

**DECISION no. 12-225/16**  
**on the approval of the Regulations of the**  
**Superior Council of Prosecutors**

**14 September 2016**

**Chisinau Municipality**

Having examined the matter of the approval of the Regulations of the Superior Council 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) of the prenoted 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 the Law and shall ensure their publication on the official website of the General Prosecutor's Office.

The Regulations of the Superior Council of Prosecutors is the determining document that will establish the organization, functioning and implementation of the powers of the Superior Council of Prosecutors.

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 its activity, on the functioning of its boards and other regulations concerning it.

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

At the meeting of 14 September 2016, Mr Mircea Rosioru, Chairperson of the Superior Council of Prosecutors, presented the draft Regulations.

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

**DECIDES:**

To approve the Regulations of the Superior Council of Prosecutors, with the 3 annexes, the text of which is an integral part of this decision.

To assure the publication of the Regulations of the Superior Council of Prosecutors on the official website of the General Prosecutor's Office.

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

Decision subject to appeal under Article 79 of the Law on Prosecutor's Office.

**Members of the Superior Council of Prosecutors:**

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

**Chairperson of the  
Superior Council of Prosecutors**

**signed**

**Mircea ROȘIORU**

# **REGULATIONS OF THE SUPERIOR COUNCIL OF PROSECUTORS**

**Approved**  
**by the Decision of the Superior Council of Prosecutors**  
no. 12-225/16 dated 14 September 2016

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

no.12-15/17 dated 23.02.2017,  
no.12-63/17 dated 24.06.2017,  
no.12-147/17 dated 26.10.2017,  
no.12-41/18 dated 01.03.2018,  
no.12-74/18 dated 04.05.2018,  
no.12-157/18 dated 01.11.2018,  
no.1-50/19 dated 30.05.2019,  
no.1-122/19 dated 19.11.2019,  
no.1-40/2020 dated 28.05.2020,  
no.1-100/2020 dated 22.10.2020,  
no.1-132/2020 dated 18.12.2020,  
no.1-15/2022 dated 04.02.2022,  
no.1-230/2022 dated 01.11.2022

**CHISINAU**  
**2016**

# **REGULATIONS OF THE SUPERIOR COUNCIL OF PROSECUTORS**

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These Regulations lay down the organisation and functioning of the Superior Council of Prosecutors (hereinafter “the Council”).

## **1. Status of the Superior Council of Prosecutors**

1.1 The Council is an independent, representative and self-governing body of prosecutors and is the guarantor of their independence and impartiality.

1.2 The Council shall have the status of a legal entity and shall be formed to participate in the process of establishing, operating and ensuring the self-administration of the prosecution system.

1.3 The Council has powers established by the Law on Prosecutor's Office, other legislative and regulatory documents, and these Regulations.

1.4 The Council operates based on principles of:

- legality;
- transparency;
- predictability.

The Council operates on the basis of the Constitution of the Republic of Moldova, Law on Prosecutor's Office, these Regulations, other legislative and regulatory documents, and international treaties to which the Republic of Moldova is a party.

1.5 The Council is a collegial body exercising its powers in plenary session.

1.6 The Council shall have its own budget. The Council's budget is drawn up by the Council and submitted to the Ministry of Finance for inclusion in the state budget.

1.7 The Council shall have its seat in Chisinau Municipality.

## **2. Composition of the Superior Council of Prosecutors**

2.1 The composition of the Council is determined by the Law on Prosecutor's Office.

2.2 Members of the Council are elected for a term of 4 years. The period during which the prosecutor is a member of the Council is included in the prosecutor's professional training.

2.3 The term of office shall start from the date of expiry of the predecessor's term of office or, if applicable, from the day of the election, if the election took place after the expiry of the predecessor's term of office. The term of office of the elected member of the Council shall continue until his/her successor takes up his/her duties.

2.4 Candidates for Council membership from civil society must meet the following conditions:

- to be a recognised authority in its field;
- to enjoy an impeccable reputation;
- not have been convicted of a criminal offence.

A candidate may be elected to the position of member of the Superior Council of Prosecutors from among the prosecutors who has at least 3 years of effective service as a prosecutor and has not been disciplined or the term of action of the disciplinary sanction has expired.

*Paragraph II of Section 2.4 in the wording of the Decision of the Superior Council of Prosecutors no. 1-*

2.5 The organisation and conduct of elections of members of the Council from among prosecutors, as well as the voting procedure, are laid down in the Regulations of the General Meeting of Prosecutors.

2.6 The prosecutors who have received the highest number of votes at the General Meeting of Prosecutors shall be considered elected as members of the Council. The results of the elections shall be subject to validation by the General Meeting by a simple majority of the Prosecutors present at the meeting. In the event that more than one of the candidates on the threshold of access accumulate an equal number of votes, the Election Committee shall, on the same day, hold the second round of elections only for candidates with the same number of votes. The ballot papers will be printed on the spot by the Election Committee.

2.7 Prosecutors on the list of candidates, who do not have access to the position of member of the Council, shall become alternates for the position for which they have applied and shall fill the vacancy arising during their term of office in descending order of the number of votes received. The vacancy of the office of member of the Council shall be established by decision of the Council. The alternate shall serve for the remainder of the term of office of the replaced Prosecutor.

2.8 The Prosecutor elected as a member of the Council shall, before taking office, be seconded for the duration of his or her term of office. Files and material under the control of the Prosecutor seconded as a member of the Council shall be transferred to another Prosecutor.

2.9 Members elected to the Council from among prosecutors shall be seconded by the Prosecutor General by decision of the General Meeting of Prosecutors at least one day before taking office if the prosecutor was elected before the expiry of the predecessor's 4-year term, or on the working day immediately following the decision to elect the prosecutor if the election took place after the expiry of the predecessor's 4-year term.

2.10 A Prosecutor elected to the Council who at the time of election holds a senior position in the Prosecutor's Office shall lose that position upon secondment to the Council and that position shall become vacant.

2.11 In the event of a vacancy in the office of an ex officio member of the Council, the duties of the Council shall be exercised by the person acting as interim member.

2.12 If a vacancy occurs in the office of a member of the Council from among the representatives of civil society, the Council shall immediately inform the authority which elected it and request that the vacancy be filled.

2.13 A member elected to the Council may not serve two consecutive terms of office.

2.14 A prosecutor who is a member of the Council may not engage in any paid activity other than teaching, creative, scientific or sporting activity.

2.15 A member of the Council elected from civil society, including lawyers, may, in addition to the activities listed in section 2.14, engage in remunerated activities in non-commercial organisations.

2.16 The rights and obligations of the members of the Council are laid down in Articles 74 and 75 of the Law on Prosecutor's Office and these Regulations.

2.17 Membership of the Council shall cease automatically in the cases provided for in Article 76 (1) (a) - (g) and (j) of the Law on Prosecutor's Office. In the cases provided

for in Article 76 (1) (h) and (i) of the Law on Prosecutor's Office, the termination of the term of office shall take place by a decision of the Council..

2.18 Should the cases referred to in section 2.17 arise, the Council shall adopt a resolution declaring the office vacant and requesting the Prosecutor General to second the alternate prosecutor.

2.19 If a situation of incompatibility arises during the term of office, the Council member shall immediately notify the Chairperson of the Council, who shall decide on it before the next Council meeting. If the situation of incompatibility has not been resolved by the Council meeting, the matter shall be settled at the next Council meeting.

2.20 During their term of office, and for six months after their term of office has ended, members of the Council may not take part in competitions for appointment or promotion to the position of prosecutor, including the office of Prosecutor General. This rule shall not apply to persons acting as interim members of the Council.

2.21 At the end of the term for which he or she has been seconded, the prosecutor shall continue to serve in any vacant position as a prosecutor of his or her choice, with the exception of the position of Chief Prosecutor.

### **3. Structure of the Superior Council of Prosecutors**

3.1 Under the Council operates:

- a) Board for the Selection and Career of Prosecutors;
- b) Prosecutors' Performance Appraisal Board;
- c) Disciplinary and Ethics Board.

3.2 The Council shall have an administrative apparatus which shall ensure the work of the Council and its subordinate boards.

3.3 The Council's apparatus shall consist of civil servants and technical staff. The Council apparatus shall be headed by the Head of the Apparatus, who shall be elected by public competition by the Council.

3.4 The structure, staffing, duties and activities of the Council apparatus shall be laid down in Regulations approved by the Council.

3.5 The Council Apparatus shall have the following main tasks:

- a) organising and documenting the work and meetings of the Council and its subordinate Boards;
- b) ensuring the publication on the website of the decisions and the drafting of the minutes of the meetings of the Council and the Boards;
- c) keeping the Council's correspondence;
- d) keeping the registers and archiving the documents of the Council and the Boards under its subordination;
- e) coordinating the preparation of the Council's Work Programme;
- f) shall assist the Council in international relations and ensure protocol;
- g) ensuring cooperation with public institutions in accordance with the law;
- h) shall represent the Council in court;
- i) shall organise the General Meeting of Prosecutors.

