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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**LAW ON THE INFORMATION AND SECURITY SERVICE
OF THE REPUBLIC OF MOLDOVA**

**THE REPUBLIC OF MOLDOVA
PARLIAMENT**

**LAW ON THE INFORMATION AND SECURITY SERVICE
OF THE REPUBLIC OF MOLDOVA**

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The parliament hereby adopts the present organic law.

The present law sets the objectives, legal framework, principles, directions of activity, functions, forces and the means of the Information and Security Service of the Republic of Moldova, as well as the methods of exercising control and supervision over its activity.

Chapter I
GENERAL PROVISIONS

Article 1. The Information and Security Service of the Republic of Moldova

(1) The Information and Security Service of the Republic of Moldova (hereinafter the Service) is the state body specialized in ensuring the security of the state.

(2) The activity of the Service is coordinated by the President of the Republic of Moldova, within the limits of his competency, and is subjected to parliamentary control.

(3) The Service represents a centralized unitary body, comprising the sub-units of the central apparatus of the Service and its territorial bodies.

(4) The personnel of the Service is set and approved by the Parliament upon a proposal from the director of the Service.

(5) The territorial bodies are directly subordinated to the administration of the Service. Their dislocation may not correspond to the territorial-administrative organization of the Republic of Moldova.

(6) The Service is a legal entity, it has an official and conventional name, other necessary attributes, bank accounts, including foreign currency accounts.

Article 2. The legal framework for the activities of the Service

(1) The legal framework for the activities of the Service comprises the Constitution of the Republic of Moldova, the present law, other legislative acts, decrees of the President of the Republic of Moldova and decisions of the Government.

(2) The activities of the Service shall be carried out in accordance with the international treaties to which the Republic of Moldova is a party.

Article 3. The operational principles of the Service

The Service carries out its activities in accordance with the following principles:

- legality;
- observance of human rights and freedoms;
- humanism;
- non-affiliation to any party;
- appropriateness;
- conspiracy, combination of methods and means of overt and covert activities;
- centralization of the Service administration, combination of uni-personal and collegial management.

Article 4. The observance of human rights and freedoms in the activities of the Service

(1) In its activities the Service shall ensure the observance of human rights and freedoms. No restrictions of human rights or freedoms are admissible, save for cases provided by the Constitution and other legislative acts.

(2) The citizens whose rights and freedoms have been violated by official persons of the Service have the right to petition the actions of the said persons in the hierarchically superior body of the Service, in the prosecutor's office or in a court of law. The head of the respective body of the Service, the prosecutor or the judge are obliged to take actions to restore the person's rights and freedoms, to repair the damages caused and to hold the offenders accountable, under the law.

(3) The public administration authorities, as well as the enterprises, institutions and organizations, irrespective of their type of property, political and social formations and citizens have the right, in accordance with the legislation, to obtain explanations and information from the Service, in cases of violations of their rights and freedoms, and to claim from the latter the reparation of damages caused through the illegal actions committed by official persons of the Service while on duty.

(4) Information on the private life, which affects the honor and dignity of the citizen or may infringe his legitimate interests, obtained in the course of activities of the Service, can be made public only with the consent of the citizen, save for cases provided by the legislation.

(5) Official persons of the Service, guilty of abuse of power or abuse of an official position, or of exceeding their authority or exceeding official powers, shall bear responsibility under the law.

Article 5. Citizens' right to information on the activity of the Service

(1) The citizens are informed about the activity of the Service through mass media and by other means, as provided by the legislation.

(2) The information on the rights and obligations, main directions of activity of the Service shall be presented entirely.

(3) It is prohibited to make public the information which constitutes a state secret, military secret, service secret or commercial secret, as well as information of a confidential nature, the disclosure of which could prejudice the security of the state, the honor and dignity of the person, or infringe upon the person's rights and freedoms, save for cases provided by the legislation in the interests of justice.

