

REGULATION

on the status of observers and the procedure for their accreditation

Chapter I. General provisions

1. This Regulation lays down the procedure for accreditation as an observer, as well as the rights, obligations, status guarantees and liability of accredited observers.
2. For reasons of clarity and flow of the text, and in order not to encumber the text with masculine/feminine doublets, the terms used in this Regulation to designate functions are in the generic masculine form and carry an inclusive/non-sexist character.
3. Observers are persons accredited in the manner established by the Electoral Code and these Regulations, who may represent domestic, foreign or international organisations or institutions and who carry out the task of observing the organisation and conduct of the elections.
4. Observer status is incompatible with that of:
 - 1) candidate for elective office or referendum participant;
 - 2) representatives of subjects other than those covered by item 3;
 - 3) treasurer of the political party, electoral competitor, referendum participant or initiative group;
 - 4) election official carrying out election or referendum work;
 - 5) representative or trusted person of the electoral competitor or referendum participant;
 - 6) leader or member of the initiative group;
 - 7) leader (person in charge) of the religious cult or a servant of the religious cult;
 - 8) authorized interviewer for exit polls.
5. Observers can be:
 - 1) nationals - citizens of the Republic of Moldova with the right to vote, accredited by the electoral bodies in the manner established by the Electoral Code and by this Regulation, at the request of public associations and electoral training and research institutions in the Republic of Moldova, whose mission is to observe the organization and conduct of elections;
 - 2) internationals - citizens of the Republic of Moldova with the right to vote, as well as foreign citizens, who have reached the age of 18, representatives of foreign electoral authorities and electoral training and research institutions, international organisations, governments of foreign states and foreign non-governmental organisations, as well as international electoral experts, accredited by the Central Electoral Commission under the terms of the Electoral Code and this Regulation, whose mission is to observe the organisation and conduct of elections.

Chapter II. Observer accreditation procedure

6. The Central Electoral Commission shall accredit, upon request, national and international observers who can monitor the electoral process throughout the country: in all districts and at all polling stations, including polling stations set up for voters in the localities on the left bank of the Dniester and those abroad.
7. An application for accreditation of international observers may be submitted if the entity has received an invitation from the Central Election Commission to monitor the elections. The invitation of international organisations, representatives of the governments of foreign states and foreign non-governmental organisations as international experts, international observers may be made by the Central Election Commission on its own initiative or at the request of the entities mentioned in this paragraph, as well as through the Ministry of Foreign Affairs and European Integration at the request of the Central Election Commission. In the case of regional elections, the invitation shall be made by the Central

Electoral Commission at the request of the Central Electoral Council of Gagauzia.

8. Representatives of international organisations, governments of foreign states, foreign electoral authorities, electoral training and research institutions and foreign non-governmental organisations may confirm to the Central Election Commission interpreters to assist accredited international observers during their work.

9. The District Electoral Council shall accredit, upon request, national observers from public associations/non-governmental organizations registered in the Republic of Moldova to monitor the elections only on the territory of the district within its territorial radius.

10. Public associations/non-governmental organisations in the country or abroad may apply for accreditation of observers only if their statutes or other internal documents provide for the conduct of election observation missions and/or activities in the field of defending human rights or democratic values, promoting participatory democracy and/or the interests of certain categories of citizens. These entities must have a permanent governing body, authorised representatives and mechanisms for communicating with them.

11. In regional elections, the Central Electoral Council of Gagauzia shall accredit national observers in accordance with the rules established by it, and the Central Electoral Commission in regional elections shall accredit international observers and confirm interpreters in accordance with the provisions of the Electoral Code and of this Regulation.

12. The application for accreditation of observers shall be submitted to the electoral body in the following ways: directly at the office, by post or by e-mail.

13. The following documents shall be submitted for the accreditation of observers and/or confirmation of interpreters:

1) In the case of national observers:

a) application from the entity requesting accreditation of observers, accompanied by the list of persons proposed for accreditation, completed in accordance with the model in Annex 1;

b) public associations shall submit a copy of the extract from the State Register of Legal Entities on Non-Commercial Organisations, issued no later than 6 months before the time of submission, as well as a copy of the statute;

c) training and research institutions in the field of elections in the Republic of Moldova shall submit a copy of the registration document to the competent state body;

d) for each candidacy, a copy of the valid identity card or of the valid provisional identity card with the indications of the citizenship of the Republic of Moldova shall be presented. For the observation of elections in polling stations set up outside the Republic of Moldova, a copy of the passport of the citizen of the Republic of Moldova may be presented.

