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PARLIAMENT
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on the Prosecution Service

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Unofficial translation. Source: consolidated text of Law No. 3/2016 as published on legis.md (printout of 07.10.2026). In case of discrepancy, the Romanian text prevails.

Superscript numbering of articles, paragraphs and letters (e.g. Article 25¹, paragraph (4¹), letter e¹)), lost in the printed source, has been restored. Editorial notes of the source are rendered in square brackets or in italics.

Key terms: Procuratura – Prosecution Service; Procuratura Generală – Prosecutor General's Office; urmărire penală – criminal investigation; colegiu – Board; Inspecția procurorilor – Inspection of Prosecutors; sesizare (disciplinary) – complaint; aparatul Consiliului – Office of the Council; „în subordinea” – subordinated to; hotărâre / decizie – decision.

The Parliament adopts this organic law.

TITLE I
ORGANISATION OF THE PROSECUTION SERVICE

Chapter I
GENERAL PROVISIONS

Article 1. The Prosecution Service

The Prosecution Service is an autonomous public institution within the judicial authority which, in criminal proceedings and in other proceedings provided by law, contributes to the observance of the legal order, the administration of justice and the protection of the rights and legitimate interests of the person and of society.

Article 2. The prosecutor

The prosecutor is a person holding a public dignity position who exercises the powers of the Prosecution Service provided by the Constitution, by this law, by other legislative acts and by the international treaties to which the Republic of Moldova is a party, and who is appointed to this position in the manner provided by this law.

Article 3. Principles of organisation and activity of the Prosecution Service and of the prosecutor

(1) The Prosecution Service carries out its activity in accordance with the law.

(2) The organisation and activity of the Prosecution Service are transparent and entail guaranteeing the access of society and of the mass media to information about this institution, subject to the exceptions provided by law and to ensuring compliance with the regime of personal data.

(3) The Prosecution Service is independent of the legislative, executive and judicial powers, of any political party or socio-political organisation, as well as of any other institutions, organisations or persons. Interference in the activity of the Prosecution Service is prohibited. The Prosecution Service cooperates with other authorities for the performance of the functions provided by this law.

(4) The prosecutor carries out his or her activity on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which enable him or her to take decisions independently and individually in the cases he or she handles.

(5) The procedural independence of the prosecutor is ensured through guarantees that exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his or her powers.

(6) Under the provisions of Article 13 of this law and of the Criminal Procedure Code, the activity of the prosecutor may be subject to control by the hierarchically superior prosecutor and by the court.

(7) The prosecutor is obliged, through his or her entire activity, to ensure the supremacy of the law, to respect the rights and freedoms of persons and their equality before the law, to ensure non-discriminatory legal treatment of all participants in judicial proceedings regardless of their capacity, to observe the Code of Ethics of Prosecutors and to participate in continuous professional training.

Article 4. Legal framework of the activity of the Prosecution Service

The activity of the Prosecution Service is regulated by the Constitution, by this law, by other legislative acts and by the international treaties to which the Republic of Moldova is a party.

Chapter II AREAS OF ACTIVITY AND COMPETENCE

Article 5. Functions of the Prosecution Service

Under the conditions of the law, the Prosecution Service performs the following functions:

a) directs and carries out the criminal investigation and represents the accusation in court, coordinates the enforcement of court judgments in criminal matters concerning special confiscation or extended confiscation of assets, compensation for damage caused to the State by an offence and reimbursement of court costs;

b) organises, directs and controls the activity of criminal investigation bodies within criminal proceedings;

b¹) authorises, under the conditions of the law, special investigative measures in special files or, as the case may be, requests the authorisation of these measures by the investigating judge, and coordinates the special investigative measures carried out;

c) exercises, including ex officio, control over compliance with the legislation on special investigative activity;

d) exercises, including ex officio, control over compliance with the legislation on the registration of reports on the commission or preparation of offences;

e) initiates, examines and participates in the adjudication of contravention cases;

f) ensures international legal assistance in criminal matters and international cooperation in its field of activity;

g) participates in the uniform implementation of the national and international policy of the State in criminal matters;

h) submits proposals for improving legislation and participates in the drafting of normative acts in its field of activity;

i) applies measures for the protection of witnesses, victims of crime and other participants in criminal proceedings;

j) where the criminal investigation is not initiated or is terminated, under the conditions of the law, brings a civil action and participates in its examination;

k) exercises control over compliance with the law in the application of measures for the protection of witnesses, victims of crime and other participants in criminal proceedings;

l) examines applications and petitions within its competence.

Article 6. Rights and obligations of the prosecutor

(1) For the performance of the functions of the Prosecution Service, the prosecutor exercises his or her powers throughout the territory of the Republic of Moldova, in all courts and, under the conditions of the law, has the following rights:

a) within criminal or contravention proceedings, has free access to the premises of public institutions, of economic agents and of other legal persons;

b) initiates disciplinary proceedings for breaches of the law, for non-performance or improper performance of obligations within criminal proceedings by criminal investigation officers, employees of ascertaining bodies, employees of bodies carrying out special investigative activity, as well as by employees responsible for the registration of reports;

c) other rights provided by the legislation in force.

(2) The prosecutor also enjoys the following rights:

a) association in professional organisations or in other organisations whose purpose is to represent and protect professional interests;

b) free access to his or her personal file and to his or her personal data in other documents kept within the Prosecution Service;

c) to be informed of all decisions of the Prosecution Service and of the self-administration bodies of prosecutors concerning him or her.

(3) The prosecutor is obliged:

a) to perform his or her official obligations in accordance with the Constitution, the case-law of the Constitutional Court and of the European Court of Human Rights, the legislation of the Republic of Moldova and the international treaties to which the Republic of Moldova is a party;

b) to comply with the provisions of normative acts adopted within the Prosecution Service;

c) to ensure respect for fundamental human rights and freedoms in the exercise of his or her powers;

d) to observe the deontological rules of prosecutors and to refrain from acts that would discredit the image of the Prosecution Service or affect the prestige of the prosecutorial profession;

e) to continuously improve his or her professional skills;

f) to submit annually a declaration on his or her own responsibility showing that he or she is not an investigation officer, including undercover, or an informant or collaborator of the body carrying out special investigative activity;

g) to submit, under the conditions of the law, the declaration of assets and personal interests;

h) to inform the hierarchically superior prosecutor of instructions or requests made in breach of the law, as well as of an existing conflict of interest or of a conflict of interest that may arise;

i) to declare acts of corruption, acts related to acts of corruption and acts of corrupt behaviour that have become known to him or her;

j) to take measures for the denunciation and registration of all breaches of the law that have become known to him or her in the exercise of his or her office or outside the exercise of his or her office;

k) to observe the regime of state secrets, as well as of other restricted-access information, that have become known to him or her in the exercise of his or her office.

Chapter III

STRUCTURE OF THE PROSECUTION SERVICE

Article 7. The system of the Prosecution Service

(1) The Prosecution Service is a single system, which includes:

- a) the Prosecutor General's Office;
- b) the specialised prosecution offices;
- c) the territorial prosecution offices.

(2) The total number of prosecutors within the Prosecution Service is established by Parliament, upon the proposal of the Prosecutor General and with the opinion of the Superior Council of Prosecutors. The number of prosecutors in each prosecution office is established by the Superior Council of Prosecutors, upon the proposal of the Prosecutor General.

(3) The structure of the Prosecutor General's Office, of the specialised prosecution offices and of the territorial prosecution offices, as well as their seat, are established and amended by the Prosecutor General, with the written consent of the Superior Council of Prosecutors.

(4) The Prosecution Service is headed by the Prosecutor General and his or her deputies according to the areas of competence established by the Prosecutor General.

Article 8. The Prosecutor General's Office

(1) The Prosecutor General's Office is headed by the Prosecutor General and his or her deputies according to the established competences, has legal personality, a treasury account and a seal bearing the State Coat of Arms. The seat of the Prosecutor General's Office is in Chişinău municipality.

(2) The Prosecutor General's Office is composed of subdivisions headed by chief prosecutors or by civil servants and, as the case may be, by their deputies.

(3) The Prosecutor General's Office has the following powers:

- a) directs, controls, organises and coordinates the activity of the specialised and territorial prosecution offices;
- b) by decision of the Prosecutor General, directs and carries out the criminal investigation and represents the accusation in court in cases of importance;
- c) represents the accusation before the Supreme Court of Justice;
- d) carries out and coordinates the control over the bodies carrying out special investigative activity as regards the legality of special investigative measures;
- e) generalises and contributes to the unification of practice in the field of carrying out and directing the criminal investigation and of representing the accusation in court;
- f) ensures international legal assistance in criminal matters and international cooperation in its field of activity;
- g) participates in the uniform implementation of the national and international policy of the State in criminal matters;
- h) within the limits of its competence, examines the applications and petitions received;

- i) participates in the process of drafting normative acts in the field of activity of the Prosecution Service;
- j) manages the budget of the Prosecution Service;
- j¹) establishes and maintains information systems, registers and databases intended for the activity of the institution;
- k) collects, analyses and manages data on the activity of the Prosecution Service;
- l) performs other duties established by law and by the international treaties to which the Republic of Moldova is a party.

Article 9. Specialised prosecution offices

(1) Specialised prosecution offices operate in certain special areas and exercise their powers throughout the territory of the Republic of Moldova. The Anticorruption Prosecution Office and the Prosecution Office for Combating Organised Crime and Special Cases operate within the system of the Prosecution Service. Where necessary, other specialised prosecution offices may also be established by law.

(2) The powers, competence, organisation and functioning of specialised prosecution offices are regulated by special laws, by criminal procedure legislation and by their own regulations of activity.

(3) A specialised prosecution office is headed by a chief prosecutor, assimilated to a deputy Prosecutor General, assisted by a deputy or, as the case may be, by deputies, assimilated to the chief prosecutor of a subdivision of the Prosecutor General's Office. Subdivisions may be established within a specialised prosecution office, and it may have territorial offices or territorial representations.

(4) The Anticorruption Prosecution Office specialises in combating corruption offences and acts related to acts of corruption and has the following specific powers:

- a) carries out the criminal investigation in cases assigned to its competence, in accordance with criminal procedure legislation;
- b) directs the criminal investigation in cases handled by the National Anticorruption Centre;
- c) represents the accusation before the courts of first instance, of appeal and of cassation in the cases referred to in letters a) and b).

(5) The Prosecution Office for Combating Organised Crime and Special Cases specialises in combating organised crime, terrorism and torture and has the following specific powers:

- a) carries out the criminal investigation in cases concerning offences of torture, offences of a terrorist nature and offences committed by a criminal organisation, as well as in other cases assigned to its competence by law;
- b) directs the criminal investigation in cases concerning offences in which the criminal investigation is carried out by the criminal investigation bodies of the central specialised bodies;
- c) carries out or directs the criminal investigation in cases transmitted to it for handling by the Prosecutor General;
- d) represents the accusation before the courts of first instance, of appeal and of cassation in the cases referred to in letters a), b) and c).

(6) Criminal investigation officers, investigation officers and specialists, functionally subordinated to the chief prosecutor of the specialised prosecution office, work on a permanent basis within the specialised prosecution offices. Criminal investigation officers, investigation officers and specialists are selected individually by the chief prosecutor of the specialised

prosecution office and are seconded from other institutions for a period of up to 5 years, which may be renewed for a period of the same duration. The secondment is carried out by order of the Prosecutor General, with the opinion of the head of the institution in which the seconded person works. The remuneration of the seconded criminal investigation officers, investigation officers and specialists is paid from the budget of the Prosecution Service, under the conditions of special legislation.

Article 10. Territorial prosecution offices

(1) Territorial prosecution offices operate, as a rule, within the districts of the courts, according to the territorial competence established in the Regulation of the Prosecution Service.

(2) The Prosecution Office of the Autonomous Territorial Unit of Gagauzia (hereinafter – the ATU Gagauzia Prosecution Office) is a territorial prosecution office which exercises its powers within the territory of the respective autonomous territorial unit.

(3) A territorial prosecution office is headed by a chief prosecutor and his or her deputy or, as the case may be, deputies, according to the competences established by the chief prosecutor. Subdivisions headed by the deputy (deputies) of the chief prosecutor of the territorial prosecution office may be established within the territorial prosecution office.

Article 11. Powers of the Prosecutor General

(1) The Prosecutor General has the following powers:

a) represents the Prosecution Service in relations with other public authorities and with legal and natural persons in the country and abroad;

b) upon the proposal of the Superior Council of Prosecutors, appoints prosecutors to office;

c) exercises control over the activity of prosecutors;

d) establishes the areas of competence (powers) of his or her deputies;

e) approves the Regulation of the Prosecution Service, which is published in the Official Gazette of the Republic of Moldova;

f) issues, in writing, orders and directives, approves regulations and methodological recommendations;

f¹) decides on the establishment and on the manner of administration of information systems, registers and databases intended for the activity of the institution;

g) establishes, with the written consent of the Superior Council of Prosecutors, the internal structure of prosecution offices;

g¹) upon referral by the Ministry of Justice, submitted in accordance with Article 27(3) of Law No. 151/2015 on the Government Agent, verifies whether, in the administration of justice, the judge or, as the case may be, the prosecutor committed actions or omissions meeting the constituent elements of an offence, which entailed a violation of the fundamental rights and freedoms of a person and led to one of the consequences provided in Article 2007(1)(c) of the Civil Code of the Republic of Moldova No. 1107/2002;

h) requests consent for the initiation of the criminal investigation or, as the case may be, initiates the criminal investigation in the cases provided by law;

i) refers matters to the Constitutional Court under the conditions of the law;

j) organises and implements the internal managerial control system and bears managerial responsibility for the administration of the budget of the institution and of the public property under its management;

k) exercises other powers provided by law.

(2) Within 3 months of his or her appointment to office, the Prosecutor General appoints his or her deputies, assigns them areas of competence and establishes the order in which they replace him or her in case of absence or of impossibility to exercise his or her functions. Where the Prosecutor General has not established the order of his or her replacement by the deputies, the functions of the Prosecutor General shall be exercised de jure by the deputy with the longest length of service in the office of prosecutor.

(3) The Prosecutor General submits to Parliament annually, by 31 March of the current year, a report on the activity of the Prosecution Service in the previous year.

Article 12. Administrative hierarchy within the Prosecution Service

(1) The Prosecutor General and his or her deputies, according to the established competences, are the heads of the Prosecution Service. The heads of the subdivisions of the Prosecutor General's Office organise and coordinate the activity of the subdivisions they head according to the established competences. The chief prosecutor of a specialised or territorial prosecution office organises and coordinates the activity of the prosecution office he or she heads.

(2) The orders, directives and instructions on the organisation and coordination of the activity of the Prosecution Service, as well as the methodological and regulatory instructions of the prosecutors referred to in paragraph (1), are binding on subordinate prosecutors.

(3) The detailed rules on the administrative hierarchy within the Prosecution Service are established by the Regulation of the Prosecution Service.

Article 13. Procedural hierarchy of prosecutors

(1) The procedural hierarchy of prosecutors and the powers of the hierarchically superior prosecutor are established by the provisions of the Criminal Procedure Code.

(3) The instructions of the hierarchically superior prosecutor are formulated in writing, in accordance with the law, and are binding on hierarchically inferior prosecutors. The hierarchically inferior prosecutor may request that the instructions of the hierarchically superior prosecutor be reasoned.

(4) The prosecutor has the right to refuse to execute an instruction which is manifestly unlawful and is obliged to challenge it before the prosecutor hierarchically superior to the prosecutor who issued it.

TITLE II STATUS OF THE PROSECUTOR

Chapter IV INCOMPATIBILITIES AND PROHIBITIONS

Article 14. Incompatibilities

(1) The office of prosecutor is incompatible with any other public or private office, as well as with other remunerated or unremunerated activities.

(2) By way of derogation from paragraph (1), the prosecutor may carry out teaching and scientific activities and activities in collegial bodies within public authorities or institutions. The rules on combining the office with these activities are established by the Superior Council of Prosecutors.

Article 15. Prohibitions

(1) The prosecutor is obliged to avoid any conflict of interest in the exercise of his or her official duties and, if one arises, to declare it.

(2) The prosecutor has no right:

a) to be a member of political parties or political formations, to carry out or participate in activities of a political nature, or to express or manifest in any way his or her political convictions in the exercise of his or her powers;

b) to participate in strikes;

c) to participate in the handling or examination of cases where grounds for recusal apply to him or her;

d) to make public statements on cases he or she does not handle or on cases he or she manages, if this could infringe the presumption of innocence or the right to private life of any person, or could affect the criminal investigation;

e) to be an investigation officer, including undercover, an informant or a collaborator of an authority carrying out special investigative activity;

f) to carry out entrepreneurial or commercial activity, directly or through intermediaries;

g) to be an arbitrator in arbitral tribunals;

h) to provide written or oral consultations on contentious matters, including where the respective case is examined by a body of the Prosecution Service other than the one within which he or she exercises his or her office, except for consultations given to his or her spouse, children or parents, nor to perform any other activity which, according to the law, is carried out by a lawyer;

i) to hold the capacity of member of the management, administrative or supervisory body of a commercial company, including a bank or another credit institution;

j) to hold the office of prosecutor under the direct subordination of his or her spouse, of persons related to him or her by blood or adoption (parents, children, brothers, sisters, grandparents, grandchildren or nephews/nieces, uncles, aunts) or of persons related to him or her by affinity (brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law).

Article 16. Attire

(1) At court hearings, the prosecutor is obliged to wear a robe.

(2) The State provides the prosecutor, free of charge, with the appropriate attire.

(3) The model of the robe and the distinctive insignia are established by a regulation approved by the Superior Council of Prosecutors.

Chapter V SELECTION AND CAREER OF PROSECUTORS

Section 1 Appointment of the prosecutor to office

Article 17. Appointment to the office of Prosecutor General

(1) A person who meets the following conditions may apply for the office of Prosecutor General:

a) has professional experience of at least 10 years in the field of law, obtained in the jurisdiction of the Republic of Moldova or in foreign jurisdictions, including in international organisations, of which at least 5 years in the office of judge, prosecutor, lawyer or criminal investigation officer;

b) meets the conditions provided in Article 20(1)(a), (b), (c), (d), (f), (g) and (h);

c) has managerial qualities;

d) in the last 3 years before the announcement of the competition, has not been a member of and/or has not carried out activities of a political nature within a political party or a socio-political organisation;

e) in the last 6 months, has not held the capacity of member of the Superior Council of Prosecutors.

(2) The candidate for the office of Prosecutor General is selected on the basis of a public competition organised by the Superior Council of Prosecutors, which comprises the following stages:

a) pre-selection of candidates on the basis of the files submitted;

b) the interview held before the Superior Council of Prosecutors.

(3) The manner of organising and conducting the competition is established by a regulation approved by the Superior Council of Prosecutors. The interview stage is broadcast online in real time. The Superior Council of Prosecutors ensures access of media representatives to the meeting at which the interview takes place.

