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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

DRAFT LAW

**ON THE MODIFICATION AND COMPLETION
OF THE CONSTITUTION**

AND INFORMATIVE NOTE

**Law
on amending and supplementing the Constitution of the Republic of Moldova**

The Parliament adopts this constitutional law

Unique article. The Constitution of the Republic of Moldova, adopted on July 29, 1994 (Official Gazette of the Republic of Moldova, 1994, No.1), with later amendments, is amended and supplemented as follows:

1. To the article 116:

paragraph 2 shall have the following content:

„(2) Judges of the courts of law shall be appointed, according to the law, until the age limit has been reached, by the President of the Republic of Moldova, at the proposal of the Superior Council of Magistracy. The President of the Republic of Moldova may reject once only the nomination proposed by the Superior Council of Magistracy.”;

paragraphes (3) and (4) are abrogated;

paragraph (5) shall have the following content:

„(5) Decisions on the appointment of judges and their career must be adopted on the basis of objective criteria, based on merit and a transparent procedure, according to the law. Judges may be promoted and transferred only with their consent.”

shall be supplemented by paragraph (5¹) with the following content:

„(5¹) Judges may only have functional immunity under the law.”

2. Article 121 shall be supplemented by paragraphs (1¹) și (1²), with the following: content:

„(1¹) Consultation of the Superior Council of Magistracy is mandatory in the process of drafting, examining, approving and amending the state budget in the part related to the allocation of financial means to the courts.

(1²) The Superior Council of Magistracy is entitled to submit to the Parliament proposals on the financial means necessary for the proper functioning of the courts.”

3. Section 2 of Chapter IX shall be supplemented by Article 1211, with the following content:

**„Article 121¹
The role**

The Superior Council of Magistracy is the guarantor of the independence of the judiciary bodies”.

4. The article 122 shall have the following content:

**„Article 122
Composition**

(1) The Superior Council of Magistracy shall consist of judges, elected by the General Assembly of the Judges, representing all levels of the courts and representatives of the civil society with experience in the field of law.

(2) Judges must be an important part of the members of the Superior Council of Magistracy. The manner and procedure for electing or appointing members of the Superior Council of Magistracy shall be established by law.

(3) The members of the Superior Council of Magistracy shall be elected or appointed for a term of six years, without the possibility of having two consecutive terms of mandates ”.

5. The Article 123, paragraph (1) shall be supplemented by the sentence: "The Superior Council of Magistracy shall exercise its powers either directly or through its specialized bodies".

Speaker of the Parliament

INFORMATIVE NOTE

to the draft Law on the modification and completion of the Constitution of the Republic of Moldova

The conditions that required drawing up of the project and the pursued objectives

The present project was developed for the implementation of L1 Action of the Title III, point 12, sub-paragraph (1) of the National Action Plan for the implementation of the RM-EU Association Agreement in the period of 2017-2019, approved by the Government Decision no. 1472 of 30.12.2016 "*Elaboration of the draft amendment of the Constitution of the Republic of Moldova in the part related to the initial term of appointing the judges and the selection of the judges of the Supreme Court of Justice, as well as to the realization of the role of the Superior Council of Magistracy in the process of self-administration of the judiciary , its composition and competencies*".

In addition, the commitment to promote amendments to the Constitution to strengthen the judiciary is reflected within Title III point 18 L1 of the Legislative Program for the Implementation of the Association Agreement between the Republic of Moldova and the European Union for 2017, approved by the Parliament Decision no.1 of 24.02. 2017.

