



Strasbourg, 3 December 2021

CDL-REF(2021)097

Opinion No. 1069/ 2021

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

REVISED DRAFT LAW

**FOR THE EVALUATION OF CANDIDATES
FOR ADMINISTRATIVE POSITIONS
IN THE SELF-ADMINISTRATION BODIES
OF JUDGES AND PROSECUTORS**

DRAFT LAW
on some measures related to the selection of candidates for administrative positions in
bodies of self-administration of judges and prosecutors and the amendment of some
normative acts

In order to enhance the integrity of members of the Superior Council of Magistracy, the Superior Council of Prosecutors and their specialised bodies, as well as in order to increase the confidence of the society in the justice system,

The Parliament adopts this organic law.

Chapter I
GENERAL PROVISIONS

Article 1. Object of the law

This law regulates the legal relations related to the procedure of assessing the integrity of the candidates for administrative positions in the Superior Council of Magistracy, the Superior Council of Prosecutors and their specialized bodies, as a mandatory stage of the process of selecting candidates and appointing them to the respective positions.

Article 2. Subjects of the law

(1) The provisions of this Law shall apply to candidates for the position of member, or, as the case may be, of alternate member in:

- a) Superior Council of Magistracy;
- b) Selection and Career Board of Judges;
- c) Performance Evaluation Board of Judges;
- d) Disciplinary Board of Judges;
- e) Superior Council of Prosecutors;
- f) The College for Prosecutors` Selection and Career;
- g) The College for the Assessment of the Prosecutors` Performances;
- h) The College of Discipline and Ethics of prosecutors;

(2) Subjects of the evaluation provided by this law are also the persons close to the candidates, within the meaning of Law no. 133/2016 on the declaration of assets and personal interests, as well as persons mentioned in article 33 para. (4) and (5) of the Law no. 132/2016 on the National Integrity Authority.

Chapter II
EVALUATION OF CANDIDATES

Article 3. The Independent Committee assessing the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors

(1) The independent Committee for the evaluation of the integrity of the candidates for the administrative positions of the self-administration bodies of judges and prosecutors (hereinafter – the Evaluation Committee) undertakes the assessment of the integrity of the candidates for the administrative positions of the bodies that are provided in Article 2 para. (1).

(2) The Evaluation Committee is constituted for the duration of verification of all candidates for the vacant administrative positions in the bodies specified at art. 2 para. (1) at the moment of entry into force of the present law.

Article 4. Independence of the Evaluation Committee

(1) The Evaluation Committee shall have functional independence and decision-making autonomy vis-à-vis the any natural or legal person, regardless of the form of organization.

(2) In its activity, the Evaluation Committee shall be governed by the Constitution of the Republic of Moldova and other normative acts regulating the fields related to its activity. The Evaluation Committee operates under the Regulation on its organisation and functioning, approved by it.

(3) The financing of the activity of the Evaluation Commission is carried out from the account and within the limits of the financial means provided annually in the state budget and from other sources not prohibited by law.

(4) The Evaluation Committee has a secretariat, that functions based on a regulation approved by the Evaluation Committee.

Article 5. Composition of the Evaluation Committee

(1) The Evaluation Committee consists of 6 members, designated as follows:

a) 3 members appointed by the Ministry of Justice at the proposal of the parliamentary factions based on the proportionality principle, as well as 1 alternate member in the same order;
b) 3 members and 2 alternates proposed by the development partners and approved with the vote of 3/5 by the deputies.

(2) The member of the Evaluation Committee must meet the following requirements:

a) has higher education;
b) enjoys an irreproachable reputation;
c) has at least 10 years of experience in one of the following areas: legal, economic, investigating corruption offenses and those related to corruption or integrity;
d) is not a member of Parliament, adviser or public servant in the public administration authority of the Republic of Moldova;
e) has not been part of a political party for the last 5 years;
f) he has not held the position of judge or prosecutor in the Republic of Moldova for the last 3 years.

(3) Membership of the Evaluation Committee shall cease in the event of:

a) termination of activity of the Evaluation Committee;
b) resignation;
c) withdrawal of membership in the case of intentional breach of personal data protection and integrity legislation;
d) decease.