3.6 The Chairperson and the members of the Council shall determine the distribution of tasks among the members of the Council.

3.7 The Council may set up advisory committees on specific areas. Members of advisory committees may be Council members as well as, on a voluntary basis, prosecutors and other specialists.

#### **4. Powers of the Superior Council of Prosecutors**

4.1 The Council shall have the powers set out in the Law on Prosecutor's Office, other legislative or regulatory documents and these Regulations, including:

**I. - in matters of drafting/approving/coordinating regulatory documents:**

a) drafts and approves regulations concerning its activity, the functioning of subordinate Boards and other regulations concerning it;

b) draws up and approves regulations on the selection and career procedure for prosecutors;

c) draws up the draft regulations of the General Meeting of Prosecutors, including draft amendments thereto;

d) endorses the draft annual priorities for the work of the Prosecutor's Office drawn up by the Prosecutor General;

e) participates in the drafting of the strategic development plans of the Prosecutor's Office;

f) endorses the proposal of the Prosecutor General to the Parliament on the determination of the total number of prosecutors in the Prosecutor's Office and, on the proposal of the Prosecutor General, determines the number of prosecutors in each prosecutor's office.

g) expresses its written agreement on the internal structure of the General Prosecutor's Office, specialised prosecutors' offices and territorial prosecutors' offices, including their residences, as determined by the Prosecutor General;

h) approves the structure of the apparatus of the Superior Council of Prosecutors;

i) approves the strategy for the initial and continuous training of prosecutors and gives its opinion on the action plan for the implementation of this strategy;

j) examines and submits opinions on the regulations for the organisation of the entrance examination to the National Institute of Justice, on the teaching programmes and curricula for the initial and continuing training courses of the National Institute of Justice, on the regulations for the organisation of the competition for the replacement of teaching positions, as well as on the composition of the committees for the entrance and graduation examinations of the National Institute of Justice;

k) coordinates the order of the Minister of Health on the health requirements and the procedure for determining the state of health of candidates for prosecutors and prosecutors in office, including the list of illnesses that do not allow the exercise of the office of prosecutor.

**II. - on prosecutors' careers:**

a) takes the decision on the appointment of candidates to the vacant positions of prosecutor;

*Letter a) in the wording of the Decision of the Superior Council of Prosecutors no. 12-41/18 dated 01.03.2018*

*Letter a) amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Letter a) in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated*

04.02.2022

a<sup>1</sup>) make proposals to the Prosecutor General on the appointment, transfer, promotion, secondment or suspension of prosecutors under the terms of the Criminal Procedure Code, the Law on Prosecutor's Office and other legislative documents, and on the dismissal of prosecutors;

*Letter a<sup>1</sup>) introduced by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Letter a<sup>1</sup>) in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

b) initiates, in the process of selection of prosecutors, checks in accordance with the Law no.271-XVI of 18 December 2008 on Verification of Incumbents and Candidates for Public Office;

*Letter b) amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

c) initiates and organises the competition for the selection of the candidate for the position of Prosecutor General, which it proposes to the competent authority;

d) proposes to the competent authority, under the conditions of the Law on Prosecutor's Office, the dismissal of the Prosecutor General before the expiry of his/her term of office;

d<sup>1</sup>) decides on the maintenance or termination of the suspension of the Prosecutor General from office or, where appropriate, validates the decision of the Chairperson of the Superior Council of Prosecutors on the maintenance or termination of the suspension of the Prosecutor General from office, under the terms of Article 55/1 paragraph (1) of Law no. 3/2016;

*Letter d<sup>1</sup>) introduced by the Decision of the Superior Council of Prosecutors no. 1-230/2022 dated 01.11.2022*

d<sup>2</sup>) designates a prosecutor to examine the referral of crimes committed by the Prosecutor General;

*Letter d<sup>2</sup>) introduced by the Decision of the Superior Council of Prosecutors no. 1-230/2022 dated 01.11.2022*

e) participates in the oath-taking by prosecutors and the Prosecutor General;

f) gives written consent to the appointment of the Deputy Prosecutors General and the Deputy Chief Prosecutors of the specialised prosecutor's offices;

*Letter f) amended by the Decision of the Superior Council of Prosecutors no. 1-230/2022 dated 01.11.2022*

g) lays down the rules on combining the office of prosecutor with other teaching and scientific activities;

h) determines the number of places available in the admission competition for the initial training of prosecutors at the National Institute of Justice;

i) examines the appeals filed against the decisions of the Prosecutors' Performance Appraisal Board and the Board for Selection and Career of Prosecutors;

j) approves or rejects the interim of the position of Chief Prosecutor of the Prosecutor's Office, Deputy Chief Prosecutor of the Prosecutor's Office, Chief Prosecutor of the General Prosecutor's Office Subdivision or Deputy Chief Prosecutor of the General Prosecutor's Office Subdivision, ordered by the order of the Prosecutor General or, where appropriate, appoints the interim for the respective position, under the terms of Article 27/1 of Law no. 3/2016.

*Letter j) introduced by the Decision of the Superior Council of Prosecutors no. 1-230/2022 dated 01.11.2022*

### **III. - on the observance of discipline and ethics by prosecutors:**

- a) prepares the draft Code of Ethics for Prosecutors, and draft amendments thereto, and proposes them to the General Meeting of Prosecutors for approval;
- b) initiates disciplinary proceedings against prosecutors (in case of the initiation of criminal proceedings against a prosecutor, the Prosecutor General shall, after all actions that cannot be postponed have been taken, refer the matter to the Council with a view to initiating disciplinary proceedings against the prosecutor against whom criminal proceedings are pending);
- c) examines appeals against decisions taken by the Disciplinary and Ethics Board;
- d) approves the Prosecutor's awards and implements measures to encourage prosecutors or, where appropriate, submits proposals for their decoration with state awards;
- e) determines the design of prosecutors' coats and their distinctive markings;
- f) approves the pattern of the prosecutor's badge.

### **IV. - on the appointment of representatives of the Council to the various authorities:**

- a) organises competitions, selects and appoints members of subordinate bodies from among civil society, including their alternates;
- b) appoints and removes prosecutors from the Council of the National Institute of Justice;
- c) designates the prosecutor who will initiate the criminal proceedings against the Prosecutor General;
- d) appoints a representative to the Integrity Council;
- e) appoints a member of the State Committee for polygraph testing.

### **V. - in budgetary matters:**

- a) draws up and approves its draft budget, which it submits to the Ministry of Finance;
- b) participates in the preparation of the draft budget of the Prosecutor's Office and approves it.

### **VI. - other areas of intervention:**

- a) hears the annual reports of the Boards under its authority and submits recommendations;
- b) convenes the General Meeting of Prosecutors;
- c) endorses draft legislative and regulatory documents of other authorities;
- d) endorses the referrals of the Prosecutor General to the Constitutional Court concerning the constitutionality of parties;
- e) examines the referrals of citizens and prosecutors on matters within its competence;
- f) reacts ex officio or on referral if it considers that the independence, impartiality or professional reputation of the prosecutor is affected in any way. If it reacts ex officio, the Council shall first consult the prosecutor concerned.

## 5. Chairperson of the Superior Council of Prosecutors

5.1 The Chairperson shall be elected by secret ballot from among the members of the Council elected from among the prosecutors.

5.2 The term of office of the Chairperson shall be 4 years, but may be terminated earlier in the manner provided for in the Law on Prosecutor's Office and these Regulations.

5.3 The question of the election of the Chairperson of the Council shall be included at the first meeting after the vacancy of the office has occurred. The meeting for the election of the Chairperson of the Council shall be chaired by the senior dean from among the members of the Council who are not standing for election as Chairperson.

5.4 Members of the Council who wish to stand for the office of Chairperson shall submit the following documents to the Council office no later than the day before the day of the Council meeting:

- a) application to stand as a candidate;
- b) vision for the exercise of the term of office;
- c) other documents which the candidate considers relevant.

5.5 Candidates shall be entered on the ballot paper in alphabetical order. The Head of the Council Apparatus shall print the ballot papers corresponding to the number of Council Members.

5.6 At the meeting at which the election of the Chairperson of the Council takes place, each candidate shall be given an equal amount of time to present his or her vision of the work as Chairperson of the Council. Each member of the Council may put questions to the candidates.

5.7 Voting by secret ballot shall be carried out by each member of the Council present at the meeting completing the ballot paper in confidence and placing it in the sealed ballot box. Postal voting is not possible.

