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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**



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**DRAFT CONSTITUTION OF THE  
REPUBLIC OF MOLDOVA<sup>1</sup>**

adopted by the Parliament of the Republic  
of Moldova on 11 March 1993 to be  
published in the press and debated during  
2 months by the population of the Republic

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<sup>1</sup> *Translation provided by the Moldovan authorities.*

P R E A M B L E

Being aware of the Decree of Sovereignty and the Declaration of Independence of the Republic of Moldova; taking into consideration the irreversible processes of democratization, the assertion of freedom, independence and national unity, of the creation of states with the Rule of Law in Europe and in the world; reaffirming the equality of rights of nations and their right to self-determination; in conformity to the Charter of the United Nations, the Helsinki Final Act and the norms of the International Law; we, the people of the Republic of Moldova assert the text of the Constitution of the Republic of Moldova as follows:

Title I  
GENERAL PRINCIPLES

Article 1. The state Republic of Moldova

Version proposed by the Commission for the elaboration of the Constitution draft:

(1) Moldova is a sovereign, independent, national, unitary and indivisible state;

(2) The governing mode of the state is a republic.

(3) The Republic of Moldova is a democratic, law-governed state where the dignity of a citizen, his liberties and rights, free development of a human being, the justice and the political pluralism represent the suprem values and are guaranteed to everybody.

Version proposed by the "Conciliation" group of deputies:

(1) Moldova is a sovereign, independent, unitary and indivisible state.

Paragraphs (2) and (3) are accepted in the version proposed by the Commission for the elaboration of the Constitution draft.

Article 2. Sovereignty and the state power

(1) The national sovereignty belongs to the people of the Republic of Moldova and shall be exercised directly (by a referendum inclusively) and through its representative bodies in the ways established by the Constitution.

(2) No social groups, no political parties or other social organizations, neither a certain person can exercise the state power on behalf of themselves. The usurpation of the state power constitutes the most severe crime against the people.

Article 3. The Territory

(1) The territory of the Republic of Moldova is inalienable.

(2) The frontiers of the country are sanctioned by an organic Law with the observance of the unanimously recognized principles and norms of the International Law.

(3) No foreign population shall be displaced or colonized on the territory of the Republic of Moldova.

Article 4. Equality of citizens before the Law

(1) The respect and the protection of a person constitutes one of the primary duties of the State.

(2) All citizens of the Republic of Moldova are equal before the Law indiferent of their origin, social and patrimonial state, their race and nationality, sex, education, language, religion, occupation, place of residence and other circumstances.

Article 5. Democracy and Political pluralism

(1) The democracy in the Republic of Moldova is exercised in conditions of political pluralism, incompatible with the dictatorship and totalitarism.

(2) No ideology shall be pronounced as an official ideology of the state.

(3) The parties and the social political organizations shall be founded and carry out their activity in legal conditions.

Article 6. Separation of state power

(1) In the Republic of Moldova the state power is divided into the legislative, the executive and the judiciary one.

(2) The Parliament is the supreme and unique body which exercises the legislative power.

(3) The executive power shall be exercised by the Government

(4) Justice shall be carried out exclusively by juridical bodies.

Article 7. The Constitution as the Fundamental Law

The Constitution of the Republic of Moldova is the fundamental Law of the country. No laws or other juridical documents in controversy with the provisions of the Constitution shall have any juridical power.

Article 8. Observance of the International Law and of  
International Treaties

(1) The Republic of Moldova assumes the obligation to respect the Charter of the United Nations and to observe in its relations with other states <sup>the principles</sup> as follows: sovereign equality; mutual renouncement to an application of force or threats with force; territorial inviolability of states, peaceful settlement of litigations, non-interference into the internal affairs of other states, observance of human rights and liberties of a person; equality of rights and the right of nations to determine their destiny, cooperation between states; implementation of the commitments implied by the unanimously recognized principles and norms of the International Law, by the International treaties to which the Republic of Moldova is a party.

(2) The international provisions will have a priority should there appear any discrepancies between the international treaties to which the Republic of Moldova is a party and the internal laws.

Article 9. The Fundamental Principles regarding the Property

(1) The goods can be either public or private property. The economic life of the Republic of Moldova shall be based on an equality of rights of all types and forms of ownership.

(2) No property shall be used to the detriment of a person's rights, his liberty and dignity.

(3) The economy shall be regulated by such main factors as the market, the free economic initiative and the loyal competition. The state shall participate to the regulation of the economic activity within the limits forseen by Law.

Article 10. Responsibility of the State before citizens  
and the society

(1) The state is the official representative of the society and through its bodies and institutions expresses the wish of the society. The state, its bodies, institutions and officials are

responsible before the citizens and the society.

(2) the duty of the State shall be:

a) to defend the sovereignty, the independence and the territorial integrity of the Republic of Moldova;

b) to protect and guarantee the human rights;

c) to defend the constitutional system, the democracy, the legality and the Law and order;

d) to ensure a rational exploitation and use of the national patrimony to the interest of the people;

e) to undertake measures aimed at the economic development and social protection adequate to ensure a decent living standard for people;

f) to ensure the development of culture and science, a rational use of the creative and productive potentials;

g) to ensure the protection of environment and the ecological equilibrium;

h) to undertake measures ensuring the public hygiene and health;

i) to collaborate with other states in order to consolidate the international peace and security and to ensure the prosperity of the Republic of Moldova.

Article II. The Unity of the Nation and the Right to identity.

The version of the Commission for the elaboration of the Constitution draft :

(I) The unity of the nation of the Republic of Moldova constitutes the basis of the state. Moldova is a common, indivisible Motherland for all its citizens

Paragraph (2) is accepted in the version of the Commission for the elaboration of the Constitution draft.

(2) The state recognizes and guarantees the right to preserve, develop and express their ethnic identity, as well as their cultural linguistic and religious identities to all citizens

The version of the "Viața satului" group of deputies :

(I) The unity of the nation of the Republic of Moldova constitutes the basis of the state. Moldova is a common Motherland for Moldovans and other minorities residing in its territory.

Paragraph (2) is accepted in the version of the Commission for the elaboration of the Constitution draft.

The version of the "Christian Democratic Popular Front" group of deputies :

(1) The unity of the Nation of the Republic of Moldova composed in its majority by romanians and people of other ethnic origin constitutes the basis of the state.

Paragraph (2) is accepted in the version proposed by the Commission for the elaboration of the Constitution draft.

#### Article 12. The Republic of Moldova neutral state

(1) In order to affirm its independence and to ensure the inviolability of its territory, the Republic of Moldova proclaims itself permanently neutral.

(2) The Republic of Moldova shall not admit the displacement of any foreign military bases on its territory. Moldova shall not create other military forces except those meant for the maintenance of public order and for national defence.

(3) The structure of the national defence system, the way to prepare the population, the economy and the territory for the defence, as well as the status of the military personnel shall be determined by the organic Law.

#### Article 13. The state symbols

(1) The Republic of Moldova has its own emblem, flag and anthem

(2) The state emblem of the Republic of Moldova represents a shield horizontally cut, red chromatic at the top and blue at the bottom. A head of a bison is placed in the middle carrying a star with eight rays. On the right side of the bison there is a rose with five petals and on the left there is a half moon. All these elements are golden. The shield itself is placed on the chest of

a natural eagle with a golden cross in its beak and a green olive branch in one claw and a golden sceptre in another.