(4) In the event of termination of the membership of the Evaluation Committee, the duties of that member shall be exercised by the corresponding alternate member.

(5) The cease of the membership in cases provided in para. (3) is declared by decision of the Evaluation Committee.

(6) On the termination of the membership in the case provided in para. (3) letter c) decides the Evaluation Commission, with the vote of the majority of the members. The member whose membership is to be withdrawn does not have the right to vote.

Article 6. Powers of the Evaluation Committee

In order to carry out its function, the Evaluation Committee shall have the following powers:

a) to assess the integrity of the candidates based on previous declarations of income, personal interest or wealth and personal interests, as well as based on the verifications conducted by the National Integrity Authority, Intelligence and Security Service, the State Fiscal Service and other public authorities that have information about the candidate;

- b) verify the data and information on the property, incomes, expenses of the candidates and of the persons close to them, within the meaning of Law no. 133/2016;
- c) to hear the candidate, persons close to him or her and other persons who have relevant information about the candidate's integrity, including lifestyle and costs of living;
- d) to request information from natural or legal persons;
- e) take decisions on the results of the assessment of the integrity of candidates, including their lifestyle and costs of living.

Article 7. The obligations of the members of the Evaluation Committee

The members of the Evaluation Committee have the following obligations:

- a) to participate at the meetings of the Evaluation Committee;
- b) to ensure the confidentiality of personal data according to Law no. 133/2011 on the protection of personal data;
- c) not to use, transfer or disclose information about the candidates which have become known to them while holding the position of member of the Evaluation Committee;
- d) to refrain from any activity that could generate a conflict of interest or from any actions incompatible with the quality of member of the Evaluation Commission, to refrain from acts that could discredit the Evaluation Commission or could raise doubts about the objectivity of its decisions.

Article 8. Assessment of candidates' assets

(1) Assessment of the wealth and the lifestyle and costs of living of the candidates referred to in Article 2 consists in verifying the correspondence of their standard of living with the level of incomes obtained and the expenses incurred by them independently or jointly with close persons within the meaning of Law no. 133/2016 on the declaration of assets and personal interests as well as of persons mentioned in article 33 para. (4) and (5) of the Law no. 132/2016 on the National Integrity Authority, during the last 10 years.

(2) For the assessment of the candidates' lifestyle and costs of living, the Evaluation Committee shall verify their compliance with:

- a) the tax regime in the part related to the payment of taxes on the use of means and income resulting from the property owned, as well as taxable income and the payment of customs duty on goods placed under the import customs regime.
- b) the regime of declaring assets and personal interests.

Article 9. Assessment of the integrity of candidates

(1) The evaluation of the integrity of the candidates for one of the functions set out in Art. 2 para. (1), which come from among judges or prosecutors consists in verifying the following aspects:

- a) compliance by the candidate with the principles set out in the Code of Ethics and Professional Conduct of judges or, as the case may be, prosecutors;
- b) the non-existence of a final court decision issued regarding the candidate, related to acts of corruption, acts related to acts of corruption or corruptible deeds, within the meaning of the Integrity Law no. 82/2017;
- c) the non-existence of a final court decision issued regarding the candidate for committing serious, exceptionally serious and particularly serious crimes, other than those provided in letter b);
- d) the absence of disciplinary sanctions applied with respect to the candidate in the last 5 years;

e) committing by the candidate of acts which infringe the honor or professional probity or the prestige of justice to such an extent that the confidence in justice is affected.

(2) Assessment of the integrity of candidates for one of the functions set out in Art. 2 para. (1), which do not come from among the judges or prosecutors consists in verifying the aspects established in para. (1) letters b)-d).

Article 10. Initiation of the evaluation procedure

(1) The Evaluation Committee shall initiate the evaluation procedure on the basis of the request submitted by the competent institutions for the organisation of competitions for the selection of members in the bodies referred to in Article 2 (1), which must include:

- a) name, surname, ID number of the candidate;
- b) the position held at the time of the application;
- c) the position for which he/she is applying;
- d) contact details (address, phone, email).

(2) The Evaluation Committee is obliged to inform the candidate about the initiation of the evaluation procedure by any means , which allow further proof of notification.