5.8 The votes cast shall be counted by the Head of the Council Apparatus after the voting procedure. He shall show each ballot paper to the members of the Council.

5.9 The candidate who has received more than half of the votes of the members of the Council in office shall be deemed to have been elected as Chairperson. If no candidate has accumulated the required number of votes, a second round shall be held between the candidates who have accumulated the highest number of votes in the first round. If no candidate has obtained the required number of votes in the second ballot, the third ballot shall be held between those two candidates. If no candidate has obtained the required number of votes in the third round, the election procedure starts again from the beginning.

5.10 Following the counting of the votes for the election of the Chairperson, the Council shall by decision confirm that the procedure and the result of the vote have been followed. This resolution shall be signed by the Chairperson of the meeting.

5.11 take office immediately after the announcement of the Council's decision in section 5.10.

5.12 The Chairperson of the Council shall have the powers specified in the Law on Prosecutor's Office and these Regulations, including:

- a) coordinate the draft agenda of the Council meeting;
- b) chair the meetings of the Council;

- c) sign the acts issued by the Council;
- d) represents the Council in internal and international relations and coordinates its work;
- e) opens the meeting of the General Meeting of Prosecutors;
- f) convene and chair the first meeting of the Council's subordinate Boards;
- g) present to the General Meeting of Prosecutors the Council's annual activity report;
- h) appoint, promote, transfer and dismiss employees of the Council's apparatus, apply incentives and disciplinary sanctions to them;
- i) organise and implement the financial management and internal control system of the Council;
- j) manage the budget and public assets under the Council's management;
- k) assign for examination the addresses of citizens and public prosecutors on matters within the competence of the Council.

5.13 In case the Chairperson of the Council is temporarily unable to act, his/her duties shall be delegated by decision of the Council to another member of the Council from among the prosecutors.

5.14 The term of office of the Chairperson of the Council shall cease in the cases provided for in Article 76 of the Law on Prosecutor's Office by resignation or dismissal. The term of office of the President shall expire in all circumstances at the first meeting of the newly elected Council.

5.15 The Chairperson of the Council shall give notice of his or her resignation as Chairperson by submitting a written request to the Council. The resignation shall take effect upon acceptance by resolution of the Council.

5.16 The Chairperson of the Council may be removed from office by a resolution of the Council adopted by a vote of 2/3 of the members in office.

5.17 Should the office of Chairperson become vacant, the Council shall appoint a member of the Council to act as interim Chairperson until a new Chairperson is elected. The new Chairperson shall serve for the remainder of the term of the substituted Chairperson.

## **6. Meetings of the Council**

6.1 The Council is a collegial institution which exercises its powers in plenary meetings.

6.2 Meetings of the Council shall be convened whenever necessary, but not less frequently than once a month. As a rule, the date and place of the ordinary meeting of the Council shall be fixed at the previous meeting of the Council. Extraordinary meetings of the Council shall be convened by notification from the Chairperson or at the request of at least three members of the Council.

6.3 The first meeting of the newly elected Council shall be convened by the Prosecutor General by an order issued within 10 working days of the date of the General Meeting of Prosecutors at which the election took place.

6.4 The agenda of the Council meeting shall be prepared by the Head of the Council Apparatus, after consultation with the Chairperson of the Council. Any member of the Council may propose items 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 Council website at least 2 working days before the date of the meeting.

6.5 The Council Apparatus shall send the meeting agenda and meeting materials to Council members by e-mail at least two working days before the day of the meeting.

6.6 Matters not subject to adjournment shall be included in the supplementary agenda, which, by the beginning of the Council meeting, shall be sent by e-mail to Council members and published on the Council's official website.

6.7 Council meetings are deliberative if at least 2/3 of the members attend. Attendance at Council meetings may take place by physical presence at the venue of the meeting or by teleconference, provided that it is possible to identify the Council member and confirm his/her voting option. Participation in the meeting by teleconference shall be recorded in the minutes of the meeting.

*Section 6.7 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

6.8 In situations which cannot be postponed, the members of the Council may decide, by a vote of at least 3/4 of the members in office, to adopt certain resolutions by e-mail. When adopting a resolution by e-mail, it shall be presumed that all Council members are present.

The Chairperson of the Council shall send an e-mail to all members of the Council requesting recourse to the e-mail voting procedure, explaining the substance of the matter not subject to postponement and the deadline by which Council members are to state by e-mail whether they agree to recourse to the e-mail voting procedure.

If the quorum required is not met, the procedure for voting by e-mail on the item not subject to postponement shall be used, setting another deadline for the casting of votes.

In the case of adoption of the decision by e-mail, the voting option shall be confirmed by e-mail sent by the Council member to the Council apparatus within the set time limit. The absence of an e-mail shall constitute a vote against.

No decisions may be taken by e-mail on the approval of regulations, on competitions or on appeals against Board decisions.

6.9 Meetings of the Council shall be public. In order to respect the rules on restricted information or privacy, the Council 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 or private information, with the exception of information constituting a State secret.

6.10 Only members of the Council, Council Apparatus and persons invited by the Council shall have access to the closed meeting. By decision of the Council, closed meetings may also be attended by persons affected by the situation under consideration. The press shall not have access to closed meetings.

6.11 Attendance of the person affected by the situation under consideration at the Council meeting is not compulsory. However, the Council may decide to invite or hear such persons if they have attended the Council meeting. In the case of the examination of appeals against Board decisions, the Council apparatus shall notify the persons concerned of the meeting by e-mail, telephone or fax, but their non-appearance shall not prevent the examination of the appeal.

6.12 The Chairperson of the Council shall ensure the smooth running of the meeting. Persons attending the meeting of the Council shall be required to behave in

such a way as not to impede the smooth running of the meeting. The Council may decide to remove from the meeting room persons who do not comply with this rule. Council members may not be forcibly removed from the meeting.

6.13 The Chairperson opens the Council meeting and:

- a) announces whether or not a quorum is present;
- b) proposes and listens to members' proposals for the inclusion of matters on the supplementary agenda of the meeting or for their exclusion from the agenda;
- c) proposes to the members of the Council the approval of the final agenda of the meeting, which shall be approved by a majority vote of the members present at the meeting.

6.14 Matters on the agenda are usually considered in the sequence indicated in the agenda. Supplementary agenda matters shall, as a rule, be considered after all matters on the agenda originally published have been discussed.

6.15 A Council Member may not participate in the consideration of a matter on the agenda if there are circumstances which preclude his or her participation in the consideration of the matter in question or which would cast doubt on his or her objectivity. If such circumstances exist, the Council member concerned shall be required to make a declaration of abstention. As soon as the agenda of the meeting has been approved, the Chairperson of the meeting shall ask the members of the Council whether they have any abstentions.

6.16 At the stage of announcing abstentions or until the agenda item has been considered, the participants in the meeting may verbally challenge the Council member. The objection may also be made in writing by lodging a request with the Council's office. Objections to the whole Council shall not be admissible.

6.17 The challenge or statement of abstention shall state the grounds on which it is based.

6.18 Statements of abstention or objection shall be considered at the meeting of the Council and the decision of the Council thereon shall be recorded in the minutes of the Council meeting. The member of the Council whose objection or abstention has been raised shall not take part in the consideration of the matter and shall leave the meeting room.

6.19 Consideration of the matter on the agenda shall begin with the presentation of the report on the matter by the rapporteur member. Subsequently, the positions of the other members of the Council are heard. After this, the Chairperson announces the start of the vote. After the positions of the Council members have been heard and before voting begins, persons invited or present at the meeting may be heard. The hearing of persons who have lodged an appeal against the decisions of the Boards and who are present at the meeting is compulsory.

6.20 Council meetings are recorded by video/audio. Video footage of the meeting, with the exception of closed meetings or closed parts of meetings, shall be broadcast in real time on the Council's official website. The video recording of the meeting shall be stored on the Council's official website. The recording of the meeting shall be annexed to the minutes of the meeting.

6.21 The proceedings of the Council shall be minuted. The minutes shall record: the attendance of Council members and other persons, a summary of the debates and the decisions adopted, and the manner in which votes were distributed.

6.22 Minutes shall be taken by the Secretary of the meeting within 3 working days of the date of the meeting. They shall be signed by the President of the Council and by the Secretary of the meeting. The minutes shall be placed on the Council's official website after they have been signed. The minutes of closed meetings or of the part of meetings considered in closed session shall not be published. Any person may obtain extracts from the minutes of the public meeting of the Council..

6.23 Upon written request, within 5 working days, the Council apparatus shall release the video/audio recording of the Council meeting.

## 7. Decisions of the Council

7.1 The Council shall take decisions by open vote of the members, except as provided for in these Regulations.

7.2 A member who has been recused, has abstained or has not been present during the discussion of the matter may not take part in the voting procedure. This shall be recorded in the minutes of the meeting.