(3) The state flag of the Republic of Moldova - a tricolour represents a rectangular piece of drapery including three stripes of equal dimensions arranged vertically in the sequence as follows: blue, yellow, red. In the centre of the yellow stripe the state emblem of the Republic of Moldova is impressed. The proportion between the emblem width and the length of the flag is 1:5 and the proportion between the width and the length of the flag is 1:2.

(4) The anthem of the Republic of Moldova is approved by the Law.

(5) The emblem, the flag and the anthem are the state symbols of the Republic of Moldova and are protected by Law.

Article 14. The official language; Use of other languages

The version of the Commission for the elaboration of the Constitution draft:

(1) The state official language of the Republic of Moldova is Romanian.

(2) The use of the languages on the territory of the Republic of Moldova is regulated by the Law.

The version of the "Viața satului" group of deputies:

(1) The state official language of the Republic of Moldova is the moldovan language.

Paragraph (2) is accepted in the version of the Commission for elaboration of the Constitution draft.

Article 15. The Capital

The city Chișinău is the capital of the Republic of Moldova.



T i t l e II  
THE MAN, THE STATE, THE SOCIETY

Chapter I  
GENERAL STATEMENTS

Article 16. Human rights and liberties

(1) The constitutional indications regarding the rights and liberties of citizens are interpreted and treated in conformity to the Universal Declaration of Human rights, to the Pacts and other treaties to which Moldova is a Party.

(2) Certain restrictions can be applied to a citizen only when these restrictions are established by the Law and are meant to ensure the rights and liberties of other people or when the application of certain restrictions is demanded by some society necessity or by the necessity to secure the public order and the general prosperity.

Article 17. Citizenship of the Republic of Moldova

(1) Citizenship of the Republic of Moldova can be conferred or denied only in cases foreseen by the respective Law.

(2) Nobody can be denied the citizenship of the Republic of Moldova or deprived of the right to renounce it in an arbitrary way.

(3) Citizens of the Republic of Moldova can not be extradited or expelled from the country.

(4) Foreign citizens and the apatrizi (people without citizenship) can be extradited only in conformity to an international convention or in conditions of reciprocity.

Article 18. Restrictions in respect to a double citizenship and the protection of the citizens

(1) The citizens of the Republic of Moldova can not be simultaneously citizens of other states except in cases foreseen by international treaties to which the Republic of Moldova is a Party.

(2) The citizens of the Republic of Moldova will benefit from the protection of the state both within the country and abroad.

Article 19. The rights and duties of foreign citizens and apatrizi

(1) The foreign citizens and the apatrizi have rights and duties similar to the citizens of the Republic of Moldova with the exceptions established by Law.

(2) A right to an asylum will be granted or denied in conformity to the Law provided the international treaties (conventions) to which Moldova is a Party are observed.

Article 20. Access to justice

(1) Each person has the right to appeal to court in order to defend his rights, liberties and his legitimate interests.

(2) No law can prevent a person to benefit from the right to appeal to Court.

## Chapter II

### THE FUNDAMENTAL RIGHTS AND LIBERTIES

Article 21. The right to life and to a physical and psychological integrity

(1) The state guarantees a person the right to life and to a physical and psychological integrity.

(2) No citizen can be subjected to tortures or some other punishment or to inhuman, degrading treatments.

(3) The capital punishment as an exception until its complete annulment, can be applied in conformity to the Law after the adoption of a juridical verdict.

Article 22. Freedom and the personal security of an individual

(1) The freedom and the personal security of an individual are inviolable.

(2) The search, the seizure or the arrest of a person are allowed only in cases foreseen by the Law and provided the legal procedure is observed.

Article 23. The presumption of innocence

(1) A person will be considered innocent up to the moment when the juridical verdict comes into force.

(2) A punishment can be inflicted or applied only in conformity to the law and on basis of Law.

Article 24. The right to defence

(1) The right to defence is guaranteed.

(2) Interference into the activity of persons carrying out the defence within the foreseen limits is punished in conformity to the Law.

Article 25. The right to free travelling

(1) The right to a free movement around the country and abroad is guaranteed. The common Law will establish the conditions of the implementation of this right.

(2) Each citizen of the Republic of Moldova has the right to settle his house or residence in whatever community of the country he chooses. Each citizen will benefit from the right to emigrate and to return back to the country.

Article 26. Inviolability of housing

(1) A citizen's housing and residence are inviolable. Nobody will have the right to penetrate or stay in a person's dwelling or residence without his consent except in cases foreseen by Law.

(2) A search of somebody's house can be carried out only when authorized by a mandate issued in conformity to the Law.

Article 27. Inviolability of correspondence

The privacy of letters, telegrams, other mail, of the telephone conversations as well as of the other legal means of communication is inviolable with the exception of cases foreseen by the Law.

Article 28. Freedom to an opinion

(1) Every citizen is guaranteed the freedom of thought, of an opinion as well as the freedom to express himself in the society by speech, image or other possible means.

(2) The freedom of expression will in no case be directed to harm smb's honour, the personal life of some other person or infringe on smb's right to a personal vision.

(3) The defamation of the country and its people, instigations to war or aggression, to national hatred, racial or religious hatred, incitement to discrimination, to territorial separatism, to violence in public as well as obscene actions are forbidden and punished by the Law.

Article 29. Freedom of creation

(1) A right to an artistic or scientific creation is guaranteed indifferently of the way of expression. The creation will not be subjected to any censorship.

(2) The state will contribute to the development and propagation of both national and international cultural and scientific achievements.

Article 30. The freedom of spirit

(1) The freedom of spirit is guaranteed; it should manifest itself in tolerance and mutual respect.

(2) The religious faiths are free and organize themselves in conformity to their own statutes within the framework of the Law in action.

(3) Actions aimed at feud between religious faiths are forbidden.

(4) The religious faiths are autonomous in respect to the state and benefit of its support. The state facilitates the

religious activity in the army, in hospitals, in penitentiaries, asylums and orphanages.

Article 31. Freedom of Assembly

(1) The rallies, the demonstrations, all other kinds of processions or meetings are free and shall be organized and carried out in a peaceful manner with no use of arms.

(2) The bodies responsible for the maintenance of public order shall have to be informed about the goal, place and time of the intended rallies.

(3) The public authorities shall change the place of rallies for reasons of security or maintenance of public order.

Article 32. Freedom of Parties and other social-political organizations.

(1) Citizens have the freedom to join the parties and other social-political organizations, trade unions or other kinds of associations.

(2) The parties or the organizations, the goals or the activity of which are against the political pluralism, against the principles of a law-governed state, are anticonstitutional.

(3) The political parties and <sup>the</sup> social-political organizations are equal before the Law.

(4) The state ensures the observance of the rights and legitimate interests of the political parties and of <sup>the</sup> social-political organizations.