Article 11. Evaluation procedure

(1) The Evaluation Committee shall accumulate and verify the information held within 30 days from the date of transmission of the request to verify the candidates by the competent institution for the organisation of the appointment of members in the bodies referred to in Article 2 para. (1).

(2) The Evaluation Committee and its secretariat shall have access to any information it deems necessary for the performance of its tasks, except for information falling under the provisions of Law no. 245/2008 on state secret. Public authorities are obliged to make available to the Evaluation Committee any information requested within 10 days.

(3) In the process of assessing lifestyle and costs of living and professional integrity, the Evaluation Committee shall have the right to request from natural and legal persons of public or private law, including financial institutions, the documents and information necessary to carry out the assessment. The requested information shall be presented free of charge within 10 days from the date of the request.

(4) By way of derogation from the provisions of Law no. 133/2011 on the protection of personal data, processing of personal data of candidates and close persons within the meaning of the Law no. 133/2016, is admitted during the exercise of the functions by the Evaluation Committee and its secretariat. The candidate`s right of access to these data will be ensured by the secretariat of the Evaluation Committee.

(5) Natural and legal persons of public or private law, including financial institutions, may not refuse to submit the information set out in para. (3) for the reason of protection of personal data, bank secrecy or other data with limited access, except for the information that falls under the provisions of Law no. 245/2008 on state secret.

(6) After examining the gathered information, the Evaluation Committee invites the candidate in a meeting to conduct a hearing. The hearings are public. The Evaluation Committee may decide to hold parts of the hearing closed if interests of public order or morality could be affected.

(7) As an exception from par. (6), at the request of the candidate, the Evaluation Commission may decide to hold a closed hearing, in order to avoid disclosing information relating to the private aspects of the candidate's life or of close persons, or other circumstances which could prejudice the public order or the morality.

(8) The candidate has the following rights:

- a) be informed about the initiation of the evaluation;

- b) be assisted by a lawyer or a trainee lawyer during the evaluation procedure;
- c) to get acquainted with the evaluation materials;
- d) to submit in written form data and additional information to those accumulated by the Evaluation Committee, which it considers necessary, in order to dispel suspicions about the integrity and costs of living, including its own assessment of the real value of the assets, to be examined by the Evaluation Committee;
- (e) to challenge the Evaluation Committee's decision.

Article 12. Meetings of the Evaluation Committee

- (1) The Evaluation Committee shall carry out its work in closed meetings.
- (2) The meetings of the Evaluation Committee shall be held with the presence of at least 5 members.
- (3) The members of the Evaluation Committee shall be obliged to attend the meetings physically or on video conference. If the member is unable to attend the meeting of the Evaluation Committee, he shall communicate the given fact to the secretariat, which shall ensure that his duties are exercised at that meeting by the corresponding alternate.
- (4) The members of the Evaluation Committee, appointed pursuant to Article 6 para. (1) point b) are paid at the level of the official salary of the Judge of the Supreme Court of Justice with a length of service of up to 16 years, provided by Law no. 270/2018 regarding the unitary salary system in the budgetary sector..

Article 13. Decision of the Evaluation Committee

- (1) Following the conduct of the evaluation procedure, the Evaluation Committee shall issue a reasoned decision on the finding of the promotion or non-promotion of the integrity assessment.
- (2) The decision shall contain the conclusion of the Evaluation Committee on the promotion or non-promotion of the integrity assessment, the reasoning and the mention of the way and term of appeal. The decision shall be taken by a majority of the members. The members of the Evaluation Committee shall not have the right to abstain from voting.
- (3) A candidate shall be deemed not to meet the integrity criteria if the non-compliance is proven or there are reasonable doubts as to its compliance.
- (4) The decision on the non-promotion of the integrity assessment shall constitute a legal basis for the non-admission of the candidate for the elections or competition for the vacant position within the bodies mentioned at article 2 para. (1).
- (5) The decision shall be handed to the candidate against signature, by means of the authorized person, by post with registered letter and notice of receipt, to the electronic address indicated in the application, or by other methods that allow the transmission of the decision and the confirmation of its receipt.
- 6. The decision of the Evaluation Committee shall be final if:
 - a) the deadline for submitting the appeal has expired and it has not been contested;
 - b) after examining the appeal in an order of appeal, if the court of appeal has upheld the decision.