The project also aims at implementing the legislative measures provided by the Pillar I "Judicial System" of the **Action Plan for the Implementation of the Justice Sector Reform Strategy for 2011-2016**, approved by the Parliament Decision no. 6 of February 16, 2012, and namely:

- *Action 1.1.6 point 6 - Drawing up the draft law amending the Constitution on the part of the term of initial appointment of judges and the selection of judges of the Supreme Court of Justice.*

- *Action 1.1.9, point 3 - Elaboration of the draft amending the Constitution of the Republic of Moldova in order to implement the role of the Superior Council of Magistracy in the process of self-administration of its judiciary system, its composition and competencies.*

This project aims at achieving the specific objective of Pillar I: Strengthening the independence, accountability, impartiality, efficiency and transparency of the judiciary.

Independence of justice is one of the conditions for the existence of the rule of law.

According to the UN Principles of Independence of Justice, approved on December 13, 1985, "Independence of the judiciary must be guaranteed by the state and enshrined in the Constitution or the laws of the country. It is the duty of all governments and other institutions to respect and oversee the independence of the body of judges. "

In order to assess the level of guarantees of judicial independence, numerous recommendations and studies have been carried out both at national and international level.

In this regard, we can highlight:

- Rec (2010) 12 Recommendation of the Committee of Ministers of the Council of Europe on judges: independence, efficiency and responsibilities;
- The Bangalore Principles on Judicial Conduct;
- The Basic Principles of Independence of Justice, approved by United Nations General Assembly Resolutions 40/32 of November 29, 1985 and 40/146 of December 13, 1985;
- Opinion no. 10/2007 of the Consultative Council of European Judges;
- Opinion of the Venice Commission no. 403/2006 of June 22, 2007 on the appointment of judges;
- Opinion of the Venice Commission no. 698/2012 of March 11, 2013 for the Constitutional Court of the Republic of Moldova on the immunity of judges;
- Concluding remarks of the UN Human Rights Committee on reports submitted by States Parties under Art. 40 of the International Covenant on Civil and Political Rights on the Republic of Moldova, CCPR / CMDA / CO / 2, of October 29, 2009;

- Report on the of Self-Adoption Bodies and the Careers of Judges, conducted by the Council of Europe's General Directorate for Human Rights, September 2011;
- The "Reforming the Judicial System of the Republic of Moldova research: Perspectives and Challenges" study, launched in 2013, under the project "Improving respect for the right to freedom and security of the person in Moldova";
- "Monitoring Report on Transparency and Efficiency of the Superior Council of Magistracy", conducted by the Moldovan Legal Resources Center within the project "Contributing to Increasing the Transparency and Efficiency of SCM Activity in the Republic of Moldova".

The listed documents highlight the necessity of making changes at Constitutional level regarding the appointment of judges as well as the composition and competence of the Superior Council of Magistracy (hereinafter SCM).

Thus, the provisions of the draft incorporate the recommendations of the above-mentioned documents in the aspects related to ensuring the stability of the mandate of judges and their irremovability, as well as guaranteeing the independence of the judiciary.

It is important to note that the draft Law on the amendment of the Constitution regarding the reform of the judiciary is not a novelty. However, a similar project was registered in Parliament with no. 187 of 03.05.2016, being adopted in a first reading on 13.04.2017.

On the grounds of non-adoption of the constitutional law for one year from the submission of the amendment, the proposal was declared null and void. However, given the importance and value of the proposals for revision of the Constitution, the Ministry of Justice has again started the procedure of legislative creation.

Demonstration of the need for regulation and highlighting new items

1. The initial term and the appointment of judges

Currently, according to the provisions of art.16 par. (2) of the Constitution of the Republic of Moldova and art. 11 par. (1) of the Law no. 544 of July 20, 1995 on the status of judge, the new judges are initially appointed for a period of 5 years. Only if they carry out their activity properly during this period, judges are appointed until reaching the age limit of 65 years.

With regard to international standards on the appointment and stability of the mandate of judges, the Basic Principles of Independence of Justice state that "*Judges, whether appointed or elected, must have a warrant up to a mandatory retirement age or until their term of office expires, if there is such a duration*" (Principle 12).

