

Comunicat de presă

## Application of Conflict of Interest Policy in LPAs: Results of Survey of Local Elected Officials and LPA Staff

The activity reports of the National Integrity Agency (NIA) show a worrying trend of non-compliance with the conflict of interest regime by local elected officials (mayors and local councilors) in recent years – more than half of the infringement notices were issued against them (about 54% in 2021; 50% in 2022; and 59% in 2023).

With the intention to support the familiarization of local elected officials and staff of local public authorities (LPAs) with the issue of conflict of interest management, Transparency International-Moldova (TI-Moldova) has conducted a series of trainings for local elected officials and LPA staff in 2024. At the same time, given the experience of conducting surveys related to the implementation of anti-corruption policies in LPAs, TI-Moldova decided to extend it to LPAs, focusing on the implementation of the policy of conflict of interest management.

In the first semester of 2024, TI-Moldova conducted a survey in 9 LPAs (mayor's offices in the villages of Peresecina, Mîndrești, Sărata Veche; and in the towns of Cimișlia, Leova, Ungheni, Glodeni, Rezina, Cantemir), during which 175 people were interviewed, mostly staff of the mayor's offices, local councilors, heads of public institutions (schools, kindergartens, municipal companies). The purpose of the survey was to analyze respondents' opinions and experiences regarding the application of conflict of interest policies in LPAs, to identify potential problems, and to formulate suggestions for improving the situation.

The survey was based on a questionnaire that included questions related to the respondents' familiarity with the legal provisions on conflict of interest, perceptions and experiences with the application of this policy in LPAs; opinions about the areas of activity of LPAs with a high risk of conflict of interest and corruption; willingness to report cases of corruption and conflicts of interest, and to cooperate with state bodies in their prevention; suggestions for improving the work of LPAs. The activity was conducted with the support of the Ministry of Foreign Affairs of the Czech Republic.

The results of the survey show an *insufficient level of familiarization of local elected officials and LPA staff with the legislation related to integrity, including conflict of interest management*. On average, *only every second respondent stated that they attended trainings on integrity, including conflict of interest management, in 2023*; in some LPAs, the level of attendance of such trainings was very low (e.g. in the municipality of Cimișlia, 32% of respondents attended trainings, in Glodeni – 38%). *The respondents' assessment of their own knowledge in this area is also rather modest, with an average of 6.6 out of a possible 10 points.*

Only about half of the respondents (48%) correctly consider that a civil servant, like any other person, has personal interests. *Most of the examples of personal interests given by the respondents are wrong*, because they do not reflect personal interests, but situations of exhausted conflicts of interests, incompatibilities, and violations of restrictions established by law. The most frequent were examples of the head of a public institution employing their relatives in direct subordination. There were also respondents who stated that they had/had not encountered personal interests.

Although the majority of respondents correctly identified spouses, parents and children as *close persons*, *a large proportion of respondents did not identify grandparents, grandchildren, uncles/aunts, cohabitants and in-laws as such*. *Respondents do not understand and distinguish between the different types of conflicts of interest (actual, potential and exhausted) provided for in the legislation, and do not know what sanctions they risk if they fail to comply with the requirements to declare personal assets and interests and to report conflicts of interest.*

Regarding the filing of declarations of assets and interests for 2023, on average, about 77% of respondents say they have filed them, and 23% have not.<sup>1</sup> *Every tenth respondent among those who filed declarations indicated that they had encountered problems in the filing/completion process*, including technical problems related to the functioning of NIA's e-declarations system, as well as problems in reporting movable and immovable assets at market value.

*Among the areas of LPA activity where there is an increased risk of conflict of interest and corruption, the following were identified: hiring and promotion of staff, management of financial resources, public procurement, and land leasing*. On average, 7% of respondents said that they knew about cases of corruption, conflicts of interest, irregularities that occurred in the LPA where they work in 2023; 73% - did not know; and 20% avoided answering the question. Among such examples were given: "The head of a municipal enterprise concludes public procurement contracts with a business operator managed by his daughter" (Ungheni); "A local councilor works in parallel at a municipal enterprise in Rezina" (Rezina).

Although the majority of respondents did not see a difference between asking for a salary that would allow for a decent living and asking for a salary that would not lead to corruption, *some respondents correctly noted that increasing salaries does not make civil servants*

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<sup>1</sup> Possibly because at the time of the survey in some LPAs (February-March 2024), the deadline for filing 2023 annual declarations had not yet passed.

