, the Government's ministers, other high officials of the Moldovan authorities, and some representatives of professional organisations and NGOs. The declared aim of the Commission is to ensure the coordination of activities necessary to achieve the reforms and European integration priorities assumed by the Republic of Moldova through the documents and partnership agreements with the EU. This Commission approved, on 4 August 2022, an action plan for implementing the measures proposed by the European Commission in its Opinion on the application for the accession of the Republic of Moldova to the EU.²⁷

On 14 December 2022, the Government issued a Decision²⁸ regarding the approval of the Coordination Mechanism of the European integration process of the Republic of Moldova and the composition of the working groups involved in ensuring the implementation of the Coordination Mechanism. The Decision approved the composition of the Governmental Commission for European Integration of the Republic of Moldova. The tasks of the governmental Commission comprise:

- (a) approving the elaboration criteria and the final contribution of the Republic of Moldova to the Annual Expansion Package of the EU;
- (b) overseeing the development and preparation of necessary planning documents to facilitate the accession process, including the implementation of the Association Agreement between the Republic of Moldova and the EU, the European Atomic Energy Community, and their member states. This also encompasses monitoring the execution of Recommendation No. 1/2017 by the EU-Republic of Moldova Association Council regarding the EU-Republic of Moldova Association Program [2017/1489], as well as other relevant documents and agreements between the Republic of Moldova and the EU;
- (c) addressing and resolving competence conflicts that emerge among authorities within the sectoral working groups and clusters responsible for the negotiation chapters concerning Moldova's EU accession;
- (d) approving, if necessary, the position of the Republic of Moldova for high-level political meetings with the EU.

26 President's Decree no. 441 of 22 April 2022 on the establishment of the National Commission for European Integration.

27 Ministry of Foreign Affairs of the Republic of Moldova, 2022b.

28 Government's Decision no. 868 of 14 December 2022 on the approval of the Coordination Mechanism for the European Integration Process of the Republic of Moldova and the composition of the working groups involved in ensuring the implementation of the Coordination Mechanism for the European Integration Process of the Republic of Moldova and on the amendment of Government's Decision No. 679/2009 on the approval of the nominal composition of the Government Commission for European Integration of the Republic of Moldova.

The above-mentioned Decision was repealed by Decision no. 180 of 13 March 2024²⁹ regarding the coordination mechanism of the process of accession of the Republic of Moldova to the EU and the way of organisation and operation of the negotiation team within this process. The national coordination mechanism for the Republic of Moldova's accession process to the EU defines the framework for coordinating the European integration process, including the responsible authorities, coordination levels, and the organisation and functioning of the Working Groups for accession negotiations, as well as the negotiation team. This mechanism stipulates that strategic coordination at the highest political level for Moldova's EU accession is carried out by the National Commission for European Integration, established by the President of the Republic.

Within the State Chancellery of the Government, two general directorates were established:³⁰

- (a) the Office for European Integration, which ensures, in collaboration with the Ministry of Foreign Affairs and European Integration, the organisational and informational support of the Deputy Prime Minister, and the Minister of Foreign Affairs and European Integration, the coordination of the activity of public administration authorities and other institutions to achieve the priority strategic objective of the European integration of the country; and
- (b) the Centre for Harmonisation of Legislation, which carries out the compatibility expertise of draft normative acts aimed at harmonisation with EU legislation and issues declarations of compatibility, as well as ensures the legal compliance of draft normative acts to be approved by the Government, issued by the Prime Minister, as well as draft normative acts of the State Chancellery.

Question No. 7

*What Legal Criteria Was Your Country Obligated to Satisfy Before Joining the EU?
To Your Knowledge, Were These Criteria Different From Those Applied to Countries in
Comparable Position?*

In the Negotiating Framework approved on 21 June 2024, for negotiations with Moldova, the Council affirmed that the accession negotiations will be guided by Art. 29 of the Treaty on EU³¹ and will consider all relevant European Council conclusions, including the Joint Statement of the European Council Members from March 2020,

29 Government's Decision no. 180 of 13 March 2024 on the coordination mechanism of the accession process of the Republic of Moldova to the EU and the organisation and functioning of the negotiation team within this process.

