

APPROVED

by the Decision of the Superior Council of Prosecutors no. 1-16/2022 dated 04.02.2022

AMENDED

by the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

REGULATIONS

on Organisation and Conduct of the Public Competition for Selecting the Candidate for the Position of Chief Prosecutor of the Specialised Prosecutor's Office (Anti-Corruption Prosecutor's Office and Prosecutor's Office for Combating Organised Crime and Special Cases)

I. GENERAL PROVISIONS

1. These Regulations lay down the procedure for the organisation and conduct of the public competition for selecting the candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office (Anti-Corruption Prosecutor's Office and Prosecutor's Office for Combating Organised Crime and Special Cases).

2. The competition for selecting the candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall be initiated by decision of the Superior Council of Prosecutors within 15 days of the vacancy occurring. The competition shall consist of two stages:

a) pre-selection of candidates by a Special Committee set up by the Superior Council of Prosecutors;

b) selection of the candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office by the Superior Council of Prosecutors from among eligible candidates.

Section 2 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

3. The pre-selection shall be organised for the purpose of identifying the most suitable candidates to be submitted to the Superior Council of Prosecutors, which, from the list, shall select and propose for appointment to the Prosecutor General, the candidate for the position of Chief Prosecutor of the specialised prosecutor's office.

4. The competition shall be conducted according to objective criteria based on merit, taking into account the integrity and managerial skills of the candidates.

5. The candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office must meet the conditions stipulated in Article 25/1 paragraph (1) of the Law No. 3/2016 on the Prosecutor's Office (hereinafter – *Law No. 3/2016*).

6. The pre-selection and selection of candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall be based on the following principles:

a) open competition, by ensuring free access to the pre-selection to any person who meets the conditions laid down in Article 25/1 paragraph (1) of Law No. 3/2016;

b) election on merit, by selecting the most competent and honest persons on the basis of the results obtained;

c) ensuring transparency, by publishing information on the organisation and

conduct of the pre-selection and selection of candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office;

d) equal treatment, by applying objective and clearly defined selection criteria in a non-discriminatory manner, so that all candidates have equal opportunities.

7. Information on the opening of the competition, including the competition, shall be published on the website of the Superior Council of Prosecutors at least 15 days before the closing date for the submission of files.

8. The announcement of the opening of the competition for candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office may also be made public through other media. The notice on the opening of the competition shall contain the following information:

- a) conditions for participation in the competition;
- b) documents to be submitted;
- c) closing date for submission of documents;
- d) procedure for submission of documents;
- e) contact details of the person responsible for providing additional information and receiving documents.

9. Within the deadline indicated in the announcement of the competition, candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall submit in person, by mail or e-mail, the participation file, in accordance with Article 25/1 paragraph (6) of Law No. 3/2016:

- a) application for participation in the pre-selection competition;
- b) curriculum vitae;
- c) copy of diploma of study;
- d) criminal record;
- e) medical certificate on the state of health or, where applicable, affidavit. The medical certificate must be submitted before the pre-selection interview, otherwise the candidate will not be admitted to the interview;
- f) declaration of assets and personal interests for the last 2 years;
- g) motivation letter;
- h) management and institutional development concept.

10. When submitting the file, the candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall sign a sworn statement that he/she has not been a member and/or has not carried out activities of a political nature in a political party or social-political organization in the last three years prior to the announcement of the competition and is not prohibited from holding a public office or office of public dignity as per Annexe No. 1 to these Regulations.

11. The management and institutional development concept specific to the position of the specialised prosecutor's office shall not exceed 20 pages and the annexes shall not exceed 10 pages.

12. Copies of the documents submitted by the candidates will be submitted together with the original documents to verify their veracity or will be notarised.

13. If the file is submitted by e-mail, the provisions of point 12 apply accordingly to the interview stage.

II. ORGANISATION OF THE PRE-SELECTION

14. The pre-selection of candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall be conducted by a Special Committee

established ad hoc by the Superior Council of Prosecutors, which shall include:

- a) a person appointed by the President of the Republic of Moldova;
- b) a person appointed by the Ministry of Justice;
- c) three persons appointed by the Superior Council of Prosecutors.