Article 6. The protection of information related to the activity of the Service

(1) The citizens engaged in the military (civil) service at the Service, as well as those who are granted access to information related to the activity of the Service, are subjected to the procedure for access to information which constitutes state secret, unless the legislation otherwise provides.

(2) The citizens who have been granted access, under the law, to information related to the activity of the Service which constitutes state secret, shall bear responsibility for the disclosure of such information according to the law.

(3) The documents and materials which contain information related to the military staff of the Service, the persons who provide or have provided assistance to the Service, either overtly or covertly, as well as information on the organization, tactics, methods and means of carrying out operative investigations activity by the Service constitute state secret and are kept in the archives of the Service. The materials from the archives of the Service with historical or scientific value shall be unclassified and remitted to the National Archive of the Republic of Moldova, as provided by the legislation.

Chapter II DUTIES AND DIRECTIONS OF ACTIVITY OF THE SERVICE

Article 7. The duties of the Service

The Service is attributed with the following duties:

- a) development and realization, within the limits of its competence, of a system of measures directed at discovering, preventing and counteracting the following actions, which, according to the legislation, endanger the state, public and individual security:
- actions directed at changing, through violence, the constitutional order, undermining or liquidating the sovereignty, independence and territorial integrity of the country. (These actions cannot be interpreted to the detriment of political pluralism, respect for constitutional rights and freedoms of persons);
 - activities which contribute, directly or indirectly, to the deployment of military actions against the country or to the unleashing of a civil war;
 - military actions or other violent actions which undermine the foundations of the state;
 - actions aimed at overthrowing through violence the legally elected public authorities;
 - actions that favor the emergence of exceptional situations in the transportation system, telecommunications, at economic entities or entities of vital importance;
 - espionage, namely the transfer of information which constitutes state secret to other states, as well as the illegal acquirement or possession of information which constitutes state secret with for the purpose of transmitting it to foreign states or anti-constitutional structures;
 - treason manifested through rendering of assistance to a foreign state in the deployment of hostile activities against the Republic of Moldova;
 - actions which infringe upon the constitutional rights and freedoms of citizens and endanger the security of the state;
 - preparation and commission of assaults on the life, health and inviolability of high ranking official persons of the country, state dignitaries and public life figures from other states present in the Republic of Moldova;
 - misappropriation of armaments, ammunition, combat equipment, explosives, radioactive, poisonous, narcotic, toxic and other substances, smuggling of such substances, their illegal production, use, transportation and storing, if such actions endanger the interests of ensuring state security;
 - setting up illegal organizations or groups that endanger the security of the state or participation in the activities thereof;
- b) protection of the state secret, exercise of control over the protection and prevention of leakage of information which constitutes state secret and other information of importance for the state;
- c) establishment, ensuring the functioning and security of governmental telecommunications systems, development of strategies and realization of national policy in the field of development, management and ensuring the functioning and security of special telecommunications systems;
- d) undertaking activities aimed at combating terrorism and the financing and material assistance of terrorist acts.

Article 8. The directions of activity of the Service

(1) With a view to fulfilling the duties related to ensuring the security of the state, the Service shall carry out:

- a) informative activities;
- b) counter-informative activities;

c) the combating of crimes the criminal investigation over which is assigned, under the law, to the Service. Other tasks in the field of combating crime may be assigned to the Service by law and other normative acts.

(2) The manner of deployment of informative and counter-informative measures, as well as the conditions of using secret methods and means in the deployment of informative and counter-informative activities, is provided by law.