30 Government's Decision no. 888 of 22 November 2023 on the amendment and repeal of some Government's decisions (structural reorganisation of some public authorities).

31 Art. 29 of the Treaty on EU: The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to Union positions.

which endorsed the revised enlargement methodology, the renewed consensus on enlargement established by the December 2006 European Council, and the conclusions of the 1993 European Council in Copenhagen. The Negotiating Framework draws on the lessons learned from previous enlargements and current accession negotiations while also considering the evolving EU acquis. It appropriately reflects Moldova's unique merits and specific characteristics. The negotiations are designed to ensure that Moldova fully adopts, implements, and enforces the EU acquis. The framework incorporates the revised enlargement methodology, which places greater emphasis on fundamental reforms throughout the accession process. The negotiation chapters are structured into thematic clusters. In the event of I) significant or prolonged stagnation or regression in the implementation of reforms within the fundamentals cluster,³² or II) if progress in the fundamentals cluster lags significantly behind developments in other areas, leading to an overall imbalance in the enlargement negotiations, and after all other measures have been exhausted, the Commission may, either on its own initiative or at the justified request of a Member State, propose suspending its recommendations to open and/or close other negotiating clusters and chapters. The preparatory work related to these clusters and chapters may also be adjusted as necessary until the stagnation, backsliding, or imbalance is resolved. Consequently, Moldova must fully commit to and continue implementing reforms in critical areas, including the rule of law, fundamental rights, strengthening democratic institutions, public administration reform, and meeting economic criteria. Particular focus should be placed on judicial reform, combating corruption, and ensuring the protection and non-discriminatory treatment of minority groups. To guarantee the irreversible nature of progress in these areas and ensure their full and effective implementation, the Commission will conduct close monitoring and provide regular reports to the Council. Additionally, effective law enforcement cooperation with Member States' authorities is essential to safeguard internal security.

Regarding the criteria applied to other countries in a comparable position, in the Negotiating Framework³³ approved on 21 June 2024 for the negotiations with Ukraine, the Council stated that Ukraine must fully adopt and continue implementing reforms in areas such as the rule of law and fundamental rights, strengthening democratic institutions and public administration, as well as meeting economic criteria. Particular attention is to be given to judicial reform, the fight against corruption, as well as the protection and non-discriminatory treatment of persons belonging to national minorities.

Both countries will be required to apply the acquis as it stands at the time of accession. The acquis is constantly evolving and includes, in particular, the content, principles, values, and political objectives of the Treaties that form the foundation of the Union; legislation adopted by Union institutions under the Treaties, as well

32 The cluster on fundamentals includes the rule of law, economic criteria, and public administration reform.

33 European Council, 2024b.

as the case law of the Court of Justice of the EU; and any other acts, whether legally binding or not, adopted within the Union framework, such as inter-institutional agreements, resolutions, statements, recommendations, and guidelines. It also covers international agreements concluded by the Union, jointly with its Member States, and those made by Member States among themselves concerning Union activities.

Both countries will be required to terminate all existing bilateral agreements between them and the Union, as well as any other international agreements they have concluded that are incompatible with the obligations of EU membership.

Question No. 8

What Procedures on EU Level Were There in Place to Monitor the Fulfilment of the Accession Criteria? Were There any Comparable Specific Domestic Monitoring Procedures?

According to the Negotiating Framework for Moldova, the European Commission will conduct a formal screening process to familiarise Moldovan authorities with developments in the EU acquis, assess Moldova's readiness to open negotiations in specific areas, and identify key issues likely to arise during negotiations. This process will also highlight areas for accelerated integration, to be agreed upon by the EU and Moldova for follow-up within the framework of the Association Agreement, including the Deep and Comprehensive Free Trade Area (DCFTA), where applicable. During the screening, the Commission will identify anti-corruption reform priorities and evaluate administrative capacity.

