

DECISION no. 12-14/17
on the approval of the Regulations on Selection and Career of Prosecutors and
the Procedure for the Selection and Career of Prosecutors

23 February 2017

Chisinau Municipality

Having examined the matter of the approval of the Regulations on Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors, having heard the information of Mr Mircea Rosioru, the Superior Council of Prosecutors -

FINDS:

On 01.08.2016 the Law No. 3 dated 25.02.2016 on Prosecutor's Office (*hereinafter – the Law*) entered into force. According to Article 98 paragraph (11) letter b) of the pre-mentioned Law, for the purpose of implementing its provisions, the Superior Council of Prosecutors shall adopt the regulatory documents provided for by the mentioned Law, shall bring its regulatory documents in line with it and shall ensure their publication on the official website of the Prosecutor's Office.

By Council Decision no.12-173/16 dated 09.06.2016, the working group for the elaboration of the Regulations on Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors was established, consisting of members of the Council, the Board and representatives of civil society and development partners.

At the meeting of the Council on 23 February 2017, Mr Igor Popa, Chairperson of the Board for the Selection and Career of Prosecutors, presented for approval the draft Regulations on the Board for the Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors.

The Regulations govern both the organisation and functioning of the Board and the procedures and criteria for the selection and career of prosecutors. The purpose of these Regulations is to ensure that the competition procedures are strictly drawn up in such a way as to ensure an objective, impartial and transparent selection process which guarantees the choice of the best candidates for the position in question.

In accordance with the provisions of Article 70 paragraph (1) letter a) of the Law No. 3 dated 25.02.2016 on Prosecutor's Office, the Superior Council of Prosecutors shall draw up and approve the regulations on the functioning of its boards.

Following the examination of the draft submitted, taking into account the proposals and amendments submitted, in accordance with the provisions of Article 23 (1) and (3), Article 70 (1) (a) and (2), Article 77 (6) and (7) and Article 79 (1) of the Law on Prosecutor's Office, the Superior Council of Prosecutors-

DECIDES:

1. To approve the Regulations on the Board for the Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors, the text and annexes of which form an integral part of this Decision.

2. To assure the publication of this Decision and the Regulations on the official website of the General Prosecutor's Office.

3. These Regulations, with the exceptions set out in the chapter on *Final and Transitional Provisions*, shall enter into force upon publication on the official website of the General Prosecutor's Office, www.procuratura.md.

4. The decision may be appealed in accordance with Article 79 of the Law on Prosecutor's Office.

Members of the Superior Council of Prosecutors:

Nº	<i>Surname and name</i>	<i>Signature</i>
1	CEBOTARI Vladimir	signed
2	FORTUNA Ghenadie	signed
3	HADÎRCĂ Igor	signed
4	HARUNJEN Eduard	signed
5	MARIȚ Alexandru	signed
6	MAȘNIC Eduard	signed
7	MICU Victor	signed
8	MOROZ Remus	signed
9	POPOV Ruslan	signed
10	STOINOV Vasili	signed
11	TUREAC Viorel	signed

**Chairperson of the
Superior Council of Prosecutors**

signed

Mircea ROȘIORU

SUPERIOR COUNCIL OF PROSECUTORS

REGULATIONS on the Board for Selection and Career of Prosecutors and the Procedure for the Selection and Career of Prosecutors

Approved
by the Decision of the Superior Council of Prosecutors
no.12-14/17 dated 23 February 2017

**amended and supplemented by the Decision
of the Superior Council of Prosecutors**

no.12-41/18 dated 01.03.2018
no.1-50/2019 dated 30.05.2019
no.1-100/2020 dated 22.10.2020
no.1-15/2022 dated 04.02.2022
no.1-230/2022 dated 01.11.2022

**Chisinau
2017**

These Regulations lay down the organisation and functioning of the Board for Selection and Career of Prosecutors, the criteria and procedure for the selection and career of prosecutors.