Regarding the independence of judges, the Committee of Ministers of the Council of Europe stresses that "*Mandate security and irremovability are key elements of the independence of judges. Consequently, judges should have guaranteed the mandate to a mandatory retirement age, where it exists.*"

We also mention that the Human Rights Committee (UNO), as regards the probationary period for judges in the Republic of Moldova and its impact on judicial independence, recommended "reviewing the legislation to ensure that the judges' immutability is long enough to ensures their independence, in accordance with the requirements of art. 14, paragraph 1 of the Covenant. "

We note that the existence of an initial term for the appointment of judges has been criticized internationally. Thus, according to the recommendations made in the study "Reforming the Judicial System of the Republic of Moldova: Perspectives and Challenges" conducted by the International Jury Commission: "Although the Review College and the SCM currently offer some guarantees against the interference of the executive during the probationary period, during the first years of professional experience training is not able to lead to the independent exercise of the judiciary. *The quality of the work of the newly appointed judges can best be ensured through a system of evaluation and disciplinary,*

without the need for a probationary period”.

In the context of the above, a first intervention proposed through this project refers to the exclusion of the initial term of 5 years of appointment of judges, stipulated in art. 116 of the Constitution. This approach has become necessary in the light of the potential effect of this term on the independence and impartiality of the judiciary, as noted by international organizations, as well as the promotion of the new Judicial Evaluation System.

Thus, as a result of the adoption of this draft law, the judges will be appointed until the age limit by the President of the Republic of Moldova at the proposal of the SCM.

The draft also proposes to complement the Constitution of the Republic of Moldova with the provision on the right of the President of the Republic of Moldova to reject only once the nomination proposed by the SCM. Presently, the regulation of this right of the President of the Republic of Moldova can be found in art. 11 par. (3) of the Law no. 544 of July 20, 1995 on the status of judge. The transfer of this provision into a normative act of superior legal force derives from the necessity to guarantee at the Constitutional level some minimal influences of the executive on the procedure of appointing judges.

Another change proposed by this bill concerns **the appointment and selection of judges of the Supreme Court of Justice.**

Considering that the Supreme Court of Justice is one of the three courts, whereby, according to art. 115 par. (1) of the Constitution, justice is being carried out in the Republic of Moldova, we consider it appropriate to standardize the procedures for the appointment of judges in all courts in the country, regardless of their level.

Here, it should be noted that the **Consultative Council of European Judges** is also in favor of systems involving political authorities such as the Parliament and the Government at some stage of the selection process (point 31 of Opinion No. 10/2007).

Thus, it is proposed that judges of the Supreme Court of Justice to be appointed to the same position as judges in the courts of appeal and the judges, that is to say, by the President of the Republic of Moldova at the proposal of the Superior Council of Magistracy. This change will reduce the influence of political factors on the procedure of appointing judges. In this sense, it is proposed to repeal para. (4) of art. 116, the procedure for the appointment of judges in all courts is identical and regulated by par. (2) of the same Article.

Accordingly, the exclusion of the requirement of "seniority in the office of judge for at least 10 years" by the President, the Vice-Presidents and the judges of the Supreme Court of Justice is aimed at obtaining the status of judge at the SCJ and the persons with a length of service other than the judge, to exclude corporate governance within the SCJ.

In addition, we specify that the criteria for selecting judges of the SCJ, including seniority, are to be detailed in the SCJ Law.

With reference to the term and manner of appointing judges in other states, we note that **in most states judges are called for entire life until they reach a certain age.**

In *Belgium*, judges are appointed for life by the King. They are retired at the age set by the law and may be dismissed or suspended only on the basis of a court decision.

In *Poland*, judges are appointed indefinitely by the President of the Republic at the suggestion of the Krajowej Rady Sadownictwa. The age at which judges retire is set by law.

The *Estonian* Constitution states that "judges are appointed for life". A similar norm is also found in the Constitution of the Republic of Slovenia, according to which "the position of judge is permanent".