(4) The competition for the office of Prosecutor General is conducted according to objective, merit-based criteria, taking into account the professional training, integrity and abilities of the candidate.

(5) Information on the initiation and conduct of the competition is published on the official websites of the Prosecutor General's Office and of the Superior Council of Prosecutors at least one month before the deadline for the submission of files.

(6) The competition application file, which comprises the documents indicated in Article 22(2)(a), (b), (c), (e), (f) and (g), the letter of motivation and the concept of management and institutional development, is submitted to the Superior Council of Prosecutors and registered in the established manner. Incomplete files or files submitted after the deadline are not examined.

(7) At the time of submission of the documents, candidates for the office of Prosecutor General are informed of the initiation of the verification in accordance with Law No. 271/2008 on the verification of holders of and candidates for public offices. The applicant shall sign the verification declaration.

(8) Within 20 working days of the deadline for the submission of files, the Superior Council of Prosecutors draws up the list of candidates who meet the conditions for participation in the competition and posts it on its official website, indicating the date on which the interview will take place.

(9) The interviewing of candidates takes place in a public meeting.

(10) Candidates are evaluated by each member of the Superior Council of Prosecutors on the basis of the criteria approved by the Council, including according to the professional training and skills, integrity and other personal qualities of the candidates, with reasons given for the score awarded to each candidate. The final score represents the average of the scores awarded by all members of the Superior Council of Prosecutors and is published on the official website of the Council after the end of the competition. The candidate who has accumulated the highest score is proposed by the Superior Council of Prosecutors to the President of the Republic for appointment to the office of Prosecutor General.

(11) The President of the Republic may reject only once the candidate proposed by the Superior Council of Prosecutors for the office of Prosecutor General where incontestable evidence is found of the candidate's incompatibility with the respective office, of a breach of the law by the candidate or of a breach of the legal procedures for his or her selection. The refusal of appointment must be reasoned and is made within 15 working days of the date of receipt of the proposal.

(12) Upon the repeated proposal of the same candidate, made by the vote of 2/3 of the members of the Superior Council of Prosecutors, the President of the Republic shall issue, within 5 working days, the decree on the appointment of the candidate to the office of Prosecutor General.

(13) The Prosecutor General is appointed to office for a term of 7 years, without the right to be appointed again to this office.

(14) After the termination of the exercise of the mandate, the Prosecutor General may continue his or her activity in any vacant prosecutor position of his or her choice, being appointed without competition, except where the mandate terminates by dismissal from office as a result of the performance evaluation or of the application of a disciplinary sanction.

(15) Upon the occurrence of a vacancy in the office of Prosecutor General or upon the suspension from office of the Prosecutor General in connection with the initiation of the criminal investigation against him or her, the Superior Council of Prosecutors shall, within 5 days, announce the date of convening the meeting for the designation of an interim Prosecutor General.

(16) The interim Prosecutor General shall be selected by the Superior Council of Prosecutors from among serving prosecutors, according to the criteria for selecting the holder of the office. The selected candidate is proposed to the President of the Republic for appointment to the office of interim Prosecutor General. The provisions of paragraphs (11) and (12) apply accordingly.

(17) The interim exercise of the office of Prosecutor General terminates de jure upon the appointment to office of a new Prosecutor General or upon the termination of the suspension from office of the Prosecutor General against whom the criminal investigation had previously been initiated. Where the respective interim arises as a result of a vacancy in the office of Prosecutor General, the appointment to office of a new Prosecutor General is carried out within no more than 6 months of the date on which the vacancy in the office of Prosecutor General occurred.

Article 18. Appointment to office of the deputies of the Prosecutor General

(1) The candidate for the office of deputy Prosecutor General is proposed by the Prosecutor General.

(2) A person who has at least 5 years of experience in the office of prosecutor in the last 15 years and who has organisational abilities and an impeccable reputation may be appointed to the office of deputy Prosecutor General.

(3) The deputies of the Prosecutor General are appointed to office without competition, by order of the Prosecutor General, with the written consent of the Superior Council [of Prosecutors, which]¹ verifies the fulfilment of the conditions provided in paragraph (2).

(4) The mandate of a deputy Prosecutor General ends together with the mandate of the Prosecutor General, but he or she continues to exercise his or her powers until the appointment of the deputy of the new Prosecutor General.

(4¹) In case of suspension from office of the Prosecutor General in connection with the initiation of the criminal investigation against him or her, the Superior Council of Prosecutors decides, by a decision, on the suspension from office of the deputies of the Prosecutor General. The suspension from office of a deputy Prosecutor General terminates together with the termination of the suspension from office of the Prosecutor General. Where the deputy Prosecutor General is not suspended from office, he or she may not intervene in the criminal case concerning the suspended Prosecutor General, nor in any case handled or examined by the prosecutor

¹The printed source is truncated at this point ("cu acordul scris al Consiliului Superior verifică îndeplinirea condițiilor..."). The words in square brackets have been supplied from context.

designated by the Superior Council of Prosecutors to carry out the criminal investigation against the suspended Prosecutor General.

(4²) The exercise of the mandate of a deputy Prosecutor General may terminate within the mandate of the Prosecutor General who proposed him or her, at the request of the latter, with the written consent of the Superior Council of Prosecutors.

(5) The deputies of the former Prosecutor General may be appointed as deputies of the new Prosecutor General.

(6) After the termination of the exercise of the mandate, the deputies of the Prosecutor General may continue their activity in any vacant prosecutor position of their choice, being appointed without competition.

Article 19. Selection of candidates for the office of prosecutor and the career of prosecutors

(1) The selection of candidates for the office of prosecutor and the career of prosecutors are carried out through competition, with the aim of ensuring an objective, impartial and transparent selection process that guarantees the choice of the best candidates for the respective office.

(2) The career of a prosecutor entails promotion to a higher prosecutor position in the Prosecutor General's Office or to a prosecutor position in a specialised prosecution office, appointment to the office of chief prosecutor and of deputy chief prosecutor, as well as the transfer of the prosecutor to a position of the same level or of a lower level.

Article 20. Conditions for applying for the offices of prosecutor and chief prosecutor

(1) A person who meets the following conditions may apply for the office of prosecutor:

- a) holds the citizenship of the Republic of Moldova;
- b) knows the Romanian language;
- c) is not subject to a judicial protection measure;

d) holds a higher-education bachelor's diploma and a higher-education master's diploma in the field of law, or another study document in the field of law equivalent to them, recognised by the structure empowered to recognise and establish the equivalence of study documents and qualifications;

e) has graduated from the initial training courses for prosecutors within the National Institute of Justice or, in the case of a person who has the length of service necessary for appointment to the respective office, has passed the examination before the Graduation Commission of the National Institute of Justice;

e¹) has an overall graduation average from the National Institute of Justice or, in the case of the persons referred to in paragraph (3), an average mark at the examination taken before the Commission for graduation examinations of the National Institute of Justice, equal to or higher than 8.00;

f) enjoys an impeccable reputation;

g) has not previously been found guilty of committing an offence;

g¹) has no entries, in the last 5 years, in the professional integrity record concerning a negative result of the professional integrity test for breach of the obligation provided in Article 7(2)(a) of Law No. 325/2013 on the assessment of institutional integrity;

h) is medically fit to exercise the office of prosecutor.

(2) A person may not be considered to have an impeccable reputation within the meaning of paragraph (1) and may not apply for the office of prosecutor if one of the following circumstances exists:

- a) he or she has been dismissed from the offices specified in paragraph (3) for breaches in professional activity in the last 5 years, or from other legal offices in the public or private sector in circumstances that are not honourable;
- b) he or she abuses alcohol or uses psychotropic or toxic substances or drugs;
- c) he or she is prohibited from holding a public office or a public dignity position, deriving from an ascertaining act of the National Integrity Authority;
- d) he or she has committed actions or omissions that undermine the honour, professional probity or prestige of the Prosecution Service;
- e) an incompatibility decision has been issued in respect of him or her under Article 15 of Law No. 271/2008 on the verification of holders of and candidates for public offices.

(3) A person who has not graduated from the initial training courses for prosecutors within the National Institute of Justice may apply for the office of prosecutor if he or she has at least 5 years of service in the offices of prosecutor or judge in national or international courts, of criminal investigation officer, of lawyer, of People's Advocate, of prosecutor's consultant, of judicial assistant in a court, as well as in legal specialist positions within the staff of the Constitutional Court, of the Superior Council of Prosecutors, of the Superior Council of Magistracy, of the Ministry of Justice, of the Ministry of Internal Affairs, of the National Anticorruption Centre, of the Customs Service, or in the position of full professor of law in accredited higher education institutions.

(3¹) A person who has exercised the office of prosecutor, judge or lawyer for at least 10 years and whose office has terminated for reasons not imputable to him or her may apply for the office of prosecutor. In this case, the person may apply without taking the examination before the Graduation Commission of the National Institute of Justice.

(4) A prosecutor who meets the following conditions may apply for a prosecutor position in the Prosecutor General's Office or in the specialised prosecution offices, as well as for the positions provided in Article 25(4):

- a) has at least 4 years of service in the office of prosecutor;
- b) has obtained, in the performance evaluation, at least the rating "very good".

(5) A person who meets the conditions provided by this law for the office of prosecutor and who meets the following conditions may apply for the office of chief prosecutor of the ATU Gagauzia Prosecution Office:

- a) has uninterrupted professional experience in the field of law of 10 years, of which 5 years in the office of prosecutor or judge;
- b) in the last 3 years before the announcement of the competition, has not been a member of and/or has not carried out activities of a political nature within a political party or a socio-political organisation;
- c) knows the Gagauz language.

(6) A prosecutor who meets the conditions provided in paragraph (4) and knows the Gagauz language may apply for the office of deputy chief prosecutor of the ATU Gagauzia Prosecution Office.

(7) A prosecutor who has unexpired disciplinary sanctions may not participate in competitions for the positions referred to in paragraphs (4)–(6).

Article 21. Verification of the state of health of candidates for prosecutor positions and of serving prosecutors

(1) The state of health of candidates for prosecutor positions and of serving prosecutors is verified before the completion of the competition.

(2) The state of health of serving prosecutors is verified once every 5 years.

(3) The verification of the state of health also includes the psychological and psychiatric assessment of candidates for prosecutor positions and of serving prosecutors.

(4) The requirements regarding the state of health and the procedure for determining the state of health of candidates for prosecutor positions and of serving prosecutors, including the list of diseases that do not allow the exercise of the office of prosecutor, are approved by order of the Minister of Health after coordination with the Superior Council of Prosecutors.

(5) The state of health of candidates for prosecutor positions and of serving prosecutors is verified by a specialised commission of the Ministry of Health, which issues a medical certificate on the state of health, containing conclusions on whether the candidate or the serving prosecutor meets the requirements for exercising the office, which is subsequently submitted to the Superior Council of Prosecutors.

Article 22. Register of candidates for filling vacant positions

(1) Candidates for prosecutor positions who meet the conditions provided in Article 20 are entered in the Register of candidates for filling vacant positions (hereinafter – the Register) within no more than 7 days of the submission of the documents referred to in paragraph (2), regardless of the existence of vacant posts at the time of registration.

(1¹) Within no more than 30 days of the completion of studies or of the examination referred to in Article 20(1)(e), the National Institute of Justice transmits to the Superior Council of Prosecutors the list of candidates who meet the condition referred to in Article 20(1)(e¹). Within no more than 30 days of the request, the candidate submits to the Superior Council of Prosecutors all the documents referred to in paragraph (2).

(2) In order to be entered in the Register, the candidate for the office of prosecutor submits the following documents:

a) the application for participation in the competition;

b) the curriculum vitae;

c) a copy of the diploma;

d) the certificate of graduation from the National Institute of Justice or the certificate confirming that the examination before the Graduation Commission of the National Institute of Justice has been passed, except where the person applies for the office of prosecutor under Article 20(3¹);

e) a copy of the employment record book, in the case of candidates who have an employment record book;

f) the criminal record certificate;

g) the medical certificate on the state of health;

h) the declaration of assets and personal interests;

j) a reference from the last place of work or study.

(3) After entry in the Register, the Superior Council of Prosecutors requests the National Integrity Authority to verify whether there are doubts as to the origin of the assets or as to the correctness of the declaration of assets and personal interests by the candidate, and requests from the National Anticorruption Centre and from the Intelligence and Security Service information on

the professional integrity of the candidate. A copy of the documents received from the National Integrity Authority, the National Anticorruption Centre and the Intelligence and Security Service is transmitted to the candidate, who is given the opportunity to present his or her position thereon.

(4) A serving prosecutor who wishes a transfer or a promotion may be entered in the Register if he or she has been subject to a performance evaluation in the last two years before the submission of the application for entry in the Register. A prosecutor who wishes to be appointed to the office of chief prosecutor or of deputy chief prosecutor may be entered in the Register if he or she has been subject to a performance evaluation in the last two years before the submission of the application for entry in the Register.

(5) The Register is kept by the secretariat of the Superior Council of Prosecutors and includes the following sections:

- a) the list of candidates for vacant prosecutor positions;
- b) the list of prosecutors requesting transfer or promotion;
- c) the list of prosecutors requesting appointment to the office of chief prosecutor or of deputy chief prosecutor.

(6) The procedure for the entry in the Register of candidates for filling vacant positions is approved by the Superior Council of Prosecutors.

(7) The Register is posted on the official website of the Superior Council of Prosecutors.

Article 23. Criteria for the selection and career of prosecutors

(1) The Board for the Selection and Evaluation of Prosecutors, subordinated to the Superior Council of Prosecutors, assesses the candidates entered in the Register referred to in Article 22 on the basis of the criteria provided by this law and according to the regulation approved by the Superior Council of Prosecutors.

(2) In the competition, candidates are assessed on the basis of the following main criteria:

- a) the level of knowledge and professional skills;
- b) the ability to apply knowledge in practice;
- c) – repealed;
- d) the quality and efficiency of activity in the office of prosecutor;
- e) compliance with the rules of professional ethics;
- f) – repealed.

(3) The procedure and criteria for the selection of candidates for prosecutor positions and for the career of prosecutors are established in detail in the regulation provided in paragraph (1), which is published on the official website of the Superior Council of Prosecutors.

(4) In assessing a candidate for the office of prosecutor, the total score obtained in the competition is constituted as follows: 60% is the overall average graduation mark from the National Institute of Justice or the mark obtained at the examination taken on the basis of length of service before the Commission for graduation examinations of the National Institute of Justice, 20% is the score awarded by the Board for the Selection and Evaluation of Prosecutors and 20% is the score awarded by the Superior Council of Prosecutors. In the case of the career of prosecutors, at least 70% represents the result of the professional evaluation and at most 30% represents the score awarded by the Superior Council of Prosecutors.

(4¹) In assessing a candidate for the office of prosecutor who participates in the competition under Article 20(3¹), the score obtained in the competition is the score of the Board for the Selection and Evaluation of Prosecutors, awarded in an amount of up to 100%.

(5) Following the competition, each member of the Board for the Selection and Evaluation of Prosecutors awards a score to each candidate on the basis of the regulation provided in paragraph (1). The score accumulated by the candidate represents the average of the scores awarded by the members of the Board.

Article 24. Competition for the selection and career of prosecutors and filling of vacant positions

(1) The Superior Council of Prosecutors periodically announces the vacant positions and those that are to become vacant in the following 3 months by posting the respective information on its official website. All announced positions are put up for the next competition.

(2) The Board for the Selection and Evaluation of Prosecutors assesses all candidates entered in the Register. In case of unjustified failure of the candidate to appear before the Board for the Selection and Evaluation of Prosecutors or of his or her refusal to be assessed, the candidate is excluded from the Register.

(3) The results of the assessment of candidates are published, for 2 working days, on the official website of the Superior Council of Prosecutors.

(4) Candidates who disagree with the results of the assessment may challenge them before the Superior Council of Prosecutors within 5 working days of the publication of the results. The challenge shall be resolved at the first meeting of the Council, but no later than 20 working days of its submission. The decision of the Superior Council of Prosecutors may be challenged before the Supreme Court of Justice only as regards the adoption procedure.

(5) Candidates request designation to the positions put up for competition in descending order of the score obtained at the Board for the Selection and Evaluation of Prosecutors. The decision on the designation of candidates to vacant prosecutor positions is taken by the Superior Council of Prosecutors on the basis of its own regulation, taking into account the position selected by the candidate, the score awarded by the Board for the Selection and Evaluation of Prosecutors, the mark obtained at the examination taken before the Graduation Commission of the National Institute of Justice, the criteria provided in Article 23(2), as well as other relevant information available to the Superior Council of Prosecutors concerning the career and integrity of the candidate.

(6) At the following meeting, the Superior Council of Prosecutors proposes to the Prosecutor General the appointment to office of the winner of the competition.

Article 25. Appointment of prosecutors to office

(1) Appointment to the offices of prosecutor, chief prosecutor of a prosecution office, deputy chief prosecutor of a prosecution office, chief prosecutor of a subdivision of the Prosecutor General's Office or deputy chief prosecutor of a subdivision of the Prosecutor General's Office is made by order of the Prosecutor General, upon the proposal of the Superior Council of Prosecutors.

(2) Within 5 working days of receipt of the proposal, the Prosecutor General is obliged to adopt a decision. The Prosecutor General may refuse, with reasons, the candidate submitted for appointment to office. The Superior Council of Prosecutors may repeatedly propose the same candidate by the vote of 2/3 of its members. This proposal is binding on the Prosecutor General.

(3) The candidate for the office of chief prosecutor of the ATU Gagauzia Prosecution Office is proposed by the People's Assembly of Gagauzia at least 3 months before the vacancy of the office occurs or, where the vacancy occurs before the expiry of the mandate, within 2 months of the occurrence of the vacancy.

[Art. 25(3) declared unconstitutional by Constitutional Court Judgment No. 4 of 14.04.25, MO212-214/06.05.25 art.56; in force 14.04.25]

(4) The mandate of chief prosecutor of a prosecution office, that of deputy chief prosecutor of a prosecution office, that of chief prosecutor of a subdivision of the Prosecutor General's Office and that of deputy chief prosecutor of a subdivision of the Prosecutor General's Office is 5 years. Holding the same office may not exceed 2 consecutive mandates. Upon the end of the mandate, the person is offered appointment, without competition, to one of the vacant prosecutor positions, except for the office of chief prosecutor.

Article 25¹. Appointment to the office of chief prosecutor of a specialised prosecution office

(1) A person who meets the following conditions may apply for the office of chief prosecutor of a specialised prosecution office:

a) has professional experience of at least 10 years in the field of law, obtained in the jurisdiction of the Republic of Moldova or in foreign jurisdictions, including in international organisations, of which at least 4 years in the office of judge, prosecutor, lawyer or criminal investigation officer;

b) meets the conditions provided in Article 20(1)(a)–(d), (g) and (h);

c) has managerial competence corresponding to the office of chief prosecutor of a specialised prosecution office;

c¹) has professional competence corresponding to the office of chief prosecutor of a specialised prosecution office;

d) in the last 3 years before the announcement of the competition, has not been a member of and/or has not carried out activities of a political nature within a political party or a socio-political organisation;

e) in the last 6 months, has not held the capacity of member of the Superior Council of Prosecutors;

f) has an impeccable reputation and there are no reasonable suspicions in respect of him or her regarding the commission of acts of corruption, of acts related thereto or of corruptible acts within the meaning of Integrity Law No. 82/2017.

