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

**REPUBLIC OF MOLDOVA**

**AMENDMENTS**

**TO THE LAW (\*)**  
**ON THE PUBLIC PROSECUTION OFFICE**  
**INTRODUCED BY LAW NO. 87 OF 19 JULY 2019**

**EXTRACTS**

**(the “July amendments”)**

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*(\*) translation provided by the authorities*

### **Article 11. Duties of the Prosecutor General**

(1) The Prosecutor General has the following duties:

(2)

- a) represents the Public Prosecution Service in relations with other public authorities and with any legal or natural persons, from the country and from abroad;
- b) appoints the prosecutors, at the proposal of the Superior Council of Prosecutors;
- c) exercises the control over the activity of prosecutors;
- d) establishes the area of competency (duties) for his/her deputies;
- e) approves the Regulation on the Public Service, which shall be published in the Official Gazette of the Republic of Moldova;
- f) issues in writing orders and provisions, approves regulations and methodological recommendations;
- g) establishes, with the written agreement of the Superior Council of Prosecutors, the internal structure of the prosecutor's offices;
- h) requires the approval to start up or, where appropriate, starts the criminal investigation in cases stipulated by law;
- i) notifies the Constitutional Court in compliance with the legislation;
- j) organizes and implements the system of financial management and internal control and bears managerial responsibility for the administration of the budget of the institution and of the managed public patrimony ;
- (k) performs other duties as prescribed by the law.

(2) Within 3 months since his/her appointment, the Prosecutor General shall appoint his deputies, divide their areas of competence, and establish the order of his/her substitution by his deputies, in case of absence or inability to perform his/her functions. If the Prosecutor General has not defined the order of his/her substitution by his/her deputies, the duties of the Prosecutor General shall be performed by his/her deputy with the greatest seniority as prosecuto-REFr.

(2<sup>1</sup>) In the event of the vacancy of the position of Prosecutor General, the President of the Republic of Moldova, at the proposal of the Superior Council of Prosecutors, appoints an interim General Prosecutor until the contest is organized and the appointment of the Prosecutor General by decree of the President of the Republic of Moldova. The provisions of art. 17 paragraph (1) shall apply accordingly. The session of the Superior Council of Prosecutors at which the proposal regarding the appointment of the interim General Prosecutor is made is convened within a maximum of 3 days from the intervention of the vacancy of the function. The President of the Republic of Moldova can reject the candidate proposed by the Superior Council of Prosecutors for the position of Interim General Prosecutor in case of finding indisputable evidence of incompatibility of the candidate with the respective position, of violation by the candidate of the legislation or of violation of the legal procedures for his selection.

(2<sup>2</sup>) In case the candidate is rejected or the Superior Council of Prosecutors does not propose within the deadline provided in par. (2<sup>1</sup>) the candidate for the interim General Prosecutor, the interim General Prosecutor is designated by decree of the President of the Republic of Moldova at the proposal of the Parliament of the Republic of Moldova, with the opinion of the Superior Council of Prosecutors. The provisions of art. 17 paragraph (1) shall apply accordingly. The Parliament proposes the candidate for the Interim General Prosecutor within a maximum of 3 days from the rejection of the candidate by the President of the Republic of Moldova or from the expiration of the term in which the Superior Council of Prosecutors had to propose the candidate for the Interim General Prosecutor. The session of the Superior

Council of Prosecutors, to issue the opinion on the Parliament's proposal for the appointment of the interim General Prosecutor, is convened within a maximum of 3 days from the adoption of the Parliament's decision, the deadline being one of lapse. The mandate of the interim Prosecutor General lasts until the appointment, following the contest, of the Prosecutor General by decree of the President of the Republic of Moldova.

(3) The Prosecutor General presents to the Parliament, annually, until 31 March of the respective year, a report on the activity of the Public Prosecution Service for the previous year. ~~The report shall be heard in the Parliamentary plenum, shall be made public and shall be placed on the official website of the General Prosecutor's Office.~~