In *the UK*, for example, the judge must resign if he or she has reached the age of 72, and the judges of the Supreme Court - 75 years old in Japan - 65 years of age, in other states the census is usually 65 - 70 years.

Only in some states the judge is appointed for a certain term (in Japan - for 10 years), but this may be prolonged, which is frequently practiced, and this ensures the appointment

of the judge for life. The initial appointment of judges for a certain term is practiced in Ukraine, Slovakia, the **Czech Republic**, where it is followed by the appointment for life.

In Ukraine, the initial appointment as Judge is made by the President of the country for a term of 5 years. All other judges, except judges of the Constitutional Court, are called by the Parliament of Ukraine for life.

Regarding the appointment of judges, we also bring the following examples.

In Austria, judges are appointed at the proposal of the Federal Government, by the Federal President, or by the competent federal minister appointed for this purpose by the President. The federal government or competent minister should invite the chambers provided for this purpose in the law on judicial organization to submit proposals for appointment.

In Italy, at the proposal of the SCM, university professors from law faculties and lawyers with a 15-year seniority who are registered in the special professional lists of special courts may be appointed for their special merits as Cassation advisers.

According to the Romanian Constitution, judges are appointed by the President of Romania and are irremovable under the law. Proposals for appointment as well as the promotion, transfer and sanctioning of judges are within the competence of the Superior Council of Magistracy, under the conditions of its organic law.

In the Russian Federation, the judges of the Constitutional Court and the Supreme Court are appointed by the Federation Council at the proposal of the President of the Russian Federation. The judges of other federal courts are appointed by the President of the Russian Federation in accordance with the procedure established by federal law.

2. Immunity of judges

Regarding the immunity of judges, we note that the Venice Commission has consistently supported the idea of a limited functional immunity of judges: *"Magistrates (judges, prosecutors and investigators) should not enjoy general immunity as provided for in the Bulgarian Constitution. According to the general standards, they certainly need to be protected against civil actions, for actions performed in good faith during the exercise of their functions. However, they should not enjoy general immunity which would protect them from prosecution for criminal actions for which they must respond to the courts"* (Venice Commission Opinion 698/2012 of March 11, 2013).

In its report on "Independence of the Judiciary - Part I: Judges Independence", the Commission approved the general rule that judges should not enjoy any form of criminal immunity for offenses committed in the exercise of their functions: *"It is undeniable that judges must be protected from any undue influence from outside. For this purpose, they must enjoy functional immunity (exclusively functional against criminal prosecution for acts performed in the exercise of their functions, except for offenses committed in bad faith, for example, bribery)."*

Finally, judges can only enjoy functional immunity, **namely immunity from prosecution only for actions or inactions** in the exercise of their functions. In that regard, it seems obvious that passive corruption, trafficking in influence, bribery and similar offenses can not be regarded as acts committed in the lawful exercise of its functions.

As a result of the above, the project comes with a supplement to art. 116 of the Constitution of the Republic of Moldova, namely paragraph (5¹), which will regulate the functional immunity of judges. They will be able to enjoy functional immunity only under the law.

We mention that similar practice exists in other states. For example, in Norway, where judges also do not enjoy personal immunity, but only functional immunity. This new standard is in line with international standards.

3. The role and composition of the Superior Council of Magistracy

As regards the role of the SCM, **the Report on the bodies of self-administration and the career of judges**, carried out by the General Directorate for Human Rights of the Council of Europe, mentions that art. 123 of the Constitution of the Republic of Moldova lists the powers of the SCM (assures the appointment, transfer, posting, promotion and disciplinary measures against judges) without showing its most important function - **the self-administration of the judiciary**. Thus, the authors of this Report recommended that it be regulated at constitutional level, not just an organic law, as it is currently (Article 1 of Law No. 947 of 19 July 1996 on the Superior Council of Magistracy).