(2) The candidate for the office of chief prosecutor of a specialised prosecution office is selected through a public competition, which comprises the following stages:

a) pre-selection of candidates by a special commission established by the Superior Council of Prosecutors;

b) selection of the candidate for the office of chief prosecutor of the specialised prosecution office by the Superior Council of Prosecutors from among the eligible candidates.

(3) The manner of organising and conducting each stage of the competition is established by a regulation approved by the Superior Council of Prosecutors. The criteria and the manner of evaluating candidates at the pre-selection stage shall be established by the special commission.

(4) The competition for the office of chief prosecutor of a specialised prosecution office is initiated by the Superior Council of Prosecutors within no more than 15 days of the occurrence of the vacancy of the office. The competition is conducted according to objective, merit-based criteria, taking into account the integrity and managerial abilities of the candidates.

(5) Information on the initiation of the competition and of the pre-selection is published on the official website of the Superior Council of Prosecutors at least 15 days before the deadline for the submission of files.

(6) The competition application file, which comprises the documents indicated in Article 22(2)(a)–(c) and (f)–(h), the letter of motivation and the concept of management and institutional

development, is submitted to the Superior Council of Prosecutors on paper or in electronic format and is registered in the established manner. Incomplete files or files submitted after the deadline are not examined.

(7) The pre-selection of candidates for the office of chief prosecutor of a specialised prosecution office is carried out by a special commission established ad hoc by the Superior Council of Prosecutors, composed of 5 members as follows: one is proposed by the President of the Republic of Moldova, one by the Ministry of Justice and 3 by the Superior Council of Prosecutors. The capacity of member of the special commission may be held by persons who have qualifications in the field of law, have professional experience of at least 10 years in their field of professional activity in the country or abroad and enjoy an impeccable reputation. At least 3 members of the special commission shall be recognised experts with extensive experience in the field of activity of the specialised prosecution office, of the prevention and combating of corruption and of organised crime, including abroad. At least one member of the special commission shall be a representative of civil society with experience in the field of combating corruption and/or organised crime, as the case may be.

(8) Within 10 working days of the deadline for the submission of files, the special commission organises and conducts the pre-selection of candidates, which comprises two stages. In the first stage, the commission verifies whether the candidates meet the eligibility criteria provided in paragraph (1)(a), (b), (d) and (e). Candidates who do not meet the respective eligibility criteria are excluded from the pre-selection by decision of the special commission, adopted by the vote of the majority of the members present. In the second stage, the commission interviews and evaluates the remaining candidates as regards the fulfilment of the eligibility criteria provided in paragraph (1)(c), (c¹) and (f). The interviews are recorded on video/audio, and the recordings are posted on the official website of the Superior Council of Prosecutors immediately after the end of the last interview. If necessary, the special commission may extend the period for organising and conducting the evaluation of candidates by a maximum of 15 working days. The special commission decides on the fulfilment by the candidates of the criteria provided in paragraph (1)(c), (c¹) and (f) by the vote of the majority of the members. Candidates who do not meet the respective criteria are excluded from the pre-selection. Each member of the special commission completes an evaluation sheet for each candidate remaining in the pre-selection, awarding a score for each of the criteria provided in paragraph (1)(c) and (c¹). The final score obtained by the eligible candidates, which represents the average of the scores awarded by each member of the commission, is recorded in a summary sheet. The list of eligible candidates remaining in the pre-selection competition after both stages, together with their evaluation sheets and the summary sheet, is submitted to the Superior Council of Prosecutors.

(9) Candidates admitted to the competition have the right to formulate, within 3 days, objections regarding the decision of the special commission. The objections are examined by the special commission within 3 days of the expiry of the deadline for their submission, under the procedure established for the evaluation of candidates, with the right to reject the objections in whole or in part, to amend or revoke the decision and adopt a new decision, or to resume the evaluation procedure.

(10) The Superior Council of Prosecutors, within 10 working days of the date of receipt of the decision of the special commission, accompanied by the files of the candidates and by the evaluation sheets, analyses the files, interviews the candidates admitted to the competition and adopts the decision on putting forward the candidate for the office of chief prosecutor of the specialised prosecution office from among the candidates admitted to the competition, selected by the special commission, or, as the case may be, the decision on returning the decision of the special

commission on the result of the competition under paragraph (11). The interviewing takes place in a public meeting.

(11) By a reasoned decision, which is posted on its official website, the Superior Council of Prosecutors may return to the special commission its decision on the result of the competition if breaches of the legal procedure are established. Following the examination of the objections of the Superior Council of Prosecutors, the special commission submits to the Superior Council of Prosecutors a reasoned decision, which is made public, on maintaining the initial decision on the result of the competition or by which it requests the launch of a new competition. Where the special commission maintains its initial decision and the Superior Council of Prosecutors does not support the arguments presented, as well as where the commission requests the launch of a new competition, the Council, by a reasoned and public decision, initiates a repeated competition.

(12) Where it does not select any of the candidates put forward by the special commission, the Superior Council of Prosecutors orders the organisation, within 10 days, of a repeated competition for the office of chief prosecutor of the specialised prosecution office. Within the repeated competition, the mandate of the special commission may not be amended or annulled.

(13) The repeated competition is conducted under the conditions of paragraphs (1)–(11).

(14) The Prosecutor General has the right to reject the candidate proposed by the Superior Council of Prosecutors for the office of chief prosecutor of the specialised prosecution office where incontestable evidence is found of the candidate's incompatibility with the respective office, of a breach of the law by the candidate or of a breach of the legal procedures for his or her selection. The refusal of appointment must be reasoned and is made within 10 working days of the date of receipt of the proposal.

(15) Where the candidate is rejected by the Prosecutor General under paragraph (14), the Superior Council of Prosecutors returns the file of the candidate to the special commission, accompanied by the reasoned refusal of the Prosecutor General and the attached evidence. The objections of the Prosecutor General set out in the refusal to appoint the candidate to office, accompanied by the evidentiary material, are examined at a meeting of the special commission, with the participation of the Prosecutor General and of the rejected candidate, within 10 days of the receipt of the file. The special commission has the right to reject the objections in whole or in part, to amend or revoke the decision and adopt a new decision, or to resume the pre-selection procedure.

(16) In case of the repeated proposal of the same candidate, the Prosecutor General shall issue, within 5 working days, the order on the appointment of the candidate to the office of chief prosecutor of the specialised prosecution office.

Article 25². Appointment to office of the deputies of the chief prosecutor of a specialised prosecution office

(1) The candidate for the office of deputy chief prosecutor of a specialised prosecution office is proposed by the chief prosecutor of the respective specialised prosecution office.

(2) A person who has professional experience of at least 5 years in the office of prosecutor in the last 15 years and who has organisational abilities may be appointed to the office of deputy chief prosecutor of a specialised prosecution office.

(3) The deputy chief prosecutor of a specialised prosecution office is appointed to office without competition, by order of the Prosecutor General, with the written consent of the Superior Council of Prosecutors expressed in respect of the proposal submitted by the chief prosecutor of the respective specialised prosecution office.

(4) The mandate of the deputy chief prosecutor of a specialised prosecution office terminates together with the mandate of the chief prosecutor of the respective specialised prosecution office, but he or she continues to exercise his or her powers until the appointment of the deputy of the new chief prosecutor of the specialised prosecution office.

(5) The deputy of the former chief prosecutor of a specialised prosecution office may be appointed to the office of deputy of the new chief prosecutor of the respective specialised prosecution office.

Article 26. Procedure for selecting the candidate for the office of chief prosecutor of the ATU Gagauzia Prosecution Office

(1) The candidate for the office of chief prosecutor of the ATU Gagauzia Prosecution Office is selected by the People's Assembly of Gagauzia on the basis of the conditions and criteria established by this law and by the regulation approved by the Superior Council of Prosecutors. The candidate is selected following a public competition organised and conducted in accordance with the procedure established by the local law adopted by the People's Assembly.

(2) In assessing the participants in the competition for the office of chief prosecutor of the ATU Gagauzia Prosecution Office, the People's Assembly applies a score in accordance with the regulation approved by the Superior Council of Prosecutors.

(3) The People's Assembly proposes the selected candidate to the Superior Council of Prosecutors for verification.

(4) On the basis of the materials submitted by the People's Assembly, the Superior Council of Prosecutors, within one month, verifies compliance with the procedure and whether the candidate meets the conditions and criteria provided by this law and by the regulation approved by the Superior Council of Prosecutors, and proposes to the Prosecutor General his or her appointment to office.

(5) Where it identifies breaches in the procedure for the selection of the candidate or the candidate does not meet certain conditions or criteria, the Superior Council of Prosecutors shall reject, with reasons, the candidate proposed by the People's Assembly.

(6) The People's Assembly may repeatedly propose the same candidate by the vote of 2/3 of its members. Where it repeatedly finds procedural breaches or failure of the candidate to meet certain conditions or criteria, the Superior Council of Prosecutors shall reject the candidate with reasons. The same candidate, rejected a second time for failure to meet certain conditions or criteria, may no longer be proposed for the office of chief prosecutor of the ATU Gagauzia Prosecution Office, and a new competition shall be organised.

[Art. 26 declared unconstitutional by Constitutional Court Judgment No. 4 of 14.04.25, MO212-214/06.05.25 art.56; in force 14.04.25]

Article 27. The prosecutor's oath

(1) After his or her appointment to office, the prosecutor, including the Prosecutor General, takes the following oath:

"I swear to strictly respect the Constitution, the laws of the Republic of Moldova, human rights and freedoms and to fulfil conscientiously the obligations incumbent upon me."

(2) Refusal to take the oath entails de jure the nullity of the appointment to office.

(3) The Prosecutor General takes the oath on the date of his or her appointment to office, before the President of the Republic and the members of the Superior Council of Prosecutors.

(4) The other prosecutors take the oath before the Prosecutor General and the members of the Superior Council of Prosecutors.

(5) The taking of the oath by a prosecutor is recorded in a declaration signed by the person who took the oath, by the Prosecutor General and by the President of the Superior Council of Prosecutors.

Article 27¹. Ensuring the interim exercise of office

(1) The interim exercise of the office of chief prosecutor of a prosecution office, deputy chief prosecutor of a prosecution office, chief prosecutor of a subdivision of the Prosecutor General's Office or deputy chief prosecutor of a subdivision of the Prosecutor General's Office is ensured by order of the Prosecutor General.

(2) At its first meeting, the Superior Council of Prosecutors approves or rejects the interim exercise of office ordered by order of the Prosecutor General.

(3) Where it rejects the interim exercise of office ordered by the Prosecutor General, the Superior Council of Prosecutors designates the interim holder of the respective office.

(4) The interim exercise of office lasts until the office is filled in accordance with the provisions of this law.

Section 2
Performance evaluation of prosecutors

Article 28. Purpose of the performance evaluation of prosecutors

The performance of prosecutors is evaluated by the Board for the Selection and Evaluation of Prosecutors, subordinated to the Superior Council of Prosecutors, for the purpose of assessing the activity, the level of knowledge and the professional skills of prosecutors, their suitability for the offices held, as well as for stimulating the improvement of professional abilities and increasing the efficiency of the prosecutor's activity.

Article 29. Forms of performance evaluation of prosecutors

(1) The performance evaluation of prosecutors takes place in two forms:

- a) ordinary evaluation;
- b) extraordinary evaluation.

(2) The performance evaluation of prosecutors is initiated by the Board for the Selection and Evaluation of Prosecutors, on the basis of an evaluation plan approved by the Superior Council of Prosecutors.

(3) Following the performance evaluation, prosecutors are awarded the following ratings:

- a) excellent;
- b) very good;
- c) good;
- d) insufficient;
- e) failed.

(4) The Superior Council of Prosecutors approves a regulation establishing:

- a) the limits of the scope of the process of performance evaluation of prosecutors;
- b) the methodology, procedure and duration of the performance evaluation of prosecutors;
- c) the score for each of the ratings indicated in paragraph (2) and for the criteria indicated in Article 29¹(3) and in Article 30(4) point 2);

d) the indicators on the basis of which each of the criteria indicated in Article 29¹(3) and Article 30(4) is evaluated, the aspects to be taken into account in evaluating the indicators referred to in Article 30(5), as well as the corresponding score;

e) the sources of information and the means of collecting the information necessary for the performance evaluation of prosecutors.

(5) The regulation referred to in paragraph (4) is published in the Official Gazette of the Republic of Moldova and on the official website of the Superior Council of Prosecutors.

Article 29¹. Ordinary performance evaluation

(1) The prosecutor is subject to ordinary performance evaluation once every 5 years of activity. The performance of a person appointed to the office of prosecutor is evaluated after the first year of activity.

(2) The performance evaluation of prosecutors is carried out on the basis of the following criteria:

- a) professional competence, which has a weight of 40% of the total evaluation;
- b) organisational competence, which has a weight of 20% of the total evaluation;
- c) integrity, which has a weight of 40% of the total evaluation.

(3) The evaluation on the basis of the integrity criterion consists in the assessment of ethical and financial integrity.

Article 30. Extraordinary performance evaluation of prosecutors

(1) The prosecutor is subject to extraordinary performance evaluation:

- a) at his or her request, but not more often than once every 2 years;
- b) where the rating "insufficient" was obtained at the last evaluation;
- c) if, following the examination of the disciplinary case, the circumstances and materials of the case demonstrate the need to evaluate his or her performance;
- d) in case of participation in the competition for filling the office of chief prosecutor or of deputy chief prosecutor;
- e) where there are doubts regarding the non-performance or the late or improper performance of the duties of chief prosecutor or of deputy chief prosecutor, without reasonable justification.

(2) The extraordinary performance evaluation of a prosecutor may be initiated:

- a) at the request of the prosecutor – in the cases provided in paragraph (1)(a) and (d);
- b) by the Board for the Selection and Evaluation of Prosecutors – in the case provided in paragraph (1)(b);
- c) by the Superior Council of Prosecutors, ex officio or upon the proposal of the Board of Discipline and Ethics – in the case provided in paragraph (1)(c);
- d) by the Superior Council of Prosecutors, ex officio or upon the proposal of the Prosecutor General or of the Inspection of Prosecutors – in the case provided in paragraph (1)(e).

(3) In the cases provided in paragraph (1)(a)–(c), the criteria indicated in Article 29¹(3) and (4) apply.

(4) In the cases provided in paragraph (1)(d) and (e), the following criteria apply:

- a) managerial competence, which has a weight of 30% of the total evaluation;
- b) professional competence, which has a weight of 30% of the total evaluation;
- c) integrity, which has a weight of 40% of the total evaluation.

(5) Managerial competence is evaluated on the basis of the following indicators:

- a) managerial capacity;
- b) control capacity;

c) communication and representation capacity.

Article 31. Decision on the performance evaluation

(1) Following the performance evaluation of a prosecutor, the Board for the Selection and Evaluation of Prosecutors adopts one of the following decisions:

- a) the decision on passing the performance evaluation by awarding the rating "good", "very good" or "excellent";
- b) the decision on obtaining the rating "insufficient";
- c) the decision on failing the performance evaluation.

(2) The decision on the performance evaluation indicates the score obtained and the corresponding rating, as well as recommendations for improving the activity.

(3) In the case provided in paragraph (1)(b), the prosecutor is subject to extraordinary evaluation not earlier than 6 months, but not later than one year, after the previous evaluation.

(4) In case of the award of the rating "insufficient" at two consecutive evaluations or of failure of the performance evaluation, the prosecutor is dismissed from office.

(5) Where an appearance of disciplinary misconduct is established, the Board for the Selection and Evaluation of Prosecutors refers the matter to the Inspection of Prosecutors.

Article 31¹. Performance evaluation of the Prosecutor General

(1) For the purpose of assessing the activity and the suitability for the office held, the performance of the Prosecutor General is evaluated by a commission for the performance evaluation of the Prosecutor General, established ad hoc by the Superior Council of Prosecutors.

(2) The performance evaluation of the Prosecutor General is initiated upon referral by the President of the Republic or by at least 1/3 of the members of the Superior Council of Prosecutors. The performance evaluation of the Prosecutor General may not take place more often than once every two years and only for the period preceding the evaluation date during which the person actually worked. Several evaluation procedures may not be initiated for the same period of activity.

(3) The commission for the performance evaluation of the Prosecutor General is established within 10 days of the initiation of the evaluation procedure. The commission is composed of 5 members, of whom at least 2 have professional experience in the office of prosecutor of at least 7 years. The members are proposed as follows: one by the President of the Republic, one by the Ministry of Justice, one by the Superior Council of Magistracy, one by the Superior Council of Prosecutors and one by the Prosecutor General subject to evaluation. The fact that proposals for the composition of the commission have not been submitted by all entities does not prevent its establishment if members have been proposed by at least 3 entities, of whom at least 2 have professional experience in the office of prosecutor of at least 7 years. The meetings of the evaluation commission are deliberative if attended by the majority of the members indicated in the act of establishment.

(4) The capacity of member of the commission for the performance evaluation of the Prosecutor General may be held by persons who have qualifications in the field of law or of public management, experience of at least 10 years in their field of professional activity and an impeccable reputation. The members of the commission for the performance evaluation of the Prosecutor General proposed by the President of the Republic and by the Ministry of Justice may not be employed in the public service. The capacity of member of the commission for the performance evaluation of the Prosecutor General may not be held by persons subordinated to the Prosecutor General.

(5) The activity of the Prosecutor General is evaluated on the basis of the following evaluation criteria:

a) managerial competence as regards: the quality planning of the activity of the Prosecution Service; the organisation of operational management, including through a clear distribution of duties among the subdivisions of the Prosecution Service and through the application of standards for monitoring their implementation; the development of risk management policies; the creation and maintenance of a positive organisational working climate, the motivation and stimulation of the professionalism of staff; ensuring the performance evaluation of staff; the adaptation of the leadership style to the requirements of the office and the assumption of responsibility for the decisions taken;

b) professional competence as regards: the use of professional capacities and abilities for the optimal performance of duties and, implicitly, of the functions of the Prosecution Service; the carrying out of operational processes; the taking of well-founded decisions;

c) efficiency as regards: the efficient management of human, technical and information resources; ensuring and promoting the legality, integrity and meritocracy of staff; the implementation of risk management, including of the risks of corruption, of the use by prosecutors of their official powers in interests other than those established by law and of the non-uniform application of the law; ensuring the functionality of the staff specialisation mechanism;

d) effective internal and external communication.