Chapter III

THE OBLIGATIONS AND RIGHTS OF THE SERVICE AND ITS PERSONNEL

Article 9. The obligations of the Service

The Service is obliged:

a) to inform the Parliament, the President of the Republic of Moldova, the Government and other public authorities of problems related to state security interests;

b) to obtain informative data in the interests of ensuring the security of the Republic of Moldova, strengthening its economic, technical-scientific and defense potential, creating conditions for the promotion of its foreign and domestic policy;

c) to discover, prevent and counteract the informative and subversive activity of foreign special services and organizations, as well as that of particular individuals, aimed at prejudicing the security of the Republic of Moldova;

d) to discover, prevent and counteract the crimes, the criminal investigation over which is assigned, under the law, within the powers of the Service, to search for persons who have committed or are suspected of having committed such crimes;

e) to take measures to counter-informatively ensure the Ministry of Defense, the Ministry of Interior, the border guard troops, other military bodies, established by law, as well as control bodies and customs authorities;

f) to ensure the leaders of the state, of ministries, departments and other public authorities, including while abroad, in conformance with the Nomenclature designed by the Government, with a governmental, ciphered, secret connection and with other types of telecommunications; to organize and ensure the safety of their use;

g) to ensure, within the limits of its competency, the security of objectives of the defense system, of the financial-banking, energetic, transportation and telecommunications systems and of objectives of a vital importance, of informational and telecommunications systems, of scientific researches;

h) to exercise control on ensuring proper keeping of information which constitutes state secret; to participate in the development and fulfillment of measures aimed at protecting the information which constitutes state secret within the public authorities, military bodies, at enterprises, institutions and organizations, irrespective of their type of property; to take, in the manner prescribed, measures related to the citizens' access to information which constitutes state secret;

i) upon the request of leaders of public authorities, in the conditions set by law, to verify and present information on persons who are awaiting enlistment into the public authorities;

j) to take, jointly with other public authorities, actions to ensure the security of institutions of the Republic of Moldova located on the territory of other states, and of its citizens abroad;

k) to participate, within the limits of its competency and in collaboration with the border guard troops, in ensuring the protection of the state frontier of the Republic of Moldova;

l) to provide, by forces and means available, including technical ones, support to the bodies of the Ministry of Interior and to other law enforcement agencies in combating crime;

m) to discover radio emissions of radio-electronic transmitting equipment which endanger the security of the state;

n) to participate, in conformance with the law, in solving problems related to the granting and withdrawal of citizenship of the Republic of Moldova, the entry into/exit from the country of citizens of the Republic, foreign citizens and stateless persons, as well as the observance by foreign citizens and stateless persons of the regime of presence in the country;

o) to maintain in a good state the Service's preparation for mobilization, to develop necessary skills and to keep records of the personnel reserves.

p) within the limits of its competency, to plan, carry out activities and present to the competent bodies information necessary to ensure the military security of the state;

q) upon a declaration of a state of siege or war, within the limits of its competency, to coordinate with the General Military Staff of Armed Forces the measures to maintain the regime of the state of siege or war and to participate in ensuring the operations for the defense of the country.

Article 10. The rights of the Service

(1) The Service has the following rights:

a) to carry out, in conformance with the law, operative investigations measures;

b) to take actions to prevent crimes which, under the law, are within the competency of the Service;

c) to engage, in the conditions set by law, in an overt or covert manner (including as non-registered personnel), persons, with their consent, with a view to contribute to the fulfillment of tasks assigned to the Service. The powers of non-registered personnel shall be determined by departmental acts of the Service;

d) to use, on a contract basis or upon verbal agreement, within the limits necessary to carry out the operative investigations measures, office premises, other goods belonging to state organizations, enterprises, institutions, to military bodies, as well as premises and goods belonging to citizens;

e) to use, in case of extreme necessity, for official interests, telecommunication systems of enterprises, institutions and organizations, irrespective of their type of property, as well as those of social associations and of citizens, with their consent;

f) to use, in cases when delays are inadmissible, the transportation vehicles of enterprises, institutions and organizations, irrespective of their type of property, as well as those of social associations, citizens, save for those belonging to foreign institutions and persons with diplomatic immunity. Upon a request of owners of the transportation vehicles, the Service shall compensate, as prescribed by law, the expenditures or damages incurred.