2) In the case of international observers and/or interpreters:

a) request from the institution/organisation requesting accreditation of observers and/or confirmation of interpreters;

b) public associations shall submit a copy of their statutes and a copy of their certificate of registration with the competent body or its equivalent;

c) foreign electoral training and research institutions shall submit a copy of the registration certificate from the competent state body;

d) the application form for the accreditation of the international observer completed by each candidate according to the model in Annex 2;

e) for foreign citizens - copy of the foreign citizen's valid passport (travel document);

f) for citizens of the Republic of Moldova - a copy of the valid identity card or of the valid provisional identity card, with the indication of the citizenship of the Republic of Moldova. For the observation of elections in polling stations set up outside the Republic of Moldova, a copy of the passport of the citizen of the Republic of Moldova may be presented.

3) Submission of documents with deviations from sub-paragraphs 1) and 2) shall constitute grounds for

rejection of the application/applicants of observers or interpreters, or rejection of the application submitted by the applicant entity.

14. A request for an invitation, accreditation of observers and/or confirmation of interpreters may be submitted before the start of the election period, but no earlier than the date of the adoption of the act fixing the date of the elections. The deadline for the submission of applications for accreditation of observers and/or confirmation of interpreters shall be 7 days before election day.

15. In the process of examining the admissibility of the invitation and accreditation applications, the Central Electoral Commission shall cooperate with the Ministry of the Interior, the Ministry of Foreign Affairs and European Integration, the Intelligence and Security Service and the Public Services Agency..

16. Applications for accreditation of national observers shall be considered within 5 days of the submission of a complete file and for international observers within 10 days, but no later than the day before election day. Subjects who have applied for accreditation shall be informed at least 24 hours before the meeting of the electoral body at which it is to be considered. Their presence or that of their representatives at the meeting is compulsory if expressly requested by the electoral body. In this case, an unjustified refusal to attend the meeting at which the application for accreditation is examined may serve as grounds for its rejection.

17. When considering the application for accreditation of observers, the electoral body shall adopt one of the following solutions:

- 1) it accepts the application for accreditation in full and accredits all persons on the list;
- 2) partially accept the application for accreditation and accredit only part of the persons on the list;
- 3) rejects the request for accreditation;

18. Consideration of the application may be postponed if it is necessary to clarify certain circumstances relating to the administrative procedure or to remedy the shortcomings detected. The electoral body shall inform the applicants.

19. Rejection of accreditation of persons as observers must be justified in accordance with the provisions of the Administrative Code and the Electoral Code.

20. The decision of the electoral body on the application for accreditation as an observer is an individual administrative act and shall be challenged in accordance with the provisions of Chapter XIII of the Electoral Code No. 325/2022 in the electoral dispute procedure with the application of time limits and jurisdiction of examination.

21. The registration of entities that have applied for accreditation and of accredited observers shall be carried out through the "Observers" module of the State Automated Information System "Elections". Refusal of persons submitted for accreditation or accredited as observers to give their consent to the processing of personal data concerning them by the Central Electoral Commission / District Electoral Council shall constitute grounds for the rejection or cancellation of the accreditation of the person / persons concerned.

22. No later than 48 hours after the accreditation decision has been taken, but no later than the day before election day, the electoral body shall issue to the representatives of the entities that have requested accreditation of observers and/or confirmation of interpreters badges in accordance with the model in Annex 3. During the electoral procedures, observers and interpreters shall wear their badges visibly on their chests. The badges shall be valid in the presence of the identity document on the basis of which the badge was issued.

23. The observer's duties shall begin on the date on which the accreditation decision enters into force and shall expire on the day immediately following the day on which the final election results are irrevocably confirmed by the competent bodies. If the legality of the elections is overturned and a repeat ballot is held, accreditation shall be maintained, and if new elections are held after the repeat ballot, accreditation shall be reconfirmed at the request of the applicant, without the need to submit the documents set out in item 13.