1. Status of the Board for the Selection and Career of Prosecutors

- 1.1 The Board for the Selection and Career of Prosecutors (*hereinafter - the Board*) operates under the Law No. 3 dated 25.02.2016 on Prosecutor's Office (*hereinafter - the Law*), these Regulations and other regulatory documents governing its activity.
- 1.2 The Board aims at the selection and career of prosecutors. The Board has the powers provided for in Article 87 of the Law.
- 1.3 The Board is subordinate to the Superior Council of Prosecutors (hereafter - the Council) and is financed from the Council's budget. The Superior Council of Prosecutors' Office shall designate the responsible person within the Litigation Division (*hereinafter - the Secretary of the Board*), who shall ensure the secretarial work of the Board (*hereinafter - the Secretariat of the Board*).
Section 1.3 in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.
- 1.4 The Board shall submit to the Council, by 5 February each year, a report on its activities during the previous year, which shall subsequently be published on the official website of the Council.

2. Composition and term of office

- 2.1 The Board consists of 7 members, elected for a 4-year term of office in accordance with the provisions of Article 83(1) of the Law. Membership of the Board ceases under Article 76 of the Law.
- 2.2 Should a member of the Board cease to hold office before the expiry of the four-year term, the vacancy shall be established by decision of the Council, which shall, by the same decision, appoint the alternate member. The alternate from among the prosecutors shall be determined in accordance with Article 83(2) of the Law. The alternate member shall serve the remainder of the term of office.
- 2.3 The Chairperson of the Board shall be elected by secret ballot from among its members at the first meeting of the newly elected Board for a term of 4 years. The Chairperson's term of office shall expire on the day of the first meeting of the newly constituted Board. The term of office of the Chairperson may be terminated by resignation or loss of membership of the Board.

3. Rights and obligations of Board members

- 3.1 The members of the Board shall have all the rights necessary for the performance of the duties of the Board.
- 3.2 The members of the Selection and Career Board are obliged:
 - a) to exercise their powers in accordance with the Law and these Regulations;
 - b) to prepare for consideration matters assigned to them by the Chairperson of the Board;
 - c) to observe, in accordance with the law, the confidential nature of the information that has become known to them by virtue of the exercise of their duties as members of the Board;
 - d) to give scores to each candidate interviewed;
 - e) to vote *for* or *against* on matters included on the agenda of the Board meeting and to give reasons for their choice;
 - f) in case of finding any appearance of disciplinary misconduct, to communicate this fact to the Board.
- 3.3 Each member of the Board shall receive in advance the materials submitted to the Board for consideration and study them.

4. Board meetings

- 4.1 The Board is a collegiate institution. Members of the Board individually review information on the selection and careers of prosecutors.
- 4.2 The Board meets in plenary meetings whenever necessary. The Board shall consider material submitted by the Council Apparatus within a maximum of 3 months.

Section 4.2 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.
- 4.3 The first meeting of the Board is convened by the Chairperson of the Council. The meeting shall be chaired by the Chairperson of the Council until the election of the Chairperson of the Board.
- 4.4 The time and place of the meeting of the Board shall be determined by the Chairperson of the Board after prior consultation of the members. As a rule, the time and place of the ordinary meeting of the Board shall be determined at the previous meeting of the Board. The Board shall be convened in extraordinary session by notice given by the Chairperson or at the request of at least two members of the Board.
- 4.5 Meetings of the Board are chaired by its Chairperson. In the event of the absence, abstention or recusal of the Chairperson of the Board, the meeting shall be chaired by a member of the Board elected by open vote from among the members present at the meeting.
- 4.6 The meeting of the Board shall be deliberative if at least 5 members attend.
- 4.7 The draft agenda of the Board meeting shall be prepared by the staff of the Board secretariat in consultation with the Chairperson of the Board. Any member of the Board may propose matters for the agenda of the meeting at least 3 working days before the meeting. The agenda of the meeting shall be

placed on the official website of the Council at least 2 working days before the date of the meeting.