g) to effect the administrative apprehension of persons who have committed offences related to the entry or attempts of entry onto the territories placed under special protection of premises with a special regime and other protected locations, as well as to control the identity documents of such persons, to ask for explanations, to carry out corporeal searches, to control and seize objects that belong to them; to file records on administrative offences;

h) to present to public authorities, to the management of enterprises, institutions and organizations, irrespective of their type of property, as well as to social associations, obligatory indications for the elimination of causes and conditions which contribute to endangering the state security;

i) to obtain, for free of charge, from public authorities, enterprises, institutions and organizations, irrespective of their type of property, information necessary for the fulfillment of duties assigned to the Service;

j) to develop state codes and technical means of enciphering, to execute ciphering works within the Service, as well as to exercise control over the observance of the secret coding regime

in handling ciphered information within the cipher subdivisions of public authorities, enterprises, institutions and organizations, irrespective of their type of property;

k) to establish, as prescribed by the legislation, enterprises, institutions, organizations and subdivisions necessary for the fulfillment of duties assigned to the Service and for the fulfillment of its activity;

l) to engage, by common agreement with the Ministry of Interior, the forces and means of the latter in actions aimed at ensuring the security of the state;

m) to establish public and covert subdivisions with special destination for the purpose of fulfilling the duties assigned to the Service;

n) to carry out forensic and other expert examinations, as well as investigations related to the competency of the Service;

o) to assign to public authorities, to state enterprises, institutions and organizations, as prescribed by the Government, and in private ones with the consent of their management, military personnel of the Service for employment therein, while they continue to serve their military service;

p) to set up relations with foreign special services and law enforcement agencies; to conclude, in the manner prescribed and within the limits of its competency, international agreements;

q) to have official representatives of the Service in foreign states, by common agreement with the special services or law enforcement agencies of the respective states, for the purpose of a more effective fight against crimes with an international character;

r) to take actions to ensure its own security;

s) to use, for conspiracy purposes, documents which encode the identity of official persons, the departmental belonging of subdivisions, organizations, premises and transportation vehicles of the bodies which carry out operative investigations activity, as well as the identity of persons who collaborate confidentially with such bodies;

t) to carry out scientific investigations on issues related to the security of the state;

u) to set up taskforces from among the military personnel of the Service and specialists invited from other departments for the purpose of carrying out investigations on important problems related to ensuring the security to the state;

v) to carry out the training and re-training of the personnel of the Service, including abroad, to prepare, for a fee or for free of charge, staff for foreign special services.

(2) The use of the rights vested onto the Service for the fulfillment of obligations not prescribed by law is inadmissible.

Article 11. The right of military personnel of the Service to bear arms, to possess, apply and use the arm, to apply special methods and combat techniques

(1) The military personnel of the Service have the right to bear arms, to possess, apply and use arms and ammunitions.

(2) The military personnel of the Service have the right to apply the arms in order to:

a) protect persons from an attack which threatens their life or health;

b) deter an attack on the persons the protection of which is entrusted to the military personnel of the Service, in cases when the life or health of the persons protected is endangered;

c) deter a group assault or an armed assault on buildings, premises, constructions or transportation vehicles, placed under the protection of the Service;

d) deter an attack on the military personnel of the Service, on the bodies of the Ministry of Interior, on the border guard troops and other military bodies established by law, engaged in actions aimed at ensuring the security of the state, in cases when their life or health is endangered;

e) apprehend a person who puts up armed resistance or a person caught red-handed in the commission of a serious crime, or a criminal who has escaped from under arrest, as well as an armed person who refuses the legal order to surrender the weapon;

f) release hostages.

(3) To apply the firearm means to effect a shooting onto the target.

(4) The application of the firearm must be preceded by a warning of the intention to use the firearm.

(5) The firearm can be applied without a warning in the event of a surprise attack, an assault involving the use of combat equipment, transportation vehicles, aircrafts, riverboats, as well as when apprehending a criminal who has escaped from under arrest.

(6) It is prohibited to use the firearm against women and juveniles, persons of an advanced age, save for cases when these persons commit a group attack or an armed attack or put up armed resistance which endangers the lives of individuals.

(7) The military personnel of the Service may use the arm to fire an alarm shot, to call for help, to render inoffensive an animal threatening the lives or health of persons.