Section 14 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

Section 15 repealed by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

15¹. The membership of the Special Committee may be held by persons who are qualified in the field of law, have at least 10 years of professional experience in the field of professional activity in the country or abroad and enjoy an irreproachable reputation. At least 3 members of the Special Committee shall be recognized experts with extensive experience in the field of specialised prosecutor's office work, prevention and fight against corruption and organized crime, including abroad. At least one member of the Special Committee shall be a representative of civil society with experience in the field of combating corruption and/or organised crime, as appropriate.

Section 15¹ introduced by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

16. Within 3 working days of the opening of the competition for the position of Chief Prosecutor of the Special Prosecutor's Office, the staff of the Superior Council of Prosecutors shall request the competent institutions to appoint their members to the Special Committee . The nominal composition of the Special Committee shall be approved by the Superior Council of Prosecutors, after receiving the list of persons appointed to the Committee by the institutions referred to in Sections 14(a) to (b) and by including the members referred to in Section 14(c). The meeting of the Special Committee shall be deliberative if it is attended by at least 3 out of 5 members entitled to vote.

Section 16 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

17. Within 10 working days of the closing date for the submission of files, the Special Committee shall organise and conduct the pre-selection of candidates, which shall consist of two stages.

Section 17 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

18. If there are less than two candidates with a complete file and eligible according to the provisions of Article 25/1 of Law No. 3/2016, the Superior Council of Prosecutors shall extend the deadline for submission of files by at least 10 day.

19. Candidates' files submitted after the deadline or incomplete files are not considered.

20. In the first stage, the Committee verifies, in a closed session, that the candidates meet the eligibility criteria laid down in Article 25/1(1)(a), (b), (d) and (e) of Law No. 3/2016.

Section 20 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

21. Candidates who do not meet the eligibility criteria referred to in Section 20 and those who have submitted, without good reason, an incomplete file, according to Article 25/1(6) of Law No. 3/2016, shall be excluded from the pre-selection by decision of the Special Committee, adopted by a majority vote of the members present.

Section 21 in the wording of the Decision of the Superior Council of Prosecutors no. 1-

77/2022 dated 26.04.2022

22. The nominal list of candidates admitted to the second stage shall be placed on the website of the Superior Council of Prosecutors, immediately after the decision on their admission taken in accordance with Section 20.

Section 22 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

III. CONDUCT OF THE PRE-SELECTION

23. A candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office may withdraw from the competition before the interview.

24. The Committee will notify candidates by e-mail and telephone of the date, time and place of the interview no later than two working days after the date of the decision on the eligibility criteria. The date of the interview is announced on the official website of the Superior Council of Prosecutors.

Section 24 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

25. The second stage, the interview, is conducted to appraise the managerial and professional competences appropriate to the position of Chief Prosecutor of the Specialised Prosecutor's Office, the irreproachable reputation and whether the candidate has no reasonable suspicion of committing acts of corruption, related acts or corruptible acts within the meaning of the Law on Integrity No. 82/2017. During the interview candidates answer questions and present the proposed management and institutional development concept.

Section 25 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

26. Candidates are heard in alphabetical order.

27. The interview of candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office may also take place online, it shall be recorded by video/audio means and shall be placed on the official website of the Superior Council of Prosecutors immediately after the conclusion of the last interview.

Section 27 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

28. If necessary, the Special Committee is entitled to extend the deadline for organising and conducting the appraisal of candidates by a maximum of 15 working days.

Section 28 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

29. Knowledge of a Council of Europe working language and experience in a management position would be an advantage.

30. The members of the Committee ask questions in order to clarify the issues to be appraised under the eligibility criteria set out in Article 25/1(1)(c), (c1) and (f) of Law No. 3/2016.

Section 30 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

31. Members of the Committee may also ask questions to clarify the answers received.

32. Questions from Committee members may not refer to the candidate's religion or belief, ethnicity, social origin, political choice, sexual orientation, nationality or other questions that could be considered discriminatory.