[Art. 31¹(5) declared unconstitutional by Constitutional Court Judgment No. 20 of 09.11.23, MO441/22.11.23 art.175; in force 09.11.23]

(5¹) The level of conformity of the performance of the Prosecutor General with the requirements for the exercise of the office is established in the light of the performance indicators set in relation to each evaluation criterion.

(5²) The manner of evaluation and the performance indicators are established in detail by a regulation approved by the Superior Council of Prosecutors. The regulation contains the elements provided in Article 29(3) and is published in the Official Gazette of the Republic of Moldova and on the official website of the Superior Council of Prosecutors.

(6) The commission for the performance evaluation of the Prosecutor General has the right to hear any prosecutor or other employee of the Prosecution Service, to request and receive from any person written explanations, data and information, including analytical data, to involve independent experts in the evaluation process, and to order audit control, including of institutional management. The evaluation commission shall hear the Prosecutor General.

(7) Following the performance evaluation of the Prosecutor General, the commission for the performance evaluation of the Prosecutor General draws up, within no more than 30 days, a reasoned report proposing the award of one of the following ratings: "excellent", "good", "unsatisfactory". The report with the proposed rating, which is consultative in nature, is submitted to the Superior Council of Prosecutors.

(8) The Superior Council of Prosecutors examines the report of the commission for the performance evaluation of the Prosecutor General. As a result of the examination, the Superior Council of Prosecutors adopts a decision on the award of one of the ratings "excellent", "good", "unsatisfactory" or, if it considers that the evaluation carried out by the commission took place in breach of the procedure and that this breach had a decisive effect on the results of the evaluation, adopts a decision on returning the report for the repetition of the performance evaluation procedure. When repeating the performance evaluation procedure, the commission for the performance evaluation of the Prosecutor General is obliged to take into account the objections formulated by the Superior Council of Prosecutors.

(9) In case of the adoption of the decision on the award of the rating "unsatisfactory", the Superior Council of Prosecutors proposes to the President of the Republic the dismissal from office of the Prosecutor General.

(10) Where an appearance of disciplinary misconduct is established, the commission for the performance evaluation of the Prosecutor General refers the matter to the Superior Council of Prosecutors under Article 52¹.

Section 3

Continuous professional training of the prosecutor

Article 32. Continuous professional training of the prosecutor

(1) The continuous professional training of the prosecutor must take into account the dynamics of the legislative process. This training consists in particular in deepening knowledge of domestic legislation, of the international acts to which the Republic of Moldova is a party and of the case-law of national and international courts.

(2) Responsibility for the continuous professional training of prosecutors lies with the National Institute of Justice, with the heads of the prosecution offices in which they carry out their activity, as well as with each prosecutor individually, through his or her individual training.

(3) Prosecutors participate, for at least 40 hours annually, in continuous professional training programmes organised by the National Institute of Justice, in programmes organised by other higher education institutions in the country or abroad, and in other forms of professional development.

(4) The continuous professional training of prosecutors is carried out taking into account the need for their specialisation.

(5) Continuous professional training activities are organised periodically within each prosecution office.

(6) In drawing up the programmes and topics for the continuous training of prosecutors, their suggestions and individual needs must be taken into account and they must be given the opportunity to choose the field in which they wish to improve.

Chapter VI

GUARANTEEING THE INDEPENDENCE OF THE PROSECUTOR

Article 33. Ensuring the independence of the prosecutor

(1) The independence of the prosecutor is ensured through:

a) the strict determination, by law, of the status of the prosecutor, the delimitation of the powers of the Prosecution Service and of the powers and competences of the prosecutor in the exercise of the functions of the Prosecution Service;

b) the procedures for appointment, suspension and dismissal from office;

c) his or her inviolability;

d) the decision-making discretion of the prosecutor in the exercise of the office, granted by law;

e) the establishment, by law, of the prohibition of interference by other persons or authorities in the activity of the prosecutor;

f) ensuring adequate means for the functioning of the Prosecution Service and creating favourable organisational and technical conditions for its activity;

g) the material and social security of the prosecutor;

h) other measures provided by law.

(2) In taking decisions, the prosecutor is independent under the conditions of the law.

(3) Where the decisions taken by the prosecutor are unlawful, they may be annulled, with reasons, by the hierarchically superior prosecutor.

(4) A person whose rights and legitimate interests have been affected by the actions, omissions or acts of the prosecutor may challenge them before the hierarchically superior prosecutor. The decision of the hierarchically superior prosecutor by which the challenge was resolved may be appealed in court.

Article 34. Inviolability of the prosecutor

(1) The inviolability of the prosecutor provides guarantees of protection against any interventions and interference in his or her activity.

(2) Entry into the dwelling or office premises of the prosecutor or into his or her personal or official means of transport, the carrying out on the spot of an inspection, a search or a seizure of objects, the interception of telephone conversations, body search, the inspection and seizure of correspondence, objects and documents belonging to the prosecutor are permitted only under the conditions provided by law.

(3) The prosecutor may not be held legally liable for statements made in compliance with professional ethics.

(4) The criminal investigation against a prosecutor may be initiated only by the Prosecutor General. Concurrently with the initiation of the criminal investigation, the Prosecutor General refers the matter to the Superior Council of Prosecutors with a view to initiating the disciplinary procedure.

(5) The criminal investigation against the Prosecutor General may be initiated only by the prosecutor designated by the vote of the majority of the members of the Superior Council of Prosecutors. The designated prosecutor must have professional experience of at least 7 years and must not have been disciplinarily sanctioned.

Chapter VII INCENTIVE MEASURES. DISCIPLINARY AND PECUNIARY LIABILITY OF PROSECUTORS

Section 1 Incentive measures

Article 35. Incentive measures

(1) For impeccable performance of official duties, for remarkable achievements in activity or for certain actions imbued with a spirit of sacrifice, prosecutors may be rewarded through:

a) the expression of thanks;

b) the offering of a symbolic gift;

c) the award of a bonus;

d) the award of distinctions of the Prosecution Service, approved by the Superior Council of Prosecutors.

(2) The measures provided in paragraph (1) are applied on the basis of the criteria established by a regulation approved by the Superior Council of Prosecutors. They are applied by order of the Prosecutor General, upon the proposal of the Superior Council of Prosecutors.

(3) For particular merits in service, prosecutors may be proposed for decoration with state distinctions. Proposals for decoration with state distinctions are submitted by the Superior Council of Prosecutors.

(4) The incentive measures provided in paragraphs (1) and (3) may not be applied to prosecutors against whom a disciplinary procedure has been initiated or who have unexpired disciplinary sanctions.

Section 2 **Disciplinary liability**

Article 36. Disciplinary liability

(1) The disciplinary procedure is applicable to serving prosecutors and to prosecutors whose service relations have terminated.

(2) Prosecutors are disciplinarily sanctioned for committing the disciplinary misconduct provided in Article 38 only where it was committed with intent or with gross negligence, in accordance with the provisions of Article 38¹.

Article 37. Principles of the disciplinary procedure concerning prosecutors

The disciplinary procedure concerning prosecutors is based on the principles of:

- a) legality;
- b) respect for the decision-making independence of the prosecutor;
- c) fairness;
- d) proportionality of the sanction to the disciplinary misconduct committed;
- e) transparency.

Article 38. Disciplinary misconduct

The following constitute disciplinary misconduct:

- a) improper performance of the official obligations provided in Article 6(3);
- b) failure to comply, for reasons imputable to the prosecutor and without reasonable justification, with the legal provisions on the time limits for performing procedural actions, or delay in performing them;
- c) unlawful interference in the activity of another prosecutor or interventions of any kind with authorities, institutions or officials, either for the resolution of requests, claiming or accepting the resolution of personal interests or of those of other persons, or for the purpose of obtaining undue advantages;
- d) intentional obstruction, by any means, of the activity of the Inspection of Prosecutors;
- e) – repealed;
- e¹) commission, in the exercise of official duties, of actions or omissions by which, with intent or through gross negligence, the fundamental rights and freedoms of natural or legal persons, guaranteed by the Constitution of the Republic of Moldova and by the international treaties on fundamental human rights to which the Republic of Moldova is a party, were violated;
- f) unworthy attitude, manifestations or lifestyle that undermine the honour, integrity, professional probity or prestige of the Prosecution Service;
- f¹) breach of the Code of Ethics of Prosecutors;
- g) breach of the obligation provided in Article 7(2)(a) of Law No. 325/2013 on the assessment of institutional integrity.

Article 38¹. Notions of intent and of gross negligence

(1) Disciplinary misconduct is considered to have been committed with intent where the prosecutor knowingly breaches rules of substantive or procedural law or commits an act provided in Article 38(f), is aware of the harmful consequence of his or her action or omission and pursues or accepts the occurrence of that consequence.

(2) Disciplinary misconduct is considered to have been committed with gross negligence where the prosecutor has committed a breach of rules of substantive or procedural law or commits an act provided in Article 38(f) without being aware of a possible harmful consequence of his or her action or omission, although he or she could and should have foreseen it, or considering without grounds that this consequence would not occur. The lack of foresight shown by the prosecutor must be inexplicable from the point of view of a legal professional and must have no connection with the particularities of the concrete situation that would make it understandable.

Article 39. Disciplinary sanctions

(1) Depending on the gravity of the misconduct and under the conditions of the law, the following disciplinary sanctions are applied to the prosecutor, by decision of the Board of Discipline and Ethics subordinated to the Superior Council of Prosecutors:

- a) warning;
- b) reprimand;
- c) salary reduction;
- d) demotion;
- e) dismissal from the office of prosecutor.

(2) A warning consists in drawing the attention of the prosecutor, in writing, to the disciplinary misconduct committed and in recommending that he or she comply with the legal provisions in the future.

(3) A reprimand is a criticism expressed in writing regarding the acts committed by the prosecutor.

(4) Salary reduction represents the reduction of the monthly salary by 15%–30% for a period of between 3 months and 1 year and applies starting from the calendar month following the date on which the decision on the disciplinary case became irrevocable.

(5) Demotion entails the transfer from the office of chief prosecutor to a prosecutor position or the transfer of the prosecutor from the Prosecutor General's Office or from a specialised prosecution office to a territorial prosecution office. Demotion is carried out on the basis of the sanctioning decision, by order of the Prosecutor General.

(6) Dismissal from the office of prosecutor within the meaning of paragraph (1) represents the termination of the powers of the prosecutor as a result of committing disciplinary misconduct. Dismissal from the office of prosecutor on the basis of the sanctioning decision is carried out by order of the Prosecutor General.

(7) On the basis of the decision on the sanction of dismissal from office, immediately after its pronouncement, the prosecutor is removed *de jure* from the exercise of official duties.

Article 40. Time limits of the disciplinary procedure

(1) A prosecutor may be held disciplinarily liable within two years of the date on which the disciplinary misconduct was committed.

(2) By way of exception from the provisions of paragraph (1), where disciplinary misconduct is committed in procedural activity, the time limit for holding disciplinarily liable is 5 years from the date on which the respective misconduct was committed. Where the disciplinary

misconduct provided in Article 38(e¹) is established, if it led to one of the consequences provided in Article 2007(1)(c) of the Civil Code No. 1107/2002, the time limit for holding disciplinarily liable is 1 year from the date on which the judgment of the national or international court became irrevocable, but no later than 5 years from the date on which the respective misconduct was committed.

(3) The disciplinary procedure is carried out, as a rule, within 6 months of the submission of the complaint concerning the act that may constitute disciplinary misconduct. The 6-month time limit is not a limitation period for holding disciplinarily liable.

(4) The disciplinary procedure initiated under Article 34(4) is carried out within 30 days of the initiation of the criminal investigation, this time limit not being a limitation period for holding disciplinarily liable.

(5) If, at the time of submission of the resignation application, in respect of the prosecutor:

a) there is a disciplinary procedure, it is completed within up to 30 days of the submission of the resignation application;

b) a complaint was submitted before the resignation, the disciplinary procedure is completed within 30 days of the submission of the complaint.

(6) Until the issuance of the decision in the disciplinary case referred to in paragraph (5), the resignation application is not examined and, where the order on resignation has been issued, it is suspended.

(7) The time limits indicated in paragraphs (3), (4) and (5) do not include the period during which the person in respect of whom the disciplinary procedure is being conducted is on annual leave or on sick leave.

Article 41. Conditions and consequences of the application of disciplinary sanctions

(1) Disciplinary sanctions are applied to serving prosecutors.

(2) The disciplinary sanction is applied to the prosecutor in proportion to the gravity of the disciplinary misconduct committed and depending on his or her personal circumstances. The gravity of the disciplinary misconduct is determined by the nature of the act committed and by the consequences produced. The consequences produced are assessed taking into account both the effects on the persons involved in the activities within which the act was committed and the effects on the image and prestige of the Prosecution Service.

(3) The period of effect of a disciplinary sanction is one year from the date of its application.

(4) The commission of disciplinary misconduct during the period of effect of a previous disciplinary sanction, regardless of the type of disciplinary misconduct committed, constitutes an aggravating circumstance and is taken into account in determining the sanction for the next disciplinary misconduct committed.

(5) Within one year of the date of application of the disciplinary sanction, the prosecutor may not be promoted and may not benefit from any incentive measure.

Article 42. Disciplinary procedure

The disciplinary procedure begins de jure at the moment of the complaint and includes the following stages:

a) submission of the complaint concerning the act that may constitute disciplinary misconduct;

b) verification of the complaint by the Inspection of Prosecutors;

c) examination of the disciplinary case by the Board of Discipline and Ethics;

d) adoption of a decision in the disciplinary case.

Article 43. Complaint concerning an act that may constitute disciplinary misconduct

(1) A complaint concerning an act that may constitute disciplinary misconduct committed by a prosecutor may be submitted by:

a) any interested person;

b) the members of the Superior Council of Prosecutors;

c) the Board for the Selection and Evaluation of Prosecutors, under the conditions of Article 31(5);

c¹) the Prosecutor General and his or her deputies;

d) the Inspection of Prosecutors;

e) the Ministry of Justice, upon notification by the Government Agent, where the establishment of the disciplinary misconduct provided in Article 38(e¹) is requested in respect of the actions or omissions of the prosecutor, if these led to one of the consequences provided in Article 2007(1)(c) of the Civil Code of the Republic of Moldova No. 1107/2002.

(2) The entities provided in paragraph (1) may submit the complaint concerning acts that have become known to them either in the exercise of their rights or functional duties, or on the basis of information disseminated by the mass media or by other sources of information.

(3) Where several complaints concern the same act and the same prosecutor, the complaints are joined.

(4) The withdrawal of the complaint does not affect the disciplinary procedure.

Article 44. Conditions of form and content of the complaint

(1) The complaint concerning an act of the prosecutor that may constitute disciplinary misconduct is submitted in writing. The procedure for the submission and the content of the complaint are regulated by a regulation approved by the Superior Council of Prosecutors.

(2) Anonymous complaints are not examined.

(3) A complaint is considered manifestly ill-founded where it invokes acts that do not refer to disciplinary misconduct or where the limitation period provided in Article 40(1) or (2) has expired; a complaint submitted repeatedly without bringing new evidence is likewise considered manifestly ill-founded.

(4) The complaint of the Ministry of Justice, submitted in accordance with Article 43(1)(e), may not be considered manifestly ill-founded even if the limitation period provided in Article 40(2) has expired.

Article 45. Registration and assignment of complaints

(1) The complaint concerning an act that may constitute disciplinary misconduct is submitted to the secretariat of the Superior Council of Prosecutors. The complaint is registered and transmitted to the Inspection of Prosecutors within no more than 3 working days of its receipt.

(2) If the complaint does not meet the conditions of form and content, the inspector, within 5 working days of the day on which the complaint was assigned to him or her for preliminary verification, returns it to its author by a decision not subject to appeal, indicating the deficiencies established and the right to submit a new complaint.

Article 46. Verification of the complaint

(1) The verification of the complaint concerning an act that may constitute disciplinary misconduct is the stage within which the acts imputed to the prosecutor and their consequences, the circumstances in which they were committed, as well as any other conclusive information from

which the existence or non-existence of the constituent elements of disciplinary misconduct may be inferred, are established.

(2) The inspector to whom the complaint has been assigned is obliged:

a) to take all measures necessary to verify the facts invoked by the author of the complaint and to establish the existence or non-existence of the constituent elements of disciplinary misconduct;

b) to request the written opinion of the prosecutor concerned by the complaint on the circumstances invoked, informing the head of the prosecutor concerned;

c) to compile the disciplinary case file, which shall include the complaint concerning the act that may constitute disciplinary misconduct, all materials and other information obtained following the verification.

(3) In the process of verifying the complaint, the inspector has the right:

a) to make copies of relevant documents, including from the files in the examination of which the acts described in the complaint are alleged to have been committed;

b) to request other necessary information from the head of the prosecutor concerned by the complaint, as well as from other public authorities, officials or private persons;

c) to request, where necessary, from the person who submitted the complaint oral and written explanations, as well as other additional information related to the facts invoked in the complaint;

d) to take other measures necessary for verifying the complaint.

Article 47. Time limits for the verification of the complaint

(1) The verification of the complaint concerning an act that may constitute disciplinary misconduct is carried out within up to 30 days of the date of receipt of the complaint by the Inspection of Prosecutors.

(2) The inspector may order the extension of the time limit for carrying out the verification by no more than 10 working days if there are well-founded reasons justifying the extension, informing the author of the complaint thereof.

(3) In the cases provided in Article 40(4) and (5), the verification of the complaint is carried out within no more than 10 days.

Article 48. Rights and obligations of the prosecutor against whom the complaint has been submitted, at the verification stage

(1) The prosecutor against whom a complaint has been submitted has, at the stage of its verification, the right:

a) to know the content of the complaint;

b) to present written and oral explanations;

c) to present evidence proving or refuting certain facts invoked in the complaint or which are relevant to the examination of the complaint;

d) to be assisted by a lawyer or by a representative;

e) to participate in the examination of the disciplinary case.

(2) The prosecutor against whom a complaint has been submitted is obliged, at the stage of its verification:

a) not to obstruct in any way the verification initiated by the inspector;

b) not to contact, personally or through a representative, the author of the complaint, except in the presence of the inspector.

Article 49. Results of the verification of the complaint

(1) After completing the verification of the complaint concerning an act that may constitute disciplinary misconduct, the inspector issues one of the following reasoned decisions:

a) on the termination of the disciplinary procedure, if he or she does not identify any ground for holding disciplinarily liable;

b) on the transmission of the materials to the Board of Discipline and Ethics, if he or she identifies a ground for holding disciplinarily liable.

(1¹) In the case provided in paragraph (1)(a), the reasoned decision of the inspector on the complaint of the Ministry of Justice, submitted in accordance with Article 43(1)(e), is transmitted to the Ministry of Justice within 3 days of the date of its issuance.

