

PUBLIC APPEAL

for the adoption of the draft law on noncommercial organizations in the second reading without delay and without amendments that could hinder the work of NGOs

3 June 2020

The Moldovan National Platform of the Eastern Partnership Civil Society Forum supports the adoption of the draft law on *noncommercial* organizations in the second reading and its coming into force without delay.

[Draft Law No. 109](#) on noncommercial organizations was registered in Parliament on 3 April 2018. It was prepared by a working group—which included civil society representatives—set up by the Ministry of Justice in 2016. The draft law passed repeated [public consultation](#) initiated by the Ministry of Justice, which resulted in its refinement, and has all [required endorsements](#). The draft law passed its first reading in Parliament on 3 May 2018. On 28 May 2020, the parliamentary Committee for Legal Matters, Appointments, and Immunities proposed the adoption of the draft law in the final reading.

Earlier, many civil society organizations (CSOs) requested that Parliament pass Draft Law No. 109 ([public appeal of 3 March 2020](#) signed by more than 20 SCOs and [public appeal of 30 April 2020](#) signed by more than 40 SCOs). The signatory organizations called on Parliament to pass the draft law in the final reading, to bar any amendments that could impede nonprofits' work, and to consult with civil society organizations about any proposed amendment to the draft law in a transparent and inclusive way.

The member-organizations of the Moldovan National Platform of the Eastern Partnership Civil Society Forum welcome the endorsement of Draft Law No. 109 by the parliamentary Commission for Legal Matters, Appointments, and Immunities for the final reading and that it was not complemented with provisions that can hinder SCOs' work. The draft law is intended to bring about significant improvements to the legal framework on noncommercial organizations and transposes the [best practices and standards concerning freedom of association](#) recommended by the Venice Commission and the OSCE/ODIHR. It simplifies the registration of noncommercial organizations, provides for their free registration, and removes the rigid internal organization structure imposed on them by current laws. The draft law limits the authorities' possibilities for exerting pressure on noncommercial organizations and excludes unjustified limitations on the foundation of noncommercial organizations by persons from certain categories. The draft law completely prohibits noncommercial organizations from supporting election candidates and sets clear limits on the relationship between nonprofits and political parties. The draft law also establishes the legal framework concerning the government financing or support for noncommercial organizations—a field that has been insufficiently regulated by current laws. In addition, it addresses the legal gaps concerning the establishment of noncommercial organizations that appeared as a result of the 2019 amendment of the Civil Code. It does not require the repeated registration of noncommercial organizations and does not restrict foreign funding for them.

The Socialist Party members of the parliamentary Legal Committee proposed, without offering compelling arguments, that the law come into force on 1 January 2021. This proposal was not carried by the required number of votes. Since for the enactment of Draft Law No. 109 no additional actions are required, we do not see any impediments for it to become effective under the general rule—one month after its publication in the Official Gazette.

Given the above, **the member-organizations of the Moldovan National Platform of the Eastern Partnership Civil Society Forum call on the Parliament of the Republic of Moldova:**

1. To pass [Draft Law No. 109 on Noncommercial Organizations](#)—as voted by the parliamentary Legal Committee on 28 May 2020—in the second reading without delay;
2. To reject the motion that the law come into force on 1 January 2021. To have the law come into force under the general rule—one month after its publication in the Official Gazette.

The National Platform of the Eastern Partnership Civil Society Forum was established in 2011 and currently has 84 members, of which 6 are umbrella organizations for other 255 organizations. The mission of the Platform is to strengthen the European integration and democratic development of the Republic of Moldova and to contribute to advocacy and monitoring for the implementation of the EU – RM Association Agreement and other documents applicable to the Eastern Partnership and the EU – RM relationship.