(8) In all cases when an arm is applied the military personnel of the Service are obliged to take all possible actions to ensure the safety of non-involved persons, as well as to provide emergency medical assistance to victims.

(9) The prosecutor shall be informed, within 24 hours, of each event when a firearm was applied or used.

(10) In the exercise of rights set forth in the present article, special methods and combat techniques can be used as prescribed by law.

Article 12. The cooperation of the Service with other institutions from the country and from abroad

(1) The Service carries out its activity in cooperation with the public authorities from the Republic of Moldova, with economic entities, institutions and organizations, irrespective of the type of the propriety.

(2) The modality and conditions of the cooperation between the Service and other public administration authorities are established on the basis of mutual agreements or mutual normative acts.

(3) The Service can use the facilities of other bodies that form the system of security bodies of the Republic of Moldova, in the conditions set by the law.

(4) The public authorities, as well as the economic entities, institutions and organizations, irrespective of the type of the propriety, are obliged to give their assistance to the Service in order to fulfill its duties, including to offer, in accordance with the list approved by the Government, functions for the employment of the military personnel of the Service employed to solve the tasks of ensuring the state security.

(5) The law enforcement and the investigative bodies are obliged to communicate to the Service any data and information, that are resulting from their professional activity, and are related to the insurance of the state security.

(6) The citizens, economic entities, institutions and the organizations, irrespective of the type of the propriety, that are providing postal services, services of telecommunications of any type, including services in the system of cipher/code connections, confidential, by satellite, global, regional and departmental informational networks are obliged, in accordance with the legislation, to create the necessary conditions for the undertaking by the Service of operative investigation measures.

(7) The cooperation of the Service with foreign services and special organizations, with foreign law enforcement bodies and other foreign organizations is based on the international agreements.

Chapter IV
THE ADMINISTRATION AND THE PERSONNEL OF THE SERVICE

Article 13. The administration of the Service

(1) The Service is administered by a director, nominated by the Parliament, at the proposal of the President of the Republic of Moldova for a term of 5 years. The director is dismissed by the Parliament at the proposal of the President of the Republic of Moldova or of the members of the Parliament.

(2) At the date of its nomination, the director of the Service in the presence of the President of the Republic of Moldova, in front of the Parliament will be sworn:

«I swear to devote all my power and abilities to the thriving of the Republic of Moldova, to respect the Constitution and the laws of the country, to defend the democracy, the fundamental human rights and freedoms, the sovereignty, independence, unity and territorial integrity of Moldova. »

(3) The Director of the Service has the right to participate at the sessions of the Government.

(4) The Director of the Service has deputy directors that are nominated by the President of the Republic of Moldova, at the proposal of the director of the Service.

(5) To implement the activities of the Service a collegium is constituted formed of: the director (the chairman), deputy directors, other high officials from the Service.

(6) The members of the Collegium of the Service are confirmed by the President of the Republic of Moldova, at the proposal of the director of the Service.

Article 14. The personnel of the Service

(1) The personnel of the Service is formed of, militaries that, on contractual basis, are undertaking military service and civil employees (*hereinafter* employees). According to their competencies, the militaries are a part of scrip tic or cryptic personnel.

(2) In the Service are employed in the military service citizens of the Republic of Moldova, that are apt by their personal and professional qualities, age, education and health condition to undertake their obligations.

(3) The militaries of the Service undertake the military service in accordance with the legislation on the effectuation of the military service, and taking into consideration the peculiarities established by the present law and conditioned by the specifics of the obligations undertaken by them.

(4) With the militaries of the Service, high profile specialists, which have achieved the age limit of being into the military service, can be concluded contracts on continuing the military service, in the way established by the law.

(5) The militaries of the Service receive service identity cards; have uniforms, the model of which is approved by decision of the Government. The categories of the militaries for which wearing of the uniform is mandatory during the undertaking of their professional duties are established by the director of the Service. The use of distinguishing marks in accordance with their professional degree and qualifications, accessories, uniform and service identification cards of the militaries of the Service by other persons involve the responsibility as is provided by the law.

