

PUBLIC POSITION

HARMONISATION OF LEGISLATION WITH THE EU MUST WORK IN PRACTICE, NOT ONLY ON PAPER

Position of the Civic Movement “Construim Încredere” on the Regulation governing the harmonisation of the legislation of the Republic of Moldova with European Union law

The issue is simple: on the day of accession, citizens must know which rule applies, businesses must not be confronted with two different legal texts governing the same matter, and public institutions must know who supervises, who decides and which procedure must be followed.

The Republic of Moldova, however, is not starting from scratch. For more than four years, as the accession process has accelerated, hundreds of normative acts have been harmonised, while a dedicated harmonisation mechanism has existed since 2006. Since 2018, the process has been regulated by Government Decision No. 1171/2018, amended and republished in 2024. The new Regulation does not establish harmonisation rules for the first time; rather, it reconstructs an existing framework at an already advanced stage of the accession process. For this very reason, changing the mechanism must be accompanied by a serious review of the results produced under the previous system.

The Government’s own Explanatory Note acknowledges that the mechanism currently in force built harmonisation around the concept of “transposition”, including in relation to EU regulations and decisions, and that a separate method for their implementation through national measures was lacking. It also notes that the existing repeal clause has been applied inconsistently and only sporadically.

Modernisation is necessary, but this raises a legitimate and unavoidable question: who will review what has already been done, who will confirm the quality and consistency of the acts harmonised under the previous mechanism, and who will assume institutional responsibility if such reviews reveal omissions affecting the negotiations, citizens or the business environment?

Where we see the risks

1. An EU rule and its national copy must not remain in force in parallel

Before accession, the Republic of Moldova may incorporate rules from EU regulations into its national legislation in order to apply them earlier. After accession, the European regulation will become directly applicable. If the old national copy is not repealed at precisely the right moment, or if it has become outdated in the meantime, two different legal texts will govern the same situation. For citizens, businesses and public officials, this means confusion and a risk of inconsistent application.

2. A directly applicable rule still requires institutions that are ready to enforce it

The fact that an EU regulation is directly applicable does not mean that the state has nothing further to do. In many cases, a competent authority must be designated, controls and sanctions must be established, appeal procedures must be defined, and registers or information systems must be created.

If the national act is repealed in its entirety and the new institutional framework does not enter into force on the same day, the European rule will formally exist, but it will remain unclear who is responsible for applying it and how.

3. EU legislation changes continuously

A provision copied today may be amended before accession. Therefore, every national act based on an EU regulation must be linked to the exact version of the European act concerned, and a responsible institution must be designated to monitor subsequent amendments. Otherwise, Moldova may declare itself harmonised while continuing to apply a rule that has already become outdated.

4. The conditions of accession will matter just as much as the date of accession

The future Accession Treaty may include transitional periods, adaptations or negotiated exceptions in certain areas. The national Regulation should not proceed from the assumption that all rules will take effect in the same way and on the same day. Each sector must also be assessed in light of the specific conditions of accession.

5. Harmonisation carried out under the old rules may conceal the need for transitional periods

If what has already been transposed or harmonised under the previous mechanism is not reviewed, there is a risk that European obligations may have been incorporated into national legislation without a proper assessment of the timing and actual cost of compliance.

In particular, where requirements from EU regulations have been incorporated into Moldovan legislation, it is necessary to verify whether certain technical standards, investments, production conditions, infrastructure, traceability, control or certification requirements required transitional periods, adaptations or other negotiated arrangements.

A farmer or a business may need new equipment, adapted production facilities, traceability systems, control procedures or other major investments in order to comply. If Moldova needs additional time to meet such obligations, this need must be identified, substantiated and negotiated before the accession negotiations are concluded, rather than discovered after accession.

If such needs are not included in the negotiating positions of the Republic of Moldova in due time, economic operators may find themselves required, on the day of accession, to comply immediately with requirements for which they have had neither sufficient time, investment nor capacity to prepare.