Article 14. Appeal against the decision of the Evaluation Committee

- (1) The decision of the Evaluation Committee may be appealed regarding the aspects related to the evaluation procedure within 5 days by the evaluated candidate or any interested person who participated in the administrative procedure for evaluating the candidate.
- (2) The action for appeal against the decision of the Evaluation Committee shall be submitted to the Chisinau Court of Appeal.
- (3) By way of derogation from Article 209 of the Administrative Code of the Republic of Moldova no. 116/2018, the action for challenging the decision of the Evaluation Committee shall be submitted within 5 days from the date of receipt of the decision.

(4) By way of derogation from Article 245 para. (1) of the Administrative Code of the Republic of Moldova no. 116/2018, the recourse against the decisions of the Chisinau Court of Appeal as a court of first instance, pronounced against the decisions of the Evaluation Committee shall be submitted within 3 days from the date of pronouncement of the decision of the Chisinau Court of Appeal.

Chapter III AMENDMENTS AND ADDITIONS TO SOME LEGISLATIVE ACTS

Article 15. Law no. 947/1996 on the Superior Council of Magistracy (republished in the Official Gazette of the Republic of Moldova, 2012, no. 185, art. 620), as subsequently amended, is amended as follows:

1. The Article 3 is completed by paragraph (3¹) with the following content:

"(3¹) Candidates for the position of member of the Superior Council of Magistracy, provided in para. (3) are subject to the integrity assessment by the Independent Committee for the assessment of the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors, constituted on the basis of the law. Its decision shall be included in the candidate's file. The candidate who did not pass the evaluation cannot be elected as a member and alternate member of the Superior Council of Magistracy".

2. In Article 3¹:

the following letter (c) shall be added to paragraph (1):

"c) has promoted the integrity assessment carried out by the Independent Committee for the assessment of the integrity of candidates for the administrative positions of the self-administration bodies of judges and prosecutors."

the following letter (d) shall be added to paragraph (2):

"d) the decision of the Independent Committee for the assessment of the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors."

Article 16. Law nr. 154/2012 on the selection, evaluation of performances and career of judges (published in the Official Gazette of the Republic of Moldova, 2012, no. 190-192, art. 636), with subsequent amendments, is amended as follows:

1. The Article 4 is completed with paragraph (2¹) with the following content:

"(2¹) Candidates for the position of member of the selection board referred to in para. (1) and (2) are subject to integrity assessment by the Independent Committee for assessing the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors, established on the basis of the law. A candidate who has not passed the integrity assessment may not be elected as a member and alternate member of the selection Board."

2. The Article 16 is completed with paragraph (4¹) with the following content:

"(4¹) Candidates for the position of member of the evaluation Board referred to in para. (1) and (2) are subject to integrity assessment by the Independent Committee for assessing the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors, established on the basis of the law. A candidate who has not passed the integrity assessment may not be elected as a member and alternate member of the selection Board."

Article 17. Article 10 of the Law no. 178/2014 on the disciplinary responsibility of judges (published in the Official Gazette of the Republic of Moldova, 2014, no. 238-246, art. 557), as subsequently amended, is completed with paragraph (3¹) with the following content:

"(3¹) Candidates for the position of member of the disciplinary Board referred to in para. (1), (2) and (3) are subject to integrity assessment by the Independent Committee for assessing the integrity of candidates for administrative positions in the self-administration bodies of judges and prosecutors, established on the basis of the law. A candidate who has not passed the integrity assessment may not be elected as a member and alternate member of the selection Board."