IV. PRE-SELECTION RESULTS

33. The Special Committee decides whether the candidates meet the criteria set out in Article 25/1 paragraph (1) letters c), c1) and f) of Law no.3/2016 by a majority vote of its members. Candidates who do not meet these criteria are excluded from the pre-selection. Each member of the Special Committee completes an appraisal sheet for each candidate remaining in the pre-selection, awarding marks for each of the criteria set out in Article 25/1(1)(c) and (c1) of Law No. 3/2016. The final score obtained by the eligible candidates, which is the average of the scores awarded by each member of the committee, is recorded on a total score sheet.

Section 33 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

34. Once the pre-selection has been completed, the special committee draws up the list of eligible candidates remaining in the pre-selection competition after both stages, together with the total score sheet. Based on this information, the Special Committee takes a decision on the preselection.

Section 34 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

35. Within 3 days of the date of adoption of the Special Committee's decision, candidates admitted to the competition shall have the right to object to it. Objections shall be considered by the Special Committee within 3 days of the expiry of the deadline for submitting them. Based on the objections submitted, the Committee is entitled to decide whether to reject all or part of the objections, to amend or revoke the decision and adopt a new decision or to resume the appraisal procedure.

Section 35 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

36. Within 1 working day from the date of completion of the examination of the candidates' objections or from the date of expiry of the time limit for the examination of the candidates' objections, if the candidates have not lodged objections, the Special Committee shall forward to the Superior Council of Prosecutors the decision of the Special Committee, the list of eligible candidates remaining in the pre-selection competition after both stages, together with their files and appraisal sheets and the total score sheet, as well as any other relevant information about the candidates by the Committee.

Section 36 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

Section 37 repealed by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

38. The Secretariat of the Committee shall be provided by the Secretariat of the Superior Council of Prosecutors.

V. SELECTION BY THE SUPERIOR COUNCIL OF PROSECUTORS OF THE CANDIDATE FOR THE POSITION OF CHIEF PROSECUTOR OF THE SPECIALISED PROSECUTOR'S OFFICE

39. The selection of the candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office from among the eligible candidates is the final stage organised and conducted by the Superior Council of Prosecutors in the public competition for the appointment of the Chief Prosecutor of the Specialised

Prosecutor's Office.

Section 39 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

40. Selection shall take place after the pre-selection stage conducted by the Special Committee set up by the Superior Council of Prosecutors in accordance with the provisions of Article 25/1 of Law No. 3/2016.

41. The purpose of the selection stage is to nominate the candidate to be proposed to the Prosecutor General for appointment as Chief Prosecutor of the Specialised Prosecutor's Office.

42. The secretarial work for the selection stage shall be provided by the Apparatus of the Superior Council of Prosecutors.

43. The procedures for the selection of candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office are based on the following principles:

- legality;
- impartiality;
- objectivity;
- open competition;
- meritocracy;
- equal treatment and non-discrimination;
- transparency.

44. The selection organised by the Council consists of:

- examination of the candidates' files, the decision of the Special Committee on the results of the competition and the appraisal sheets drawn up by it;
- interview;
- an appraisal of the results and the nomination of the candidate to be proposed for appointment as Chief Prosecutor of the Specialised Prosecutor's Office.

Section 44 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

45. Within 2 working days from the date of receipt of the decision of the Special Committee, the Superior Council of Prosecutors examines the files and verifies compliance with the legal procedure.

If the legal procedure is followed, the Council takes a decision on the admissibility of the pre-selection of candidates and informs the candidates, in person, by telephone or by email, of the date, time and place of the interview stage. The relevant information on the conduct of the interview shall be placed on the official website of the Superior Council of Prosecutors immediately after the adoption of the decision to this effect.

If violations of the legal procedure are established, the Superior Council of Prosecutors shall, by means of a reasoned decision posted on its official website, return the candidates' competition files and its decision on the result of the competition to the Special Committee.

Section 45 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

45¹. After examining the objections of the Superior Council of Prosecutors, the special committee shall submit to the Superior Council of Prosecutors a reasoned decision, which shall be made public, on whether to uphold the original decision on the result of the competition or to request that a new competition be launched. If the Special Committee upholds its original decision and the Superior Council of Prosecutors does not support the arguments presented, and if the Committee requests

that a new competition be launched, the Council shall, by a reasoned and public decision, initiate a new competition.