(5) Interference of public authorities and of official persons into the activity of the political parties and of the social-political organizations shall be admitted only in cases foreseen by the Law. <sup>is true</sup> The same regarding the interference of the political parties and socio-political organizations into the

activity of the public authorities and that of the official persons.

(6) The judges, the lawyers, the military men, the policemen and other categories of public officers determined by the Law shall not be members of political parties.

(7) The associations with a secret character are forbidden.

(8) The activity of political parties created by foreign citizens is forbidden.

(9) The laws, other instruments of the state, as well as the actions of the public authorities that lead to the creation of a political system with a single party are considered anticonstitutional.

#### Article 33. The right to information

(1) A person's right to have an access to all kinds of information of social interest or related to the national patrimony can not be infringed upon.

(2) The public authorities are obliged within the limits of their competence to ensure a correct information of the people about the public affairs and about the problems of personal interest.

(3) The right to information will not prejudice the protection measures in respect to young people or the national security.

(4) The means of public information are free from any censorship.

(5) The means of public information, state or private, are obliged to ensure a correct information of the public opinion.

#### Article 34. The right to participate in administration

(1) Citizens of the Republic of Moldova have the right to directly participate to the administration of the state and of the society or through their representatives.

(2) Each citizen is ensured a free access to a public post.  
Article 35. The right to submit petitions

(1) The citizens have the right to submit petitions to public authorities exclusively on behalf of those who sign them.

(2) The legally created organizations dispose of a right to submit petitions exclusively on behalf of the personnel they represent.

(3) The right to submit petitions is imposed no taxes.

(4) The public authorities are obliged to answer a petition in terms and conditions foreseen by the Law.

Article 36. The right of a person infringed by a public authority

(1) A person whose right was infringed on by a public authority through an administrative instrument or by neglecting the solution of an application in due legal terms is in right to obtain the recognition of the claimed right, the annulment of the instrument and the repair of the damage.

(2) The conditions and the limits of the exercise of this right will be determined by the Law.

(3) In conformity to the Law the state bears patrimonial responsibility for the prejudices caused by the juridical errors committed during the lawsuits.

Article 37. The right to vote and the right to be elected

(1) Citizens of the Republic of Moldova who by the day of elections have attained the age of 18 years acquire the right to vote. The exception will make the mentally defective individuals kept under interdiction as well as persons condemned through a definite juridical verdict to a loss of their right to vote.



(2) The right to vote is universal, equal, direct, free and secret.

(3) The right to be elected is guaranteed to the citizens of the Republic of Moldova who possess a right to vote and who have their residence in Moldova.

(4) The age limit of a citizen who stands as a candidate for different public functions will be determined by the Law.

#### Article 38. Protection of the private property

(1) The right to property as well as the claims of the creditors to the state are guaranteed. The contents and the limits of such rights are determined by the Law.

(2) The private property is protected by the Law indifferently on the position of a person. The foreign citizens and the apatrizi will not acquire a right to ownership over a plot of land.

(3) No person can be expropriated except in cases when the social welfare is in question which is to be determined legally and when a proper idemnity is paid in advance.

(6) A right to ownership imposes the observance of all assignments regarding the protection of the environment and the guarantee to a good neighbourhood as well as the observance of all tasks incumbent on him in conformity to the Law.

(7) The property acquired illicitly can not be confiscated. The illicit character of the acquisition will be presumed.

(8) The goods designated for the accomplishment of an offence or used for such purposes as well as those which have been acquired in result of a committed crime will be confiscated only in conformity with the provisions of the Law.

(9) The right to inheritance of the private property is guaranteed.

#### Article 39. The right to education

(1) The right to education is materialised in the general compulsory education, in high school and vocational school education, in the higher education as well as in other forms of training and improvement.

(2)

Education of the citizens of the Republic of Moldova

is determined by the Law.

(3) The state education is free of charge in conformity to the Law.

(4) The educational institutions inclusively the private ones are created and carry out their activity in conditions of the Law.

(5) The institutions of higher education enjoy the right to an autonomy within the limits determined by the Law.

(6) The state will ensure within the limits foreseen by the Law the freedom of the religious education in conformity to the requests specific for a certain faith.

(7) Parents have a priority in choosing the sphere of education of their children.

Article 40. Labour and social protection of labour.

(1) The right to labour shall not be infringed upon. Citizens dispose of freedom to choose a profession and a job.

(2) The employees have the right to social protection of labour. The protection measures concern the security and hygiene of labour, the labour regime of women and young people, the set-up of a minimum wage, the paid leave, the remuneration of labour done in hard conditions and other specific situations.

(3) The duration of a working week shall not exceed 40 hours.

(4) All people without any discrimination shall enjoy the right of an equal wage for an equal work.

(5) The right to joint negotiations concerning the labour questions, as well as the compulsory character of collective conventions shall be guaranteed.

(6) The economic enterprises shall have the duty to create normal conditions of labour for the employees.

Article 41. Interdiction of forced labour

(1) The forced labour is forbidden.

(2) The activities enumerated below shall not be considered forced labour:

a) military service or the work carried out instead of the compulsory service by those who, in conformity to the Law, do not carry out the compulsory military service;

b) the labour of a convict performed in normal conditions during his detention or in conditions of a restricted freedom;

c) the labour imposed by the necessity to repair the damages

caused by calamities or other disasters as well as the labour classified by the Law as a normal civil duty.

Article 42. The right to a strike

(1) The right to a strike is admitted.

(2) A strike can be started provided a resolution has been legitimately adopted by the corresponding trade union bodies for reasons of protection of the professional, economic and social interests of the workers.

(3) A right to a strike can be limited in case of the state employees and of the employees of state enterprises engaged in the supply of society with vital services and materials.

(4) The employees engaged in the public order maintenance bodies and in juridical institutions, <sup>the service men</sup> shall be deprived of a right to strikes.

(5) The law will determine the conditions of the exertion of a right to a strike as well as the responsibility for an illegitimate start of a strike.

Article 43. The right to an assistance and to the social protection

The citizens have the right to a pension, to a paid maternity leave, to a free of charge medical care in the state medical units, to an unemployment compensation and other means of assistance and social protection foreseen by the Law.

Article 44. A right to the health protection

(1) The right to the health protection is guaranteed.

(2) The structure of the national system <sup>of health protection</sup> and measures for the protection of the physical and mental health of citizens are determined by the Law.

Article 45. Social services for children and young people

(1) The children and the young people benefit of a special assistance for the realization of their rights.

(2) The state makes allocations for children and allowances for care of sick children and handicapped. Other forms of social assistance of children and young people are determined by the Law.

(3) The exploitation of the child labour, the use of minors in activities harmful for their health or morality which can endanger their life or normal development are forbidden.

(4) The public authorities will have the duty to create conditions for the young generation to freely participate in the political, social, economic, cultural and sports life of the country.

Article 46. Protection of the handicapped individuals

(1) The handicapped individuals will benefit of a special protection ensured by the whole society. The state will ensure normal conditions of treatment, readjustment, education, training and social integration for such individuals.

(2) No individual can be subjected to a forced medical treatment except for the cases foreseen by the Law.

Article 47. The family

(1) The family is created on basis of a marriage, freely consented between spouses on basis of their equality of rights and on the right and duty of parents to ensure the upbringing education and training of children.