Article 18. Law nr. 3/2016 on the Prosecutor's Office (published in the Official Gazette of the Republic of Moldova, 2016, no. 69-77, art. 113), as amended, is amended as follows:

1. Article 69:

in paragraph (3²) after the words "the candidate who" shall be completed with the words "promoted the integrity assessment carried out by the Independent Committee for the assessment of the integrity of the candidates for the administrative positions in the self-administration bodies of judges and prosecutors, established on the basis of the law," and after the words "motivation letter" is completed with the text "the decision of the Independent Committee for the assessment of the integrity of the candidates for the administrative positions in the self-administration bodies of judges and prosecutors";

in paragraph (4) after the text "3 years," shall be completed with the words "to promote the integrity assessment carried out by the Independent Committee for the assessment of the integrity of the candidates for the administrative positions in the self-administration bodies of judges and prosecutors";

paragraph (7) shall be supplemented by the words "as well as those that have not promoted the integrity assessment carried out by the Independent Committee for the assessment of the integrity of the candidates for the administrative positions in the self-administration bodies of judges and prosecutors";

Chapter IV.

FINAL AND TRANSITIONAL PROVISIONS

Article 19.

(1) This Law shall enter into force on the 1 January 2022.

(2) The Government shall take the necessary measures to ensure the functioning of this Law, including:

a) the identification and allocation from the state budget of the financial means necessary for the functioning of the Independent Evaluation Committee;

b) the contacting the development partners and the Parliament within 5 working days with a view to the appointment of the members of the Independent Evaluation Committee.

(3) Within 2 months from the entry into force of this Law:

a) The Superior Council of Magistracy will convene the General Assembly of Judges for the selection of the members of the respective council and of its specialized bodies in order to fill the vacant positions;

b) The Superior Council of Prosecutors will convene the General Assembly of Prosecutors for the selection of the members of the respective council and of its specialized bodies in order to fill the vacant positions.

(4) Within 10 days from its establishment, the Independent Evaluation Committee shall elaborate and approve, during the meeting, its Regulation of its organization and functioning.

PRESIDENT OF PARLIAMENT

INFORMATION NOTE
to the draft law on some measures related to the selection of candidates for administrative positions in bodies of self-administration of judges and prosecutors and the amendment of some normative acts

1. Name of the author and, where appropriate, of the participants in the project preparation
<p>The draft law on some measures related to the selection of candidates for administrative positions in bodies of self-administration of judges and prosecutors and the amendment of some normative acts was drafted by the Ministry of Justice.</p>
2. The conditions that imposed the elaboration of the draft normative act and the objectives pursued.
<p>On November 19, 2021 and December 3, 2021, elections for administrative positions in the self-administration bodies of judges and prosecutors are to be held.</p> <p>The current normative framework regulating the procedure of verification of candidates for the positions of member in the Superior Council of Magistracy (hereinafter – the SCM) and the Superior Council of Prosecutors (hereinafter – SCP) and in their specialized bodies is insufficient, because currently the candidates are not subject to verification from the point of view of integrity and of the lifestyle and cost of living.</p> <p>At the moment, the risk is obvious that the general assemblies of judges and prosecutors, established for December 3, 2021 and November 19, 2021, respectively, will not take place due to the restrictions related to the pandemic. The option of organising the general meetings of judges and prosecutors on-line is not feasible, given the short deadline to find a reliable technical solution that would allow both online participation and the exercise of the right to vote in a secret and secure manner for judges and prosecutors.</p> <p>At the same time, the election of integrity members among judges and prosecutors within the SCM, SCP and their specialized bodies is an essential condition for increasing the confidence of society in the judicial system, as well as for the proper functioning of these institutions.</p> <p>According to the provisions of art. 3 para. (5) of Law no. 947/1996 on the Superior Council of Magistracy and art. 66 para. (4) of Law no. 3/2016 regarding the Prosecutor's Office, the general assemblies of judges and prosecutors are organized on the basis of the decisions of the two councils.</p> <p>In these circumstances, in order to be possible to efficiently organize the process of electing the members of the SCM, the SCP and of their specialized bodies, it is necessary: (1) the creation of the mechanism for the evaluation of candidates by an autonomous commission that will verify the integrity, style and costs of living of the candidates; and (2) establishing the organisation of general meetings within a reasonable time limit in order to enable the mechanism to be implemented.</p>
3. The main provisions of the draft and the highlighting of the new elements
<p>The draft law provides for the modification of the following normative acts:</p> <ol style="list-style-type: none">1. Law nr. 947/1996 on the Superior Council of Magistracy;2. Law nr. 154/2012 on the selection, performance evaluation and career of judges;3. Law nr. 178/2014 on the disciplinary responsibility of judges;4. Law nr. 3/2016 on the Prosecutor's Office;5. Administrative Code of the Republic of Moldova no. 116/2018.