In line with the revised EU enlargement methodology, the acquis is organised into six thematic clusters: Fundamentals; Internal Market; Competitiveness and Inclusive Growth; Green Agenda and Sustainable Connectivity; Resources, Agriculture, and Cohesion; and External Relations. The screening will be conducted cluster by cluster, resulting in proposed opening benchmarks that outline key reforms for each cluster, where applicable. It will also identify potential areas for accelerated integration, along with the conditions Moldova must meet to ensure high compliance with the acquis. Based on this, the Council, acting unanimously on a Commission proposal, will establish and assess opening benchmarks for each cluster and agree on areas for accelerated integration, following applicable rules and procedures.

As part of the merit-based accession process, the implementation of steps outlined in the Commission's recommendations of 8 November 2023 will be closely monitored. Given the critical importance of reforms in the fundamentals cluster, negotiations on this cluster will be opened first and closed last, following a specific procedure. Other clusters, however, may be opened and closed simultaneously. Based on the screening report, the Commission will propose that Moldova prepare a roadmap for the rule of law chapters (Judiciary and Fundamental Rights, and Justice, Freedom, and Security) and a roadmap for public administration reform. These roadmaps, developed through a transparent consultation process involving relevant stakeholders, including civil society, will serve as opening benchmarks.

The Council, acting unanimously on a Commission proposal, will establish and assess these benchmarks.

Moldova will be invited to develop and adopt a roadmap for reforming democratic institutions and public administration, with guidance provided by the Commission in the screening reports. The implementation of these roadmaps will be closely monitored and regularly reviewed at Intergovernmental Conferences (IGCs). Once the Council, following a Commission assessment, determines that the opening benchmarks for the fundamentals cluster have been met, it will decide to open the cluster and set interim benchmarks for the rule of law chapters. These benchmarks will focus on legislative adoption, strengthening administration, and establishing a track record, aligned with milestones in the roadmap. No chapter will be provisionally closed until these interim benchmarks are achieved. Once the Council is confident that the closing benchmarks for the fundamentals cluster have been met, it will decide on the provisional closure of the cluster.

Progress in meeting the economic criteria will also be monitored and regularly discussed at IGCs based on the Commission's periodic reports and assessments of Moldova's Economic and Reform Programmes. Targeted policy recommendations to achieve economic benchmarks will be introduced within the framework of the annual Economic and Financial Dialogue. The Commission will report to the Council at least twice a year on progress in the fundamentals cluster, particularly regarding the Judiciary and Fundamental Rights, as well as the Justice, Freedom, and Security chapters.

Once the fundamentals cluster is opened and the Council is satisfied that the opening benchmarks for other clusters have been met, it will decide to open those clusters, with closing benchmarks established for each chapter individually. Clusters will be opened as a whole, with all chapters within a cluster launched simultaneously. If significant reforms are already in place prior to opening, the timeframe between opening a cluster and closing individual chapters should be limited, preferably to one year. This will depend on the progress of reforms and whether interim benchmarks for the rule of law chapters are met.

Closing benchmarks for each chapter will be established by the Council, acting unanimously on a Commission proposal based on screening results, regular Commission reports, Council conclusions, and third-party indicators. These benchmarks will focus on legislative alignment, implementation track records, and commitments under the Association Agreement, including the DCFTA. Once the Council is satisfied that the closing benchmarks for a chapter have been met, it will decide on the provisional closure of the chapter. Each cluster, except for the fundamentals cluster, will be automatically provisionally closed once all its chapters are closed.

Moldova's progress in fighting corruption, including investigations and convictions, will be closely monitored, with anti-corruption policies mainstreamed across all relevant chapters. A chapter will not be provisionally closed until sufficient anti-corruption measures are implemented. If issues arise during negotiations, the Council, acting unanimously on a Commission proposal, may update benchmarks or

roadmaps as needed. Chapters may also be revisited or re-opened if new acquis elements are introduced or if negotiations span a considerable period.

Moldova will be required to report on its progress in meeting benchmarks, provide reliable statistical data, and ensure the correct transposition and implementation of the acquis. The Commission will monitor progress using all available tools, including on-site reviews, the Association Agreement dialogue, and third-party indicators. The Commission will regularly inform the Council of Moldova's progress, which will guide decisions on further negotiation steps.