(2) The conditions of a marriage set-up, its break or annulment are determined by the Law.

Article 48. The protection of the family and of the orphans

(1) Through economic measures and other means the state will facilitate the creation of families and the fulfilment of their corresponding duties

(2) The state will protect the maternity, the children and the young people stimulating the development of the necessary institutions.

(3) The state and the society will assume all the assignments regarding the support, training and the education of orphans and abandoned children. The state will stimulate and encourage the charity activities for the sake of such children.

Article 49. Restrictions set on the exertion of certain rights and liberties

(1) The exertion of certain rights or liberties can be restricted only by the Law provided it is done for the following purposes: for the defence of the national security, of order, for the protection of the public health or morality, for the protection of rights and liberties of the citizens, for the performance of a penal inquiry, for the prevention of the consequences of a calamity or of a severe catastrophe.

(2) Should a restriction be made it will be done by taking into consideration the situation which generated it and will not infringe on the existence of the right or liberty altogether.

Chapter III

FUNDAMENTAL DUTIES

Article 50. Fidelity to the country

(1) The fidelity to the country is sacred.

(2) The citizens holding public functions as well as the service men bear responsibility for a faithful fulfilment of their duties and in cases requested by the Law will swear an oath of loyalty.

Article 51. The defence of the country .

(1) The defence of the country is a right and a sacred duty of every citizen.

(2) The military service will be done in conformity to the Law following the set terms and regulations.

Article 52. Observance of the Constitution and of the Laws

The observance of the Constitution, of its Supremacy and of the Laws is obligatory.

Article 53. Exertion of the rights and duties in a system

(1) Every citizen has certain duties in respect to the state and society which directly derive from the guaranteed rights and liberties.

(2) The exertion of their rights and liberties by citizens without taking into consideration their duties will be considered amoral.

(3) The observance of the rights and legitimate interests and of the dignity of other citizens is obligatory.

Article 54. Financial contributions

(1) The citizens of the Republic of Moldova are obliged to contribute to the coverage of the public spendings by paying certain taxes and charges.

(2) A legal system of taxation shall have to ensure a proper set of fiscal charges.

(3) Any other charges except the ones set by the Law shall be forbidden.

Article 55. The protection of the environment and of the monuments

Each person is obliged to protect the environment, to contribute to the conservation and preservation of the monuments of history and culture.

Title III  
THE PUBLIC AUTHORITIES

Chapter IV  
THE PARLIAMENT

Section I  
Organizing and functioning

Article 56. The Parliament as the supreme representative body with legislative power

(1) The Parliament is the supreme representative body of the Republic of Moldova and shall be the only legislative authority of the state.

(2) The Parliament shall include 95 deputies.

Article 57. Elections to the Parliament

(1) The Parliament shall be elected by an universal, equal, direct and secret vote, freely expressed.



(2) The organic Law shall regulate the nomination of the candidates to deputies, the organization and the run of the elections.

Article 58. The duration of a mandate

(1) The Parliament is elected for a four years mandate which shall be prolonged by the organic Law in case of war or a catastrophe.

(2) The election of the deputies to the Parliament shall be held in a three months period of time after the expiration of the mandate or after the dissolution of the body of previous legislature

(3) The newly elected Parliament is convened by the chairman of the Parliament of former legislature within at least 30 days since the elections.

(4) The mandate of the Parliament shall be prolonged up to a legal convocation of its new composition. In this period of time the Constitution shall not be revised and no organic laws shall be adopted, modified and abrogated.

(5) The bills of the legislative proposals on the agenda of the former Parliament shall be examined by the Parliament of the new legislature.

Article 59. The Internal Structure

(1) The Parliament shall create standing commissions entitled to work out bills, to examine in advance and to prepare the questions within its competence, to implement the adopted laws and resolutions, to exert control over the activity of the state bodies and organizations.

(2) The Parliament shall create inquiring commissions, revision commissions or other special commissions.

(3) The activity of the Parliament, of its standing and special commissions shall be set up by an organic Law.

Article 60. The Public Character of the Sittings

(1) The sittings of the Parliament are public.

(2) The President of the Republic of Moldova and the members of the government have the right to attend the sittings of the Parliament.

(3) The Parliament shall pass a decision to hold certain sittings behind closed doors.

Article 61. Presiding of the Sittings

The first sitting of the Parliament of the new legislature shall be presided by the chairman of the Parliament of the previous legislature. After the elections of the new chairman and the deputy chairman of the Parliament the sittings shall be presided by one of them.

Article 62. Acknowledgement of the powers of deputies

At the proposal of the Central Electoral Commission the Parliament acknowledges the powers of deputies or does not acknowledge them in case a certain electoral legislation has been violated.

Article 63. The Chairman of the Parliament.  
His status and role

(1) The chairman of the Parliament shall be elected out of the members of the Parliament for a four year period of time by secret vote and by a majority of votes.

(2) The chairman of the Parliament shall be accountable to the Parliament and for grounded reasons shall be revoked by a secret vote with a majority of two thirds of the deputies present.

(3) The chairman of the Parliament will carry out the following;

- a) represent the Parliament in the relations with institutions and organizations both within the country and abroad;
- b) nominate the candidates for the deputy chairman of the Parliament;
- c) perform a general management of the preparation of items to be discussed in the Parliament;
- d) Dispose of the budgetary allocations distributed for the support and activity of the Parliament;
- e) submit to the Parliament nominations of candidates to be elected or nominated in the positions foreseen by the Law;
- f) exert other powers set by the Constitution and by the Law.

(4) On the assignment of the chairman of the Parliament the deputy chairman will carry out certain duties of the chairman and will substitute him when he is unable to exert his duties.

#### Article 64. Fundamental functions

The Parliament will carry out the following fundamental functions:

- (a) adopt laws, resolutions and motions;
- (b) announce and run referendums;
- (c) ensure the unity of the legislative regulations over the entire territory of the country;
- (d) exert parliamentary control over the executive and juridical powers in the ways and within the limits foreseen by the present constitution;
- e) exert a parliamentary control over the activity of the National Bank, the Department of the State Control, the Department of the Protection of Environment and National Resources;
- f) determine the main directions of the internal and external policy of the state;
- g) ratify, denounce, suspend and annul the effect of the international treaties signed by the Republic of Moldova.

h) approve the budget of the state and exert control over it;

i) exert control over the allocation of the state loans, the economic assistance and other aide to foreign states, over the signing of agreements regarding the state loans and credits from foreign sources;

j) will select and nominate state officials in cases foreseen by the Law;

k) will approve the orders and medals of the Republic of Moldova;

l) will declare a partial or <sup>a</sup> general mobilization;

m) will declare the state of war;

n) will initiate the investigation and the audience of each question referring to the interests of the society;

o) will perform other functions set by the Constitution and by the Law.

#### Article 65. The sessions

(1) The chairman can summon the Parliament for two ordinary sessions for year. The minimum duration of a session is four months.

(2) The Parliament can assemble for extraordinary sessions at the request of the president of the Republic of Moldova or at the request of the chairman of the Parliament or of one third of deputies.