7.3 The voting procedure shall begin after the end of the debate on the matter concerned.

7.4 Before voting begins, the Council may resume the debate if circumstances arise which require further clarification.

7.5 Decisions shall be adopted in public meeting by open vote of a majority of the members of the Council present, except for those established by law and these Regulations.

7.6 Members of the Council are obliged to vote for or against. Voting shall be by a show of hands, except as provided in these Regulations. The Chairperson of the Council shall vote last.

7.7 Decisions of the Council shall state the reasons on which they are based. As a rule, the draft decision shall be drawn up by the Council's staff together with the rapporteur member before the Council meeting. The final version of the reasoned decision shall be drawn up within 5 working days of its issue.

7.8 Any member of the Council has the right to a separate opinion. The member of the Council shall give notice of the separate opinion immediately after the voting procedure has been completed. The separate opinion shall be delivered within 3 working days after the final version of the decision has been drawn up.

7.9 Decisions of the Council in their final version shall be signed in holography or, where appropriate, by electronic signature, by all members participating in their adoption.

*Section 7.9 amended by the Decision of the Superior Council of Prosecutors no. 1-132/2020 dated 18.12.2020*

7.91 Decisions of the Council shall be published, no later than 10 working days after their adoption, on the official website of the Council, in compliance with the personal data regime, restricted information and/or the principle of confidentiality.

*Section 7.9<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-132/2020 dated 18.12.2020*

7.92 When Council decisions are published, they shall be removed from the text, where appropriate:

- 1) full name of the complainant of the disciplinary offence in the case of a natural person, unless the complainant is a person with a position of

responsibility, a public person or a person of public dignity or the complainant is a legal person under public or private law abaterii;

- 2) full name, place and date of birth of natural persons;
- 3) their domicile and/or residence;
- 4) telephone number, excluding work telephone;
- 5) personal identification number;
- 6) medical insurance number;
- 7) social insurance number;
- 8) criminal case/criminal record number;
- 9) bank details;
- 10) registration number of the car, except for the service car;
- 11) health data (regardless of illness);
- 12) e-mail address;
- 13) other data according to Law No. 133/2011 on Personal Data Protection.

*Section 7.9<sup>2</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-132/2020 dated 18.12.2020*

7.10 Council decisions take effect from the moment they are issued. Decisions of the Council of a regulatory nature shall take effect from the moment of publication on the official website of the Council.

*Section 7.11 repealed by the Decision of the Superior Council of Prosecutors no. 1-132/2020 dated 18.12.2020*

7.12 The Council's decision shall be sent by e-mail to the prosecutors concerned by the decision within 3 days of the date of signature. To other persons or institutions, the judgment shall be sent by e-mail or, where appropriate, by post.

7.13 Decisions of the Superior Council of Prosecutors may be challenged under the law.

*Section 7.13 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Section 7.14 repealed by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

## **8. Consideration of selection and career matters**

8.1 The Register of Candidates to fill vacancies (hereafter - Register) is maintained by the Council Apparatus and includes the following compartments:

1) list of candidates for the vacant positions of prosecutor with separate sections on graduates of the National Institute of Justice, persons referred to in Article 20 paragraph (3) of Law No. 3/2016 and persons referred to in Article 20 paragraph (3/1) of Law No. 3/2016;

2) list of prosecutors applying for transfer or promotion with separate sections on prosecutors applying for appointment as prosecutors in specialised prosecutor's offices, prosecutors applying for appointment as prosecutors in the General Prosecutor's Office and prosecutors applying for transfer;

*Section 8.1 sub-section 2) in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

3) list of prosecutors applying for appointment as Chief Prosecutor or Deputy Chief Prosecutor.

*Section 8.1 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.2 Each compartment of the Registry shall contain:

- a) full name of the candidate/prosecutor;
- b) number, date of the decision and the score obtained at the Prosecutors' Performance Appraisal Board - in the case of prosecutors, the overall average obtained at the National Institute of Justice - in the case of the Institute's auditors, or the score from the examination before the National Institute of Justice's graduation commission - in the case of persons referred to in Article 20(3) of the Law on Prosecutor's Office;
- c) number and date of the decision of the Board for Selection and Career of Prosecutors and the score obtained;
- d) other relevant data.

8.3 The Register shall be drawn up in Romanian, kept in electronic form and made available on the Council's official website. The Council Apparatus shall update the Register whenever necessary, but not less frequently than every 2 weeks.

*Section 8.3 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.4 Graduates of the National Institute of Justice and the persons referred to in Article 20 (3) and (3/1) of Law 3/2016 shall submit to the Council Apparatus the documents referred to in Article 22 (2) of Law 3/2016.

*Section 8.4 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.5 After the submission of the documents referred to in Article 22(2) of Law 3/2016, the Council shall notify the candidate of the initiation of the procedure according to Law 271/2008.

For the persons referred to in Article 20(31) of Law No. 3/2016, the Council requests information from the appropriate institutions on the reasons for the termination of their duties.

*Section 8.5 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.6 The Council Apparatus shall enter the candidate for the position of Prosecutor in the Register after receiving all the documents referred to in Article 22(2) of Law No. 3/2016. Medically unfit candidates shall not be included in the Register.

*Section 8.6 in the wording of the Decision of the Superior Council of Prosecutors no. 12-147/17 dated 26.10.2017*

*Section 8.6 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.7 The medical certificate on the state of health of candidates for the position of prosecutor is valid until the appointment as a prosecutor, but not more than 2 years after its issuance, and in the case of prosecutors in office is valid for 5 years. If during the validity of the certificate the candidate has not been appointed to the post, he/she is subject to repeated medical check-ups.

*Section 8.7 in the wording of the Decision of the Superior Council of Prosecutors no. 12-74/18 dated 04.05.2018*

8.7<sup>1</sup> The Superior Council of Prosecutors Apparatus shall ensure that medical certificates on the state of health of candidates for the position of prosecutor and prosecutors in office are collected and kept in conditions that guarantee observance of the privacy of prosecutors and candidates for the position of prosecutor.

*Section 8.7<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 12-157/18 dated 01.11.2018*

8.8 An incumbent prosecutor seeking a transfer or promotion may be entered in the Register if he or she has undergone a performance appraisal in the two years prior to the submission of the application for entry in the Register. A prosecutor seeking appointment as Chief Prosecutor or Deputy Chief Prosecutor may be entered in the Register if he or she has undergone a performance appraisal in the two years preceding the submission of the application for entry in the Register.

*Section 8.8 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Section 8.8 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.81 To be entered in the Register, the candidates listed in Section 8.8 shall submit the following documents:

- a) application to take part in the competition, accompanied by a letter of motivation;
- b) copy of the decision of the Prosecutor's Performance Appraisal Board on the candidate's last appraisal;
- c) medical certificate concerning the state of health.

*Section 8.8<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 12-41/18 dated 01.03.2018*

8.82 At the appraisal stage of the applications submitted in the announced competitions, the Council will request for all candidates whose applications have been forwarded to the Board for the Selection and Career of Prosecutors:

- a) National Integrity Authority - certificate of integrity;
- b) National Anti-Corruption Centre - certificate of professional integrity;
- c) Intelligence and Security Service - information on the absence or existence of risk factors that may prejudice the rule of law, state security, public order;
- d) Prosecutor General - opinion on professional performance in the Prosecutor's Office.

*Section 8.8<sup>2</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.9 Negative opinions issued pursuant to Law No 271 of 18 December 2008 are examined at the Council meeting. In case of doubts as to their merits, the Council requests the Inspectorate of Prosecution to verify the information in the opinion. Upon receipt of the verification report of the Inspectorate of Prosecutors, the Council shall decide whether the candidate shall be entered in the register.

*Section 8.10 repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.11 Registration in the Register shall take place irrespective of the existence of vacancies at the time of registration.

8.12 Exclusion from the Register shall take place:

- a) at the written request of the candidate;
- b) upon termination of the employment relationship with the prosecutor in circumstances beyond the control of the parties;
- c) upon dismissal from the position of prosecutor;
- d) upon appointment to the position for which the candidate is applying;
- e) upon expiry of the performance appraisal period referred to in section 8.8;

- f) upon application of a disciplinary sanction by the body referred to in Article 39 of the Law on Prosecutor's Office;
- g) a final finding of incompatibility with the position of prosecutor;
- h) non-expression of the option for the vacant positions announced in the competition in which he/she participated;
- i) in case of unjustified non-appearance of the candidate before the Board for the Selection and Career of Prosecutors;
- j) in case of refusal of the candidate to be appraised by the Board for the Selection and Career of Prosecutors.

*Section 8.12 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.12<sup>1</sup> Re-entry in the Register takes place according to the general procedure.