(2) In the case provided in paragraph (1)(b), the decision of the inspector, together with the report drawn up by him or her on the basis of the verification and the disciplinary case file, is submitted, within 3 working days of the date of its issuance, to the Board of Discipline and Ethics for examination and is brought to the attention of the author of the complaint in writing or, upon request, in electronic format.

(3) The model of the report on the results of the verification of the complaint concerning an act that may constitute disciplinary misconduct is approved by the Superior Council of Prosecutors, upon the proposal of the Board of Discipline and Ethics.

(4) The decision on the termination of the disciplinary procedure may be challenged by the author of the complaint before the Board of Discipline and Ethics within 10 working days of the date of its receipt.

Article 50. Examination of the disciplinary case

(1) The disciplinary case is examined by the Board of Discipline and Ethics with the mandatory summoning of the prosecutor concerned by the complaint concerning the act that may constitute disciplinary misconduct, of the representative of the Inspection of Prosecutors and of the person who submitted the complaint.

(2) In the examination of the disciplinary case, the prosecutor and the person who submitted the complaint may be represented or assisted by a lawyer or by another person chosen by them as representative.

(3) The failure to appear without good reason of the prosecutor, of the person who submitted the complaint or of their representatives, legally summoned to the meeting of the Board of Discipline and Ethics, does not prevent the examination of the disciplinary case.

(4) The Inspection of Prosecutors is represented by the inspector who carried out the verification of the complaint or by another inspector designated by the head of the Inspection of Prosecutors. The presence of the representative of the Inspection of Prosecutors is mandatory.

(5) In the examination of the disciplinary case, the hearing of witnesses or of other persons relevant to the examination of the case may be requested.

(6) The Board of Discipline and Ethics shall adopt the decision on the disciplinary case, as a rule, within no more than 2 months of the receipt of the materials from the Inspection of Prosecutors.

(7) The procedure for the examination of the disciplinary case by the Board of Discipline and Ethics is regulated by a regulation approved by the Superior Council of Prosecutors.

(8) If the person who submitted the complaint or the person against whom the complaint was submitted is a member of the Board of Discipline and Ethics, that person has no right to participate in the examination of the disciplinary case.

Article 51. Decision on the disciplinary case

(1) After the examination of the disciplinary case, the Board of Discipline and Ethics adopts one of the following decisions:

- a) on establishing the disciplinary misconduct and applying a disciplinary sanction;
- b) on establishing the disciplinary misconduct and discontinuing the disciplinary procedure, where the time limits for holding disciplinarily liable have expired;
- c) on establishing the disciplinary misconduct and discontinuing the disciplinary procedure, where the service relations of the prosecutor terminated before the issuance of the decision on the disciplinary case;
- d) on terminating the disciplinary procedure, where no disciplinary misconduct was committed.

(2) Where the disciplinary procedure was initiated under Article 40(4), the decision on the disciplinary case also provides for the proposal to apply or not to apply suspension from office.

(3) If a member of the Board of Discipline and Ethics has a separate opinion on the decision adopted, he or she sets it out in writing, indicating the reasons, the opinion being attached to the file.

(4) The decisions are signed by the chair of the meeting and by the members of the Board of Discipline and Ethics who participated in the examination of the case. The decisions of the Board of Discipline and Ethics are published on the official website of the Superior Council of Prosecutors within 3 working days of the date on which they were pronounced.

(5) Copies of the decision of the Board of Discipline and Ethics are sent to the participants in the disciplinary case and are attached to the personal file of the prosecutor concerned.

(6) After the examination of the disciplinary case, the Board of Discipline and Ethics may additionally formulate a recommendation to the Superior Council of Prosecutors to order the extraordinary performance evaluation of the prosecutor concerned, if the circumstances and materials of the case demonstrate the need to evaluate his or her performance.

(7) The decision on the application of the sanction of demotion and the decision on the application of the sanction of dismissal from the office of prosecutor are transmitted to the Superior Council of Prosecutors in order to submit the corresponding proposal to the Prosecutor General. The proposal is submitted after the expiry of the time limit for challenging the decision.

(8) The decision on the disciplinary case consists of the introductory part, the descriptive part, the reasoning part and the operative part. The form and content of the decision are approved by a regulation approved by the Superior Council of Prosecutors.

Article 52. – repealed.

Article 52¹. Specific rules on the disciplinary liability of the Prosecutor General

(1) The Prosecutor General may be held disciplinarily liable under the conditions of this law, with the particularities specified in this article. The provisions of Articles 36, 37, 38 and 38¹ apply accordingly.

(2) Depending on the gravity of the misconduct, one of the following disciplinary sanctions may be applied to the Prosecutor General, by decision of the Superior Council of Prosecutors:

- a) warning;
- b) reprimand;
- c) dismissal from office.

(3) The disciplinary procedure may be initiated by at least 3 members of the Superior Council of Prosecutors, by the President of the Republic following petitions/complaints or, as the case may be, ex officio, or, in the case provided in Article 31¹(9), by the commission for the performance evaluation of the Prosecutor General, if there are reasonable suspicions regarding the commission of the disciplinary misconduct provided in Article 38. The provisions of Article 44(1) and (3) apply accordingly.

(4) The verification of the circumstances set out in the complaint submitted under paragraph (3) is carried out by a disciplinary commission established ad hoc by the Superior Council of Prosecutors, whose mandate terminates upon completion of the disciplinary procedure. The disciplinary commission is established within 10 days and is composed of 5 members, of whom one is proposed by the President of the Republic, one by the Ministry of Justice, one by the Superior Council of Magistracy, one by the Superior Council of Prosecutors and one by the Prosecutor General. The fact that proposals for the composition of the commission have not been submitted does not prevent its establishment if members have been proposed by at least 3 entities. The work of the commission is deliberative if attended by the majority of the members indicated in the act of establishment. The members of the commission must have recognised professional activity in the field of justice, anticorruption or human rights, and at least 2 of them must have professional experience in the office of prosecutor of at least 7 years.

(5) The activity of the disciplinary commission is assimilated to the inspection of prosecutors. The provisions of Articles 46, 47 and 48 apply accordingly to the disciplinary procedure initiated against the Prosecutor General.

(6) After completing the verification of the complaint concerning an act that may constitute disciplinary misconduct, the disciplinary commission issues one of the following reasoned decisions:

a) on the termination of the disciplinary procedure, if it does not identify any ground for holding disciplinarily liable;

b) on the transmission of the materials to the Superior Council of Prosecutors, if it identifies a ground for holding disciplinarily liable.

(7) The decision on the termination of the disciplinary procedure may be challenged by the author of the complaint before the Superior Council of Prosecutors within 10 working days of the date of its receipt.

(8) The disciplinary case against the Prosecutor General is examined by the Superior Council of Prosecutors similarly to the procedure established before the Board of Discipline and Ethics under Article 50 and Article 51(1)–(6) and (8).

(9) The decision of the Superior Council of Prosecutors on the application of the sanction of dismissal from office is transmitted to the President of the Republic.

Section 3

Pecuniary liability

Article 53. Pecuniary liability

(1) The State is pecuniarily liable for the damage caused by the actions of the prosecutor in the exercise of his or her office under the conditions of Law No. 1545-XIII of 25 February 1998 on the manner of compensating damage caused by unlawful actions of criminal investigation bodies, of the prosecution service and of the courts.

(2) For compensation of damage caused by the actions of the prosecutor in the exercise of his or her office, the person has the right to bring an action only against the State, represented by the Ministry of Justice.

(3) The prosecutor bears pecuniary liability only where his or her guilt for unlawful actions qualified as offences has been established by a court judgment, or if, within a disciplinary procedure, intent or gross negligence was established in his or her actions or omissions which led to one of the consequences provided in Article 2007(1)(c) of the Civil Code of the Republic of Moldova No. 1107/2002.

(4) The limitation period for the right of action in the cases provided by this article is 3 years from the date on which the right arose, unless the law provides for other time limits.

Chapter VIII

TRANSFER, PROMOTION, DELEGATION, SECONDMENT, SUSPENSION AND DISMISSAL FROM OFFICE OF THE PROSECUTOR

Article 54. Transfer, promotion, delegation and secondment

(1) The transfer of a prosecutor to a position of the same level or of a lower level, except for the offices of chief prosecutor and of deputy chief prosecutor, is carried out through competition. The procedure of the competition for transfer is established by a regulation approved by the Superior Council of Prosecutors.

(1¹) The promotion of a prosecutor is carried out through competition, under the conditions provided by this law, and represents access to a higher prosecutor position in the Prosecutor General's Office or to a prosecutor position in a specialised prosecution office, as well as appointment to the office of chief prosecutor or of deputy chief prosecutor.

(2) Where a prosecution office cannot function due to a temporary lack of prosecutors, where there are vacant positions, but also in other cases, the Prosecutor General, upon the proposal of the chief prosecutor of the respective prosecution office, may delegate prosecutors from other prosecution offices, without their consent, for a period of up to one month during a year, and, with their written consent, for a period of up to 12 months.

(3) For the purpose of investigating a specific case, a prosecutor designated as a member of the criminal investigation group may be delegated to another prosecution office for a period of up to 6 months without his or her consent.

(3¹) Delegation is ordered taking into account the reasons on which the delegation proposal is based, the specialisation of the prosecutor, the situation regarding the occupied positions, the vacant or temporarily vacant positions and those that are to become vacant, both at the prosecution office from which delegation is requested and at the one to which delegation is proposed, as well as the statistical data for the last 12 months on the volume of work and the actual workload of the prosecutor. A prosecutor may be delegated only if he or she meets the conditions necessary for appointment to the office of prosecutor in the prosecution office to which he or she is to be delegated.

(4) A prosecutor may be seconded from office, with his or her consent, to perform functions within the Superior Council of Prosecutors, the National Institute of Justice, as Government Agent, within international institutions, institutions of the European Union, of other states, or for carrying out activity in projects financed by these institutions, for a term of up to 4 years, unless the law provides otherwise. During the secondment, the prosecutor retains his or her status. The expenses of the prosecutor related to the secondment under the conditions of this paragraph are compensated. If the position to which the prosecutor is seconded entails remuneration and

compensation of certain expenses related to the secondment, the salary of the basic position and the compensation for these expenses are not paid.

(5) If the salary provided for the position to which the prosecutor is delegated or seconded is lower than the one he or she received in the previous position, the salary of the basic position shall be retained.

(6) The period of secondment to other institutions is included in the length of service in the office of prosecutor.

(7) Upon expiry of the term for which he or she was seconded, the prosecutor returns to the position he or she held before the secondment, except for the office of chief prosecutor. Where the respective position no longer exists, the prosecutor is offered, with his or her consent, another equivalent prosecutor position, except for the office of chief prosecutor.

(8) The decision on the secondment of a prosecutor is taken by the Prosecutor General, with the written consent of the Superior Council of Prosecutors.

Article 55. Suspension from office

(1) A prosecutor in respect of whom a criminal investigation has been initiated may be suspended from office by the Prosecutor General, with the written consent of the Superior Council of Prosecutors. In situations that do not allow delay, the Prosecutor General may suspend the prosecutor without the consent of the Superior Council of Prosecutors, until the next meeting of the Superior Council of Prosecutors.

(1¹) During the period of suspension from office on the ground provided in paragraph (1), the prohibitions provided in Article 15(2)(f) and (i), as well as the provisions on incompatibilities provided in Article 14(1), as regards the exercise of an office or activity in the private sector, are not applicable to the prosecutor. This period does not constitute length of service in the office of prosecutor.

(2) The prosecutor is suspended from office by order of the Prosecutor General, without the involvement of the Superior Council of Prosecutors, when he or she is granted maternity leave and leave for the care of a child up to the age of 6. In the other cases provided by law, the prosecutor is suspended from office by order of the Prosecutor General, upon the proposal of the Superior Council of Prosecutors.

(3) The suspension from office of the prosecutor in the cases provided in paragraph (2) does not entail the cancellation of social guarantees.

(4) In the case provided in paragraph (1), if the guilt of the prosecutor has not been proven or if a judgment of acquittal or of termination of the criminal proceedings on grounds of rehabilitation has been pronounced, the suspension from office terminates and the prosecutor is restored to all previous rights.

(5) In the cases provided in paragraph (2), upon expiry of the period of suspension from office, the prosecutor returns to the position he or she held before the suspension or, with his or her consent, is offered another equivalent prosecutor position.

(6) The prosecutor may challenge the decision on his or her suspension from office in court under the conditions of the law.

Article 55¹. Suspension from office of the Prosecutor General

(1) The Prosecutor General in respect of whom a criminal investigation has been initiated under the conditions of Article 270(7) of the Criminal Procedure Code is considered suspended de jure for 3 days. Before the expiry of this period, the Superior Council of Prosecutors convenes in an extraordinary meeting and decides, by the vote of the majority of the members present, on

maintaining or terminating the suspension from office of the Prosecutor General. The provisions of Article 55(4) apply accordingly.

(2) Where it is impossible to convene the Superior Council of Prosecutors in an extraordinary meeting, the decision on maintaining the suspension from office of the Prosecutor General or on terminating the suspension may be taken by the President of the Superior Council of Prosecutors. The decision of the President of the Superior Council of Prosecutors is to be validated at the immediately following meeting of the Superior Council of Prosecutors, which is convened within no more than 15 days of the date on which the respective decision was taken.

Article 56. Conditions for the termination of the service relations of the prosecutor

The service relations of the prosecutor terminate in the following cases:

- a) in circumstances that do not depend on the will of the parties;
- b) in case of dismissal from office.

Article 57. Termination of service relations in circumstances that do not depend on the will of the parties

(1) The service relations of the prosecutor terminate de jure, in circumstances that do not depend on the will of the parties, in case of:

- a) loss of the citizenship of the Republic of Moldova;
- b) reaching the age of 65;
- c) expiry of the term for which he or she was appointed to office, in case of refusal to be appointed to another prosecutor position;
- d) the judgment establishing the guilt of the prosecutor for committing an offence becoming final;
- e) deprivation of the prosecutor of the right to hold certain offices or to exercise certain activities, as a main or complementary penalty, on the basis of a final court judgment ordering this sanction;
- f) the prosecutor being declared missing by a final court judgment;
- g) death or declaration of death of the prosecutor by a final court judgment;
- h) the court judgment on the institution of a judicial protection measure becoming final;
- i) establishment, after his or her appointment to office, of at least one reason for which the person may not be appointed to the office of prosecutor.

(2) The termination of service relations in circumstances that do not depend on the will of the parties is carried out by order of the Prosecutor General, within 5 working days of the occurrence of the respective case or of its being brought to the attention of the Prosecutor General.

(3) The termination of the mandate of the Prosecutor General on the grounds provided in paragraph (1) is established by decree of the President of the Republic, upon the proposal of the Superior Council of Prosecutors.

Article 58. Dismissal from office

(1) The prosecutor, the chief prosecutor and the deputy Prosecutor General are dismissed from office in case of:

- a) submission of the resignation application;
- b) refusal to be transferred to another prosecution office or subdivision of the prosecution office, if the prosecution office or subdivision of the prosecution office in which he or she worked is liquidated or reorganised;
- c) refusal to submit to the disciplinary sanction of demotion;

d) application of the disciplinary sanction of dismissal from the office of prosecutor, at the moment when it became irrevocable;

e) obtaining the rating "insufficient" at two consecutive evaluations or failure of the performance evaluation;

f) failure to appear, for unfounded reasons, twice consecutively, for the performance evaluation;

g) registration as a candidate on the list of a political party or of a socio-political organisation in elections for Parliament or for local public administration authorities;

h) the act establishing his or her state of incompatibility or the breach of certain prohibitions becoming final;

i) being considered medically unfit to perform his or her duties;

j) refusal to be subject to verification under Law No. 271-XVI of 18 December 2008 on the verification of holders of and candidates for public offices;

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

l) establishment, by an ascertaining act that has become final, of the conclusion, directly or through a third person, of a legal act, or of the taking of or participation in the taking of a decision without resolving the actual conflict of interest in accordance with the provisions of the legislation on the regulation of conflicts of interest;

m) failure to submit or refusal to submit the declaration of assets and personal interests, under the conditions of Article 27(2) of Law No. 132/2016 on the National Integrity Authority;

n) confiscation of unjustified assets ordered by the court by an irrevocable judgment.

(2) In the cases provided in paragraph (1)(a), (b) and (c), dismissal from office is carried out by order of the Prosecutor General, on the basis of the application or, respectively, of the refusal, submitted in writing.

(3) The dismissal from office of the prosecutor, chief prosecutor or deputy Prosecutor General on the grounds provided in paragraph (1)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n) is carried out within 5 working days of the occurrence of the respective case or of its being brought to the attention of the Prosecutor General, by an order of the Prosecutor General, which is communicated to the prosecutor concerned within 5 working days of its issuance, but before the date of dismissal from office.

(4) The order of the Prosecutor General on dismissal from office may be challenged in court under the conditions of the law.

(5) In case of annulment of the order on dismissal from office, the prosecutor shall be restored to all rights, being paid, in accordance with the law, the salary entitlements of which he or she was deprived.

(6) The Prosecutor General may be dismissed from office before the expiry of the mandate by the President of the Republic in the cases provided in paragraph (1)(a), (d), (g), (h), (i), (j), (l), (m) and (n). In the cases provided in paragraph (1)(h), the dismissal from office of the Prosecutor General is carried out on the basis of an irrevocable court judgment or of a decision of the Superior Council of Prosecutors.

(7) The Prosecutor General may be dismissed from office before the expiry of the mandate by the President of the Republic, upon the proposal of the Superior Council of Prosecutors, where, in the performance evaluation carried out in accordance with the provisions of Article 31¹, he or she obtains the rating "unsatisfactory".

(8) The Prosecutor General may be dismissed from office before the expiry of the mandate by the President of the Republic, upon the proposal of the Superior Council of Prosecutors, in case of the adoption by the Superior Council of Prosecutors of the decision on the application of the disciplinary sanction of dismissal from office.

Chapter VIII¹

STATUS OF THE LIAISON PROSECUTOR OF THE REPUBLIC OF MOLDOVA TO THE EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST)

Article 58¹. The liaison prosecutor to Eurojust

(1) The liaison prosecutor of the Republic of Moldova to the European Union Agency for Criminal Justice Cooperation (Eurojust) (hereinafter – the liaison prosecutor to Eurojust) is seconded on the basis of the Agreement on Cooperation between the Republic of Moldova and Eurojust, ratified by Law No. 113/2015.

(2) The appointment of the liaison prosecutor to Eurojust and his or her secondment are ordered by order of the Prosecutor General, upon the proposal of the Superior Council of Prosecutors, the liaison prosecutor being selected on the basis of a public competition organised by the Superior Council of Prosecutors. The manner of organising and conducting the competition is established by a regulation approved by the Superior Council of Prosecutors. Prosecutors who have professional experience of at least 7 years in the office of prosecutor and an advanced knowledge of the English language may enrol in this competition.