### Section 2

#### The status of a deputy

#### Article 66. The representative mandate

(1) In exercising their mandate the deputies are at the service of the people.

(2) Any imperative mandate is considered nul.

Article 67. A mandate of a deputy

(1) A deputy will begin to exercise his mandate since the date of the legal convocation of the Parliament provided his mandate was validated.

(2) A mandate will expire at the date of the legal convocation of the newly elected Parliament or in case of dismissal, loss of the electoral rights, of incompatibility or demise.

Article 68. Incompatibilities and immunities

(1) A deputy's function is incompatible with the exertion of any other remunerated functions with the exception of an activity in the higher education sphere, a scientific or creative activity.

(2) An organic law will determine other incompatibilities.

(3) With the exception of cases of a flagrant breach of justice a deputy can't be seized, arrested or searched. Neither can he be sued in a lawcourt without the approval of the Parliament after he was listened to.

Article 69. Independence of opinions

A deputy will not be persecuted or sued for his votes or his political opinions expressed while he is exercising his mandate.

### Section 3

#### Legislation

Article 71. The categories of laws.

(1) The Parliament will adopt constitutional laws, organic laws and ordinary laws.

(2) The constitutional laws are those laws which revise the Constitution; as well as other laws qualified by the Constitution as such.

(3) An organic law will regulate as follows:

- a) the electoral system;
- b) the organization and performance of a referendum;
- c) the organization of the Government;
- d) the organization and the activity of the Constitutional Court, of the Supreme Council of Magistrates, of the juridical bodies;
- e) the organization of the local administration, the territorial administration as well as the organization of a general regime concerning the local autonomy;
- f) the organization and the activity of the political parties;
- g) the procedure of the settlement of an exclusive economic zone;
- h) the general juridical regime regarding the property and the inheritance;
- i) the general regime regarding the labour relations, the trade unions and the social protection;
- j) the general organization of education;
- k) the general regime of beliefs;
- l) the curfew regime and the state of emergency;
- m) the offences, punishments and the regime of their execution;
- n) the declaration of amnesty or of a collective reprieve.

o) other spheres in respect to which the Constitution foresees the adoption of organic laws.

(4) No organic laws shall be adopted during a state of siege, emergency, war and in other cases determined by the Constitution.

Article 71. A legislative initiative.

The deputies of the Parliament, the president of Republic of Moldova, the Government, the Supreme Court of Justice will enjoy the right to a legislative initiative.

Article 72. Adoption of the laws and resolutions

(1) The organic laws and the resolution regarding the election of the Parliament will be adopted with a majority vote of deputies.

(2) The ordinary laws and the resolutions will be adopted by a majority of votes of all deputies present at the session.

(3) The laws are submitted to the President of the Republic of Moldova for the promulgation.

Article 73 Enforcement of a Law

An organic Law will determine the ways of enforcement of laws.

## Chapter V

### THE PRESIDENT OF THE REPUBLIC OF MOLDOVA

Article 74. The role of the president

(1) The President of the Republic of Moldova is the chief of the state.

(2) The President of Republic of Moldova shall represent the state and will be the guarantee of the national independence, of the unity and the territorial integrity of the state.

(3) The President of the Republic of Moldova will see to it that the Constitution is observed and that the public authorities function well. For this purpose the President will carry out a mediation function between the state powers and between the state and the society.

Article 75. The election of the President

(1) The President of the Republic of Moldova is elected by a universal, equal, secret and freely cast vote.

(2) Candidates to the post of the President of the Republic of Moldova can be the persons who, by birth have obtained the citizenship of the Republic, have attained the age of 35 years and have been or are residents within this country for at least 10 years and speak the Romanian language. The way of the nomination of the candidates will be determined by the Law.

(3) No person can exercise the function of the President of the Republic of Moldova more than two mandates.

Article 76. Validation of the mandate and the oath swearing

(1) The Constitutional Court will validate the result of the elections for the function of the President of the Republic of Moldova.

(2) The candidate whose election has been validated swears an oath in front of the Parliament and the Constitutional Court no later than 45 days after the elections with the contents as follows :

"I swear to faithfully serve the people of the Republic of Moldova, to respect the Constitution and the laws of the country, to protect the democracy, the human rights and liberties, the sovereignty, independence, the unity and territorial integrity of Moldova".

Article 77. The duration of the mandate

(1) The mandate of the President of the Republic of Moldova lasts 4 years and the President shall assume office since the date when he was sworn in.

(2) The President of the Republic of Moldova will exercise his mandate up to the moment when a new President is sworn in.



(3) In case of war or a catastrophe the mandate of the President of the Republic of Moldova can be prolonged by an organic Law.

#### Article 78. Incompatibilities and immunities

(1) The post of the President of Republic of Moldova will be incompatible with the exertion of any other leading positions in the state and in the public activity of the country.

(2) The President of the Republic of Moldova benefits of an immunity. He will not be sued in Court for his political views expressed while exercising his mandate.

(3) The Parliament together with the Constitutional Court can decide by a vote of two thirds of deputies to charge the President of the Republic of Moldova with betrayal infringement of the Constitution and committing other serious offences.

The trial will be conducted by the Suprem Court of Justice within the conditions of Law. The President will be deprived of his right on the date when the final accusation resolution is passed.

#### Article 79. Nomination of the Government

(1) The President of the Republic of Moldova nominates a candidate for the function of the prime minister and appoints the Government in conformity to the vote of confidence granted to him by the Parliament.

(2) In case of a reshuffle of posts in the government or a vacancy the President will revoke and nominate certain members of the Government proposed by the prime minister in conformity to the vote of confidence granted to him by the Parliament.

Article 80. Attendance of the sittings of the Government.  
Delivery of consultations to the Government

(1) The President of the Republic of Moldova can attend the sittings of the Government when questions of national importance connected with the foreign policy, the defence of the country, the maintenance of public order are debated. At the request of the prime minister he can attend other sittings as well.

(2) The President of the Republic of Moldova will preside the sittings of the Government he attends.

(3) The President of the Republic of Moldova can consult the Government in urgent questions and in questions of major importance.

Article 81. Messages, reports, informations

The President of the Republic of Moldova addresses messages regarding the major political problems of the nation and submits to the Parliament annual reports, informs the Parliament about the most important problems regarding the internal and external policy of the state.

Article 82. Dissolution of the Parliament

(1) Having consulted the chairman of the Parliament the chairmen of the commissions and the leaders of the parliamentary factions the President of the Republic of Moldova can dissolve the Parliament should the latter not give a vote of confidence to the creation of the Government as late as sixty days since the first request and should two requests of such kind be rejected.

(2) The Parliament can be dissolved only once per year.

(3) The Parliament will not be dissolved during the last six months of the mandate of the President of the Republic of Moldova and neither during a siege, an emergency situation or the war.

Article 33. Functions to be fulfilled in the sphere  
of the foreign policy

(1) The President of the Republic of Moldova shall carry out talks and negotiations, sign international treaties on behalf of the Republic of Moldova and in a settled manner and in due terms determined by the Law submit them for ratification by the Parliament, and the approval of the respective parliamentary commission will

(2) The President at the proposal of the Government accredit and recall the diplomatic representatives of the Republic of Moldova and approve the creation, the dissolution or the change of the ranks of the diplomatic mission.