*Section 8.12<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.13 Vacancies are announced and filled in accordance with Article 24 of the Law on Public Prosecutor's Office. Once a vacancy occurs, it is filled in the next competition.

8.14 The Council periodically announces competitions, as a rule once every 6 months. The announcement of competitions is made by placing the information on the Council's website.

*Section 8.14 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

#### **a) competition for appointment to the position**

*Name of section a) amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.15 Shall take part in the competition for appointment to the position of prosecutor if they are entered in the Register on the date of the announcement of the competition or, as the case may be, on the date indicated in the Council decision:

- a) graduates of the National Institute of Justice;
- b) persons referred to in Article 20(3) of Law No 3/2016;
- c) persons referred to in Article 20(3/1) of Law No 3/2016.

The Council announces the competition for appointment to the post separately for each category of candidates for the post of prosecutor. Candidates entered in the Register are then appraised by the Board for the Selection and Career of Prosecutors.

*Section 8.15 in the wording of the Decision of the Superior Council of Prosecutors no. 12-41/18 dated 01.03.2018*

*Section 8.15 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.16 The Board for the Selection and Career of Prosecutors shall forward the result of the evaluation of candidates to the Council apparatus, as well as information on persons who did not appear before the Board or refused to be evaluated. The Council apparatus shall make such entries in the Register of Candidates.

8.17 Once the changes referred to on section 8.16 have been published on the website in the appropriate section of the Register of Candidates, the Council Apparatus shall notify all candidates who have been assessed in the competition referred to in section 8.15 of the date and place at which they will be called for election to the vacant positions. Candidates shall make their choice verbally at the meeting.

*Paragraph I of Section 8.17 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

If it is impossible for a candidate to attend the meeting, he or she shall make his or her choice by e-mail, sent to the Council apparatus by the date on which the candidates are convened. In the e-mail, the candidate expresses several options. The options contain the vacancies desired by the candidate, indicated in descending order of preference. In the case of a candidate submitting his/her option by e-mail, the option expressed verbally at the meeting shall prevail.

Candidates for the position of prosecutor are obliged to express their choice for all vacant positions advertised. Otherwise, the candidate will be excluded from the Register, with the consequences set out in section 8.12<sup>1</sup>.

8.18 Candidates for the position of prosecutor choose their positions in descending order of their score. This is the sum of the scores obtained in the appraisal conducted by the Board for the Selection and Career of Prosecutors and the equivalent of the general graduation average of the National Institute of Justice, in the case of graduates of the National Institute of Justice or, as the case may be, the general average of the examination for persons applying for the position of prosecutor on the basis of seniority, taken before the National Institute of Justice Graduation Committee, in the case of persons applying on the basis of seniority. The results obtained at the National Institute of Justice are equated in points which are calculated according to the formula: one point for each tenth of the mark. The points thus obtained are not rounded up to the whole number.

In case of a tied score, the candidate with the best result at the National Institute of Justice will be elected first. In the event of a tie, the candidates will choose a number of posts equal to the number of candidates with equal scores, and the Council will decide on the specific posts to be filled by these candidates.

*Paragraph III of Section 8.18 repealed by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

For a candidate for the position of prosecutor who takes part in the competition under the terms of Article 20 (3/1), the score obtained in the competition is the score of the Board for the Selection and Career of Prosecutors, awarded up to 100%. In the event of equal scores, the Council shall decide on the winners of the competitions for the positions concerned.

*Section 8.18 in the wording of the Decision of the Superior Council of Prosecutors no. 12-15/17 dated 23.02.2017*

*Paragraph IV of Section 8.18 introduced by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

8.19 The Head of the Council Apparatus shall be responsible for the organisation and conduct of the procedure described in Sections 8.16 and 8.17. The proceedings shall be video/audio recorded. Within one working day of the end of the event, the Council Apparatus shall draw up minutes recording the choices made by each candidate and the outcome of the competition. The video/audio recording of the event shall be attached to the minutes. The minutes shall be brought to the attention of the Council.

*Section 8.19 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Section 8.20 repealed by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

## **b) competition for promotion or transfer**

*Name of section b) amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Name of section b) supplemented by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.21 The following cases constitute promotion to a higher position of prosecutor:

a) from the position of prosecutor in the territorial prosecutor's office to the position of prosecutor in the specialised prosecutor's office;

b) from the position of prosecutor in the territorial prosecutor's office to the position of prosecutor in the General Prosecutor's Office;

c) from the position of prosecutor in the specialised prosecutor's office to the position of prosecutor in the General Prosecutor's Office,

and appointment to the position of Chief Prosecutor and Deputy Chief Prosecutor.

The competition for promotion or transfer shall be open to candidates entered in the Register on the date on which the competition is announced or, as the case may be, on the date indicated in the Council decision. Any eligible prosecutor may take part in the competition, regardless of whether or not he or she works in that prosecutor's office.

*Section 8.21 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Paragraph II of Section 8.21 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.21<sup>1</sup> The transfer is made to a position at the same or lower level in the following cases:

a) from the position of prosecutor in the territorial prosecutor's office to the position of prosecutor in another territorial prosecutor's office;

b) from the position of prosecutor in the specialised prosecutor's office to the position of prosecutor in another specialised prosecutor's office;

c) from the position of prosecutor in the subdivision of the General Prosecutor's Office to the position of prosecutor in another subdivision of the General Prosecutor's Office;

d) from the position of prosecutor in the subdivision of the General Prosecutor's Office to the position of prosecutor in the specialised prosecutor's office;

e) from the position of prosecutor in the subdivision of the General Prosecutor's Office to the position of prosecutor in the territorial prosecutor's office;

f) from the position of prosecutor in the specialised prosecutor's office to the position of prosecutor in the territorial prosecutor's office.

The positions of Chief Prosecutor and Deputy Chief Prosecutor shall not be held by transfer.

*Section 8.21<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.22 Candidates apply for appointment to the positions advertised in descending order of the score obtained at the Board for the Selection and Career of Prosecutors. The decision on the appointment of candidates to the vacant positions of prosecutor shall be taken by the Superior Council of Prosecutors, taking into account the position selected by the candidate, the score awarded by the Board for the Selection and Career of Prosecutors, the score obtained in the examination held before the National Institute of Justice Graduation Committee, the criteria set out in Section 23(2), the information required under Section 8.8/2 of these Regulations, and other relevant information available to the Superior Council of Prosecutors relating to the

candidate's career and integrity.

*Paragraph I of Section 8.22 in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

If only one candidate participates in the competition for the position of Chief Prosecutor, Deputy Chief Prosecutor, Head of the Sub-Division of the General Prosecutor's Office, who did not accumulate the minimum of 50 percent of the total maximum score provided by the corresponding appraisal sheet during the appraisal by the Board for the Selection and Career of Prosecutors, he/she will be excluded from the competition.

*Paragraph II of Section 8.22 introduced by the Decision of the Superior Council of Prosecutors no. 1-50/2019 dated 30.05.2019*

*Section 8.23 repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.24 At the next meeting, the Superior Council of Prosecutors proposes to the Prosecutor General the appointment of the winner of the competition.

*Section 8.24 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Section 8.24 in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.25 Within 5 working days of receipt of the proposal, the Prosecutor General is obliged to adopt a decision. The Prosecutor General may refuse the appointment or promotion with reasons if he/she finds that the candidate is incompatible with the position of prosecutor. The Prosecutor General shall provide the Council and the candidate with a copy of the act issued and the documents confirming these circumstances.

*Section 8.25 amended by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Section 8.25 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.26 On receipt of a reasoned refusal of appointment from the Prosecutor General, the Council shall instruct the Inspectorate of Prosecutions or the Council's staff to verify the circumstances invoked in the refusal and shall request a written conclusion thereon. The written conclusion of one of them shall relate to each circumstance mentioned in the refusal and shall be submitted within the time limit set by the Council.

8.27 The Council may only propose the candidate repeatedly at the candidate's request. The nominee's opinion shall be submitted in writing to the Council before the item is placed on the agenda of the Council meeting.

8.28 If circumstances have been established in the course of the verification which confirm that the candidate does not meet the requirements of the Law on Prosecutor's Office to be a candidate for the position of prosecutor, or the candidate does not apply for a repeat nomination, the candidate shall be excluded from the Register of Candidates.

*Section 8.28 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

*Section 8.29 repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.30 If the Council considers that the reasons given for the refusal are unfounded, it shall, by a vote of 2/3 of the members in office, propose the same candidate again. This proposal shall state the reasons why the Council considers that

the circumstances invoked in the refusal are unfounded. The proposal shall be binding on the Prosecutor General, who shall, within 5 working days of receipt of the proposal, issue the appointment order.