As a result of this recommendation, we propose that the Constitution be completed with a new article 1211 which will expressly regulate the fact that the Superior Council of Magistracy is the guarantor of the independence of the judiciary.

Similar regulation exists in the *Romanian* Constitution, where art. 133 par. (1) expressly states that "the SCM is *the guarantor of the independence of the judiciary*". Also, art. 187 of the Polish Constitution expressly regulates the role of the SCM - the Polish Judicial Council stands in the wake of the independence of the judiciary and the independence of the judges.

Another intervention concerns the composition of the SCM. Currently, according to the provisions of art. 122 of the Constitution of the Republic of Moldova, the SCM is made up of elected judges and professors, elected for 4 years and 3 members of the law.

In the context of the recommendations **of the Monitoring Report on the Transparency and Efficiency of the SCM**, it is proposed to replace the term "titular teachers" with the term "representatives of civil society with experience in the field of law", since this term, in terms of meaning, the titular teachers, but at the same time offers the possibility to choose the members of the SCM and representatives of other legal professions, whose presence would be welcomed in the SCM, such as specialists in promotion and respect of human rights, in the field of management etc.

Also, **the Monitoring Report on the SCM's** transparency and efficiency shows that the presence of the Prosecutor General in the SCM "*raises questions from the point of view of the equality of arms, because in the composition of the SCM there are no representatives of the lawyers, thus creating the impression that the defense and the prosecution are treated different. It is also questionable whether the Prosecutor General's right to disciplinary proceedings is correct in some concrete cases in which the Prosecutor General's Office was a party to the proceedings, for example in the case of appeals for annulment of acquittal or too soft sentences.*"

The exclusion of the General Prosecutor and the Minister of Justice from the SCM was also recommended by the **General Directorate for Human Rights in the Report on the Bodies of Self-Administration and the Careers of Judges**, as well as by the authors of the study "Reforming the Judicial System of the Republic of Moldova: Prospects and Challenges".

According to paragraph 13 of the **Magna Charter**, judges, "*the members of the council must be either judges only, or in an important majority of judges elected by their colleagues*".

A similar provision also contains point 27 of **Recommendation Rec (2010) 12 of the Committee of Ministers of the Council of Europe**, according to which no less than half of the members of the judiciary council "must be elected by their colleagues at all levels of the judiciary and respecting pluralism inside the judiciary".

Also, **the Venice Commission, at point 50 of Opinion no. 403 of 22 June 2007 (CDL-AD (2007) 028) on the appointment of judges** estimated that "*A substantial part or the majority of the members of the Judicial Council must be elected by the judges themselves. In order to ensure democratic legitimacy for the Judiciary Council, the other members must be elected by Parliament, among those with appropriate legal powers*".

Thus, it is proposed to expressly regulate the fact that "an important part of the SCM members must be judges". In the context of paragraph 13 of the Magna Charter of Judges and other international recommendations mentioned above, the expression "important part" presumes a number of judges who may have an influence on the SCM decisions. The drafting of the project has avoided indicating a concrete figure, in order to leave Parliament more flexibility in establishing it at the moment of amending the normative framework related to this law. At the same time, the explicit mention of this in the Constitution of the Republic of Moldova will be a guarantee for the independence of the judiciary and for avoiding the tendencies to reduce the number of judges below the minimum recommended by international standards.

At the same time, on the basis of the same recommendations and international regulations, *which emphasize the necessity of electing judges - members of the Judicial Council, by judges themselves*, it is absolutely necessary to set up SCMs from judges elected by the General Assembly of Judges. Consequently, the concept according to which the President of the Supreme Court of Justice is a member of the SCM law is inconsistent with the ones outlined.

Moreover, international recommendations state that the composition of the judiciary council should *include judges of different levels consistent with respect for pluralism within the system* (see, for example, p. 27 Recommendation CM / REC (2010) 12 of the Committee of Ministers to the Member States on Judges: Independence, Efficiency and Responsibilities (2010), p. 7 The OSCE / ODIHR Recommendations in Kyiv on Judicial Independence in Eastern Europe, Southern Caucasus and Central Asia (2010).