The IGC will provide political oversight and a forum for dialogue on the reform process, with at least one ministerial-level meeting per year, supplemented by additional meetings as needed. Negotiations will remain centralised at ministerial and deputy levels, with working parties established only if objectively necessary, operating under clear terms of reference and timelines.

At the domestic level, the Parliament, on 27 October 2023, adopted Decision no. 829 regarding the approval of the National Action Plan for the years 2024–2027 for the accession of the Republic of Moldova to the EU.³⁴ According to the Decision, the ministries and other responsible public authorities will ensure, according to their competences, the implementation of the measures included in the Plan. The Ministry of Foreign Affairs and European Integration will ensure the general coordination of the implementation of the Plan. The ministries and other public authorities have the obligation to present the reports on the implementation of the measures included in the Plan by the dates of January 15, March 15, May 15, and August 15. The State Chancellery, through the Centre for the Harmonisation of Legislation, will present to the Ministry of Foreign Affairs and European Integration, by January 25 and August 25, information on the implementation of the transposition measures from the perspective of their level of alignment with the EU acquis. The Ministry of Foreign Affairs and European Integration shall present to the Government, by 28 February, the annual evaluation report on the implementation of the National Plan for accession for the previous year, which will be examined by the Government.

The Plan is updated annually by integrating the recommendations and reference criteria established in the annual progress reports published by the European Commission regarding the EU Enlargement Package, as well as depending on other developments in the official relations of the Republic of Moldova with the EU. On 30 October 2024, the European Commission issued a report on the Republic of Moldova.³⁵

34 Government's Decision no. 829 of 27 October 2023 on the approval of the National Action Plan for the accession of the Republic of Moldova to the EU for the years 2024–2027.

35 Commission staff working document, Republic of Moldova 2024 Report, Brussels, 30 October 2024, SWD (2024) 698 final.

Question No. 9

To What Extent Was Your Country Involved in the Work of EU Institutions (e.g. Participation in the Commission's or Council's Working Groups, Participation of Your Representatives at the Commission's or Council's Meetings etc.)?

The progress of the Association Agreement is consistently monitored through Association Implementation Reports³⁶ and evaluated through various bilateral dialogue mechanisms established under the Agreement. These include: (a) The EU-Moldova Association Council (most recent meeting held on 7 February 2023, and prior to that on 28 October 2021); (b) The EU-Moldova Association Committee (latest meeting on 17 June 2022); (c) The EU-Moldova Association Committee in Trade Configuration (last convened on 29 November 2022); (d) Several Sub-committees, such as the Sub-committee on Justice, Freedom, and Security, alongside an annual Human Rights Dialogue.

Additionally, on 18 March 2022, the EU-Moldova High-Level Political and Security Dialogue was initiated to enhance collaboration within the framework of the Common Security and Defense Policy.³⁷

Question No. 10

Has Your Country Experienced any Particular Difficulty in Meeting Some of the Accession Criteria?

On 7 February 2023, the EU and the Republic of Moldova convened the seventh meeting of the Association Council under the EU-Moldova Association Agreement. During the meeting, the EU commended Moldova for adopting a comprehensive justice sector reform strategy and for taking significant steps toward its implementation. This included the initiation of a vetting process for candidates seeking top positions within the judiciary and prosecution bodies. A stage of justice reform, which started in 2021, involved adopting certain laws regarding the evaluation of the ethical and financial integrity of judges and prosecutors. The entire process is called vetting³⁸ and represents a commitment assumed by Moldova at the national and international levels. Moldova reaffirmed its dedication to progressing with the implementation of this strategy and its associated action plan. The EU urged Moldova to ensure that the reform of the Supreme Court of Justice, as well as the ongoing vetting of high-ranking officials in the judiciary and prosecution, align with

³⁶ European Commission, 2020a.

³⁷ The decision to launch this dialogue was taken on 28 October 2021 at the last Association Council between the EU and the Republic of Moldova in Brussels. See: Delegation of the EU to the Republic of Moldova, 2022.