8.31 During the period of 3 months before the expiry of the term of office, but not later than 15 days before the expiry of the term of office, the Chief Prosecutor of the subdivision of the General Prosecutor's Office, the Chief Prosecutor or the Deputy Chief Prosecutor of the specialized or territorial Prosecutor's Office, shall elect a vacant position of Prosecutor from the list of vacancies announced by the Council, other than those of the senior positions. The choice of the position shall be made in writing.

*Paragraph 1 of Section 8.31 amended by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

Prosecutors elect their vacancies in the next consecutive term:

- a) Prosecutor General;
- b) Chairperson and members of the Council;
- c) Deputy Prosecutor General and the Chief Prosecutor of the Specialised Prosecutor's Office;
- d) Chief Prosecutor of the Directorate of the General Prosecutor's Office and the Deputy Chief Prosecutor of the Specialised Prosecutor's Office;
- e) Chief Prosecutor of the General Prosecutor's Office;
- f) Chief Prosecutor of the Territorial Prosecutor's Office;
- g) Deputy Chief Prosecutor of the Territorial Prosecutor's Office.

In the event of a tie according to the criteria in the previous paragraph, priority shall be given to the order of expiry of the term of office. If this criterion is not sufficient, priority shall be given to seniority in office, which shall be calculated in days.

8.31<sup>1</sup> In case of termination of the term of office of the Deputy Prosecutor General, by law, under the conditions of Article 18(4) of Law No. 3 /2016, i.e. in the event that the term of office of the Prosecutor General is terminated by dismissal from office as a result of a performance appraisal or disciplinary sanction or in case the Prosecutor General is suspended from office in connection with the initiation of criminal proceedings against him/her, the Deputy Prosecutor General shall choose a vacant prosecutor position from the list of vacant positions announced by the Council, other than those of a senior position, on the proposal of the employer. The choice of the position shall be made in writing within 5 working days of notification.

*Section 8.31<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.32 If the Deputy Prosecutor General, the Chief Prosecutor of the Subdivision of the General Prosecutor's Office, the Chief Prosecutor or the Deputy Chief Prosecutor of the Specialised or Territorial Prosecutor's Office has not elected a vacancy within the period indicated in section 8.31 or section 8.31/1 as the case may be, or has not occupied another leading position in the competition, the Council shall propose to the Prosecutor General his or her dismissal.

*Section 8.32 in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

8.33 The provisions of this section shall not apply to the conduct of the competition for the position of Chief Prosecutor and Deputy Chief Prosecutor of the Specialised Prosecutor's Office.

*Section 8.33 introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated*

## **8<sup>1</sup> Transfer procedure**

*Chapter 8<sup>1</sup> introduced by the Decision of the Superior Council of Prosecutors no. 1-100/2020 dated 22.10.2020*

*Chapter 8<sup>1</sup> repealed by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

## **9. Examination of appeals against decisions of the boards**

9.1 Decisions adopted by the Board for the Selection and Career of Prosecutors, the Prosecutors' Performance Appraisal Board and the Disciplinary and Ethics Board (hereafter the Council's Boards) may be appealed to the Council within 5 working days from the date of the decision. The 5-day time limit is a time limit of limitation. On expiry of the time limit for appeal, the decisions of the Board become irrevocable.

9.2 The decision of the Prosecutors' Performance Appraisal Board and the Board on the Selection and Career of Prosecutors may be appealed against by the person in respect of whom the decision was taken. The decision of the Disciplinary and Ethics Board may be challenged by the prosecutor against whom the decision was taken, by the person who lodged the appeal and by the Inspectorate of Prosecutors.

9.3 Appeals shall be lodged with the Council's Apparatus in person, by courier, by surface mail or by sending an e-mail to the official address of the Council's Apparatus. All evidence shall be attached to the appeal.

9.4 Within 5 days from the date of receipt of appeals against decisions of the Disciplinary and Ethics Board, the Council apparatus shall inform the party, other than the one who lodged the appeal, of the appeal lodged and send them a copy of the appeal.

9.5 Appeals against decisions adopted by the Boards shall, as a rule, be considered by the Council at the next meeting of the Council, but no later than one month from the date of their registration at the Council's Apparatus.

9.6 The date, time and place of the hearing of the appeal shall be notified at least 3 working days before the date of the hearing to the prosecutor concerned in the contested decision, to the candidate for prosecutor who lodged the appeal, to the inspector and to other persons. Information about the hearing shall be given by the Council apparatus by telephone, e-mail or post. The non-attendance of invited persons at the Council meeting does not prevent the Council from examining the appeal.

9.7 New evidence may be presented at the Council meeting only if it could not be presented at the time of the appeal.

9.8 Appeals against the decision of the Prosecutors' Performance Appraisal Board and the Board on the Selection and Career of Prosecutors shall be examined in the manner set out in Section 6.19 of these Regulations, subject to the grounds stated in the appeal.

9.9 After examining the appeal against the decision of the Prosecutors' Performance Review Board and the Board on the Selection and Career of Prosecutors, the Council shall adopt one of the following solutions:

- a) uphold the appealed judgment;
- b) quash the judgment appealed against and adopt a new judgment ordering the reappraisal of the candidate by the Board concerned.

9.10 Based on appeals against the decision of the Disciplinary and Ethics Board, the Council shall re-examine the disciplinary case, without limiting itself to the grounds and reasons for the appeal. The re-examination of the disciplinary case shall be considered in the following sequence:

- a) announcement of the examination of the appeal;
- b) examination of the situations of recusation and abstention;
- c) presentation of the substance of the case by the member rapporteur or another member of the Council;
- d) hearing of the appellant followed by the other parties. If the appeal has also been lodged by the Inspectorate and/or the author of the referral, the prosecutor shall be heard last.
- e) questions from Council members to the parties after the hearing of all parties;
- f) deliberation;
- g) delivery of the judgment.

9.11 Following consideration of the appeal against the decision of the Disciplinary and Ethics Board, the Council shall decide:

- a) to reject the appeal and uphold the contested decision;
- b) to uphold the appeal, quash the contested decision and adopt a new decision resolving the case. In this case, the provisions on the examination procedure and the content of the Board's decision on the disciplinary case are also applicable to the Superior Council of Prosecutors.

*Letters a) and b) of Section 9.11 in the wording of the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

9.12 If the Council considers that additional information is necessary for the adoption of the decision, the Council may postpone consideration of the matter and request such information from the subjects referred to in Article 86(2) of the Law on Prosecutor's Office or from the board that adopted the challenged decision.

## **10. Competition for the appointment of the Prosecutor General**

*Chapter 10 repealed by the Decision of the Superior Council of Prosecutors no. 1-122/2019 dated 19.11.2019*

## **11. Competition for the election of members of boards from civil society**

11.1 The Council shall elect, by open competition, two full members and one alternate member from civil society in each of its colleges. The competition shall be announced at least three months before the date of expiry of the term of office, or, in the event of the alternate's term of office coming to an end, at the first Council meeting following the occurrence of a vacancy.

11.2 The competition consists of:

- a) pre-selection of candidates based on the documents indicated in section 11.7;
- b) interview held before the Council.

11.3 A person who meets the conditions set out in Article 20 (a) - (c) and Article

69 (6) - (7) of the Law on Prosecutor's Office may be a candidate for the position of member of the Board from civil society. The candidate must have a recognized activity in his/her field of professional activity.

11.4 Candidates who are subject to the provisions of Article 15 (2) (a), (c) - (e) of the Law on Prosecutor's Office may not run for the position of member of the Boards.

11.5 The same person may run for more than one board. In this case, the person shall indicate in the application form the options in descending order of preference.

11.6 The competition shall be publicly announced. Information about the competition shall be published on the Council's official website. At least 20 working days shall be allowed for the submission of candidates' files.

11.7 Candidates for membership of the Board under the Council shall submit the following documents:

- a) application for participation in the competition;
- b) copy of identity card;
- c) copy of their higher education diploma;
- d) diplomas, certificates, other documents confirming the recognised nature of his/her activity;
- e) copy of the employment record book, if the candidate has an employment record book;
- f) criminal record;
- g) certificate showing that no disciplinary sanctions have been imposed in the last 12 months;
- h) curriculum vitae;
- i) letter of motivation;
- j) consent of the management of the institution in which he/she works;
- k) affidavit as set out in Annexe 1 to these Regulations;
- l) affidavit as to the veracity of the documents submitted and the absence of incompatibilities.

11.8 The participation file for the competition shall be submitted to the Council Apparatus. Candidates' files submitted after the deadline or incomplete files will not be accepted.

11.9 If the number of candidates is less than the number of vacancies, the Council will extend the deadline for the submission of applications by at least 15 working days. If, even after the extension of the deadline, the number of candidates is less than the number of vacant positions, the Council shall conduct the competition. After the competition, the Council shall announce a new competition to fill the remaining vacancies.