As a result of the promotion of the modifications and additions mentioned above, we propose the new edition of art. 122 of the Constitution of the Republic of Moldova.

Another proposed amendment refers to the term of office of the members of the SCM, which has been increased from 4 years to 6 years. In this context, the ban, which currently exists only for the members of the titles of the right teachers to hold two consecutive terms, has been extended to all members of the SCM. This change will avoid perpetuating the same persons in the SCM (2 mandates - 12 years) and will help to include new professionals in the field.

The practice of the European states on the composition of magistrates' councils differs from one state to another. It is common that most members of these councils are judges.

Under Italian law, the Superior Council of Magistracy consists of: the President of the Supreme Court of Cassation, the Prosecutor General, 20 members elected by ordinary judges and 10 members elected by Parliament at the joint meeting of both Chambers.

According to the Constitution of Poland, the Superior Council of Magistracy consists of 25 members: the President of the Supreme Court, the President of the Supreme Administrative Court, the Minister of Justice, a member appointed by the President of the country, 15 members selected from the Supreme Court judges, the administrative and military courts, Seim and two senators selected by the Senate from among the senators.

According to the French Constitution, the Superior Council of Magistracy is chaired by the President of the Court of Cassation. It also includes five judges and a prosecutor, a state councilor appointed by the State Council, a lawyer, as well as six qualified personalities, who are neither a member of the Parliament, nor of the judiciary nor the administrative one. The President of the Republic, the President of the National Assembly and the President of the Senate each appoint two qualified personalities.

In Spain, the General Council of the Judicial Power is made up of the President of the Supreme Court of Justice, who also presides by twenty members appointed by the King for a period of five years, of which twelve are judges and magistrates of all kinds, by organic law; four are appointed by the Congress and four by the Senate, elected in both cases by three fifths of its members, of lawyers and other lawyers with more than fifteen years of professional experience.

In Romania, the Constitution expressly provides that the Superior Council of Magistracy is the guarantor of the independence of justice. It consists of 19 members, of which: 14 members elected in the General Assemblies of Magistrates, validated by the Senate (9 judges and 5 prosecutors), 2 representatives of the civil society, specialists in the field of law elected by the Senate, the Minister of Justice, The High Court of Cassation and Justice and the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice.

In the Russian Federation, the Superior Council of Judges is elected by the General Assembly of Judges of the Judges of the Federal Courts and the Judges of the Courts of the Russian Federation (2 Judges from the Constitutional Court, 4 Judges from the Supreme Court, 2 from the Arbitration Courts, 2 from the Arbitration Courts, 5 from the Supreme Courts and the Courts, etc.), as well as from every subject of the Russian Federation - a judge elected by Congress at the proposal of the competent judicial conference of the Russian Federation.

4. The powers of the Superior Council of Magistracy

Concerning the implementation of the SCM tasks, this draft stipulates expressly that the SCM is the authority that can determine and propose to the Parliament the financial means for the state budget necessary for the good functioning of the courts, being consulted at all stages examination of budget proposals for the judiciary.

Current regulations denote the overlapping of competences of different authorities. Thus, according to art. 131 par. (2) of the Constitution of the Republic of Moldova, the Government prepares the draft state budget on an annual basis, which it submits to Parliament's approval. Article 131 (4) of the Constitution states that "any legislative proposal or amendment that would increase or reduce budget revenues or loans, as well as increase or decrease of budgetary expenditures, can be adopted only after they are accepted by the Government". Article 121 of the Constitution of the Republic of Moldova regulates the way of approving the financial resources of the courts. For its part, Article 22 of Law no. 514-XIII of July 6, 1995 on judicial organization states that "the financial means necessary for the good functioning of the courts are approved by the Parliament at the proposal of the Superior Council of Magistracy and are included in the state budget. These means can not be reduced without the approval of the Superior Council of Magistracy and are allocated on a regular basis".