- 4.8 The Secretariat of the Board shall send the agenda of the meeting and the meeting materials to the members of the Board by e-mail at least 2 working days before the day of the meeting. If it is not possible to receive the agenda by e-mail, communication may take place by any other accessible means of communication (e.g. Fax, ACCES, courier).
- 4.9 Board meetings are public. To comply with the restricted information regime, the Board may decide, by reasoned decision, to close the meeting or part of it. Information on the activity, career and assets of the prosecutor or candidate for the post of prosecutor shall not constitute restricted information, with the exception of information constituting a State secret.
- 4.10 Only members of the Board, Council staff and persons invited by the Board have access to the closed meeting. The press is not allowed to attend closed meetings.
- 4.11 The candidate's participation in the interview is mandatory. The Board will notify the candidate of the date and place of the interview by e-mail to the e-mail address indicated by the candidate in his/her CV. In the event of the candidate's unjustified non-appearance before the Board or refusal to be assessed, the candidate shall be removed from the Register and may be re-registered only in accordance with the general procedure.
Section 4.11 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.
- 4.12 The Chairperson of the Board shall assure the smooth running of the Board meeting. Persons attending/participating in the meeting of the Board are obliged to behave in such a way as not to impede the smooth running of the meeting. The Board may decide to remove from the meeting room persons who do not comply with this rule.
Section 4.12 in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.
- 4.13 The Chairperson shall open the meeting of the Board and:
- a) announce whether or not a quorum is present;
 - b) propose and listen to proposals from members to include topics on the supplementary agenda of the meeting or to exclude them from the agenda;
 - c) propose to the members of the Board the approval of the final agenda of the meeting, which shall be approved by a majority vote of the elected members.
- 4.14 Agenda subjects are usually examined in the sequence indicated in the agenda. Supplementary agenda topics are usually discussed after all topics on the agenda originally published have been discussed.
- 4.15 A member of the Board may not participate in the evaluation of the candidate/prosecutor or the examination of an item on the agenda if there are circumstances that preclude his/her participation or would raise doubts as to his/her objectivity. If such circumstances exist, the member of the Board concerned is obliged to make a declaration of abstention. If the member of

the Board, being so obliged, has not made a declaration of abstention and these circumstances are known to other members of the Board, he must be recused by them. Immediately after approval of the agenda of the meeting, the Chairperson of the meeting shall ask the members of the Board if they have any abstentions.

Section 4.15 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

4.16 At the stage of announcing abstentions, or before the agenda matter has begun, the participants in the meeting may verbally challenge the member of the Board. Objections may also be made in writing by lodging a request with the Council's office. The objection or declaration of abstention must state the reasons on which it is based. Objections against the entire composition of the Board shall not be admissible.

4.17 The statement of abstention or objection shall be examined immediately at the meeting of the Board and the decision taken by the Board on them shall be recorded in the minutes of the meeting of the Board. The Member of the Board who has abstained or whose objection has been lodged shall not take part in the examination of the matter and shall leave the meeting room after explaining the circumstances invoked as grounds for objection. The objection of members of the Board and their declaration of abstention shall not affect the deliberative nature of the meeting.

The Board's decision on the objection or abstention is not subject to appeal.

Section 4.17 in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

4.18 Consideration of a matter on the agenda shall begin with the presentation of the report on the matter by the rapporteur member and, if necessary, hearing from other persons invited or present at the meeting. Subsequently, the positions of the other members of the Board shall be heard. After this, the Chairperson announces the completion of the appraisal sheets or, if appropriate, the start of voting.

4.19 Meetings of the Board shall be recorded by video/audio. The recording of the meeting shall be kept for at least 5 years by the Board. Minutes shall be taken by the staff providing the Secretariat of the Board within 3 working days, signed by the Chairperson of the meeting and the Secretary of the meeting and placed on the Board's website.

5. Board decisions

5.1 Decisions of the Board shall be issued in writing, on paper, and shall be signed by all members of the Board present at the meeting in manuscript or, where appropriate, by electronic signature.