Section 45¹ introduced by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

46. If the legal procedure is complied with, the Council shall, within 8 working days from the date of adoption of the decision on the admissibility of the pre-selection of candidates, interview the candidates admitted to the competition and adopt the decision to appoint the candidate to the position of Chief Prosecutor of the Specialised Prosecutor's Office from among the candidates admitted to the competition by the Special Committee.

Section 46 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

Section 47 repealed by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

48. The interviewing of candidates takes place in a public meeting. Interviews may also take place online, they shall be audio/video recorded and the recordings shall be placed on the Council's official website immediately after the last interview. Candidates are interviewed by the Council in alphabetical order of name.

Section 48 amended by the Decision of the Superior Council of Prosecutors no.1-77/2022 dated 26.04.2022

49. Before the interview begins, the Chairperson of the Council shall ask each candidate whether he/she supports his/her application to take part in the competition and whether he/she has any objections to the members of the Council. Requests for recusal of Council members or, where applicable, their abstentions shall be dealt with in accordance with the provisions of Article 78 of Law No. 3/2016.

50. Each member of the Council present at the interview meeting shall receive a nominal appraisal sheet for each candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office interviewed, a template of which is set out in Annexe 2. The appraisal sheet also includes the name of the Council member who carried out the appraisal and his/her signature.

51. Candidates for the position of Chief Prosecutor of the Specialised Prosecutor's Office shall be interviewed and appraised according to the following criteria:

- a) the concept of management and institutional development;
- b) motivation for taking up the position of Chief Prosecutor of the Specialised Prosecutor's Office;
- c) critical thinking, professional values and commitment;
- d) clear and logical expression, including in public discourse at interview;
- e) professional experience and competence;
- f) self-control and resistance to stress;
- g) managerial skills;
- h) ethics and good reputation.

52. At the end of each interview, the Council deliberately appraises the candidate by completing the appraisal sheet.

53. After the interview stage is over, the final result is calculated. The final score of the competition is the average of the total score given by all the Council members who appraised the candidate. No later than 24 hours after the end of the interview stage, the Council will publish on its official website the average total score obtained by each candidate.

54. Once the results have been aggregated, the Council shall adopt a reasoned

decision nominating the candidate with the highest final score on the basis of the appraisal sheets, who shall then be proposed to the Prosecutor General for appointment as Chief Prosecutor of the Specialised Prosecutor's Office.

55. In the event of a tie, the Council shall decide by a vote of 2/3 of the members present which candidate shall be proposed to the Prosecutor General for appointment as Chief Prosecutor of the Specialised Prosecutor's Office.

56. If the Council does not select any of the candidates put forward by the special committee, the Council shall, within 10 days, order a repeat competition for the position of Chief Prosecutor of the Specialised Prosecutor's Office. The mandate of the special committee may not be changed or cancelled in the context of the rerun competition.

57. The repeated competition shall be conducted in accordance with Article 25/1 paragraphs (1) to (11) of Law No. 3/2016.

Section 57 in the wording of the Decision of the Superior Council of Prosecutors no. 1-77/2022 dated 26.04.2022

58. The Council shall forward to the Prosecutor General the decision on the nomination of the candidate for appointment as Chief Prosecutor of the Specialised Prosecutor's Office and the candidate's competition file.

59. In case the candidacy is rejected by the Prosecutor General under Article 25/1 paragraph (14) of Law No. 3/2016, the Superior Council of Prosecutors shall return to the Special Committee the candidate's file, accompanied by the Prosecutor General's reasoned refusal and the attached evidence. The objections of the Prosecutor General set out in the refusal to appoint the candidate, accompanied by the evidentiary material, shall be examined in the meeting of the Special Committee, with the participation of the Prosecutor General and the rejected candidate. After considering the objections, the Committee may reject all or part of the objections submitted by the Prosecutor General, or it may amend or revoke the decision and adopt a new decision or resume the pre-selection procedure. If the Special Committee rejects the objections of the Prosecutor General, the Council shall submit the same candidacy to the Prosecutor General.