(3) The term of office of the liaison prosecutor to Eurojust is 5 years, with the possibility of appointment for a new term only once. The liaison prosecutor to Eurojust may not be removed from office before the expiry of the term of office without prior information of Eurojust and without specifying the reasons underlying the removal. The provisions of Article 54(7) apply accordingly.

(4) The liaison prosecutor to Eurojust is directly subordinated to the Prosecutor General or, as the case may be, to the deputy replacing him or her, and has competence to represent the Prosecutor General's Office within the international obligations of international judicial cooperation in criminal matters when such cooperation is carried out through Eurojust. The liaison prosecutor to Eurojust draws up annually an activity report, which he or she submits to the Prosecutor General by the end of the first month of the following year.

(5) During his or her stay in the State where Eurojust has its seat, the liaison prosecutor to Eurojust enjoys the privileges, immunities and facilities established by the rules of international law and by the treaties to which the Republic of Moldova is a party, a diplomatic passport being issued to him or her for this purpose.

Article 58². Powers of the liaison prosecutor to Eurojust

(1) The liaison prosecutor to Eurojust facilitates and otherwise supports the issuance and execution of requests for mutual legal assistance or for mutual recognition formulated by the competent authorities of the Republic of Moldova or addressed to them by the competent authorities of the Member States of the European Union or by the specialised bodies and agencies of the European Union, within the limits of the provisions of the Agreement on Cooperation between the Republic of Moldova and Eurojust, ratified by Law No. 113/2015.

(2) In the exercise of official duties, the liaison prosecutor to Eurojust has access to the information contained in the criminal record or in any other register of the Republic of Moldova under the same conditions as a prosecutor.

(3) The liaison prosecutor to Eurojust may directly contact and exchange information with the competent authorities of the Republic of Moldova, as well as with any international authority or organisation, with any competent authority of the Member States of the European Union and with any specialised body or agency of the European Union, in accordance with the international commitments of the Republic of Moldova.

(4) The information received by the liaison prosecutor to Eurojust, as well as the information transmitted by him or her to Eurojust, is confidential during his or her mandate and after its termination. This confidentiality obligation continues after the termination of the activity as prosecutor. The said information may not be obtained or used in disciplinary, administrative or criminal proceedings except with the prior approval of the College of Eurojust.

Article 58³. Ensuring the activity of the liaison prosecutor to Eurojust

(1) The remuneration of the liaison prosecutor to Eurojust is paid in the manner, under the conditions and in the amount provided by legislation for the position from which he or she was seconded.

(2) During the stay in the State where Eurojust has its seat, the liaison prosecutor to Eurojust receives, in addition to the salary in the currency of the Republic of Moldova, a non-taxable allowance in foreign currency, as well as an allowance for the maintenance of the family members living with him or her during that period. Family members are considered to be the wife (husband), children under the age of 18, as well as persons unfit for work dependent on the prosecutor, regardless of age. The amount of the foreign currency allowance corresponds to that of the position of Consul General, established by the Government.

(3) The foreign currency allowance does not have the regime of a salary and is paid upon departure to the seat of Eurojust, from the date of crossing the state border of the Republic of Moldova until the date of return to the country.

(4) Upon arrival in the State where Eurojust has its seat, a medical insurance policy in that State is issued for the liaison prosecutor to Eurojust and for the members of his or her family living with him or her according to the secondment order, regardless of age.

(5) The liaison prosecutor to Eurojust, as well as the members of his or her family living with him or her according to the secondment order, regardless of age, are ensured full payment of the transport costs (regardless of the means of transport used) related to departure to and return from the seat of Eurojust upon taking up and termination of the mandate.

(6) For the purpose of the exercise of the official duties of the liaison prosecutor to Eurojust, the Prosecutor General's Office provides him or her with official housing corresponding to the number of family members living with him or her and in accordance with the amount established by the Government.

(7) The wife/husband of the liaison prosecutor to Eurojust who accompanies him or her during the secondment retains his or her job in the institution, organisation or enterprise in which he or she is employed, regardless of its type of ownership, legal form of organisation and subordination, the respective period being included in the contribution period provided that the social insurance contribution is paid, with subsequent reimbursement of these expenses from the budget of the Prosecutor General's Office.

(8) The expenses for ensuring the activity of the liaison prosecutor to Eurojust are paid from the budget of the Prosecutor General's Office.

Chapter IX

STATE PROTECTION OF THE PROSECUTOR. MATERIAL AND SOCIAL SECURITY OF THE PROSECUTOR

Article 59. State protection of the prosecutor and of the members of his or her family

(1) The prosecutor, the members of his or her family and their property are under the protection of the State. Upon a reasoned request of the prosecutor invoking the existence of a danger to his or her life or health or to those of the members of his or her family, or of a danger to the integrity of their property, the internal affairs bodies are obliged to take the appropriate measures to ensure the security of the prosecutor and of the members of his or her family, as well as the integrity of their property.

(2) Attempts on the life or health of the prosecutor, the destruction of or damage to his or her property, threatening him or her with murder, violence or damage to his or her property, as well as attempts on the life or health of his or her close relatives (spouse, parents, children), in connection with the exercise of official duties, entail criminal liability.

(3) The prosecutor has the right to compensation for expenses incurred in the interest of the service.

Article 61. Leave and days of rest

(1) The prosecutor is entitled to paid annual leave of 35 calendar days.

(2) Where the length of service in the office of prosecutor exceeds 5, 10 and 15 years, the paid annual leave is increased by 3, 5 and, respectively, 7 calendar days.

(3) Leave is granted to the prosecutor by order of the Prosecutor General, in accordance with the schedule of annual leave of prosecutors approved by the Prosecutor General.

(4) Activity carried out on non-working public holidays and/or on rest days upon the instruction of the chief prosecutor is compensated to the prosecutor proportionally, with no more than 14 calendar days of rest per year. The manner of granting the additional days is established by the Regulation of the Prosecution Service. For activity carried out on non-working public holidays and/or on rest days, the prosecutor is not additionally remunerated.

(5) Failure to grant paid annual leave to the prosecutor is prohibited.

Article 61¹. Compensation of round-trip transport expenses or, as the case may be, of expenses for renting living space

(1) A prosecutor who exercises his or her official duties in a locality other than the one in which he or she has his or her domicile, where the distance between the respective localities is at least 20 km, is entitled to monthly compensation of round-trip transport expenses or, as the case may be, of expenses for renting living space.

(2) The conditions and methodology for calculating the monthly compensation are established by the Government, and the procedure for granting it is established by the Superior Council of Prosecutors.

(3) The provisions of paragraphs (1) and (2) also apply to prosecutors who are members of the Superior Council of Prosecutors and of the bodies functioning in subordination to it, indicated in Article 82.

(4) The provisions of paragraphs (1) and (2) do not apply to prosecutors who exercise their official duties in Chişinău municipality.

Article 62. Other social guarantees

(1) Prosecutors in office benefit from medical assistance in accordance with Law No. 1585-XIII of 27 February 1998 on compulsory health insurance.

(2) After the termination of service relations, a prosecutor with more than ten years of service in the office of prosecutor, on the basis of Article 57(1)(b) and (c) or of Article 58(1)(a) and (b), where the circumstances determining the termination of employment relations do not affect the prestige of the Prosecution Service and the reputation of prosecutors, benefits from a one-off severance allowance equal to 50% of the product of the last monthly salary multiplied by the number of full years worked in the office of prosecutor. In the case of a prosecutor who has returned to office, the calculation of the one-off severance allowance takes into account the period of activity in the office of prosecutor from the date of termination of the last resignation.

(3) The life and property of the prosecutor are subject to compulsory state insurance from the state budget, the respective expenses being provided for in the budget of the Prosecution Service.

(4) The insured sum is paid in the following cases:

a) violent death or death of the prosecutor in connection with the exercise of the office, occurring as a result of bodily injuries or of other serious harm to health – to his or her successors, in the form of a one-off allowance equal to the product of the position salary of the deceased multiplied by the number of full years he or she did not survive until reaching the age limit, but not less than 15 position salaries of the deceased;

b) mutilation of the prosecutor or other serious harm to his or her health in connection with the exercise of the office, which excludes the possibility of continuing professional activity – in the form of a monthly compensation equal to the position salary he or she had in the office of prosecutor;

c) violent death or death of the prosecutor, occurring as a result of bodily injuries or of other serious harm to health, related to the exercise of the office – to the members of his or her family who are unfit for work and dependent on him or her, in the form of a monthly allowance equal to the difference between the share they received from the position salary of the deceased and the pension established in connection with the loss of the breadwinner, without taking into account the one-off allowance.

(5) If, on the date of dismissal from office of the prosecutor, there are contravention proceedings in connection with the exercise of his or her official duties or a criminal investigation against him or her, the payment of the allowance provided in paragraph (2) is suspended until the irrevocable resolution of the case. Where the guilt of the prosecutor is established in these cases, the allowance provided in paragraph (2) is not granted.

(6) The prosecutor also benefits from other social guarantees in accordance with labour legislation, insofar as it does not contravene this law.

(7) Material damage caused in connection with the official activity of the prosecutor, through damage to or destruction of his or her property, of the property of the members of his or her family or of his or her close relatives, is fully compensated from the budget of the Prosecution Service.

Article 63. Pension provision

Prosecutors are entitled to a pension in accordance with Law No. 156-XIV of 14 October 1998 on state social insurance pensions.

Article 64. The prosecutor's service card

(1) Upon appointment to office, the prosecutor receives a service card, the model of which is approved by the Superior Council of Prosecutors.

(2) The prosecutor's service card is issued by the Prosecutor General and serves as a document confirming the identity and office of the prosecutor.

(3) After the termination of service relations, as well as during the period of suspension of the prosecutor from office under Article 55(1) or of his or her removal from the performance of official duties, the service card is withdrawn.

TITLE III

SELF-ADMINISTRATION BODIES WITHIN THE PROSECUTION SERVICE

Article 65. Self-administration of the Prosecution Service

(1) The autonomy of the Prosecution Service is manifested through its organisational and functional independence, is achieved through self-administration and represents the right and the real capacity of the Prosecution Service to resolve functional issues autonomously and responsibly.

(2) The self-administration of the Prosecution Service is achieved on the basis of the principles of representativeness and of the elective nature of the self-administration bodies of the Prosecution Service, as well as through engaging their responsibility for the proper exercise of the delegated functions.

(3) The self-administration bodies of the Prosecution Service are the General Assembly of Prosecutors, the Superior Council of Prosecutors and the boards subordinated to it – the Board for the Selection and Evaluation of Prosecutors and the Board of Discipline and Ethics.

Chapter X

GENERAL ASSEMBLY OF PROSECUTORS

Article 66. General Assembly of Prosecutors

(1) The General Assembly of Prosecutors is constituted of the prosecutors within the Prosecution Service.

(2) The General Assembly of Prosecutors is convened annually by the Superior Council of Prosecutors. Where it is impossible for the Superior Council of Prosecutors to convene the General Assembly of Prosecutors due to the termination of the mandate of its members, due to lack of quorum or in case of declaration of a state of emergency under Law No. 212/2004 on the regime of the state of emergency, of siege and of war, the General Assembly of Prosecutors is convened by the President of the Superior Council of Prosecutors or, as the case may be, by the member of the Superior Council of Prosecutors who exercises the functions of the President during his or her absence. In case of vacancy of the office of President of the Superior Council of Prosecutors, as well as in the absence of a member appointed by decision of the Superior Council of Prosecutors to exercise his or her functions, the General Assembly of Prosecutors is convened by the Prosecutor General.

(3) The General Assembly of Prosecutors may also be convened in exceptional cases, at the initiative of the Prosecutor General, of the Superior Council of Prosecutors or of one third of the prosecutors, for the purpose of examining issues of major importance for the activity of the Prosecution Service.

(4) The Superior Council of Prosecutors announces the date of convening the ordinary meeting of the General Assembly of Prosecutors at least two months before the date of the meeting,

drafts and distributes to prosecutors the draft agenda of the meeting, which is also posted on the official website of the Superior Council of Prosecutors, with the materials to be examined attached.

(5) The meeting of the General Assembly of Prosecutors is opened by the President of the Superior Council of Prosecutors, who hands over the conduct of the meeting to the chair elected by the Assembly.

(6) The chair and the secretary of the meeting of the General Assembly of Prosecutors are elected, upon the proposal of the prosecutors present at the meeting, by open vote of a simple majority of them.

(7) The General Assembly of Prosecutors is deliberative if attended by a simple majority of the serving prosecutors. The same quorum is necessary for holding extraordinary meetings of the General Assembly of Prosecutors. Participation in the meeting of the General Assembly of Prosecutors takes place by physical presence and/or by teleconference. The manner of participation in the meeting by teleconference is established in the Regulation of the General Assembly of Prosecutors.

(7¹) If the General Assembly of Prosecutors did not take place due to lack of quorum, the repeated general assembly takes place within no more than two weeks and is deliberative if attended by more than 1/3 of the serving prosecutors.

(8) The decisions of the General Assembly of Prosecutors are adopted by the vote of a simple majority of the prosecutors present and are signed by the chair and the secretary of the meeting. The decisions of the General Assembly of Prosecutors on the election of the members of the Superior Council of Prosecutors, of the Board for the Selection and Evaluation of Prosecutors and of the Board of Discipline and Ethics are adopted by secret ballot. By decision of the General Assembly of Prosecutors, other decisions may also be adopted by secret ballot.

(8¹) The minutes on the results of the elections to the Superior Council of Prosecutors and to its specialised boards are drawn up by the special commission constituted under paragraph (9), are signed by the members of the commission and are published in the manner provided in paragraph (10).

(9) For organising the procedure for the election of prosecutors to the Superior Council of Prosecutors and to its boards, the General Assembly of Prosecutors designates, by a majority of votes, special commissions, whose composition and activity are established by the regulation of the General Assembly of Prosecutors.

(10) The decisions of the General Assembly of Prosecutors are published on the same day on the official websites of the Prosecutor General's Office and of the Superior Council of Prosecutors and are enforceable for the self-administration bodies of the Prosecution Service and for prosecutors.

Article 67. Competence of the General Assembly of Prosecutors

(1) The General Assembly of Prosecutors meets for:

a) the election, from among prosecutors, of the members of the Superior Council of Prosecutors and of its boards, as well as of the alternate members;

b) hearing the report on the activity of the Prosecution Service, presented by the Prosecutor General, and the report on the activity of the Superior Council of Prosecutors, presented by the President of the Council;

c) the presentation by the Prosecutor General and the debate of the priorities for the activity of the Prosecution Service for the following year, after their consultation with the Superior Council of Prosecutors;

d) the approval of the Code of Ethics of Prosecutors and of amendments thereto, which are published on the official website of the Superior Council of Prosecutors;

e) the adoption or amendment of the regulation of the General Assembly of Prosecutors;

f) the examination of and decision on other issues concerning the activity of the Prosecution Service.

(2) Within 20 working days of the meeting of the General Assembly of Prosecutors, the proposals and questions submitted at the meeting are examined by the entity to which they were addressed, which shall take decisions on them, to be published on the official websites of the Prosecutor General's Office and of the Superior Council of Prosecutors.

(3) The regulations approved by the General Assembly of Prosecutors are published on the official website of the Superior Council of Prosecutors.

Chapter XI SUPERIOR COUNCIL OF PROSECUTORS

Section 1 General provisions

Article 68. The Superior Council of Prosecutors

(1) The Superior Council of Prosecutors is an independent body with legal personality, formed for the purpose of participating in the process of constituting, functioning and ensuring the self-administration of the system of the Prosecution Service.

(2) The Superior Council of Prosecutors is the guarantor of the independence and impartiality of prosecutors.

Article 69. Composition of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors is composed of 10 members.

(2) The President of the Superior Council of Magistracy (including the interim President) is an ex officio member of the Superior Council of Prosecutors.

The provisions of para. (2) shall be implemented as follows:

a) the People's Advocate and the Prosecutor General cease to be ex officio members of the Superior Council of Prosecutors as of 1 January 2024;

b) the Minister of Justice ceases to be an ex officio member of the Superior Council of Prosecutors as of 1 January 2028.

(3) Five members of the Superior Council of Prosecutors are elected by the General Assembly of Prosecutors from among serving prosecutors, by secret, direct and freely expressed vote, as follows:

a) one member from among the prosecutors of the Prosecutor General's Office;

b) four members from among the prosecutors of the territorial and specialised prosecution offices.

(3¹) Candidates for the office of member of the Superior Council of Prosecutors submit their application files to the Superior Council of Prosecutors at least 30 days before the date of the meeting of the General Assembly of Prosecutors. The list of candidates and the application files submitted are published on the official website of the Superior Council of Prosecutors on the next working day after the expiry of the deadline for the submission of files.

(3²) A candidate who has at least 3 years of actual service in the office of prosecutor, who has not been disciplinarily sanctioned or whose disciplinary sanction has expired, and who has

passed the integrity evaluation carried out by the Independent Commission for assessing the integrity of candidates for membership in the self-administration bodies of judges and prosecutors, established by law, may be elected to the office of member of the Superior Council of Prosecutors from among prosecutors. The application file of the candidate contains:

- a) the curriculum vitae;
- b) the letter of motivation;
- c) the platform including the main objectives he or she will pursue if elected member of the Superior Council of Prosecutors;
- d) the decision of the Independent Commission for assessing the integrity of candidates for membership in the self-administration bodies of judges and prosecutors.

(3³) Where the candidate does not meet the conditions imposed, has submitted the file late or the file does not contain the documents provided in paragraph (3²)(a)–(c), the Superior Council of Prosecutors excludes the respective candidate from the competition.

(3⁴) Candidates for the office of member of the Superior Council of Prosecutors from among prosecutors have the right to conduct a promotion campaign. Chief prosecutors facilitate the meetings of candidates with prosecutors. Upon request, the candidate benefits from a 50% reduction of the workload during the promotion campaign.

(4) Four members of the Superior Council of Prosecutors are elected through competition from among civil society, as follows: one by the President of the Republic, one by Parliament, one by the Government and one by the Academy of Sciences of Moldova. Candidates for the office of member of the Superior Council of Prosecutors from civil society must have higher legal education and experience in the field of law of at least 3 years, must pass the evaluation carried out by the Independent Commission for assessing the integrity of candidates for membership in the self-administration bodies of judges and prosecutors, and must be no older than 65 years.

(5) The prosecutors who have accumulated the highest number of votes at the General Assembly of Prosecutors are considered elected as members of the Superior Council of Prosecutors. The next prosecutors on the list of candidates who have accumulated the highest number of votes fill the vacant positions in descending order of the number of votes accumulated.

(6) Candidates for the office of member of the Superior Council of Prosecutors must enjoy an impeccable reputation and be a recognised authority in their fields of activity.

(7) Prosecutors who have unexpired disciplinary sanctions and persons who have been found guilty of committing an offence, as well as persons who have not passed the evaluation carried out by the Independent Commission for assessing the integrity of candidates for membership in the self-administration bodies of judges and prosecutors, may not be members of the Superior Council of Prosecutors.

