

Approved
by the Decision of the Central Electoral Commission
no. 332 of 24 October 2006;
amended and completed by CEC decisions
no.1792 of 22 July 2008;
no.3379 of 27 July 2010;
no. 3573 of 5 October 2010;
no. 2675 of 25 September 2014;
no. 2784 of 17 October 2014;
no. 3310 of 22 April 2015;
no. 110 of 18 August 2016;
no. 1694 of n 12 June 2018
no. 4261 of 17 September 2020

REGULATION on status of observers and their accreditation procedure

I. General provisions

1. The status of observers and observers' accreditation procedure shall be set by the Electoral Code, this Regulation and other normative acts in force.
2. Observers' activity shall be performed in line with the legislation of the Republic of Moldova in force.

Point 2 worded in a new version by CEC Decision no. 1694 of 12.06.2018

3. Observers are persons having the right to vote and being duly authorized, who may represent local, foreign or international organizations or institutions and whose mission is to monitor the way in which elections are organized and held. The observer's position is incompatible with the position of candidate in elections, member of the electoral body, representative of the electoral candidate. Trustworthy person may be accredited as national observers only if they are nominated by the electoral competitors.

*Point 3 completed by CEC Decision no. 3379 of 27.07.2010, no. 3573 of 05.10.2010, no. 2675 of 25.09.2014;
amended and completed by CEC Decision no. 2784 of 17.10.2014*

4. Observers can be:
 - national, citizens of the Republic of Moldova – representatives of qualified public associations from the Republic of Moldova or representatives of the electoral candidates, accredited by the electoral bodies under the conditions set in the Electoral Code;
 - international – representatives of international organizations, governments of foreign states and non-governmental organizations from abroad, as well as international experts in the electoral area, accredited by the Central Electoral Commission.

Point 4 amended by CEC Decision no. 3379 of 27.07.2010 and completed by de CEC Decision no. 2675 of 25.09.2014

II. Procedure for accrediting observers

5. The Central Electoral Commission shall accredit national and international observers under the Central Electoral Commission that can observe the electoral process in the district electoral councils, in the polling stations established on the territory of the Republic of Moldova, including those opened for the Moldovan citizens with domicile in the administrative-territorial units from the left bank of the Dniester river (Transnistria), Bender Mun. and some localities from Causeni rayon and in the polling stations established outside the Republic of Moldova.

Point 5 completed by CEC Decision no. 1694 of 12.06.2018

6. The representatives of international organizations, foreign countries' governments and non-governmental organizations from abroad may register at the Central Electoral Commission, if needed, interpreters, who will assist the accredited international observers during the period of their activity.

Point 6 introduced by CEC Decision no. 3379 of 27.07.2010

7. The District electoral council shall accredit, by request of electoral candidates/referendum participants, one national observer to each polling station from the respective district, indicating the polling station to which they will be accredited. The observers from the qualified public associations from the Republic of Moldova shall be accredited by the District electoral council for observing the entire territory of the respective district. In case of local elections/referendum, electoral competitor/participants to the referendum will submit the requests for the accreditation of observers to the District Electoral Council of first level, where appropriate, to the second level. Electoral competitor/participants to the referendum may have only one observer in every polling station, regardless of the level of the Council by which they have been registered.

Point 7 (previously point 6) amended by CEC Decision no. 3379 of 27.07.2010 and completed by de CEC Decision no. 2675 of 25.09.2014; CEC decision no. 3310 of 22.04.2015; CEC Decision no. 1694 of 12.06.2018

8. Applications for accreditation of national observers shall be lodged at the premises of the Central Electoral Commission for accreditation in district electoral councils, polling stations on the territory of the Republic of Moldova, including those opened for the Moldovan citizens with domicile in the administrative-territorial units from the left bank of the Dniester river (Transnistria), Bender Mun. and some localities from Causeni rayon and in the polling stations of the district electoral councils for accrediting in polling stations from the respective district.

Pct. 8 completed by CEC Decision no. 1694 of 12.06.2018.