As a result of the examination of the provisions of the legislation of the Republic of Moldova, the General Directorate for Human Rights of the Council of Europe, in **the Report on the Bodies of Self-Administration and the Career of Judges**, Article 123 of the Constitution, which regulates the powers of the SCM, does not mention that it is empowered to examine issues related to the funding of the courts. Thus, the General Directorate for Human Rights has recommended the review of legislation on court budgeting to enhance the role of judicial self-administration bodies in this process.

In this context, the authors of the Monitoring Report on the Transparency and Efficiency of the Superior Council of Magistracy pointed out "*the need for the CSM to take the leading role in the process of drawing up the budgets of the courts and sending them for adoption directly to Parliament, taking into consideration the rules on the budgeting of public institutions*".

Thus, in order to exclude ambiguities and doubling of competencies, we consider it appropriate to include in the Constitution of the Republic of Moldova the attributions of the Superior Council of Magistracy with financial specifics. Considering that the financial resources of the courts are regulated in art. 121 of the Constitution, the powers of the Superior Council of Magistracy in this field will also be regulated in this article and not in art. 123 proposed by the General Directorate for Human Rights of the Council of Europe.

We mention that similar practice exists in Bulgaria. Thus, art. 130 par. (4) of the Bulgarian Constitution provides expressly that the Supreme Judicial Council adopts the draft budget of the judiciary.

Regarding the normative act governing the powers of the SCM, we mention that in France, Italy, Belgium and Romania these are regulated in the Constitution. In Finland, Spain and the

<p><u>Russian Federation</u>, the functions and organization of the SCM activity are governed by the laws referred to in the Constitution.</p> <p>Additionally, the draft proposes the repeal of paragraphs (3) and (4) art. 116 of the Constitution in the context of ensuring the implementation of the rotation mechanism in the occupation of managerial functions in the judiciary according to objective 2, section C, chapter I of the Government Program of Activity for the years 2016-2018, mission to the Superior Council of Magistracy as body of self-administration.</p>
Economic and financial foundation
<p>Implementation of the project does not require additional financial resources from the state budget and involves only organizational adjustments in the pre-established process of appointing SCM members and appointing judges.</p>
Impact of the project
<p>The project will have a significant impact in ensuring the implementation of international recommendations regarding the initial term and the appointment of judges, as well as the role, composition and attributions of the Superior Council of Magistracy.</p>
The way to incorporate the project into the system of normative acts in force
<p>As a result of the approval of this project, the following normative acts are to be amended / supplemented:</p> <ul style="list-style-type: none">- Law no. 947 of 19 July 1996 on the Superior Council of Magistracy;- Law no. 544 of 20 July 1995 on the judge status.
Public consultation and consultation of the project
<p>In order to comply with the provisions of Law no. 239 of November 13, 2008 on transparency in the decision-making process, the draft law was placed on the official website of the Ministry of Justice www.justice.gov.md, at the <i>Decision Transparency Directorate, Draft Norms for Remedies to Co-ordinate</i>.</p> <p>Thus, in the process of approval, opinions were received from the following authorities: the Ministry of Finance, the Ministry of Economy, the Academy of Economic Studies of Moldova, the Supreme Court of Justice, the Chisinau Court of Appeal, the Prosecutor's Office of the Republic of Moldova, the Academy of Sciences of Moldova, Judges, Court of Appeal of Cahul, Court of Appeal of Comrat, Court of Comrat.</p> <p>Following the anti-corruption expertise, there were no incompatibilities with national and international anti-corruption standards and no promotion of individual or group interests was found to the detriment of the general interest of society.</p> <p>The proposals and objections of the National Anti-Corruption Center were reflected in the CNA's objections and proposals to the project.</p>

MINISTER