5.2 Decisions of the Board shall be adopted by an open vote of the majority of the elected members of the Board, unless the law or these Regulations provide otherwise.

5.3 The decisions of the Board contain the main findings, the reasons on which

they are based, the score given by the Board, the score resulting from previous evaluations (either the average score from the National Institute of Justice or the score given by the Prosecutors' Performance Appraisal Board) and the final score obtained.

5.4 Decisions of the Board shall be published, within 10 working days from the date of their issue, on the official website of the Council by the Council Apparatus.

5.5 Decisions of the Board shall be appealed to the Council, through the Board, within 5 working days of their delivery. An appeal may only be lodged by the person in respect of whom the decision was taken. The appeal will be considered at the first meeting of the Council, but no later than 20 working days from the date of lodging the appeal.

Section 5.5 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

5.6 Decisions of the Board shall be forwarded to the Secretariat of the Council on the day following the expiry of the time limit for lodging an appeal.

6. Selection procedure for candidates/prosecutors

The title of Section 6 in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

6.1 The selection procedure for candidates for appointment to the position of prosecutor, for transfer and for promotion shall be made according to objective criteria based on merit, taking into account their professional training, integrity and abilities.

Section 6.1 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020

Section 6.1 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

6.2 Candidates entered in the Register and applying to take part in the competition shall be assessed by the Board, with the exception of candidates for the posts of Chief Prosecutor and Deputy Chief Prosecutor of the Specialised Prosecutor's Office.

Section 6.2 in the wording of the Decision of the Superior Council of Prosecutors no. 12-41/18 dated 01.03.2018.

Section 6.2 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020

Section 6.2 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

Section 6.2 amended by the Decision of the Superior Council of Prosecutors no. 1-230/2022 dated 01.11.2022

Section 6.3 repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

6.4 The Board shall appraise the candidates based on the documents submitted for the competition and the interview. If the candidate wishes to submit additional documents, they must be submitted to the Council Apparatus at least 3 working days before the date of the interview.

Section 6.4 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

6.5 Following the interview, each member of the Board who attended the

interview completes the appraisal sheet for each candidate. Each indicator contained in the evaluation sheet is marked according to the score indicated in the attached sheet. The points awarded for each indicator are added together. The averages of the marks given are rounded up to tenths.

- 6.6 The score shall be given starting from 0. The points awarded may not exceed the limits laid down in the appraisal sheet. The completed appraisal sheet shall be submitted by each member of the Board to the secretary of the meeting.

Section 6.6 supplemented by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

- 6.7 After obtaining the score based on the appraisal sheet, the Board adds to it the candidate's score based on the National Institute of Justice score or, where applicable, the score provided by the Prosecutors' Performance Appraisal Board. Both the score obtained under the appraisal sheet and the final score are mentioned in the Board's decision.

- 6.7¹ For the candidate for the position of prosecutor taking part in the competition under the terms of Article 20(3/1) of Law No. 3/2016, the score obtained based on the appraisal sheet, up to 100%, constitutes the final result of the appraisal, mentioned in the decision of the Board.

Section 6.7¹ introduced by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020

- 6.8 If obvious mistakes have been made, the Board may correct them.

- 6.9 The result of the appraisal is the average score given by all the members of the Board who assessed the candidate/prosecutor. The average is calculated by the secretary of the Board meeting.

Section 6.9 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

- 6.10 The final result of the appraisal is approved by decision of the Board.

- 6.11 The results of the appraisal of the candidates shall be published on the official website of the Council for 2 working days.

- 6.12 Candidates who do not agree with the assessment results may, within 5 working days of the publication of the results, appeal to the Council. The appeal will be decided at the first meeting of the Council, but no later than 20 working days after submission.

- 6.13 The date, time and place of the examination of the appeal shall be communicated, at least 3 working days before the date of the hearing, to the prosecutor concerned in the contested decision, to the candidate for the position of prosecutor who lodged the complaint, as well as to other persons, in accordance with the Law.