9. For the accreditation of observers shall be submitted the following documents:

- 1) In case of national observers:
 - a) official letter from the institution which requests the accreditation;
 - b) NGOs shall submit the copy of the extract from the State Register of Non-commercial Organizations, issued maximum 6 months prior to the moment of its submission;
 - c) accreditation form for the national observer, filled in according to the model from the Annex no. 1 to the present Regulation. The form shall be completed by each candidate;
 - d) the copy of the valid ID document (ID card or the temporary ID card mentioning the citizenship of the Republic of Moldova), for each candidate.
 - e) copy of the valid ID card or passport (for accrediting national observers in the polling stations established outside the country)
- 2) In case of international observers:
 - a) official letter from the institution which requests the accreditation;
 - b) NGOs shall submit the copy of the charter/statute, as well as the copy of the certificate of registration under the competent body;
 - c) accreditation form for the national observer, filled in according to the model from the Annex no. 2 to the present Regulation. The form shall be completed by each candidate;
 - d) the copy of the valid passport of the foreign citizen (travel document).

The incomplete files shall be rejected.

Point 9 introduced by CEC Decision no. 3379 of 27.07.2010 and amended by de CEC Decision no. 2675 of 25.09.2014; worded in a new version by CEC Decision no. 1694 of 12.06.2018

10. The deadline for lodging the applications for accreditation as observers is 7 days prior to the elections date.

Point 10 amended by CEC Decision no. 2675 of 25.09.2014, no. 4261 of 17 September 2020

11. Invitation of international organizations, representatives of governments of foreign countries and non-governmental organizations from abroad as international experts/international observers shall be performed by the Central Electoral Commission directly or through the Ministry of Foreign Affairs and European Integration, upon the request of the Central Electoral Commission.

Point 11 (previously 9) amended by CEC Decision no. 3379 of 27.07.2010

12. During the review of the application for accreditation, the Central Electoral Commission shall cooperate with the Ministry of Internal Affairs, Ministry of Foreign Affairs and European Integration, Information and Security Service, and Ministry of Justice.

13. The electoral body, within 5 days – in case of the request for the accreditation of national observers or within 10 days - in case of the request for the accreditation of international observers, but not later than one day prior to the elections day, as a rule in the presence of the applicant or his/her representative, shall adopt a decision for accreditation or decline of the proposed candidate for observing elections. In case of declining the proposed candidate, the electoral body must inform the party proposing the candidate the reasons for such denial.

Point 13 (previously 11) amended by CEC Decision no. 3379 of 27.07.2010, CEC Decision no. 110 of 18.08.2016

14. The electoral body shall issue badges to the accredited national and international observers, and registered interpreters, in accordance with the template set out in Annex No. 3. The badges shall be borne on left side of the breast and are considered valid only when presenting the ID card.

Point 14 (previously 12) amended by CEC Decision no. 3379 of 27.07.2010, no. 2675 of 25.09.2014, CEC Decision no. 110 of 18.08.2016, CEC Decision no. 1694 of 12.06.2018

15. Fulfillment of observer's function shall start from the moment of entering into force of the accreditation decision and shall expire on the date immediately after the day when final results of the election are confirmed by the competent authorities.

Pct. 15 amended by CEC Decision no. 1694 of 12.06.2018

16. The decision on declining the accreditation should be well-reasoned and may be appealed in the hierarchical body, and subsequently in the Court.

Point 16 introduced by CEC Decision no. 3379 of 27.07.2010

17. The Protocol Office of the International Observers shall be established under the Central Electoral Commission. The numeric composition and the activity principles of the respective office shall be established by a decision of the Central Electoral Commission. The office shall be active during the period of the electoral campaign, aiming to ensure the efficient activity of the international observers.

Point 17 introduced by CEC Decision no. 3379 of 27.07.2010

III. Rights and obligations of observers

18. Observers have the right to:

- attend, but not interfere with the process, at all the meetings of the electoral bodies, all procedures related to sealing and opening the ballot-boxes, counting and tabulating votes, the operations related to voters' lists, ballots, vote certificates, as well as preparation of protocols for the tabulation of election results;
- inform the Chair of the electoral body about the observed breaches in elections;

- have access to all the information of electoral nature, voters' lists, protocols drafted by the electoral bodies;
- receive copies of the decisions and protocols drafted by electoral bodies;
- attend, but not interfere with the process, at the meetings of electoral competitors/referendum participants with voters;
- after notifying the chair of the electoral body, to perform video and audio recording, to take pictures of how the election process is held, without endangering the secret and security of voting or the protection of the personal data;
- if necessary, to be accompanied by an interpreter, who will not interfere in the election process or in other election activities carried out by the electoral bodies;
- take other actions that do not contradict with the Electoral Code, this Regulation, and legislation into force;
- the international observers are entitled to request, if needed, assistance from the Protocol Office of the International Observers ;
- the national (local) observers may submit notifications about the observed breaches, which will be examined by the chair of the electoral body, with compulsory information of the notification author about the taken decision.