11.10 Within 5 days of the deadline for submission of documents, the list of persons who have submitted a complete application, Curriculum Vitae and letter of motivation of the candidate shall be published on the official website of the Council. The Council will publish the list of rejected candidates and the reasons for rejection. Within 5 working days, interested persons may submit to the Council, in writing, information on the professional activity of the candidates. This information shall be brought to the attention of all members of the Council, who may ask the candidate to clarify it at a Council meeting.

11.11 The Council shall fix the date for the interview for the competition to fill

vacancies in the Colleges no later than 20 working days from the date of publication of the list on the official website of the Council in accordance with Section 11.10. The Council apparatus shall notify candidates by telephone, e-mail or post of the date and place of the meeting. Interviews of candidates shall take place in alphabetical order.

11.12 At the meeting at which the competition is held, the Council shall appraise candidates based on the following main criteria:

- a) professional experience and professionalism;
- b) knowledge of the provisions relating to the work of the Board for which they are applying;
- c) critical thinking, social awareness and commitment;
- d) clear and logical expression;
- e) candidate's motivation to be a member of the Board;
- f) ethics and integrity.

11.13 In case of non-attendance at the interview, the candidate shall be deemed to be excluded from the list of candidates. This shall be indicated in the Council decision.

11.14 The Council shall hear the candidates for the vacancies for each college separately.

11.15 The Council shall allow equal time for each candidate to present his or her candidacy and vision for future work in the Boards under the Council and to answer questions from Council members.

11.16 Each member of the Council present at the interview session shall receive a nominal evaluation sheet for each candidate, Annexe 3 to these Regulations.

*Section 11.16 in the wording of the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.17 At the conclusion of each interview, the Council shall, in deliberation, appraise the candidate by completing the appraisal sheet. Grading shall be by points on a scale of 1 (one) to 10 (ten) points, in accordance with the procedure:

- 1) each sub-criterion shall be marked with a single mark;
- 2) calculate the average score per criterion, which is the arithmetic average of the scores for all the sub-criteria related to the criterion;
- 3) calculate the total score per candidate's file, which is the sum of the average scores obtained for each criterion.

*Section 11.17 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.18 Marking of each sub-criterion is compulsory and an appraisal sheet on which the score for one or more sub-criteria has not been marked shall be considered invalid. The invalid appraisal sheet will not be taken into account when calculating the candidate's final score.

*Section 11.18 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.19 Prior to the commencement of the interview of the next candidate, each member of the Council shall forward the completed appraisal sheet to the member of the Council Apparatus, who shall provide secretariat services.

*Section 11.19 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.20 After all the appraisal sheets for the last candidate interviewed have been submitted, the final score will be calculated. This is the average of the total scores

given by each member of the Council.

*Section 11.20 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.21 No later than 24 hours after completion of the interview, the Council shall publish on its official website the average total score obtained by each candidate.

*Section 11.21 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

11.22 The Council shall, by decision, appoint as full members of the Board, from among the representatives of civil society, the first two candidates who, on the basis of the evaluation sheets, have accumulated the highest final score. The candidates with the next highest score shall be appointed as alternate members for the civil society representatives.

*Section 11.22 introduced by the Decision of the Superior Council of Prosecutors no. 1-40/2020 dated 28.05.2020*

## **12. Secondment, suspension and dismissal of prosecutors**

### **Secondment of a prosecutor**

12.1 A prosecutor may be seconded for up to 4 years to perform duties within:

- Superior Council of Prosecutors as a member from among the prosecutors;
- National Institute of Justice;
- international institutions, the European Union, other States or to work on projects financed by these institutions.

By way of derogation, the prosecutor may be seconded to the General Directorate Government Agent of the Ministry of Justice as a Government Agent for a period of 7 years.

12.2 Secondment may only take place with the consent of the prosecutor. When submitting the report requesting secondment, the prosecutor shall indicate the institution and position to which he or she requests secondment, the period for which he or she requests secondment, and whether the position to which he or she requests secondment is a paid position.

12.3 During the period of secondment, the Prosecutor shall retain his status. At the end of the term of secondment, the prosecutor shall be granted the office held if it is vacant, with the exception of the office of Chief Prosecutor or, with his or her consent, another vacant office of prosecutor. If at the time of secondment the prosecutor held a managerial position, on secondment the prosecutor shall lose that position.

12.4 If the prosecutor is seconded to a non-remunerated position, the prosecutor's expenses related to the secondment and the salary of the basic position shall be compensated by the Prosecutor's Office.

12.5 If the position to which the prosecutor is seconded involves remuneration, the Prosecutor's Office shall not pay compensation for expenses related to the secondment and the salary of the basic position.

12.6 If the salary for the position to which the prosecutor is seconded is lower than the salary he or she received in the previous position, the salary of the basic position shall be maintained.

12.7 The period of secondment to other institutions is included in the length of service as a prosecutor.

12.8 The order on the secondment of the Prosecutor from office shall be issued by the Prosecutor General on the basis of the decision of the General Meeting of Prosecutors in the case of secondment to the Superior Council of Prosecutors and the decision of the Government appointing the Prosecutor to office in the case of secondment as a Government Agent. In other cases, the Prosecutor shall be seconded on the basis of a proposal by the High Council of Prosecutors.

12.9 By the date of secondment, the senior prosecutor shall withdraw the files and materials under the management of the seconded prosecutor and shall pass them to another prosecutor.

### **Suspension from office of the Prosecutor**

12.10 The suspension of the prosecutor from his/her position implies the suspension of the work of the prosecutor and of the payment of salary rights (salary, bonuses, other payments) by the employer. For the duration of the prosecutor's suspension, the rights and obligations of the parties, other than those set out in the first sentence, shall continue to exist.

12.11 A prosecutor against whom a criminal prosecution is initiated may be suspended from office by order of the Prosecutor General. Beforehand, the Prosecutor General or, where appropriate, the prosecutor conducting the prosecution shall submit to the Council a request for written consent to suspend the prosecutor from office. The request for suspension from office shall be made before the Council.

12.12 If it is necessary to suspend a prosecutor against whom criminal proceedings are pending and it is impossible to hold an ordinary or extraordinary meeting of the Council, the Prosecutor General shall issue an order suspending the prosecutor from office without the consent of the Council until the next meeting of the Council. In such a case, at the same time as ordering the suspension of the prosecutor from office, the Prosecutor General shall refer the matter to the Council with a view to confirming the legality of the order suspending the prosecutor from office for the period until the Council meeting and issuing the consent to suspend the prosecutor from office after that date.

12.13 Applications for the granting of consent to the suspension of a prosecutor from office shall be considered by the Council in closed session.

12.14 The suspension of the prosecutor from office may be maintained no later than the date on which the judgment in the criminal case against the prosecutor becomes enforceable.

12.15 The Secretariat of the Council shall forward a copy of the Council's decision on the suspension of the Prosecutor from office within 2 working days:

- to the Prosecutor General with a view to issuing the suspension order;
- to the prosecutor prosecuting the case for attachment to the criminal case file;
- to the suspended prosecutor for information.

12.16 It is within the Council's power to propose to the Prosecutor General the suspension of prosecutors from office in other cases provided for by law, except in cases where the prosecutor requests maternity leave and leave for childcare up to the age of 6. In the latter two cases, the suspension of the prosecutor from office is the exclusive competence of the Prosecutor General.

12.17 The Prosecutor requesting suspension from office in the cases referred to in paragraph 12.16 shall submit the request for suspension to the Council at least 10

working days before the date on which the suspension is to take effect.

12.18 Immediately after the order of suspension under sections 12.11 and 12.12 or by the date on which suspension under section 12.16 is to take effect, the senior prosecutor shall withdraw the files and material under the control of the suspended prosecutor and forward them to another prosecutor.

### **Dismissal from office**

12.19 In case of dismissal, the employment relationship of the Prosecutor shall cease.

12.20 The Prosecutor, the Chief Prosecutor and the Deputy Chief Prosecutor shall be dismissed by order of the Chief Prosecutor without the intervention of the Council.