Chapter III. Rights and obligations of observers

24. In fulfilling their duties, observers shall have the right:

- 1) to be present, without being involved in the process, at all electoral operations, including all meetings of electoral bodies, the checking, sealing and opening of ballot boxes, the counting, tabulation of votes and centralisation of voting results, the process of checking documents for the registration of candidates, initiative groups/participants in the referendum, the preparation, printing and dispatch of ballot papers and voting certificates, the preparation of all minutes of voting results;
- 2) to assist in the process of checking the voters' lists, upon written request to the electoral body;
- 3) to inspect the electoral lists and check whether the data on voters are correct, to submit requests for the correction of errors made in the entry of data on other voters no later than 7 days before election day, with the attachment of confirmatory documents;
- 4) inform the chairman of the electoral body about irregularities observed in the election process;
- 5) to have access to all electoral information, electoral lists, minutes drawn up by electoral bodies;
- 6) to obtain copies of the decisions, minutes of the electoral body.
- 7) to attend, without being involved in the process, the meetings of the electoral contestants/participants in the referendum with the voters and the signature collection process by the initiative groups;
- 8) after notifying the chairman of the electoral body, to make video and audio recordings, to take photographs of the electoral process, without jeopardizing the secrecy and security of the vote or the protection of personal data;
- 9) inform the public about the findings;
- 10) if necessary, be accompanied by interpreters, who shall not interfere in the electoral process or in other actions of the electoral bodies;
- 11) take other actions that do not contravene the Electoral Code, this Regulation and other normative acts;
- 12) national observers may lodge complaints on irregularities detected, which shall be examined by the electoral body, with the obligatory information of the complainant about the decision taken. The submission and resolution of complaints shall be carried out both in written form and through the "Observers" module of the State Automated Information System "Elections". Observers, the electoral offices concerned and higher electoral bodies have access to the module

25. In the exercise of their duties, observers shall be obliged:

- 1) to be impartial and not to express personal opinions or preferences regarding specific candidates/participants in the referendum or regarding issues arising in the election process;
- 2) on election day, not to express any findings that would favour or disfavour certain candidates/referendum participants;
- 3) not to interfere in the election process, the election day proceedings or the counting of votes;
- 4) carry the identification card issued by the electoral body and, at the request of all persons concerned, identify themselves and confirm that the person accompanying them is an interpreter, all of whom must present their identity card;
- 5) not to wear any symbols belonging to electoral contestants/participants in the referendum;
- 6) not to give instructions or take actions contrary to the decisions of the electoral bodies;
- 7) not to make propaganda for or against the electoral contestants or referendum participants;
- 8) to know and respect the legislation of the Republic of Moldova and the provisions of this Regulation.
- 9) to ensure, in accordance with the provisions of Law No. 133/2011 on the protection of personal data, the confidentiality and conformity of the processing of personal data to which they have access and not to use/process the data for purposes other than those for which they have been designated, and not to disclose the data to which they have become privy in the course of their work even after the termination of their observer status

Chapter IV. Guarantees of observer status

25. For the effective exercise of their duties, observers shall be financially and materially supported by the parties which have referred them for accreditation or at their own expense.

26. The procedure for obtaining a visa and the procedure for entry, exit, stay and residence on the territory of the Republic of Moldova of international observers and interpreters shall be carried out in accordance with the Law No. 269/1994 on Exit and Entry into the Republic of Moldova and the Law No. 200/2010 on the Regime of Foreigners in the Republic of Moldova. Observers, interpreters or organizations that have submitted their applications for accreditation/confirmation are responsible for having the necessary documents, visas for travel and entry/exit to/from the Republic of Moldova. Obtaining accreditation as an international observer and/or confirmation as an interpreter does not automatically confer the right to obtain an entry visa for the territory of the Republic of Moldova and/or the right to enter/exit the territory of the Republic of Moldova.

27. Observers and public associations that have applied for accreditation of observers may lodge an appeal against the electoral body that imposed the sanction with the higher electoral body, and if the sanction was imposed by the Central Electoral Commission, the appeal shall be lodged in accordance with Article 98 para. 2) letter a) of the Electoral Code 235/2022.

28. Items 24 and 25 shall apply accordingly to the organisation of regional elections.

Chapter V. Liability of observers

29. In the case of an observer's violation of the electoral legal framework, the electoral body which accredited the observer shall be entitled to impose one of the following sanctions on the observer, taking into account the seriousness of the violation: a warning or the cancellation of accreditation. Any electoral campaigning for or against a political party, electoral competitor or candidate, initiative group, referendum participant, referendum option or attempt to influence the voter's choice, as well as failure in any way to respect the observer's rights and obligations or disclosure of personal data that became known in the electoral process shall be considered as a violation.

30. If the accredited person no longer provides services for the accredited organisation, its leader/representative shall, within 48 hours, inform the electoral body that adopted the accreditation decision. The cancellation of the observer's accreditation or its replacement by another person may be requested by the entity which previously requested the accreditation of that person, by means of a written request, in free form, submitted to the electoral body concerned.

31. For non-compliance with the provisions concerning the protection of personal data, the observer shall be liable according to the law. If liability arises, it shall be enforced by the competent bodies, to the extent of the actions/acts committed by the observe.

32. The cancellation of the accreditation of the observer under the conditions of item 30 shall have the effect of depriving the person concerned of the right to be accredited in that capacity during the same electoral period

33. If the Central Electoral Council of Gagauzia finds that international observers have violated the electoral normative framework applicable to regional elections, it may request the Central Electoral Commission to cancel the accreditation of the observers.