³⁸ The notion of 'vetting' is used by the Venice Commission, for example, since 2016. See European Commission for Democracy through Law (Venice Commission), Albania, draft Amicus Curiae brief for the Constitutional Court on the Law on the transitional re-evaluation of judges and prosecutors (the Vetting Law), CDL (2016)040, Strasbourg, 25 November 2016.

the recommendations of the Venice Commission. The EU also emphasised that the quality and sustainability of reforms should take precedence over the speed of their implementation. Moldova pledged to continue its reform efforts in accordance with European standards and in close consultation with international partners, including the EU and the Venice Commission of the Council of Europe.

Till present, top positions in the judiciary and prosecution office have not been vetted.

At the meeting, the EU reaffirmed its steadfast support for Moldova's sovereignty and territorial integrity. It emphasised its unwavering commitment to promoting a comprehensive, peaceful, and lasting resolution to the Transnistrian conflict.³⁹ This resolution would be grounded in the sovereignty and territorial integrity of Moldova within its internationally recognised borders while granting a special status to the Transnistrian region. The EU also urged ongoing dialogue between the parties to foster confidence-building measures and prevent any potential destabilisation.

It seems that the Transnistrian conflict will not be settled only through negotiations between the authorities in Chişinău and the Transnistrian leaders since the regime there has a high level of dependency on Russian support. There is a strong indication that the Russian Federation continues to exercise effective control and a decisive influence over the Transnistrian 'authorities'.

Question No. 11

In What Way Was the Constitution of Your Country Changed in Order to Accede the EU? Was the Accession Legally Challenged (e.g. Constitutional Court)?

On 9 April 2024, 46 deputies submitted to the review of the Constitutional Court a draft decision of the Parliament regarding the holding of a republican constitutional referendum based on the draft law for the amendment of the Constitution. The draft decision mainly established the question that would be addressed to the participants in the referendum: 'Are you in favour of the accession of the Republic of Moldova to the EU?' However, at this stage, the Court could only approve the initiative to revise the Constitution, not the question intended to be asked in the referendum.

The draft law to amend the Constitution supplemented the Preamble of the Constitution with the following words:

Reconfirming the European identity of the people of the Republic of Moldova and the irreversibility of the European course of the Republic of Moldova, declaring integration into the European Union as a strategic objective of the Republic of Moldova.

39 Although Moldova has no effective control over Transdnistria, the region is recognised under public international law as part of Moldova's territory. This breakaway region, called by its 'authorities' the 'Moldavian Republic of Transdnistria', can only continue to exist and withstand Moldovan and international efforts to resolve the conflict and establish democracy and the rule of law in the region due to Russian military, economic, and political support.

It also introduced a new article (Art. 140¹) with the following content:

Accession to the constitutive treaties and to the revision acts of the constitutive treaties of the European Union (1) The accession of the Republic of Moldova to the constitutive treaties of the European Union, as well as to the revision acts of the constitutive treaties of the European Union, shall be established by the Parliament through an organic law. (2) As a result of the accession, the provisions of the constitutive treaties of the European Union, as well as the other binding legal acts of the European Union, have priority over the contrary provisions of the internal laws, in compliance with the provisions of the act of accession.

In its Opinion no. 1 of 16 April 2024,⁴⁰ the Court held that the initiative to revise the Constitution of the Republic of Moldova through a referendum corresponds to the revision time limits established by Arts. 63, para. (3)⁴¹ and 142, para. (3)⁴² of the Constitution. The Court also held that the initiative to revise the Constitution of the Republic of Moldova by referendum did not exceed the material limits of revision of the Constitution established by Art. 142, paras. (1) and (2)⁴³ of the Constitution and that it may be presented to Parliament for consideration.

Question No. 12

Was There a Referendum in any Stage of the Accession Procedure?

After the Court delivered its Opinion, the Parliament adopted Decision no. 121 of 16 May 2024.⁴⁴ In this Decision, the Parliament declared that, on 20 October 2024, a republican constitutional referendum would be held. The draft Law for the amendment of the Constitution of the Republic of Moldova was submitted to the referendum, preceded by the question: ‘Do you support the amendment of the Constitution in view of the accession of the Republic of Moldova to the EU?’