(3) The President will receive the credentials of the diplomatic representatives of other states in the Republic of Moldova.

Article 34. Functions to be fulfilled in the sphere of  
the defence.

(1) The President of the Republic of Moldova is the Commander - in - chief of the armed forces.

(2) Having previously got the approval of the Parliament the President can declare a partial or a general mobilization.

(3) The President can take other measures in order to ensure the security of the state and the public order.

(4) In case of an armed aggression against the country the President will take measures aimed to reject the aggression which he will immediately communicate to the Parliament. When out of session the Parliament will be convoked within 24 hours since the start of the aggression.

Article 35. Other functions

(1) The President of the Republic of Moldova will also carry out the following :

- a) confer decorations and titles of honour;
- b) grant reprieve;
- c) confer citizenship of the Republic of Moldova and political asylum;
- d) confer supreme military ranks;
- e) suspend the activity and annul the resolutions and the indications issued by the Government or by the bodies subordinated to the Government in conditions foreseen by the Law;

2) The President also exercises other functions set by the Constitution and the Laws in action.

Article 36. The vacancy of the post

(1) The post of the President of the Republic of Moldova turns out vacant in case of resignation, dismissal from the post, a total impossibility to fulfil his functions, in case of demise.

(2) Within a three months period of time since the post of the President of the Republic of Moldova turned out vacant the elections of a new President will be organized in conformity to the Law.

Article 37. The Interim Post.

Should the post of the President of the Republic of Moldova become vacant or should the President temporarily be unable to exercise his functions the chairman of the Parliament or the prime minister will respectively take the interim post.

Article 88. The Responsibility of the Interim President

Should the person ensuring the interim position of the President of the Republic of Moldova commit grave mistakes which violate the provisions of the Constitution, the provisions foreseen in item 3 of article 78 and article 86 will be applied.

Article 89. Signing of the laws

(1) The President of the Republic of Moldova signs the laws of the Republic.

(2) In case the President has objections in respect to a certain law he has the right to return it within a two weeks period of time to the Parliament for reexamination and for a repeated discussion and vote. Should the Parliament stick to the previously adopted resolution with a two thirds majority of votes the President will have to sign the Law.

Article 90. The documents issued by the President

In exercising his functions, on basis of the Constitution and other laws the president issues decrees and orders.

Chapter VI

**THE GOVERNMENT**

Article 91. The role of the Government

(1) The Government will ensure the realization of the internal and external policy of the state and will exercise a general control over the public administration.

(2) In fulfilling its functions the Government will follow a programme approved by the Parliament.

#### Article 92. The Structure

The Government will include the Prime Minister, the ministers and other members appointed <sup>by</sup> an organic Law.

#### Article 93. Authorization

(1) The President of the Republic of Moldova will nominate a candidate for the prime minister.

(2) In a 10 days period of time since his nomination a prime minister will request the vote of confidence of the Parliament, in respect to the programme <sup>of</sup> activity of the Government.

(3) The programme of activity of the Government will be debated at a sitting of the Parliament. The latter will give its vote of confidence <sup>to the</sup> programme of activity of the Government by a majority of votes.

#### Article 94. Incompatibilities

(1) The position of a member of Government will be incompatible with the exercising of other authoritative public positions. It will also be incompatible with other remunerated positions in the sphere of trade.

(2) An organic Law will determine other incompatibilities.

#### Article 95. Termination of the Government membership

The function of a member of Government terminates in result of a resignation, loss of electoral rights, in result of incompatibility or demise and other cases foreseen by the organic Law.

Article 96. The prime minister

(1) The prime minister will lead the Government and will coordinate the activity of its members <sup>showing</sup> respect to their functions.

(2) Should the prime minister turn out to be in one of the situations foreseen in article 95, or should he be unable to exercise his functions the President of the Republic of Moldova will nominate another member of the Government as an interim prime minister to carry out the functions of the prime minister up to the creation of a new Government. The interim activity can be terminated should the prime minister be able to resume his activity earlier.

(3) The resignation of the prim-minister will be accompanied by the resignation of the whole Government.

Article 97. The documents adopted by the Government

(1) The Government can adopt resolutions and instructions.

(2) The resolutions are adopted in order to facilitate the application of the Law.

(3) The resolutions and the instructions passed by the Government are signed by the prime minister and respectively by the ministers who are entitled to implement them.

Article 98. Termination of a mandate

The Government will exercise its mandate up to the moment when the elections for the Parliament are validated.

(2) The Government the mandate of which has terminated in conformity to paragraph (1) will fulfil only the activity referring to the administration of the public affairs up to the moment when the members of the new Government will be sworn.

## Chapter VII

### THE RELATIONS BETWEEN THE PARLIAMENT AND THE GOVERNMENT

#### Article 99. Delivery of information to the Parliament

(1) The Government will be responsible before the Parliament and will present all the information and the documents requested by the Sfatul Tarii and its commissions.

(2) The members of the Government will have an access to the works of the Parliament. Their presence will be obligatory should they be requested to attend the sittings of the Parliament.

#### Article 100. Questions and interpellations

(1) The Government and each of its members are obliged to answer the questions or the interpellations addressed by the deputies.

(2) The Parliament can adopt a motion which will express its position in respect to the problem which constituted the object of the interpellation.

#### Article 101. Expression of non-confidence

(1) The Parliament can express non-confidence to certain members of the Government or to the entire Government.

(2) The expression of non-confidence in respect to the Government will be adopted with a majority of votes.

(3) After the expression of non-confidence certain members of the Government or the entire Government will be dismissed. However, they will continue to exercise their functions up to the moment when new members will be nominated or up to the moment when a new Government will be formed.



## Chapter VIII

### THE PUBLIC ADMINISTRATION

#### Section 1

##### Central and specialized public administration

#### Article 102. The structure and the role

(1) The ministries constitute the central bodies of the executive power of the state. On basis of the laws these bodies implement the policy of the Government, its resolutions and instructions and ensure the leadership of the sectors they are in charge of.

(2) In order to guide, coordinate and to control the sectors of the organization of the economy and other areas which are not under direct subordination of ministries, special departments, state services and inspectorates will be created within the Law.

#### Section 2

##### Local public administration

#### Article 103. The basic principles

The public administration of the administrative territorial units is founded on basis of the local autonomy principle and on basis of the decentralization principle.

Article 104. Administrative territorial distribution  
The version of the commission for the elaboration of the constitution draft:

(1) The territory of the Republic of Moldova is divided into regions, towns and communities.

(2) The status of the communities located on the Nistru river left side and the status of certain communities at the South of the Republic of Moldova will be set by constitutional laws.

(3) Within the conditions of the law certain towns can be conferred the status of a city.

The version proposed by the "Viața Satului" group of deputies:

(1) The territory of the Republic of Moldova is divided into regions, towns and villages.

Paragraphs (2) and (3) are accepted in the version proposed by the commission for the elaboration of the Constitution draft.

Article 105. The community and the town authorities

(1) The elected local councils and the mayors represent the authorities of the public administration which are meant to realize the local autonomy in communities and in towns.