Point 18 (previously 15) amended and completed by CEC Decision no. 3379 of 27.07.2010, completed by CEC Decision no. 1694 of 12.06.2018

19. Observers shall:

- be impartial in carrying out their duties and not express personal opinions or preferences regarding certain election competitors/referendum participants or regarding certain problems that may occur during elections;
- fulfill their obligations in a correct manner, shall not interfere with the election process, and procedures on the Election Day or during the counting of votes process;
- wear the badge issued by the electoral body and, upon request of all interested persons, shall authenticate themselves and confirm that the accompanying person is an interpreter, and the latter shall present an identity document;
- not wear in visible places symbols that belong to election competitors/referendum participants, including object or garments of certain color that identify the election competitor/referendum participant;
- not give instruction or take actions that contradict with the decisions of the electoral bodies;
- fill out the statistical form regarding the polling station that they supervised;
- avoid making any kind of comments in public about their observations, including in presence of Mass Media representatives or other interested persons, until the closing of polling stations;
- know and respect the current legislation of the Republic of Moldova and provisions of this Regulation;
- to ensure, in accordance to the provisions of the Law No. 133 of July 8, 2011, the confidentiality and compliance of the personal data processing to which they have access and not to use/process the data for other goals than the established ones, as well as not to reveal the data they have become acquainted with in their work, even after they ceased to be an observer

Point 19 (previously 16) completed by CEC Decision no. 3379 of 27.07.2010, no. 2675 of 25.09.2014, amended by CEC Decision no. 110 of 18.08.2016, CEC Decision no. 1694 of 12.06.2018

IV. Guaranties of fulfillment of observer's functions

20. For purpose of efficient fulfillment of the established functions, the observers shall be provided with materials and financial resources by the institutions that have proposed them for accreditation or on their own expense.

21. The entry, exit and stay on the territory of the Republic of Moldova of international observers shall occur under conditions of the Law no. 269-XIII of 9 November 1994 on exit and entry into the Republic of Moldova”, with subsequent amendments.

22. The accredited observers are guaranteed to have free and unrestrained access to any election operations, under the condition of observing the rights and obligations established by the points 18 and 19 of the present Regulation and by the Electoral Code.

V. Observers' liability

23. In case an observer has breached the current elections norms, the electoral body that has accredited the observer may cancel his/her accreditation by adopting a decision.

24. Any propaganda action pro and against any political party, another social-political organization or an electoral competitor, initiative group, participant to the referendum, for or against the referendum issue/question, or an attempt to exercise influence on the voter's choice, and any other breaches in any way of observer's rights and obligations and current elections norms, shall lead to cancellation of observer's accreditation by the electoral body that has accredited the observer.

Point 24 (previously 21) amended by the CEC Decision no.1792 of 22.07.08, and no. 3379 of 27.07.2010, no. 1694 of 12.06.2018

25. If observers are found guilty in breaching election norms on the day of voting, they shall be immediately removed from polling station premises, upon the order of the electoral body chair, and this fact will be documented in a protocol report signed by the respective chair.

26. The cancellation of accreditation as observer or his/her replacement with another person can be requested by the institution which has demanded previously the accreditation of the respective person, based on a written letter which would be applied to the corresponding electoral body.

27. Point 26 introduced by the CEC Decision no. 2675 of 25.09.2014

28. For breaching the provisions on personal data protection the observer is liable under the law in force. Upon the occurrence of the liability, it shall be applied by the competent bodies, within the limit of actions/inactions committed by the observer.

Pct.27 introduced by CEC Decision no. 1694 of 12.06.2018