(6) The specimen of the service identification cards for the officers with special supreme degrees of the Service and the Rules on the service identification cards for the officers with special supreme degrees of the Service are approved by the President of the Republic of Moldova.

(7) The employees of the Service cannot be members of any political parties or other social and political organizations. It is allowed for the civil employees of the Service to be members of the trade unions.

(8) The employees of the Service cannot practice entrepreneurial activities, as well as to give any assistance of this type to physical and juridical entities. The militaries of the Service have no right to cumulate the military service with activities that are remunerated, other than those scientific, didactic and artistic, if those activities do not prejudice in any way the accomplishment of their professional duties (with the exception of the cases when they are carrying on such activities while accomplishing their professional duties).

(9) At their employment at the Service and further on every year, the employees are obliged to present, in the conditions established by the law, the statement on their incomes and property.

(10) The employees of the Service have to pass the obligatory dactyloscopy registration, in conformity with the legislation.

(11) The employees of the Service are obliged to keep with strictness the state and the service secret, including after leaving the Service, irrespective of the reason. The disclosure of the dates and information that became known during their activity in the Service, with the exception of the cases provided by the law, is prohibited and is punished in accordance with the law.

(12) The militaries in reserve, with the permission of the Director of the Service, have the right to carry a firearm and can be mobilized for operative missions of the Service. In case if these missions have ominous consequences for them, the militaries in reserve, the members of their family and close relatives enjoy the guarantees of the social and legal protection established by the law.

(13) In the conditions established by the director of the Service, the militaries who worked in the Service for at least 20 years, after being retired have the right to carry a gun.

(14) The work of the civil employees of the Service is regulated by the provisions of the labor legislation, the law on civil service and other normative acts.

Chapter V

THE PERSONS THAT PROVIDE ASSISTANCE TO THE SERVICE

Article 15. The persons that provide assistance to the Service

(1) The persons that provide assistance to the Service have the right to:

a) Conclude with the Service, in cases stipulated by the departmental acts of the Service, contracts on secret cooperation;

b) Receive from the employees of the Service explanations on their competences, rights and obligations;

c) Use, in conspiracy scopes, coded identity cards;

d) Receive any rewards;

e) Be compensated for the damages caused to their health condition or propriety in the process of cooperation with the Service.

(2) The persons that provide assistance to the Service are obliged to:

a) Respect the clauses of the contract or the agreement of cooperation with the Service;

b) Accomplish the missions given by the Service, aiming to fulfill their obligations;

c) Not allow the intentional providing of false, incomplete, unobjective or defamatory information;

d) Not to disclose information that constitute a state secret, as well as, other data that they discovered in the process of cooperation with the Service.

(3) The information regarding the persons that provided or are providing assistance to the Service confidentially constitute a state secret and can be made public only with the written agreement of those persons and only in cases stipulated by the law.

Chapter VI THE SOCIAL AND LEGAL PROTECTION OF THE EMPLOYEES OF THE SERVICE

Article 16. The social and legal protection of the employees of the Service

(1) The social and legal protection of the employees of the Service and of their family members is ensured by the state.

(2) The military employees of the Service enjoy the rights and facilities provided by the Law on the social and legal protection of the militaries and of their family members, of the citizens that undertake the military service, by the Law on the state security institutions, as well as by other normative acts. (3) In exercising their professional duties, the militaries of the Service are subordinated to the Service. No one, except the public authorities and high officials empowered by the law, have the right to get involved in their professional activities.

(4) The information regarding the employees of the Service that undertook or are undertaking special missions on guaranteeing the state security constitutes a state secret and can only be made public in cases provided by the law.

(5) The term of undertaking by the employees of the Service of special missions related to ensuring of the state security, as well as of fulfilling their professional duties in other conditions that periclitate their life and health condition, shall be included in the military length of the service (labor length of service) in order to establish the amount of their pension and calculation of the increase to the payment for the military length of service (labor length of service) in conformity with the legislation.