*honest*: "Bribery does not depend on the size of the salary. Even if the salary is very high, a dishonest person will take bribes" (Glodeni); "No matter how high their salary, the person might want more...the size of the salary will not stop them from taking bribes" (Cimișlia).

*The willingness of respondents to report cases of corruption, conflicts of interest and irregularities is quite low* – on average, only 45% of respondents are willing to report them; 26% - say they will not report them; and 29% - avoided answering the question. Respondents from Peresecina, Sărata Veche and Glodeni are among the most willing to report corruption and irregularities. The main reasons given by respondents who are unwilling to report such cases are that it is not their responsibility (35.3% of respondents), that it would only cause them problems (29.4%), and that they do not trust that they would be protected as whistleblowers (20.6%).

Almost all respondents (on average about 97%) are satisfied with the communication with the staff of the mayor's office and the mayor of the locality, slightly less (93%) – with the communication with the local councilors. Those who were dissatisfied with the communication process, especially with the local councilors, pointed out that they are not actively involved in the life of the community and that the local population does not know them: "People in the village do not know who the local councilors are; people need to be informed in different ways about the council meetings" (Questionnaire 10, Sărata Veche); "Local councilors are not involved in the activities carried out by the municipality" (Questionnaire 17, Mîndrești); "There is a need for more involvement of local councilors in decision-making" (Questionnaire 2, Glodeni).

When asked to indicate the subjects on which they would like to be trained in relation to their professional activity, the respondents in particular requested familiarization with the legislation related to the functioning of LPAs, the rights and obligations of local elected officials, the budgetary process and the management of public assets and public funds. At the same time, the need for familiarization with the subject of integrity in civil service (ensuring access to information, transparency in decision-making, dealing with conflicts of interest, public procurement) were frequently mentioned.

Suggestions for improving the work of LPAs were made by respondents, most of whom pointed to the need to improve communication between local elected officials and the population; to increase the transparency of LPAs; to recruit and promote deserving staff; to increase the salaries of LPA staff; and to share experiences with other LPAs, especially from the European Union, in order to adopt best practices. Among the suggestions, the following were mentioned in particular: "More communication between the management and the employees, including through joint meetings; training for employees to increase the level of professionalism" (Ungheni); "In the Mayor's Office, we need powerful computers/technical equipment having all the necessary things installed, better working conditions (furniture, chairs)" (Sărata Veche); "Involve all local elected officials, activists, ordinary people in decision-making, better inform citizens about draft decisions and approved documents, about their impact on the development of the locality" (Rezina); "Have computer programs that would facilitate our work, e.g. keeping track of various documents – access to information, petitions, issuing various certificates, etc." (Rezina); "Hire competent staff, improve communication, reduce bureaucracy. (Rezina); "Hire competent staff, improve communication, increase transparency in the mayor's office's work" (Leova); "More transparency in the work of the mayor's office and less bureaucracy. Competent people in the management, not those appointed along party lines" (Glodeni).

On the basis of the above, the heads of LPAs should request the National Integrity Agency, the National Anti-Corruption Center (NAC) and the Institute of Public Administration to conduct training on integrity, in particular on the management of conflicts of interest and the declaration of personal assets and interests. The respective public bodies should expand the process of familiarizing local elected representatives and LPA officials with the provisions of the legal framework in this area, including through the e-learning platform, so that the subjects of the declaration understand and apply them correctly.

LPA management should also focus its attention on preventing and resolving conflicts of interest and, where appropriate, seek the assistance of NIA integrity inspectors. In this context, LPA management should strengthen internal controls in the areas of high risk of corruption and conflict of interest identified by respondents, in particular in the recruitment and promotion of staff, management of financial resources, implementation of public procurement and the leasing of land, and make information about these activities transparent, including through their websites. In proactively making information transparent, public authorities should be guided by the provisions of the new legislation on access to information of public interest.

The results of the survey among local elected officials and LPA staff, including training needs, proposals for improving the work and working climate in LPAs, will be presented for decision to the heads of the monitored authorities, the Working Group for the Implementation of the National Integrity and Anti-Corruption Program (NAC), the National Integrity Authority, and the Congress of Local Authorities of Moldova.

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