The law will determine the way of election of the local councils and the mayors.

(2) The local councils and the mayors will function as autonomous administrative authorities and will solve the public problems in communities and towns within the Law.

(1) A regional council represents the authority of the public administration with the power to coordinate the activity of the community and town councils aimed at the realization of the public services of regional interest.

(2) A regional council is elected and acts within the Law.

Article 107. The Prefect

The version of the Commission for the elaboration of the Constitution draft supported by the "Conciliation" group of deputies:

(1) The President of Republic of Moldova will nominate a prefect for each region at the proposal of the Government.

(2) The prefect will be the local representative of the President of the Republic and will carry out the leadership of the decentralized public services of the ministries and other central bodies located in these administrative territorial units.

(3) The duties of a prefect will be determined by the Law. The version proposed by the commission for the revision and finalization of the Constitution draft:

(1) The Government will nominate a prefect per each region.

(2) The prefect will be the local representative of the Government and will carry out the leadership of the decentralized public services of the ministries and other central bodies located in these administrative territorial units.

(3) The duties of a prefect will be determined by the Law.

## Chapter IX

### THE JUDICIAL AUTHORITY

#### Section 1

##### The judicial institutions

##### Article 108. Realization of justice

- (1) Justice is being realized on behalf of the Law.
- (2) The judges are independent and will obey only the Law.

##### Article 109. The judicial institutions

(1) Justice is realized through the Supreme Court of Justice, the Appeal Court, the Courts of inquiry and the law-courts.

(2) For certain categories of cases specialized institutions can function in conformity to the Law.

(3) The creation of extraordinary institutions will be forbidden.

(4) The creation of the judicial institutions, their competence and the trial procedure will be determined by the organic Law.

##### Article 110. The status of judges

(1) The judges engaged in the judicial institutions with the exception of judges indicated in item 2 are appointed by the Parliament at the proposal of the Superior Council of Magistrates and in conformity to the Law they will be immovable.

(2) The judges who for the first time passed a preliminary contest are appointed to their post by the Parliament at the proposal of the Superior Council of Magistrates for a period of 5 years.

(3) The promotion of judges, their transfer and sanctioning will be made in conformity to the Law.

(4) A post of a judge is incompatible with any other public or private function with the exception of the teaching activity in the sphere of higher education.

Article 111. The public character of the judicial debates

In all judicial institutions the judicial processes are public. The sittings of the Court behind closed doors are admitted only in cases foreseen by the Law with the observance of all the regulations of the procedure.

Article 112. The language used in the judicial processes and the right to an interpreter

(1) The judicial processes are carried out in the Romanian language.

(2) Persons who don't understand or speak the Romanian language have the right to use an interpreter in order to make themselves familiar with all the instruments and proceedings of their dossier as well as to speak or make conclusions.

Article 113. Modes of contesting a verdict

The interested sides and the competent state institutions can subject the juridical verdicts to a contest in conditions foreseen by the Law.

Section 2-45 -

The Superior Council of Magistracy

Article 114. The composition

(1) The superior council of magistrates will include the magistrates elected by the Parliament for a 5 years period of time.

(2) The Law determines the organizing procedure and the mode of activity of the Superior Council of Magistrates.

Article 115. The functions

(1) The superior council of Magistrates will propose to the Parliament of the Republic of Moldova the nomination of judges with the exception of those on probation, in conditions foreseen by Law.

(2) The superior council of magistrates performs a role of a council of discipline of judges. Other powers of the Superior council of magistrates are determined by the Law.

Section 3

The version of the Commission for <sup>the</sup> provision and finalization of the Constitution draft

The Public Prosecutor's Office

The investigation institutions

The Bar

Article 116. The Public Prosecutor's office. The investigation institutions. The Bar.

The status of the Public Prosecutor's office, the investigation institutions and the Bar will be determined by the Law.

The version of the "Viața satului" group of deputies :  
The Prosecutor's Office

Article 116. The role of the Prosecutor.

(1) The prosecutor of the Republic of Moldova and the prosecutors subordinated to him will exercise a supervision aimed to ensure an exact and uniform enforcement of laws by the ministries and departments, local self-administrative bodies, other state administration bodies, economic administration and control bodies, enterprises, association, cooperative organizations whatever their subordination membership, property type and ways of activity may be, as well as by parties, other organizations and social political movements, decision-making bodies and citizens.

(2) The competence and the ways of activity of the prosecutor's office will be determined by the Law.

(3) The prolongation of a prosecutor's mandate will be 5 years.

(4) A prosecutor's post will be incompatible with any other public or private function with the exception of the teaching and scientific activity.

(5) The workers of the prosecutor's office will not be members of any parties, other social political movements and organisations.

TITLE IV

ECONOMY AND THE PUBLIC FINANCES

Article 117. The Economy

(1) The economy of the Republic of Moldova is a market economy based on the private or public property.

(2) The state will have to ensure

a) the freedom of trade and of the entrepreneur activity, the protection of a loyal competition, the creation of a favourable framework for the development of all producing factors;

b) the protection of the national interests in the economic, financial and currency activity;

c) the stimulation of the scientific research;

d) the exploitation of raw materials to the benefit of the nation;

e) the restoration and the protection of the environment and preservation of the ecological balance;

f) the creation of necessary conditions for the rise of the living standard;

g) the inviolability of the investments of foreign physical and juridical persons.

Article 118 The Property

The version of the Commission for the revision and finalization of the Constitution draft.

(1) The state protects all types of ownership.

(2) The state guarantees the functioning and the development of all types of ownership in equal juridical conditions.

(3) The public property belongs to the state to the administrative territorial units, to the citizens organisations and associations.

(4) The goods which are social property are inalienable. Within the Law they can be entrusted for administration or

rented to physical or juridical persons.

(5) The private propriety is inviolable in conditions of the Law. The private goods which can not be under pursue will be determined by the Law.

(6) The private goods together with the public goods, the forms of mixed ownership included, constitute a source of common ownership to the creation of which also participate the foreign physical and juridical persons.

The version of the "Christian Democratic Popular Front" group of deputies :

(3) The public property belongs to the state or to the administrative territorial units.

Paragraphs (1), (2), (4), (5), (6) are accepted in the version proposed by the Commission for the revision and finalization of the Constitution draft.

Article 119. The Property of Foreign Citizens and of the Apatrizi.

(1) The Republic of Moldova protects the property of other states, of the international organizations as well as the property of foreign citizens and apatrizi on its territory.

(2) The Law will regulate the mode and the conditions of exercising the right to ownership of foreign physical and juridical persons as well as of apatrizi on the territory of the Republic of Moldova.

Article 120. The external economic activity

The economic activity outside the country cannot be the state monopoly with the exception of cases foreseen by the Law.

Article 121. The financial system

(1) The Law regulates the creation, the administration, the use and the control of the financial resources of the state, of the administrative territorial units and of the public institutions.

(2) "Leul" and its subdivision "banul" will be the national currency of the Republic of Moldova.



(3) The National Banc of the Republic of Moldova will have the exclusive right to issue money and will be responsible before the Parliament for its activity.

(4) The issue of supplementary monetary units in order to resolve the budget deficit is forbidden.