At the republican constitutional referendum of 20 October 2024, 3,020,814 voters were included in the electoral lists, of which 2,711,615 were registered in the basic electoral lists and 309,199 were registered in the additional electoral lists. Of

40 See Constitutional Court’s Opinion no. 1 of 16 April 2023.

41 Art. 63, para. (3) of the Constitution: ‘The mandate of the Parliament shall be prolonged until the legal convocation of the newly elected composition. During this period no amendment may be brought to the Constitution and no organic law may be adopted, amended or repelled’.

42 Art. 142, para. (3) of the Constitution: ‘(3) The Constitution may not be revised under a state of national emergency, martial law or war’.

43 Art. 142, paras. (1) and (2) of the Constitution: ‘(1) The provisions regarding the sovereignty, independence, and unity of the state, as well as those regarding the permanent neutrality of the State, may be revised only by referendum with the vote of the majority of the registered citizens with voting rights. (2) No revision shall be performed if it implies the infringement of fundamental rights and freedoms of citizens or their guarantees’.

44 Parliament’s Decision no. 121 of 16 May 2024 regarding the holding of the constitutional republican referendum.

them, 1,532,264 voters (50.72%) received ballots, i.e. more than 1/3 of the number of voters registered in the electoral lists. Regarding the question ‘Do you support amending the Constitution in view of the accession of the Republic of Moldova to the EU?’, followed by the text of the Law on amending the Constitution by republican constitutional referendum, a number of 1,488,874 votes were validly cast, of which 749,719, i.e. the majority, were for the ‘yes’ option, and 739,155 for the ‘no’ option.

The Constitutional Court held,⁴⁵ when asked to confirm the results of the referendum, that the draft law on amending the Constitution of the Republic of Moldova was adopted by referendum on 20 October 2024 and that the law will enter into force when the Court’s judgment of confirming the results will be published in the Official Gazette.

3. Legal And Economic Support for Candidate Countries

Question No. 16

Were There Any Other Noteworthy Aspects of EU Support Provided to Your Country Before the Accession?

At the request of the Republic of Moldova, the European Commission proposed a Macro-Financial Assistance (MFA) programme on 4 January 2022, amounting to up to €150 million. This included €30 million in grants and €120 million in medium-term loans under favourable terms. The assistance, to be disbursed in three instalments, complements Moldova’s IMF programme approved in December 2021. The European Parliament and Council adopted the decision on 6 April 2022, and it came into force on 18 July 2022.

In response to the severe economic impact of Russia’s war against Ukraine on Moldova and the ongoing energy crisis since October 2021, the Commission proposed an additional €145 million in January 2023. This increase included €100 million in concessional loans and €45 million in grants. The decision was approved by the European Parliament and Council on 14 June 2023,⁴⁶ raising the total MFA support to €295 million, with €75 million in grants. The additional funds will be disbursed in two instalments before the final tranche of the original MFA amount.

Between 2022 and 2024, the EU has allocated €926 million in humanitarian aid to support civilians affected by the war in Ukraine, including €66 million specifically for Moldova.

⁴⁵ See JCC no. 24 of 31 October 2024.

⁴⁶ Decision (EU) 2023/1165 of the European Parliament and the Council of 14 June 2023 amending Decision (EU) 2022/563 regarding the amount of macro-financial assistance to the Republic of Moldova.

On 28 April 2023, the Council established a new framework for targeted restrictive measures,⁴⁷ enabling the EU to impose sanctions on individuals or entities undermining Moldova's sovereignty, independence, democracy, rule of law, stability, or security. This framework, requested by Moldova, allows sanctions against those obstructing democratic processes, attempting to overthrow the constitutional order, engaging in serious financial misconduct, or facilitating the unauthorised export of capital. The sanctions regime currently applies to 13 individuals and one entity and has been extended until 29 April 2025. Measures include asset freezes, prohibitions on funding, and travel bans to the EU for sanctioned individuals.

47 Council Regulation (EU) 2023/888 of 28 April 2023 concerning restrictive measures in view of actions destabilising the Republic of Moldova, 22 February 2024 version.

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