

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON THE**  
**CONSTITUTIONAL COURT OF MOLDOVA**

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**on the amendment of the Republic of Moldova Constitution**

The Parliament herewith adopts the present constitutional law.

**Article one.** The Republic of Moldova Constitution, adopted on July 29, 1994 (Republic of Moldova Official Gazette, 1994, no.1) shall be amended as follows:

1. A new paragraph shall be introduced after par.(2) of art.134 - paragraph (3), with the following content:  
"(3) The Constitutional Court shall dispose of financial autonomy and of its own budget, distinctly included in the state budget."
2. Paragraph (3) of art.134 shall become paragraph (4).
3. The wording "and of the citizen towards the state" from par.(4) art.134 shall be excluded.
4. Article 135 shall have the following content:

***"Article 135. Duties***

(1) The Constitutional Court shall:

- a) exercise, upon notification, the constitutional review of the normative acts adopted by the central public authorities;
- b) interpret the Constitution;
- c) exercise, upon notification, *a priori* constitutional review of the international treaties;
- d) decide on exceptions of unconstitutionality of the normative acts raised by natural persons and courts of law;
- e) give its advisory opinion on initiatives to revise the Constitution;
- f) give its advisory opinion, upon notification, on the observance of the constitutional laws' adoption procedure;
- g) confirm the results of elections of the Parliament and of the President of the Republic of Moldova;
- h) find the circumstances justifying the dissolution of the Parliament, the dismissal of the President of the Republic of Moldova or the ad-interim position of the President, as well as the impossibility of the President of the Republic of Moldova to exercise his duties for more than 60 days;
- i) give its advisory opinion on the observance of the republican referendum organization and unfolding procedures and shall confirm its results;
- j) decide on issues of political parties' constitutionality;
- k) exercise the constitutional review of the Parliament's decisions of levying the immunity or of termination of mandate of a deputy;

l) examine the property and revenue statements of persons running high public offices at the beginning and at the end of their mandate, shall allow the investigation and publication of these statements;

m) give its advisory opinion, upon the Parliament's notification, on the dismissal of justices of the Supreme Court of Justice, Prosecutor General and the Court's of Audit members.

(2) The duties of the Constitutional Court may be amended only by a constitutional law.

(3) The Constitutional Court shall perform its activity at the initiative of subjects provided by the Law on the Constitutional Court.

4. Article 136 shall have the following content:

***"Article 136. Structure***

(1) The Constitutional Court shall comprise of 7 judges, appointed for a mandate of 9 years.

(2) Two judges shall be appointed by the Parliament, two - by the Government, two - by the High Council of Magistrates and one - by the President of the Republic of Moldova.

(3) The judges of the Court shall elect, by secret voting, the president and vice-president of the Court."

5. Article 140 shall have the following content:

***"Article 140. Constitutional Court's acts***

(1) The laws and other normative acts, or some parts of them shall become null and shall not be enforced since the adoption of the corresponding decision by the Constitutional Court.

(2) The legal effects of the normative act that was declared unconstitutional shall be removed according to the legislation in force.

(3) The Constitutional Court's acts shall be final and shall not be subjected to appeal."

President of the Parliament  
of the Republic of Moldova