

**National Coordination Council for National HIV/AIDS Prevention and Control  
Programmes (hereinafter referred to as NCC TB/AIDS),  
To the attention of Mrs. Ruxanda Glavan, Chairperson**  
Address: str. A. Cosmescu 3, bloc II, et.2  
mun. Chisinau, Republic of Moldova

04 July 2017  
No. 1

Dear Madam Chairperson,

The undersigned, representatives of civil society organisations, members of NCC TB/AIDS, acting in accordance with NCC TB/AIDS Regulation approved by Government Decision No.825 of 3 August 2005, with further amendments (hereinafter referred to as **NCC TB/AIDS Regulation**), Operational Manual of the NCC TB/AIDS approved by NCC TB/AIDS by NCC Decision No. 3 of 27 June 2011 (hereinafter referred to as **Operational Manual**),

referring to:

- (i) core principles of good governance described in the Global Fund Policy document, as well as ensuring multi-sector participation; and
- (ii) principles of European democracy and the legislation of the Republic of Moldova that are followed in the activity of the National Coordination Council, according to NCC TB/AIDS Regulation; and
- (iii) principles of transparent activity and mutual cooperation based on the partnership between the state, international and non-governmental institutions described in the NCC TB/AIDS Regulation; and
- (iv) decision-making procedures stipulated in para.11 Chapter 3 of the NCC TB/AIDS Regulation and Operational Manual,

hereby, express our disagreement with the NCC TB/AIDS Decision No. 3 of 29 June 2017 (hereinafter referred to as Decision), adopted in violation of the transparent decision-making process requirements, and namely by:

- (a) voting on a subject matter that was not included on the agenda, and namely, the proposal to apply to the Global Fund with a program continuation which has not been properly announced in accordance with para. 5.2.3 of the Operational Manual;
- (b) failure to explain the voting procedure, which resulted in a wrong understanding of the voting procedure by the stakeholders; or, according to para. 5.1.2. of the Operational Manual, the Chairperson of the NCC TB/AIDS has to facilitate the meetings of the NCC TB/AIDS;
- (c) misinterpretation of the Conflict of Interests Policy by excluding the Principal Recipients from the decision-making process regarding the subject matter no.2 from the Agenda (discussion of country grant projects to support the National HIV Control Programme), as well as the attempt to exclude the entire civil society from the voting process with regard to the above-mentioned subject matter because as service providers they get resources from the grant.

First of all, we would like to point out that the exclusion of the Principal Recipients and representatives of civil society was raised only in relation to the discussions on the subject matter no.2 of the agenda (discussion of country grant projects to support the National HIV Control Programme), and not raised in relation to the subject matter no.1 (discussion of country grant projects to support the National TB Control Programme); there is no difference between these subjects that might imply a different interpretation of aspects of conflict of interest policy.

Secondly, we would like to underline that the country grant projects to support the National HIV Control Programme were developed by a multidisciplinary working group created by the NCC TB/AIDS and not by some certain members who would be in conflict of interests, according to the provisions of the Conflict of Interest Regulation Policy of the NCC TB/AIDS;

- (d) failure to announce an updated list of the NCC TB/AIDS members with the right to vote as specified in para.3 of Government Decision No.825 of 3 August 2005 or with delegated votes, according to para.11 Chapter 3 of the NCC TB/AIDS Regulation. Moreover, according to para.5.1.2. of the Operational Manual, the NCC TB/AIDS Chairperson has to facilitate the meetings of the NCC TB/AIDS;
- (e) letting non-members of the NCC TB/AIDS to vote who respectively, do not have such rights; or, the meeting being attended by unknown participants who did not introduce themselves and did not justify their presence based on any representation power, in accordance with para.11 Chapter 3 of NCC TB/AIDS Regulation;
- (f) adoption of the Decision with insufficient number of votes stipulated in the NCC TB/AIDS Regulation, and namely 2/3 of votes of present members, which contravenes para.11 Chapter 3 of the NCC TB/AIDS Regulation, because 10 out of 26 votes represent 38,5%.

In the light of the above mentioned, **we ask you to:**

1. cancel the NCC TB/AIDS Decision No. 3 of 29 June 2017; and
2. convene the technical Working Group to finalise the project proposal budget (including the budget for "above allocation") and to prepare the voting options for discussion by the NCC TB/AIDS not later than 7 July 2017; and
3. convene the extraordinary meeting of the NCC TB/AIDS for a transparent discussion of all options and make a decision in accordance with the NCC TB/AIDS Regulation, not later than 10 July 2017.

If the requirements of this letter are not met, we reserve the right to appeal the Decision in court, as well as to:

- notify the Eastern Europe and Central Asia Constituency of the Global Fund Board about the violations committed during the last meeting by the NCC;
- notify the Patient Community Constituency of the Global Fund Board about the fact that the persons with HIV/AIDS and persons from target groups were ignored;
- notify the Civil Society Constituency of the Global Fund Board about the attempt to exclude the NGOs from the decision-making process and GF project implementation;
- ask the Global Fund Board to reconfirm the Decision GF/B15/DP14 on Strengthening the Role of Civil Society and the Private Sector in the Global Fund's Work by introducing the "dual track financing" mechanism;
- ask the Access To Funding Department of the GF Secretariat and the TRP to express their views with regard to procedures to continue GF projects in

the context of essential amendments of the proposal by invoking the "material change" procedures.

Hoping for an amiable resolution of the above-mentioned matter, we are looking forward to your prompt answer.

Yours sincerely,

**Igor Chilcevschi,**

President of the League of people living with HIV/AIDS,  
Deputy Chairperson of the NCC TB/AIDS

**Ala Iațco,**

President of the Union of NGOs active in  
HIV/AIDS prevention and harm reduction  
NCC member

**Veaceslav Mulear,**

Health Programme Coordinator,  
"Gender DocM" NGO  
NCC member

**Lilian Severin,**

Representative of the Platform of Organisations active in TB Control  
NCC member

**Victor Ursu,**

Executive Director,  
Soros Foundation Moldova  
NCC member

**Stela Bivol,**

Director of Health Policies and Studies Centre