- 6.14 The Board shall forward its decisions to the Council apparatus, as well as information about persons who have failed to appear before the Board or have refused to be evaluated. The Council Apparatus shall make such entries in the Register of Candidates.

Section 6.15 repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

Section 6.15¹ repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

6.17 The Council Apparatus archives the materials used in the examination of the candidate.

Section 6.17 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

7. Selection criteria

7.1 In the selection process, the following are mainly appraised:

- a) seniority in employment;
- b) relevance of previous experience to the position applied fo;
- c) candidate's motivation and performance in the interview before the Board;
- d) teaching and scientific activity;
- e) candidate's involvement in activities in areas relevant to the prosecutor's office;
- f) knowledge of foreign languages (English, French, German, Russian);
- g) compliance with the rules of professional ethics in the prosecutor's office.

7.2 The Board appraises candidates for the position of Chief Prosecutor, Deputy Chief Prosecutor and prosecutors seeking transfer or promotion to Specialised Prosecutors' Offices or the General Prosecutor's Office, including on the skills required to perform the duties of the position for which they are applying. Candidates for the position of Chief Prosecutor, Deputy Chief Prosecutor are further assessed on the concept of leadership.

Section 7.2 in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019

Section 7.2 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

7.3 Candidates for the position of prosecutor shall be appraised according to appraisal sheets as follows:

a) candidate for the position of prosecutor, according to the appraisal sheet in Annexe 1 to these Regulations;

Section 7.3(b) repealed by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020

b¹) the prosecutor wishing to transfer, in accordance with the appraisal sheet in Annexe 21 to these Regulations;

Section 7.3 b¹) introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

c) candidate for the position of prosecutor in Specialised Prosecutor's Offices and the General Prosecutor's Office, according to the appraisal sheet in Annexe 3 to these Regulations;

d) candidate for the position of Chief Prosecutor, Deputy Chief Prosecutor, according to the appraisal sheet in Annexe 4 to these Regulations.

7.4 Candidates are interviewed in alphabetical order. Each candidate is given equal time.

7.5 In case of promotion to the position of prosecutor in the Specialised Prosecutor's Office and the General Prosecutor's Office, the Board shall seek the opinion of the Chief Prosecutor of the Specialised Prosecutor's Office or of

the Prosecutor General or his/her deputies, according to the areas of functional competence, or, as the case may be, of the subdivisions of the General Prosecutor's Office. The opinion shall be drawn up in writing and submitted to the Council's apparatus at least five working days before the day of the interview. In the event of a transfer, the Board shall seek the opinion of the chief prosecutors of the subdivisions concerned.

Section 7.5 amended by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

Section 7.5 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020

Section 7.5 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

- 7.6 For candidates for the position of Chief Prosecutor, Deputy Chief Prosecutor and for a prosecutor seeking transfer or promotion to the Specialised Prosecutor's Office or to the General Prosecutor's Office, the Board tests the professional skills of the candidates during the interview by means of tests. If necessary, the members of the Board will ask the candidate specific questions, taking into account the specific test(s) solved by the candidate.

Section 7.6 (1) in the wording of the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019.

Section 7.6 (1) amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022

For the interview, several test variants are developed, which are confidential. The tests are developed by members of the Board. The tests to assess managerial skills are developed by members of the Board, with the involvement of a management specialist where appropriate.

Each candidate chooses his/her test(s) by drawing lots and has a maximum of 10 minutes per test to prepare. The answer is presented orally during the interview.

8. Final Provisions

- 8.1 These Regulations shall be published on the official website of the Council.
- 8.2 These Regulations shall enter into force on the date of publication.
- 8.3 Until the launch of the Council's official website, the work of the Board will be made public via the official website of the Prosecutor's Office www.procuratura.md.
- 8.4 Amendments and/or supplements to these Regulations shall be made in accordance with the procedure laid down for their approval.
- 8.5 The Annexes to these Regulations are an integral part of these Regulations and may be amended and/or supplemented in accordance with the procedure laid down for amending and/or supplementing the Regulations.