Chapter VII THE INFORMATIONAL, FINANCIAL, TECHNICAL AND MATERIAL INSURANCE OF THE SERVICE

Article 17. The informational insurance of the Service

(1) To undertake its activities, the Service has the right to elaborate, create and use, in the conditions provided by the law, informational, communication systems and systems of transmitting the data, as well as systems of safeguarding the information, including by methods of cryptographic protection.

(2) In order to ensure the state security, the Service, in the conditions established by law, has the right to free access to the informational systems of the economic entities, institutions and organizations, irrespective of the type of propriety.

Article 18. The modalities of arming and equipping of the Service

(1) The Service elaborates, creates, acquires and uses modalities of arming and equipping, including special technical means or of other nature, purchases and uses the armament that is in the endowment of the Service, as well as other armament and munitions for it according to the decision of the Government.

(2) The sale, transfer, removal from the territory of the Republic of Moldova and the introduction on its territory of means of arming and equipping, including of special technical ones, as well as of other means, of firearms and munitions for them, to be used in the activity of the Service, is accomplished in the conditions set by the Government.

Article 19. The financial, technical and material insurance of the Service

(1) The financing, the technical and material insurance of the Service is accomplished from the state budget.

(2) The propriety of the Service, including the buildings, the constructions, equipment owned or that will be owned by the Service, purchased or that will be purchased with the financial means of the state budget as well as other means, are public propriety.

(3) The financing of the Service can also be accomplished from special financial means, in the conditions set by the law.

(4) The Service can owe service housing facilities, formed in the conditions set by the law.

Chapter VIII

THE CONTROL AND SUPERVISION OF THE ACTIVITY OF THE SERVICE

Article 20. The control of the activity of the Service

(1) The control of the activity of the Service is exercised by the Parliament, General Prosecutor's Office and the courts of law, in accordance with their competences.

(2) The Service presents, in an established way, to the Parliament, to the President of the Republic of Moldova and to the Government reports on its activity.

(3) The parliamentary control of the activity of the Service is accomplished by the Commission for the national security, in accordance with its Rules.

(4) The control of the financial activity of the Service is exercised by the Chamber of Accounts.

Article 21. The control exercised by the prosecutor

(1) The control of the way the Service respects the legislation of the Republic of Moldova is exercised by the General Prosecutor's Office.

(2) The activity of the persons that provided or are providing assistance to the Service, as it is set by the law, are under the supervision of the General Prosecutor or of a prosecutor specially authorized by Order of the General Prosecutor.

(3) The information on the organization, tactics, methods and modalities of undertaking the activities of the Service are not the object of the prosecutor's supervision.

Chapter IX

FINAL AND TRANSITORY PROVISIONS

Article 22

(1) The Service is created by the reorganization of the Ministry of the National Security, being its legal successor.

(2) The employees of the Ministry of the National Security are being considered as undertaking the military service (work) in the Service, in the functions they hold, without passing a new attestation.

Article 23

Until the harmonization of the legislation in force to the provisions of this law, the normative acts that regulate the activity of the Service are applied, if they do not contravene to the provisions of this law.

Article 24

The Director of the Service, in a period of two months after his nomination, will present to the Parliament for approval the staff of the Service.

Article 25

The Government:

- will ensure, in conformity with the legislation, the employment of the civil servants dismissed as a result of the reorganization of the Ministry of National Security;
- will harmonize, in a period of 2 months, its normative acts to the provisions of this law;
- will adopt the normative acts necessary to implement the provisions of this law;
- will present to the Parliament, in a period of 3 months, proposals for amending and completing the legislation in force;
- will ensure the review and abrogation by the ministries and departments of the normative acts that contravene to the present law.

Chairman of the Parliament
Dumitru DIACOV

Chisinau, 23 December 1999.
Nr. 753-XIV.