(8) Prosecutors elected as members of the Superior Council of Prosecutors are seconded from office for the duration of the exercise of their mandate.

(9) The members of the Superior Council of Prosecutors, except for ex officio members, may not exercise any other remunerated activity, except for teaching, creative, scientific or sports activity or activity within public associations.

Article 70. Competence of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors has the following competences:

- a) drafts and approves the regulations on its activity, on the functioning of its boards and other regulations concerning it;

b) drafts and approves the regulations on the procedure for the selection and career of prosecutors;

b¹) orders, only once, the repeated performance evaluation of prosecutors, chief prosecutors and deputy chief prosecutors;

c) drafts the draft regulation of the General Assembly of Prosecutors and the drafts for its amendment;

d) organises the competition for the selection of the candidate for the office of Prosecutor General, whom it proposes to the President of the Republic;

e) organises competitions, selects and appoints the members of its boards from among civil society;

f) examines challenges against the decisions taken by its boards;

f¹) delegates the members of the Superior Council of Prosecutors whose main activity is within the Council, the members of the Board for the Selection and Evaluation of Prosecutors and the inspectors of the Inspection of Prosecutors to participate in seminars, conferences, training courses and business trips in the interest of the service;

g) makes proposals to the Prosecutor General on the appointment, transfer, promotion, secondment or suspension of prosecutors under the conditions of the Criminal Procedure Code and of this law, as well as on the dismissal of prosecutors from office;

h) participates in the taking of the oath by prosecutors and by the Prosecutor General;

i) establishes the number of prosecutors within each prosecution office;

j) designates the prosecutors within the Council of the National Institute of Justice;

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

l) examines and presents opinions on the regulation on organising the admission competition to the National Institute of Justice, on the teaching programmes and curricula for the initial and continuous training courses within the National Institute of Justice, on the regulation on organising the competition for filling teaching posts, as well as on the composition of the commissions for the admission and graduation examinations of the National Institute of Justice;

m) establishes the number of places put up for the admission competition for the initial training of prosecutors within the National Institute of Justice;

n) examines the applications of citizens and of prosecutors on matters within its competence;

o) drafts the Code of Ethics of Prosecutors, as well as the drafts for its amendment, and proposes them for approval to the General Assembly of Prosecutors;

p) approves its draft budget, which it submits to the Ministry of Finance;

q) approves the structure of the Office of the Superior Council of Prosecutors;

r) participates in drafting the draft budget of the Prosecution Service and gives its opinion thereon;

s) participates in drafting the strategic development plans of the Prosecution Service;

t) gives its opinion on the drafts of the annual priorities for the activity of the Prosecution Service drawn up by the Prosecutor General;

u) exercises other powers provided by law.

(2) The regulations approved by the Superior Council of Prosecutors are published in the Official Gazette of the Republic of Moldova and on the official website of the Superior Council of Prosecutors.

Article 71. The President of the Superior Council of Prosecutors

(1) The President of the Superior Council of Prosecutors is elected from among the members of the Council elected from among prosecutors, by secret ballot, for a term of two years, by the vote of the majority of the members of the Council.

(2) In the absence of the President of the Superior Council of Prosecutors, his or her powers are exercised by a member appointed by the Council.

(3) The conditions and manner of remuneration of the President of the Superior Council of Prosecutors are established by the legislation on the remuneration system in the budgetary sector.

Article 72. Powers of the President of the Superior Council of Prosecutors

The President of the Superior Council of Prosecutors has the following powers:

- a) represents the Superior Council of Prosecutors in domestic and international relations and coordinates its activity;
- b) presides over the meetings of the Superior Council of Prosecutors;
- c) signs the acts issued by the Superior Council of Prosecutors;
- d) presents to the General Assembly of Prosecutors the annual activity report of the Superior Council of Prosecutors;
- e) appoints, promotes, transfers and dismisses the employees of the Office, applies incentive measures and disciplinary sanctions to them;
- f) exercises other powers provided by law.

Section 2

Status of member of the Superior Council of Prosecutors

Article 73. Duration of the mandate of member of the Superior Council of Prosecutors

(1) The mandate of the elected members of the Superior Council of Prosecutors is 6 years. The same person may not hold the office of member of the Superior Council of Prosecutors for two mandates.

The provisions of Art. 73 para. (1) apply to all members of the Superior Council of Prosecutors in office on the date of entry into force of this law.

(2) The elected members of the Superior Council of Prosecutors exercise their mandate until the election of the new members.

(3) The period of activity as a member of the Superior Council of Prosecutors is included in the professional length of service as a prosecutor.

Article 74. Rights of the members of the Superior Council of Prosecutors

(1) The members of the Superior Council of Prosecutors have the right:

- a) to acquaint themselves with and to participate in the examination of the materials submitted for examination to the Superior Council of Prosecutors;
- b) to file motions, set out arguments and present additional materials;
- c) to propose for examination at the meeting of the Council issues within its competence;
- d) to participate by vote in the adoption of decisions and to set out, where necessary, a separate opinion;
- e) to carry out other actions under the conditions of the law.

(2) The conditions and manner of remuneration of the members of the Superior Council of Prosecutors elected from among prosecutors are established by the legislation on the remuneration system in the budgetary sector.

(3) The members of the Superior Council of Prosecutors representing civil society receive a monthly allowance equal to the average salary of the members of the Superior Council of Prosecutors elected from among prosecutors.

Article 75. Obligations and restrictions imposed on the members of the Superior Council of Prosecutors

(1) The members of the Superior Council of Prosecutors are obliged:

a) to ensure the protection of the rights and freedoms of prosecutors and of their honour and dignity under the conditions of the law;

b) to contribute to the promotion of the principle of independence of the prosecutor;

c) to observe the regime of personal data, as well as of other restricted-access information, that have become known to them in the exercise of their mandate;

d) to vote for or against in the adoption of decisions.

(2) During the mandate, as well as for 6 months after its termination, the members of the Superior Council of Prosecutors may not participate in competitions for appointment or promotion to prosecutor positions, including to the office of Prosecutor General.

(3) The Minister of Justice does not participate in the examination of challenges against the decisions of the Board of Discipline and Ethics, nor in the examination of disciplinary cases against the Prosecutor General.

Article 76. Termination of the capacity of member of the Superior Council of Prosecutors

(1) The capacity of member of the Superior Council of Prosecutors terminates, as the case may be:

a) by the submission of an application to renounce the capacity of member of the Council;

b) upon the expiry of the mandate of member of the Council;

c) in case of obtaining the capacity of member of a board subordinated to the Superior Council of Prosecutors;

d) in case of suspension or dismissal from the office of prosecutor;

e) where the act establishing incompatibility becomes final;

f) where the act establishing the adoption by him or her of an act in breach of the legal provisions on conflict of interest becomes final;

g) where the judgment establishing his or her guilt for committing an offence becomes final;

h) in case of impossibility to exercise the powers of member for a period longer than 4 months, established by the Superior Council of Prosecutors;

i) in case of establishment of one of the circumstances that would not have allowed his or her election or appointment as a member of the Council;

i¹) upon reaching the age of 65;

j) in case of death;

k) in case of unjustified absence from more than 3 consecutive deliberative meetings or from 5 deliberative meetings during a calendar year;

l) in case of confiscation of unjustified assets ordered by the court by an irrevocable judgment;

m) in case of failure to submit or refusal to submit the declaration of assets and personal interests, under the conditions of Article 27(2) of Law No. 132/2016 on the National Integrity Authority.

(2) The members of the Superior Council of Prosecutors may not be revoked. In the circumstances established in paragraph (1), their mandate terminates de jure.

(3) Upon the termination, in the cases provided in paragraph (1)(a)–(c), (e) and (h), of the capacity of member of the Superior Council of Prosecutors elected from among prosecutors, the respective person is granted the position held before the secondment, if it is vacant, or, with his or her consent, is granted an equivalent position or another vacant prosecutor position, except for the office of chief prosecutor.

Section 3

Organisation of the activity of the Superior Council of Prosecutors

Article 77. Meetings of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors meets whenever necessary, but not less than once a month.

(2) The first meeting of the Superior Council of Prosecutors is convened by the Prosecutor General within 10 working days of the date on which the General Assembly of Prosecutors was held.

(3) The meetings of the Superior Council of Prosecutors are public, except where, in order to observe the regime of the information specified in Article 75(1)(c), the Council decides, by a decision, that the meeting or a part thereof is to be closed.

(4) A meeting of the Superior Council of Prosecutors is deliberative if attended by at least 2/3 of its members.

(4¹) In case of suspension of the mandate of a member of the Superior Council of Prosecutors or in case of justified absence of a member of the Council from service for more than two months, the respective mandate may be exercised, during that period, by the alternate member elected under Article 69(5).

(5) The agenda of the meeting is posted on the official website of the Superior Council of Prosecutors at least 2 working days before the date of the meeting.

(6) Decisions are adopted in a public meeting, by open vote of the majority of the members of the Superior Council of Prosecutors present.

(6¹) – repealed.

(7) The decisions of the Superior Council of Prosecutors are reasoned, are signed by the chair of the meeting and are published, within 10 working days of the date of their issuance, on the official website of the Superior Council of Prosecutors. The decisions of the Superior Council of Prosecutors are signed by hand or, as the case may be, by applying an electronic signature.

(8) The meetings of the Superior Council of Prosecutors are recorded by video/audio means. The recording of the meeting is attached to the minutes. The minutes are drawn up within 3 working days of the date of the meeting, are signed by the chair of the meeting and by the secretary, and are posted on the official website of the Superior Council of Prosecutors.

Article 78. Recusal and abstention

(1) A member of the Superior Council of Prosecutors may not participate in the examination of an agenda item if there are circumstances that exclude his or her participation in the examination of the item concerned or that would raise doubts as to his or her objectivity. Where

such circumstances exist, the respective member of the Council is obliged to make a declaration of abstention.

(2) For the reasons indicated in paragraph (1), a member of the Superior Council of Prosecutors may be recused.

(3) The request for recusal and the declaration of abstention must be reasoned.

(4) The member of the Superior Council of Prosecutors whose recusal or abstention has been invoked does not participate in the examination of the request for recusal or of the declaration of abstention.

Article 79. Challenging the decisions of the Superior Council of Prosecutors

(1) The decisions of the Superior Council of Prosecutors may be challenged before the Supreme Court of Justice by any person aggrieved in one of his or her rights, within 10 working days of the date on which the decision concerned was communicated to him or her.

(2) Challenges against the decisions of the Superior Council of Prosecutors are examined by the panel of judges that examines challenges against the decisions of the Superior Council of Magistracy.

Article 80. Budget of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law.

(2) The budget of the Superior Council of Prosecutors is drawn up, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finance and budgetary and fiscal responsibility.

(3) The President of the Superior Council of Prosecutors organises and implements the internal managerial control system and bears managerial responsibility for the administration of the budget and of the public property under the management of the Superior Council of Prosecutors.

(4) The remuneration of the President and of the members of the Superior Council of Prosecutors seconded from prosecutor positions, the payment of the monthly allowance to the members of the Council representing civil society, as well as the remuneration of the personnel of the Office of the Superior Council of Prosecutors, are made from the budget of the Superior Council of Prosecutors.

Article 81. The Office of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors has an Office which ensures the activity of the Council, of its boards and of the Inspection of Prosecutors.

(2) The Office of the Superior Council of Prosecutors is composed of civil servants and technical personnel. The civil servants within the Office of the Superior Council of Prosecutors are subject to the regulations of Law No. 158-XVI of 4 July 2008 on the public office and the status of civil servants and are remunerated under the conditions of the law. The technical personnel of the Council are subject to the regulations of labour legislation, being remunerated under the conditions of the law.

(3) The structure, the staffing table and the activity of the Office of the Council are regulated by a regulation approved by the Superior Council of Prosecutors.

Section 4

Bodies of the Superior Council of Prosecutors

Article 82. Bodies functioning in subordination to the Superior Council of Prosecutors
The following bodies function in subordination to the Superior Council of Prosecutors:

- a) the Board for the Selection and Evaluation of Prosecutors;
- b) – repealed;
- c) the Board of Discipline and Ethics;
- d) the Inspection of Prosecutors.

Article 83. Composition of the boards

(1) Each board subordinated to the Superior Council of Prosecutors is composed of 7 members, as follows:

- a) 2 are elected by the General Assembly of Prosecutors from among prosecutors;
- b) 5 are elected by the Superior Council of Prosecutors, through public competition: 3 from among civil society representatives and 2 from among prosecutors.

(1¹) The Prosecutor General, the deputies of the Prosecutor General and the chief prosecutors of the specialised prosecution offices may not be members of the boards.

(2) The first 2 prosecutors who have accumulated the highest number of votes at the General Assembly of Prosecutors are considered elected members of the boards. The next prosecutors on the list of candidates who have accumulated the highest number of votes fill the vacant positions in descending order of the number of votes accumulated.

(3) The Superior Council of Prosecutors also elects an alternate member for the civil society representatives, according to the procedure provided for the election of civil society representatives.

(4) Persons who meet the conditions provided in Article 69(6) and (7) may apply for the office of board member.

(5) The concurrent holding of the mandate of member of the Superior Council of Prosecutors and of the mandate of member of a board, or of the mandate of member of several boards, is prohibited.

(6) Board members are elected for a period of 4 years. The elected members exercise their mandate until the election of the new members, but not more than one year after its expiry.

(6¹) Prosecutors elected as board members are seconded from office for the duration of the exercise of their mandate. Upon the termination, in the cases provided in Article 76(1)(a), (b), (e) and (h), of the capacity of board member, the prosecutor is granted the position held before the secondment, if it is vacant, or, with his or her consent, is granted an equivalent position or another vacant prosecutor position, except for the office of chief prosecutor.

(7) The capacity of board member terminates under the conditions of Article 76 or upon appointment to one of the offices referred to in paragraph (1¹) of this article. In case of termination of the mandate of a board member before the expiry of the 4-year term, an alternate member shall continue the exercise of the mandate.

(8) The chair of the board is elected by secret ballot, from among its members, at the first meeting of the board.

(9) The recusal or abstention of a board member takes place in accordance with the provisions of Article 78.

(10) Where the board examines an issue concerning one of its members, that member does not participate in the examination of the respective item.

(11) Board members representing civil society receive a monthly allowance amounting to 50% of the average salary of the members of the Superior Council of Prosecutors elected from among prosecutors.

(11¹) – repealed.

(12) The competences and the manner of organisation and functioning of the boards are established by this law and by the regulations approved by the Superior Council of Prosecutors. Performance evaluation files and disciplinary files are assigned to board members randomly.

(13) For the exercise of their powers, the boards have the right to request from prosecutors, public authorities and legal persons governed by public law all the acts and information they need.

(14) Prosecutors, public authorities and legal persons governed by public law are obliged to transmit to the boards, within the time limit established by them, the acts and information requested. The boards are obliged to observe, under the conditions of the law, the regime of restricted-access information that has become known to them.

(15) Each board submits annually to the Superior Council of Prosecutors a report on its activity in the reference year, which is published on the official website of the Superior Council of Prosecutors.

Article 84. Meetings of the boards

(1) Each board meets whenever necessary.

(2) The first meeting of the board is convened and chaired by the President of the Superior Council of Prosecutors.

(3) The time and place of the board meeting are established by the chair of the board, after consulting the board members.

(4) Board meetings are chaired by its chair. In the absence of the chair of the board, the meeting is chaired by a board member elected from among the members present at the meeting.

(5) A board meeting is deliberative if attended by at least 2/3 of the board members.

(6) Board meetings are recorded by video/audio means. The recording of the meeting is attached to the minutes. The minutes are drawn up within 3 working days, are signed by the chair of the meeting and by the secretary, and are posted on the website of the Superior Council of Prosecutors.

Article 85. Decisions of the boards

(1) The decisions of the boards are issued in writing, are reasoned, are signed by the chair of the board and are published, within 10 working days of the date of their issuance, on the official website of the Superior Council of Prosecutors. The decisions are signed by hand or, as the case may be, by applying an electronic signature.

(2) The decisions of the boards are adopted by open vote of the majority of the elected members of the board, except where this law provides for another manner of adopting decisions.

(2¹) The decision of the Board for the Selection and Evaluation of Prosecutors is sent by e-mail, on the day following the adoption of the decision, to the Superior Council of Prosecutors and to the person concerned. The Superior Council of Prosecutors may order only once, within the time limit provided in paragraph (3), the repeated performance evaluation of the person concerned.

(3) The decisions of a board are challenged before the Superior Council of Prosecutors, through the board, within 15 working days of the date of their pronouncement. The challenge may be submitted by the person in respect of whom the respective decision was adopted and, in the

case of the disciplinary procedure, also by the person who submitted the complaint, as well as by the Inspection of Prosecutors.

(4) The decisions of the Board of Discipline and Ethics are transmitted to the Office of the Superior Council of Prosecutors on the day following the expiry of the time limit for challenge.

Article 86. Examination of challenges against the decisions of the boards

(1) Challenges against the decisions adopted by the boards are examined within no more than one month of the date of their registration with the Superior Council of Prosecutors.

(2) The day, time and place of the examination of the challenge are communicated, at least 3 working days before the date of the meeting, to the prosecutor concerned by the challenged decision, to the candidate for the office of prosecutor who submitted the complaint, to the inspector, as well as to other persons, under the conditions of this law.

(3) Following the examination of the challenge, the Superior Council of Prosecutors decides:

- a) to uphold the challenged decision;
- b) to quash the challenged decision and to adopt a new decision resolving the case.

Article 87. Competences of the Board for the Selection and Evaluation of Prosecutors

(1) The Board for the Selection and Evaluation of Prosecutors has the following powers:

- a) examines the files of candidates for the office of prosecutor, the documents submitted by candidates and those concerning candidates;
- b) examines the files and documents submitted by prosecutors requesting appointment to the office of chief prosecutor or of deputy chief prosecutor or promotion to a higher position;
- c) organises and conducts interviews with participants in the competition;
- d) awards scores to participants in the competition;
- e) establishes the programme for evaluating the activity of prosecutors;
- f) examines the files of prosecutors subject to evaluation, the documents submitted by them and the documents concerning them;
- f¹) carries out the repeated performance evaluation of prosecutors, chief prosecutors and deputy chief prosecutors, at the request of the Superior Council of Prosecutors;
- g) organises and conducts interviews with prosecutors subject to evaluation;
- h) adopts reasoned decisions on the results of the assessment of candidates;
- i) adopts decisions concerning prosecutors subject to evaluation;
- j) has other powers provided by law or by the regulations approved by the Superior Council of Prosecutors.

(2) The Board for the Selection and Evaluation of Prosecutors examines, within no more than 3 months, the materials submitted by the secretariat of the Superior Council of Prosecutors.

