

TC-CP(2024)07  
3 October 2024

## **Consultation of the Parties**

### **Council of Europe Convention on Access to Official Documents (CETS No. 205)**

#### **Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by the Republic of Moldova**

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by the Republic of Moldova adopted by the AIG at its 6<sup>th</sup> meeting (29-31 May 2024) which focuses on the Law on Access to Information of Public Interest as well as the comments of the Government received on 12 July 2024;

1. Welcomes the following elements of the Law on Access to Information of Public Interest:
  - 1.1. its application to the widest range of public authorities covered by the Convention and to all information held by them in accordance with Article 1, paragraph 2, of the Convention;
  - 1.2. guaranteeing the right of access to official documents held by public authorities to everyone, on request, without discrimination in compliance with Article 2, paragraph 1, of the Convention;
  - 1.3. its compliance of the limitations on the right of access with the grounds and principles provided for in Article 3, paragraphs 1 and 2, of the Convention;
  - 1.4. its implementation of the requirements of Article 4 of the Convention regarding requests for access to official documents;
  - 1.5. its compliance with the obligations of Article 5 of the Convention regarding the processing of requests for access to official documents;
  - 1.6. guaranteeing the access to official documents in accordance with the requirements and obligations of Articles 6 and 7 of Convention respectively on forms of and charges for access to official documents;
  - 1.7. its compliance with the requirements of Article 8 of the Convention regarding review procedures;
  - 1.8. its measures to comply with Articles 9 and 10 of the Convention regarding respectively complementary measures and documents made public at the initiative of the public authorities;
2. Requests the Republic of Moldova to provide to the AIG, by 4 November 2024, the necessary information on the content of the governmental regulation on access to environmental information, including any limitations on the right of access laid down in it (see paragraphs 11, 48 and 52 of the AIG report);
3. Recommends that the Republic of Moldova ensure the application of the harm test principle and the overriding public interest test principle, as enshrined in Article 3, paragraph 2, of the

Convention, to the limitations permissible under Article 8(2) of the Law on Access to Information of Public Interest (see paragraphs 16, 18 and 51 of the AIG report); and requests the Government of the Republic of Moldova to report to the Consultation of the Parties on the measures taken to this end by 6 October 2025.