THE RULES ON THE PARLIAMENTARY CONTROL OF THE ACTIVITY OF SPECIAL SERVICES

I. GENERAL PROVISIONS

1. The Rules on the parliamentary control of the activity of special services (*hereinafter* the Rules) are adopted in accordance with the Constitution of the Republic of Moldova, the Law on the state secret, as well as the laws regulating the activity of the special services of the Republic of Moldova.

2. The main purpose of the Rules is to establish the way the parliamentary control is exercised on the activity of the special services.

3. The exercise of the parliamentary control over the activity of the special services is accomplished by the Special Commission for the Control of the special services (*hereinafter* the Commission), created within the Parliament in the way established by the Rules.

4. The Commission is formed of representatives of all political parties present in the Parliament. The numeric and nominal composition of the Commission is established by the decision of the Parliament.

5. In order to ensure the independency of the members of the Commission, they will not be a part of the scryptyc or cryptic personnel of the special services.

II. THE COMPETENCE OF THE COMMISION

1. The duties of the Commission are to supervise the respect by the special services of the legislation, of the fundamental human rights and freedoms, of the state democratic regime in order not to admit any political engagement of the special services.

2. The permanent Commissions of the Parliament can analyze the activity of the special services and can undertake controls over their activity in the way established by the Rules.

3. The Members of the Commission have access to extremely important information, strict secret and secret information, in accordance with their direct competencies and professional duties.

4. It is allowed, in the conditions set by the law, to create a sub – commission that will activate within the Commission.

5. In the activity of the Commission can be involved, in case of necessity, on contractual basis, persons that are not members of the Parliament, but have the necessary professional practice and training. The access of these persons to the information that constitute state secret is provided by the legislation.

6. The Commission:

a) elaborates reports and expert's opinions on the draft laws and legislative initiatives in the area of creation, reorganization and the activity of special services;

b) verifies the respect by the special services of the provisions of the Constitution of the Republic of Moldova and of the laws that regulate the activity of the special services;

c) examines the cases of violations by the special services of the provisions of the Constitution of the Republic of Moldova, of the laws, of the constitutional rights and freedoms of the citizens, draws reports and opinions with recommendations on sanctioning the persons that are responsible for the violations, as well as on the elimination of any lacks and violations in the activity of the special services. There are not admitted activities which in conformity with the legislation are under the competence of the criminal investigation bodies and the courts of law;

- d) verifies the materials and prepares the reports for the audits in the sessions of the Parliament in the areas of the competence of the special services;
- e) examines the reports on the activity of the special services;
- f) delivers interpellations on different aspects of the activity of the special services and on the implementation of the provisions of the legislation on the respect of the constitutional rights and freedoms of the citizens, elaborates recommendations on measures of eliminating any lacks that are identified;
- g) informs the public opinion on the results of the activity of the Commission.

III. THE ORGANISATION OF THE ACTIVITY OF THE COMMISSION

1. The special service under control is obliged, at the presentation of the identity card of the member of the Parliament, without any additional agreements and permissions and without the presentation of any additional documents of access to the secret materials, to provide all the necessary information. In case when this information constitutes a state secret, the informing of the Commission or of the deputy of the Parliament is made in conformity with the provisions of the legislation on the state secret. The members of the Commission are familiarized with the information that constitutes a state secret only in a manner sufficient to accomplish the measures provided by the plan of verification or the control of the special service.

2. The Commission may demand to the special services information on their current activity, with the exception of information that constitute a state secret or is related to their operative activity. The members of the Commission will sign in each separate case, a written statement by which they will oblige to keep the confidentiality of the information that constitutes a state secret.

3. The Members of the Commission, who during the exercise of the obligations of control of the special services, have been familiarized with information that constitutes a state secret and who committed violations of the legislation on the state secret hold responsibility in accordance with the legislation in force.

4. On the basis of the results of the control of the activity of the special services, are elaborated reports or opinions which are presented to the Commission, and afterwards to the Parliament for examination.

5. The concluding and safeguarding in the archives of the materials of the Commission are ensured by the Parliament.