(3) For verifying the fulfilment of the performance evaluation criteria, the Board for the Selection and Evaluation of Prosecutors:

- a) has free access, in real time, to the information systems containing the information necessary for the exercise of its mandate, under the conditions of the legislation on data exchange and interoperability;
- b) may use information from open data sources;
- c) collects, accumulates and verifies, by means not prohibited by law, all information relevant to the selection of candidates for the office of prosecutor or to the evaluation of prosecutors;

d) requests and obtains free of charge information from other natural and legal persons governed by public or private law, including from financial institutions.

(4) Failure to submit, within the established time limit, the information requested by the Board or by the Secretariat of the Superior Council of Prosecutors is sanctioned in accordance with the law.

Article 88. – repealed.

Article 89. Competences of the Board of Discipline and Ethics

The Board of Discipline and Ethics has the following powers:

a) examines the disciplinary cases initiated against prosecutors, received from the Inspection of Prosecutors, and applies, as the case may be, disciplinary sanctions;

b) adopts recommendations on the prevention of disciplinary misconduct within the Prosecution Service and on compliance with the ethics of prosecutors.

Article 89¹. The Inspection of Prosecutors

(1) The Inspection of Prosecutors is a body subordinated to the Superior Council of Prosecutors, which is composed of 9 inspectors and has functional autonomy.

(2) The term of office of an inspector is 6 years. An inspector may be appointed for only one term.

(3) A person selected through public competition who meets the following conditions is appointed to the office of inspector:

a) holds a law degree diploma or its equivalent;

b) has at least 10 years of length of service in the legal profession;

c) has not previously been found guilty of committing an offence;

d) enjoys an impeccable reputation under the conditions established in Article 20(2).

(4) The competition for the selection of inspectors is organised by the Superior Council of Prosecutors. The procedure for organising and conducting the competition is established by a regulation approved by the Superior Council of Prosecutors.

(5) Serving prosecutors may not be appointed to the office of inspector.

(6) The Inspection of Prosecutors is headed by a chief inspector, appointed through a competition organised by the Superior Council of Prosecutors. In the absence of the chief inspector or where the chief inspector is unable to exercise his or her powers, the Superior Council of Prosecutors designates an inspector who ensures the interim exercise of the office of chief inspector.

(7) The structure and competences of the Inspection of Prosecutors are established by the regulation approved by the Superior Council of Prosecutors, which is published on the official website of the Superior Council of Prosecutors.

(8) In the exercise of their powers, inspectors benefit from guarantees of independence and inviolability similar to those of prosecutors.

(9) The Inspection of Prosecutors has the following competences:

a) carries out the verification of the activity of prosecutors and of the organisational activity of prosecution offices;

b) examines complaints concerning acts that may constitute disciplinary misconduct;

c) acts on its own motion in respect of acts that may constitute disciplinary misconduct;

d) presents the disciplinary file before the Board of Discipline and Ethics, the Superior Council of Prosecutors and the courts, with the right to challenge, under the conditions of the law, the decisions pronounced;

e) carries out, at the request of the Superior Council of Prosecutors, verifications concerning the independence and reputation of prosecutors;

f) studies the grounds for the rejection by the President of the Republic of Moldova of the candidate proposed by the Superior Council of Prosecutors for appointment to the office of Prosecutor General or, as the case may be, to the office of interim Prosecutor General, and submits an information note to the Superior Council of Prosecutors;

g) submits to the Superior Council of Prosecutors, by 31 March of the current year, the annual report on its activity in the previous year, which is published on the official website of the Superior Council of Prosecutors;

h) has other powers provided by legislation or by the regulations of activity.

(10) The chief inspector of the Inspection of Prosecutors performs, in particular, the following duties:

a) leads and coordinates the activity of the inspection and distributes tasks among inspectors;

b) randomly assigns complaints concerning acts that may constitute disciplinary misconduct, observing the principle of impartiality;

c) examines complaints concerning acts that may constitute disciplinary misconduct;

d) examines requests for the recusal and declarations of abstention of inspectors;

e) presents the annual report on the activity of the inspection;

f) proposes to the Superior Council of Prosecutors the plan for verifying the activity of prosecutors and the organisational activity of prosecution offices;

g) represents the inspection in domestic and international relations;

h) performs other duties provided by law or by the regulations of the Superior Council of Prosecutors.

(11) The workload, methods, grounds and procedure for verifying the activity of prosecutors and the organisational activity of prosecution offices are approved by the Superior Council of Prosecutors.

(11¹) The performance evaluation of inspectors, including of the chief inspector, takes place in two forms:

a) ordinary evaluation;

b) extraordinary evaluation.

(12) The activity of inspectors, including of the chief inspector, is subject to evaluation once every two years by the Superior Council of Prosecutors and only for the period preceding the evaluation date during which the inspector/chief inspector actually worked. After the first year of activity following appointment to office, the inspector/chief inspector is subject to performance evaluation. The inspector/chief inspector may be subject to performance evaluation on an extraordinary basis where he or she is concerned in a disciplinary procedure. The procedure, criteria and evaluation ratings are established by the regulation approved by the Superior Council of Prosecutors. An inspector/chief inspector evaluated negatively is dismissed from office on the basis of the decision of the Superior Council of Prosecutors.

(13) The conditions and manner of remuneration of inspectors and of the chief inspector are established in accordance with the legislation on the remuneration system in the budgetary sector.

(14) The technical and material support of the activity of the Inspection of Prosecutors is provided by the Superior Council of Prosecutors in accordance with the budget law.

(15) Inspectors benefit from free continuous training, in the manner and within the limits established by law.

Article 89². Liability of the inspector of the Inspection of Prosecutors

(1) The inspector bears liability for his or her actions or omissions committed in the exercise of the mandate, in accordance with this law and with the provisions of Article 23 of Law No. 199/2010 on the status of persons holding public dignity positions. The inspector may be held disciplinarily liable within two years of the date on which the disciplinary misconduct was committed.

(2) The disciplinary procedure in respect of an inspector may be initiated on the basis of a complaint by the chief inspector, by a member of the Superior Council of Prosecutors, by a member of the Board of Discipline and Ethics, by a prosecutor or by a professional association of prosecutors. The requirements of form and content of the complaint, provided in Article 44, apply accordingly.

(3) The following constitute disciplinary misconduct of an inspector:

- a) interference in the activity of prosecutors or interventions of any kind for the resolution of requests, claiming or accepting the resolution of personal interests or of those of family members otherwise than within the limits of the provisions of the legislation in force;
- b) carrying out activities of a political nature;
- c) breach, for imputable reasons, of the time limits for the examination of petitions in proceedings or breach of the rules of legislation;
- d) breach of the provisions of legislation on the obligation to submit the declaration of assets and personal interests;
- e) unjustified refusal to perform an official duty;
- f) unjustified absences from work, if they have affected the activity of the Inspection of Prosecutors;
- g) unworthy attitude towards participants in the disciplinary process.

(4) Under the conditions of the law, the following disciplinary sanctions may be applied to an inspector:

- a) warning;
- b) reprimand;
- c) dismissal from office.

(5) The inspector has the right to present explanations regarding the disciplinary misconduct.

(6) The disciplinary sanction is applied by decision of the Superior Council of Prosecutors.

(7) The decision of the Superior Council of Prosecutors provided in paragraph (6) of this article may be challenged under the conditions of Article 79.

(8) The disciplinary procedure and the manner of examining disciplinary misconduct in respect of inspectors are established by the regulation approved by the Superior Council of Prosecutors.

TITLE IV

PERSONNEL OF THE PROSECUTION SERVICE. BUDGET OF THE PROSECUTION SERVICE

Chapter XII

PERSONNEL OF THE PROSECUTION SERVICE

Article 90. Personnel of the Prosecution Service

(1) The following work within the Prosecution Service:

- a) prosecutors;
- b) civil servants;
- c) civil servants with special status;
- d) technical personnel.

(2) The status of civil servants within the Prosecution Service is regulated by Law No. 158-XVI of 4 July 2008 on the public office and the status of civil servants.

(3) The status of the prosecutor's consultant is regulated by Law No. 158-XVI of 4 July 2008 on the public office and the status of civil servants, and his or her powers are regulated by the Criminal Procedure Code.

(4) – repealed.

(5) Technical personnel provide the technical servicing of the Prosecution Service, and their status is regulated by labour legislation.

(6) The organisation and functioning of the subdivisions of the Prosecution Service formed of civil servants and of civil servants with special status and of the subdivisions formed of technical personnel, as well as the powers of the personnel of these subdivisions, are established by a regulation approved by the Prosecutor General.

Chapter XIII

BUDGET OF THE PROSECUTION SERVICE. ORGANISATIONAL, TECHNICAL AND MATERIAL SUPPORT OF THE PROSECUTION SERVICE

Article 91. Budget of the Prosecution Service

(1) The Prosecution Service is financed from the state budget within the limits of the budgetary allocations approved by the annual budget law.

(2) The budget of the Prosecution Service is single and is administered by the Prosecutor General's Office.

(2¹) The budgets of the specialised prosecution offices are reflected separately in the budget of the Prosecution Service and are administered by the chief prosecutors of the specialised prosecution offices.

(3) The draft budget of the Prosecution Service is drawn up by the Prosecutor General's Office, with the opinion of the Superior Council of Prosecutors.

(4) The budget of the Prosecution Service is drawn up, approved and administered in accordance with the principles, rules and procedures established by the legislation on public finance and budgetary and fiscal responsibility.

Article 92. Ensuring the activity of the Prosecution Service

(1) Central and local public administration authorities are obliged to provide prosecution offices with office premises.

(2) Equipping prosecution offices with forensic equipment, telecommunication means and computers and official motor vehicles, as well as ensuring adequate working conditions capable of protecting the health and the physical and mental integrity of the prosecutor, is the responsibility of the Prosecutor General's Office and is carried out from the state budget.

(3) The economic and financial, administrative, secretarial and archival activities are ensured by the corresponding subdivisions of the Prosecutor General's Office, whose powers are established by a regulation approved by the Prosecutor General.

Article 93. Statistical information

The Prosecutor General's Office ensures, by means of information technologies, the collection, processing, systematisation and analysis of statistical information on the state of crime and on the activity of the Prosecution Service, as well as its periodic publication.

Article 94. International relations

The Prosecution Service may maintain direct international relations and conclude contracts and agreements with similar foreign institutions within the limits established by law.

Article 95. Seal

Prosecution offices have a seal bearing the image of the State Coat of Arms and their name.

Article 96. Guarding

(1) The guarding of the premises and of other property of the Prosecution Service, the security of its employees, public order in the premises of prosecution offices and the control of persons at the entrance to and exit from the premises of prosecution offices are ensured from the state budget.

(2) The state protection of the Prosecutor General is ensured under the conditions of the law.

TITLE V FINAL AND TRANSITIONAL PROVISIONS

Article 97.

The provisions of this law are supplemented by the provisions of labour legislation and by the general rules of civil, contravention or criminal law, as the case may be, insofar as they do not contravene the special legislation regulating the status and activity of prosecutors.

Article 98.

(1) This law enters into force on 1 August 2016, except for:

- the provisions of Article 17(10)–(12), as regards the appointment of the Prosecutor General by the President of the Republic, which shall enter into force after the amendment of the Constitution of the Republic of Moldova. Until the date of entry into force of the amendments to the Constitution, the provisions of Article 40(1) of Law No. 294-XVI of 25 December 2008 on the Prosecution Service shall apply as regards the body that appoints the Prosecutor General, as well as the provisions of Article 70(1)(d) of this law, which shall apply accordingly;

- the provisions of Article 16, which shall be implemented from 1 January 2017.

(2) The provisions of Article 5(d) of this law are in force until the establishment of the Electronic Register of Reports – R1.

(3) The Prosecutor General in office on the date of entry into force of this law continues his or her mandate for the period for which he or she was appointed.

(4) The first mandate of the first deputy Prosecutor General and of the deputy Prosecutors General in office on the date of entry into force of this law does not terminate upon the appointment of the new Prosecutor General under the conditions of this law.

(5) The prohibitions regarding the number of mandates established by this law also extend to mandates exercised on the basis of previous legislative provisions.

(6) The prosecutors referred to in Article 25(4) who, on the date of entry into force of this law, are appointed to office for an indefinite period and:

a) have exercised a mandate of up to 5 years – continue their activity until the expiry of the 5-year term of the first mandate;

b) have exercised a mandate of 5 years or more – their mandate terminates on the date of entry into force of this law, the respective period being considered the first mandate, and the office in question is put up for competition.

(7) The prosecutors indicated in paragraph (6)(b) continue to exercise the powers of chief prosecutor until the appointment of the new chief prosecutor.

(8) Disciplinary proceedings pending on the day of entry into force of this law shall continue to be examined in accordance with the provisions of this law. The actions taken and the acts concluded in accordance with Law No. 294-XVI of 25 December 2008 on the Prosecution Service are considered valid. As regards the time limit for holding disciplinarily liable for acts committed before the entry into force of this law, the provisions of this law apply.

(9) Until the entry into force of this law, the Prosecutor General shall ensure the establishment of the Inspection of Prosecutors within the Prosecutor General's Office, the employment of inspectors on the basis of the criteria established in Article 52(2) and the approval of the Regulation on the Inspection of Prosecutors.

(10) Within 6 months of the date of publication of this law, the Prosecutor General shall approve the normative acts necessary for the implementation of the provisions of this law and shall ensure their publication on the official website of the Prosecutor General's Office.

(11) The Superior Council of Prosecutors:

a) shall continue its activity in the composition it has at the time of entry into force of this law – until the expiry of the current mandate of its members;

b) for the purpose of implementing the provisions of this law, shall adopt the normative acts provided by this law, shall bring its normative acts into line with it and shall ensure their publication on the official website of the Superior Council of Prosecutors;

c) until the entry into force of this law, shall ensure the constitution of the Board for the Selection and Evaluation of Prosecutors and of the Board of Discipline and Ethics.

(12) The Qualification Board is dissolved de jure from the day of constitution of the Board for the Selection and Evaluation of Prosecutors. The Disciplinary Board is dissolved de jure from the day of constitution of the Board of Discipline and Ethics.

Article 99.

(1) The prosecution offices at the level of courts of appeal, the military prosecution offices and the Transport Prosecution Office cease their activity on the date of entry into force of this law.

(2) After the cessation of activity of the prosecution offices indicated in paragraph (1), the prosecutors and chief prosecutors of these prosecution offices shall be offered transfer, with their consent, to other territorial or specialised prosecution offices, to vacant prosecutor positions, except for the offices of chief prosecutor.

(3) The movable and immovable property of the prosecution offices indicated in paragraph (1) is managed by the Prosecutor General's Office.

(4) The civil servants and other personnel of the prosecution offices indicated in paragraph (1) shall be transferred, to the corresponding positions, to other prosecution offices according to the staffing scheme, in compliance with the provisions of Law No. 158-XVI of 4 July 2008 on the public office and the status of civil servants and of labour legislation.

(5) The files and other documents in the archives of the prosecution offices indicated in paragraph (1) are transmitted to the archive of the Prosecutor General's Office.

(6) Within 10 working days of the entry into force of this law, regardless of the procedural stage reached in handling the file, the criminal, civil and contravention cases, as well as other documents under execution at the prosecution offices indicated in paragraph (1), shall be transmitted to the Prosecutor General or to a deputy designated by order of the Prosecutor General, who, within 10 working days of receipt, shall distribute them according to the principle of territoriality and competence for the continuation of the proceedings in accordance with the legislation in force.

(7) The Prosecution Office for Combating Organised Crime and Special Cases is established, which shall start its activity from the moment of entry into force of this law, after the selection and appointment to office of the corresponding prosecutors.

(8) The Anticorruption Prosecution Office, after the entry into force of this law, continues its activity in accordance with the provisions of Article 9.

(9) The prosecutors of the Anticorruption Prosecution Office and those of the Prosecutor General's Office may be reconfirmed in office or transferred to prosecutor positions in the specialised prosecution offices or in the Prosecutor General's Office, according to their competences, without competition, except for the offices of chief prosecutor.

(10) The Prosecution Office of the Autonomous Territorial Unit of Gagauzia and the prosecution offices of Ceadâr-Lunga, Comrat and Vulcăneşti merge into a single prosecution office – the ATU Gagauzia Prosecution Office. The movable and immovable property and the archives of the respective prosecution offices, as well as the files, materials and other documents under execution at them, are transmitted to the ATU Gagauzia Prosecution Office. The prosecutors of the merged prosecution offices shall continue their activity within the ATU Gagauzia Prosecution Office. The chief prosecutors of the merged prosecution offices shall continue their activity as deputies of the chief prosecutor of the ATU Gagauzia Prosecution Office until the expiry of the mandates for which they were appointed.

(11) On 1 January 2017, the prosecution offices of the Botanica, Buiucani, Centru, Ciocana and Rîșcani sectors and the Chișinău Municipality Prosecution Office merge into a single prosecution office – the Chișinău Municipality Prosecution Office. The movable and immovable property and the archives of the respective prosecution offices, as well as the files, materials and other documents under execution at them, are transmitted to the Chișinău Municipality Prosecution Office. The prosecutors of the merged prosecution offices continue their activity within the Chișinău Municipality Prosecution Office. The chief prosecutors of the merged prosecution offices shall continue their activity as deputies of the chief prosecutor of the Chișinău Municipality Prosecution Office until the expiry of the mandates for which they were appointed.

(12) The chief prosecutors whose positions are abolished as a result of the reorganisation carried out under this law may choose to remain in a vacant prosecutor position, without competition, as follows:

a) the chief prosecutors of the Prosecutor General's Office – in the office of prosecutor of the Prosecutor General's Office, of a specialised prosecution office or of a territorial prosecution office;

b) the chief prosecutors of the Anticorruption Prosecution Office – in the office of prosecutor of the Anticorruption Prosecution Office, of the Prosecutor General's Office or of a territorial prosecution office;

c) the chief prosecutors of the prosecution offices at the level of courts of appeal, of the military prosecution offices, of the Transport Prosecution Office, as well as of the territorial prosecution offices – in the office of prosecutor of a territorial prosecution office.

(13) Upon the formation of the new structure of the Prosecution Service in accordance with this law, the offices of chief prosecutor and of deputy chief prosecutor are filled through competition.

(14) Until the entry into force of this law, the structure of the prosecution offices, their districts and the staffing tables for each prosecution office shall be drawn up and approved.

Article 100.

(1) Within 3 months of the date of publication of this law, the Government:

a) shall submit to Parliament proposals for bringing the legislation in force into line with this law, except for the draft special laws on the functioning of the specialised prosecution offices, which shall be submitted to Parliament by 1 May 2016;

b) shall bring its normative acts into line with this law.

(2) On the date of entry into force of this law, Law No. 294-XVI of 25 December 2008 on the Prosecution Service is repealed, except as provided in Article 98(1) of this law.

(3) Until the legislation is brought into line with this law, the legislative acts in force, as well as other normative acts, apply insofar as they do not contravene this law.

PRESIDENT OF THE PARLIAMENT

Andrian CANDU

No. 3. Chişinău, 25 February 2016.