12.21 Notwithstanding section 12.20, the Prosecutor, Chief Prosecutor and Deputy Chief Prosecutor shall be relieved of their duties by order of the Prosecutor General on the proposal of the Council in the following circumstances:

a) when the disciplinary sanction of dismissal from the office of prosecutor is applied by the Disciplinary and Ethics Board (immediately after the decision is handed down, the prosecutor is automatically removed from the exercise of his/her duties);

b) the performance appraisal Board's rating of "insufficient" on two consecutive appraisals or the failure of the performance appraisal;

c) failure to appear, for unjustified reasons, twice consecutively before the Prosecutors' Performance Appraisal Board for a performance appraisal;

In the situations referred to in points (a) to (c), the Council shall refer the matter to the Prosecutor with a view to issuing an order for the prosecutor's dismissal:

- at the time of expiry of the time limit for appealing against the decision of the Board, if the decision has not been challenged;

- at the time of delivery of the Council's decision examining the appeal against the Board's decision.

d) registration as a candidate on the list of a political party or a social-political organization in elections for the Presidency of the Republic of Moldova, Parliament or local government authorities;

e) upon the definitive ruling of the act establishing his/her state of incompatibility or violation of prohibitions (Art.14, 15 of the Law on Prosecutor's Office);

f) when he/she is considered medically unfit to perform his/her duties;

g) refusal to be subject to verification pursuant to Law No 271-XVI of 18 December 2008 on Verification of Incumbents and Candidates for Public Office;

h) appointment to an office incompatible with the office of prosecutor;

i) establishing, by a final act of ascertainment, the conclusion of a legal act directly or through a third person, taking or participating in taking a decision without resolving the actual conflict of interest in accordance with the provisions of the legislation on the regulation of conflict of interest;

j) failure or refusal to submit the declaration of assets and personal interests, in accordance with Article 27 paragraph (8) of the Law no.132 of 17 June 2016 on National Integrity Authority;

k) the order by the court, by an irrevocable decision, to confiscate the unjustified

wealth.

In the situations referred to in points (d) to (k), the Council shall propose to the Prosecutor General the dismissal of the prosecutor at the first meeting after the situations described above have become known or, as the case may be, it has formally received the acts of the issuing authorities.

12.22 Decisions of the Council proposing the dismissal of the Prosecutor shall be forwarded to the Prosecutor General within 2 working days at the latest, with a mention that the actual dismissal shall take place at a date subsequent to the adoption of the order of the Prosecutor General.

12.23 The Prosecutor General may be dismissed from office before the expiry of his/her term of office by the competent authority, on the proposal of the Council, in the cases listed in Article 58 (1) (a), (d), (g), (h), (i), (j), (l), (m) and (n) of the Law on Prosecutor's Office. In the situation referred to in Article 58 (1) (h) of the Law on Prosecutor's Office, the Council shall propose the dismissal of the Prosecutor General only after the court decision on the entry into force of the act establishing his/her incompatibility has become final.

12.24 The Prosecutor General may be dismissed from office by the President of the Republic before the expiry of his/her term of office, on the proposal of the Superior Council of Prosecutors, if he/she obtains an "unsatisfactory" rating in the performance evaluation carried out in accordance with Article 31/1 of Law 3/2016.

*Section 12.24 introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

12.25 The Prosecutor General may be dismissed from office before the expiry of the term of office by the President of the Republic, on the proposal of the Superior Council of Prosecutors, if the Superior Council of Prosecutors adopts the decision to apply the disciplinary sanction of dismissal from office.

*Section 12.25 introduced by the Decision of the Superior Council of Prosecutors no. 1-15/2022 dated 04.02.2022*

### **13. Final and transitional provisions**

13.1 These Regulations shall enter into force upon publication on the official website of the General Prosecutor's Office, with the following exceptions:

- section 2.15 shall enter into force on 20 December 2017.
- section 3.5 - from the time of recruitment of the staff of the Council Apparatus.

13.2 The Council shall continue its work in the composition it had on 1 August 2016 until 19 December 2017.

13.3 The term of office of the Members of the Prosecutors of the Boards, elected at the General Meeting of 27 May 2016, begins on 1 August 2016.

13.4 Until the launch of the official website of the Superior Council of Prosecutors, the publication of the documents of the Council will be done on the official website of the Prosecutor's Office - [www.procuratura.md](http://www.procuratura.md).

13.5 The rules on the broadcasting, recording and storage of video/audio footage of Council meetings will enter into force once the Council has been provided with the necessary equipment.

13.6 The Superior Council of Prosecutors shall bring its regulatory documents into line with these Regulations within 3 months.



## **AFFIDAVIT**

I, the undersigned, \_\_\_\_\_, declare on my own  
(name, prename)  
liability, under the penalties laid down in the Criminal Code for making false  
statements, that:

- a) I have not been deprived of the right to hold certain positions or perform certain activities as a principal or additional penalty by a final court judgment;
- b) I have not been definitively found to be in breach of the legal regime governing conflicts of interest, incompatibilities or restrictions;
- c) I do not have an irrevocable court decision ordering the confiscation of unjustified assets;
- d) I have not been a member of and/or politically active in a political party or socio-political organisation in the last 3 years prior to the announcement of the competition;
- e) I am not and have not been an undercover officer, informant or collaborator of the body carrying out the special investigative activity.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Annexe 2**

**to the Regulations of the Superior Council of Prosecutors,  
approved by the Decision of the Superior Council of Prosecutors no. 12-  
225/16 dated 14 September 2016**

**repealed by the Decision of the Superior Council of Prosecutors no.1-  
122/2019 dated 19.11.2019**

**Appraisal sheet for candidates for the position of Prosecutor General**

Surname, name of candidate :	Member of the Superior Council of Prosecutors :
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	APPRAISAL CRITERIA	SCORE GIVEN										AVERAGE SCORE PER CRITERION
		1	2	3	4	5	6	7	8	9	10	
<b>1</b>	<b>Motivation (max. 5)</b>											
1.1	Considerations which led the candidate to take part in the competition											

1.2	Firmness of purpose to become Prosecutor General											
1.3	Awareness of the impact of holding the office of Prosecutor General on his/her professional career											
<b>2</b>	<b>Concept of management and institutional development of the Prosecutor's Office (max. 10)</b>											
2.1	Objectivity and timeliness of objectives and proposed activities											
2.2	Vision on ensuring the independence and efficiency of the Prosecutor's Office											
2.3	Proposals for making the work of the Prosecutor's Office more efficient											
2.4	Proposals to improve the image of and increase confidence in the Prosecutor's Office											
2.5	Vision of cooperation with Parliament, the executive, the judiciary and other stakeholders											
<b>3</b>	<b>Critical thinking, social awareness and engagement (max. 5)</b>											
3.1	Opinion on the functioning of the of law enforcement institutions											
3.2	Understanding the problems facing the legal system											
3.3	Devote time to the performance of the tasks of mentoring and similar tasks											
<b>4</b>	<b>Clear and logical expression, including at interview (max. 7)</b>											
4.1	Clarity of the candidate's presentation in the interview, in the documents presented and in the professional work											
4.2	Ability to synthesise information											
4.3	Ability to persuade by exposure											
4.4	Logic of exposure											
<b>5</b>	<b>Professional experience and professionalism (max. 8)</b>											
5.1	Relevance of previous experience to the work of the Prosecutor General											
5.2	Seniority relevant to the work as Prosecutor General											
5.3	Quality of published material and relevance to the position held											
5.4	Professional reputation of the candidate											



**Annexe 3**

*to the Regulations of the Superior Council of Prosecutors,  
approved by Decision of the Superior Council of Prosecutors no.12-  
225/16 dated 14 September 2016*

**Appraisal sheet for candidates for the position of member of the Board**

Surname, name of the candidate:		Board:										AVERAGE SCORE PER CRITERION
APPRAISAL CRITERIA		SCORE GIVEN										
		1	2	3	4	5	6	7	8	9	10	
<b>1</b>	<b>Professional experience and professionalism</b>											
1.1	Relevance of previous experience to work in the Board											
1.2	Seniority relevant to work in the Board											
1.3	Professional reputation											
<b>2</b>	<b>Knowledge of the provisions relating to the work in the Board for which he/she is running</b>											
2.1	Knowledge of the provisions of the Law on Prosecutor's Office											
2.2	Understanding of the duties, tasks and procedures within the Board for which he/she is running											
2.3	Vision of the work of the Board for which he/she is running											
<b>3</b>	<b>Critical thinking, social awareness and commitment</b>											
3.1	Opinion on the functioning of law enforcement authorities											
3.2	Understanding of the problems facing the legal system											
3.3	Willingness to devote time to the tasks of the Board for which he/she is running											
3.4	Involvement in membership of similar institutions											
<b>4</b>	<b>Clear and logical expression, including at interview</b>											
4.1	Clarity of the candidate's presentation at the interview, in the documents submitted and in professional work											
4.2	Ability to synthesise information											
4.3	Ability to persuade by exposure											
4.4	Logic of exposure											
<b>5</b>	<b>Candidate's motivation for being a member of the Board</b>											
5.1	Considerations that led the candidate to participate in the Competition											
5.2	Firmness in wanting to become a member of the Board											
<b>6</b>	<b>Ethics and integrity</b>											
6.1	No apparent conflict of interest between professional activity and membership of the Board											
6.2	No previous conflicts of interest or compromising situations											

6.3	No disciplinary sanctions or other relevant breaches of the law																		
<b>TOTAL SCORE</b>																			