60. If the same candidate is repeatedly nominated, the Prosecutor General shall, within 5 working days, issue the order on the appointment of the candidate to the position of Chief Prosecutor of the Specialised Prosecutor's Office.

to the Regulations on Organisation and Conduct of the Public Competition for Selecting the Candidate for the Position of Chief Prosecutor of the Specialised Prosecutor's Office (Anti-Corruption Prosecutor's Office and Prosecutor's Office for Combating Organised Crime and Special Cases)

AFFIDAVIT

I, the undersigned, _____ declare on my own
(*surname, name*)

liability, under the penalties laid down in the Criminal Code for perjury, that:

1) I have not been deprived of the right to hold certain offices or to engage in certain activities, as a principal or additional penalty, by a final court judgment;

2) I have not been found, by a final act, to be in breach of the legal regime governing conflicts of interest, incompatibilities or restrictions;

3) there is no irrevocable court judgment against me ordering forfeiture of unjustified assets;

4) I have not been a member and/or have not carried out activities of a political nature in a political party or socio-political organisation in the last 3 years prior to the announcement of the competition;

5) I am not and have not been an undercover officer, informant or collaborator of the body conducting the special investigative activity.

date

signature

to the Regulations on Organisation and Conduct of the Public Competition for Selecting the Candidate for the Position of Chief Prosecutor of the Specialised Prosecutor's Office (Anti-Corruption Prosecutor's Office and Prosecutor's Office for Combating Organised Crime and Special Cases)

APPRAISAL SHEET

for a candidate for the position of Chief Prosecutor of the Specialised Prosecutor's Office

Surname, name of the candidate:

Surname, name of the Member of the Superior Council of Prosecutors

Appraisal Criteria		Score offered (1-10)	Average score per criterion
1	Management and institutional development concept		
1.1	Objectivity and timeliness of objectives and proposed actions		
1.2	Vision on ensuring the independence and efficiency of the Specialised Prosecutor's Office		
1.3	Proposals for streamlining the work of the Specialised Prosecutor's Office		
1.4	Proposals to improve the image of and increase confidence in the Specialised Prosecutor's Office		
1.5	Vision of the cooperation of the Specialised Prosecutor's Office with the Parliament, the Executive and the Judiciary and other actors in the justice system		
2.	Motivation for taking up the position of Chief Prosecutor of the Specialised Prosecutor's Office		
2.1	Considerations that led the candidate to participate in the competition		
2.2	Firmness in wanting to become a Chief Prosecutor in the Specialised Prosecutor's Office		
2.3	Awareness of the impact of holding the position of Chief Prosecutor in the Specialised Prosecutor's Office on the professional career		
3.	Critical thinking in relation to professional values and commitments		
3.1	Opinion on the functioning of law enforcement authorities		
3.2	Understanding the problems facing the legal system		

3.3	Devoting time to mentoring and similar tasks		
4.	Clear and logical expression, including in interview speeches		
4.1	Clarity of the candidate's presentation at the interview, in the documents presented and in the professional activity		
4.2	Ability to synthesise information		
4.3	Ability to persuade by presentation		
4.4	Logic of presentation		
5.	Experience and professional competence		
5.1	Relevance of previous experience to the work as Chief Prosecutor in the Specialised Prosecutor's Office		
5.2	Seniority relevant to the work as Chief Prosecutor in the Specialised Prosecutor's Office		
5.3	Quality of published material and timeliness for the position held		
6.	Self-control and stress resilience		
6.1	Ability to maintain calm and judgement in tense situations		
6.2	Attention to detail		
6.3	Efficiency under stress		
7.	Management skills		
7.1	Ability to take decisions		
7.2	Taking responsibility and liability for decisions taken		
7.3	Ability to delegate tasks		
7.4	Ability to plan and assess planned actions		
7.5	Encouraging free expression of opinion and tolerance of criticism		
7.6	Resource management experience		
8.	Ethics and good reputation		
8.1	No previous conflicts of interest or compromising situations		
8.2	No disciplinary sanctions or other breaches of the law		
8.3	Ethical behaviour in previous work		
8.4	Public perception of the candidate's ethics and integrity		
	Total score		