#### Article 122 The national public budget

(1) The revenues and the spendings of the State are established exclusively for the national public budget of the Republic of Moldova.

(2) The national public budget includes the state budget, the social insurance budgets and the local budgets of the communities, towns and regions.

(3) The Government will annually work out the draft of the state budget and the budget of the social state insurance which will be submitted to the Parliament for their approval.

(4) No budget spendings can be approved without establishing the source of its financing.

(5) The state will finance the economic activity and other activities within the limits approved by the Parliament .

#### Article 123. The State Budget

(1) The revenues and the spendings of the state budget should be strictly balanced, its constituting parts being described in a detailed manner in order to prevent the creation of hidden funds.

(2) Should the Law for the state budget be not adopted as early as the beginning of a new financial year then the Government can make spendings from the budget for the previous year for purposes as follows:

- a) the support of the public institutions foreseen by the Law;
- b) the fulfilment of the previously assumed state commitments;
- c) financing of the construction sites and of the works begun previously;

#### Article 124. Execution of the state budget

(1) It <sup>will be</sup> the competence of the Government and of the local public administration bodies to execute the budget.

(2) The Government will present a detailed report regarding the execution of the state budget to the Parliament as late as a 2 months period of time after the end of the previous financial year.

#### Article 125. The local budgets

The local budgets are worked out, approved and executed in conditions of the Law.

#### Article 126. Taxes and Charges

(1) The taxes and charges and all the other revenues of the state budget and of the social insurance budget will be determined exclusively by the Law.

(2) The local taxes and charges are determined by the local or regional councils within and in conditions of the Law.

### Title V

#### THE CONSTITUTIONAL COURT

#### Article 127. The status

(1) The constitutional Court is the unique authority of the constitutional jurisdiction in the Republic of Moldova.

(2) The constitutional Court is independent on every other public authority and subordinates only to the Constitution.

(3) The Constitutional Court guarantees the supremacy of the Constitution, ensures the realization of the principle of the separation of the state power into the legislative, executive and judicial powers and guarantees the responsibility of the state in respect to the citizen and of a citizen in respect to the state.

Article 128. Objectives and duties

(1) The Constitutional Court will carry out the following:

a) control whether the laws and decrees of the President of the Republic of Moldova, the international treaties to which the Republic of Moldova is a Party are in compliance with the Constitution;

b) see to it that the procedure for the parliamentary elections, the elections of the President of the Republic of Moldova be respected, confirm the results of the suffrage, determine the circumstances which justify the interim in the function of the President of the Republic of Moldova;

c) express its attitude and consultation in respect to a proposal of suspension from office of the President of the Republic of Moldova;

d) see that the procedure of the organization and the run of a referendum be respected and confirm the results of a referendum;

e) ensure that the conditions for exercising the constitutional legislative initiative be observed by the citizens.

(2) The Constitutional Court will carry out its activity both on its own initiative and on the initiative of other bodies foreseen in the Law regarding the Constitutional Court.

Article 129. The Structure

(1) The Constitutional Court will include nine judges who in conformity to the law <sup>who</sup> will be irremovable

will be  
(2) six judges appointed by the parliament, the other three will be appointed by the President of the Republic of Moldova

(3) The judges included in the Constitutional Court will elect by a secret vote the chairman of this body for a period of 4 years

Article 130. Conditions to be observed in the process of nomination of judges

The Constitutional Court will include judges possessing a higher juridical education who are of high professional competence their juridical activity being no less than 15 years, the scientific activity and the activity as a lecturer of jurisprudence included.

Article 131. Incompatibility

The post of a judge of the Constitutional Court will be incompatible with every other public or private function with the exception of a post of a lecturer in higher education institutions and of the scientific activity.

Article 132. Independence

The judges included in the Constitutional Court are independent in exercising their mandate and subordinate exclusively to the Law.

Article 133. The Resolutions of the Constitutional Court

(1) The laws and other normative instruments or certain parts of the latter will become null since the moment of the adoption of a corresponding decision of the Constitutional Court.

(2) The resolutions of the Constitutional Court are definitive and can not be contested.

Title VI

REVISION OF THE CONSTITUTION

Article 134. The initiative for a revision

(1) The revision of the Constitution can be initiated by:  
a) a number of citizens of the Republic of Moldova with a

right to vote no less than 250 000 people.

of at least 1/3

b) by a number of deputies of the Parliament

c) the President of the Republic of Moldova;

d) the chairman of the Parliament ;

e) the Constitutional Court;

f) the Supreme Court of Justice.

(2) The citizens initiating the revision of the Constitution will have to originate from at least half of the regions and cities of the country where at least 15000 signatures in favour of such an initiative have been obtained.

(3) The drafts of the constitutional laws will be submitted to the Parliament only along with the resolution of the Constitutional Court adopted in a plenary sitting with a vote of at least six judges.

Article 135. The Limits of a revision

(1) The statements of the Constitution concerning the national character of the state, its independence, <sup>the</sup>unity and non-partition of the state, the republican mode of governing, the territorial integrity, the independence of justice, the political pluralism and the official language will not be subjected to a revision.

(2) No revision will be made should it lead to the violation of the fundamental human rights and liberties of citizens or the guarantee of such.

(3) The Constitution will not be subjected to any revision in a state of siege, during a state of emergency, in war time, nor when the territorial integrity of the country is endangered.

Article 136. The Law regarding the modification of the Constitution

(1) The Parliament will <sup>have</sup> the right to adopt a law regarding the modifications of the Constitution within a period of time of at least 6 months since the day the corresponding initiative has been submitted. The Law will be adopted with a majority of two thirds of deputies.

(2) Should the Parliament adopt no corresponding Constitutional Law within a year period of time since the submission of the initiative regarding the modification of the Constitution the proposal will be considered null.

## Title VII

### FINAL AND TRANSITIONAL STATEMENTS

(to be specified on basis of the proposals submitted to the constitutional Committee)

The draft of the Constitution was elaborated by taking into consideration the proposals reflected in the initial drafts submitted by: the Department for the legislative problems and maintenance of Law and order of the Secretariat of the Parliament; the Government; the Academy of Sciences; the independent group of authors including Mr Ilie Rotari, Ilie Teaca, Tudor Negru, Tamara Gortopan, Vladimir Dimitrisin, Sveatoslav Cazacu.

Also taken into consideration was a project of the above mentioned working groups to the elaboration of which contributed the people as follows: Boris Negru, Nicolae Doru, Vladimir Mocreac, Nicolae Osmochescu, Tudor Negru, Ion Paduraru, Mihai Petrachi, Ilie Rotari, Iulia Sircu, Ilie Teaca.

Taken into consideration were also the remarks and proposals made at the sitting of the Constitutional Commission as well as those submitted by the working groups.

The draft of the Constitution was finalized by the working group headed by Boris Negru and including the people as follows:

Alexandru Arseni, Mihai Cotorobai, Raisa Grecu, Tudor Negru,  
Nicolae Osmochescu, Mihai Petrachi, Ion Plamadeala,  
Ilie Teaca.

Victor Puscas deputy chairman of the Parliament coordinated  
the activity of the working group.

Translated by  
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