For small businesses, farmers and other economic operators, the consequences may include an inability to comply, loss of market access, suspension of operations or even bankruptcy. This is precisely why reviewing the stock of legislation already harmonised is not merely a legal exercise, but also a condition for protecting the economy throughout the accession process.

6. Traceability between the EU rule and the national measure must be preserved

The text approved by the Government allows, in certain cases, for a table of concordance not to be prepared. A complex table is not necessary for every act. Nevertheless, there should at least be a simple record showing what the EU rule requires, what the Republic of Moldova has done, which institution is responsible, what remains outstanding and what must be changed before accession.

Without such a documentary trail, verification becomes difficult both for national authorities and for European partners.

7. New obligations require staff, training and working tools

The inventory of legal acts, monitoring of changes in European legislation, verification of applicable versions, preparation of acts that must enter into force upon accession and training of public officials all require time and resources. If these costs are ignored, there is a risk that the new system will function well only on paper while being applied differently from one institution to another.

What we are calling for

To ensure that the harmonisation process is coherent and effective, we call on the Government and the State Chancellery to ensure the following safeguards when finalising and implementing the new Regulation:

1. **A clear central register and a review of the existing stock of legislation.** National acts that reproduce or implement EU regulations and decisions should be inventoried and reassessed.
2. **Responsibility and traceability for every act.** The register should identify the responsible institution, the exact version of the EU act, the national measures required, the deadline, what will happen to the Moldovan act upon accession, and who is responsible for reassessing harmonisation carried out previously. Where inconsistencies affect negotiations, the application of rules or the business environment, there must be clear institutional accountability and a documented decision on how the issue will be remedied.
3. **Continuity on the day of accession.** The repeal of national copies should be synchronised with the preservation or entry into force of the necessary competences, procedures, controls and sanctions.
4. **A simple correspondence record.** Even where a full table is not required, the link between the European obligation and the national measure must remain visible.
5. **A comprehensive assessment of every regulation.** Before concluding that no national measures are required, the competent authority should verify who will apply the rule, who will supervise

compliance, what sanctions are in place and whether additional systems or procedures are necessary.

6. **Timely identification and negotiation of transitional periods.** The reassessment of legislation already harmonised should include, for every relevant sector, an evaluation of the actual cost and timeframe required for economic operators to comply, including necessary investments in equipment, infrastructure, facilities, traceability, certification or control systems. The standards and obligations for which the Republic of Moldova requires transitional periods, adaptations or other arrangements must be identified, substantiated and incorporated into Moldova's negotiating positions before the relevant chapters are closed, rather than being discovered after accession.
7. **A realistic capacity plan.** The required staffing, training, translation, coordination and digital tools necessary for uniform implementation of the new system must be properly assessed.

Our request: before the new mechanism is applied on a broad scale, the identified vulnerabilities and the legislation already harmonised must be reassessed in light of the new rules. This review must determine not only whether transposition or implementation was legally correct, but also whether obligations and standards with significant economic impact were identified in due time, whether transitional periods or adaptations were required, and whether these were properly reflected in the negotiating positions of the Republic of Moldova.

The cost of an institutional omission must not, on the day of accession, be transferred to farmers, entrepreneurs and citizens.

Accession must be prepared for people, not only for reports

For citizens, the quality of harmonisation is visible when a rule is easy to understand and is applied consistently everywhere. For businesses, it is visible when they do not receive contradictory requirements from different institutions. For public officials, it is visible when they have a clear legal basis, a defined procedure and the necessary tools. And for the state, it is visible when both legislation and institutions are ready from the very first day of accession.

This is the standard that the Republic of Moldova must pursue: not merely to declare that it has incorporated European Union legislation, but to demonstrate that it can apply it coherently, consistently, in an up-to-date manner and effectively.

European integration must not be treated as a race for speed or as an exercise in ticking off the number of harmonised acts. The objective is not only for the Republic of Moldova to enter the European Union, but for the Republic of Moldova, its citizens and its businesses to be able to succeed within the European Union, without today's lack of verification or institutional haste becoming tomorrow's bill to be paid by those who will have to comply with the new rules.

Civic Movement "Construim Încredere"