The mechanism for assessing the integrity and style and living costs of candidates for administrative positions within the SCM, SCP and their specialised bodies involves the creation of a specialised integrity assessment committee in this regard.

Based on the specificity of the activity of the Evaluation Committee, as well as from the need to exclude any form of control or interference in its activity, it is proposed to set up the respective committee within the Ministry of Justice. The evaluation committee will have functional independence and administrative autonomy. Thus, any interference by the ministry's management in its activity will be avoided.

The evaluation committee will have 6 members and will decide by vote on the results of the evaluation carried out.

We note that three of the members of the evaluation committee will be appointed by the development partners of the Republic of Moldova, an aspect that is relevant in the governmental effort to increase the credibility of the chosen direction of reforms and to ensure the transparency of the mechanisms proposed in order to achieve the commitments assumed at international level in connection with the reform of the justice field.

The draft proposes that the three members of the Evaluation Committee, which are to be proposed by the Parliament, be distributed between the majority and the parliamentary opposition in a proportional manner, based on the number of parliamentary mandates held. Thus, the parliamentary majority is to propose two members, and the opposition – one member.

According to the provisions of the legislation regulating the activity of the SCM, the SCP and their specialised bodies, before conducting the competitions for the selection of candidates, they must submit to the SCM or, as the case may be, to the SCP their candidacy file.

This draft provides for the obligation to include the decision of the Evaluation Committee in the candidates' competition file. Thus, the institution competent for the appointment of members to the SCM, the SCP and their specialized bodies will refer the matter to the Evaluation Committee, requesting the assessment of the integrity of the candidates who applied for the competition.

As a result of its work, the Evaluation Committee will issue a decision. Based on the fact that the respective decision is an administrative act, its appeal will be made in accordance with the provisions of the Administrative Code no. 116/2018 with the derogations established in this draft law.

It also intervenes in the lists of criteria according to which candidates for administrative functions are selected by establishing a new mandatory criterion – presentation of the decision to promote the integrity assessment carried out by the Evaluation Committee.

In addition, taking into account the limited terms in which the issue of unblocking the activity of the SCM, SCP and specialized bodies must be solved, it is proposed that the appeals of the decision of the Evaluation Committee be examined by the Chisinau Court of Appeal, as a court of first instance. In the same context, the draft provides for the establishment of limited terms for the submission of the appeal (5 days) and for the submission of the recourse (5 days).

These restricted terms of contestation are justified by the fact that the integrity assessment is carried out in respect of persons participating in "elections", which is why here are to be used the considerations made for the consecration of the limited terms for the similar appeal procedures provided by the Electoral Code.

We note that the result of the assessment of the integrity and style and life costs of the candidates for the administrative positions of the SCM, the SCP and their specialized bodies **will have no effect on their career as judges or prosecutors**. The evaluation proposed through this project is made only in relation to the administrative function for which they are applying and does not aim to assess the professional skills of the **candidates**. Consequently, the mechanism proposed by this draft does not affect the guarantee of constitutional independence of judges and

prosecutors, not further defending the exercise of the duties of the candidates who are judges and prosecutors.

Another new element introduced through this draft is the express provision of the restricted powers for the SCM and SCP in case the mandate of more than 2/3 of the members has ceased. In other words, in the event that the mandates of the majority of the members of the self-administration bodies of judges and prosecutors have ceased, the respective councils will exercise only some limited, administrative duties, related to the convening of general assemblies, the preparation of activity reports, the delegation of participants in seminars, conferences, etc. administrative issues that are strictly necessary to avoid institutional blockages.

We emphasize that the present draft law does not aim to modify the competences of the SCM or SCP, nor to exclude some of them. The aim is to ensure a balance between their representativeness and on the other hand their minimum functionality.

Considering the need to "reset" the functioning of the SCM, SCP and specialized bodies, we propose the creation of the Independent Evaluation Commission for a period of 2 years. As a result, the draft law that will be adopted will be a temporary one, except for the changes regarding the restricted competencies of the SCM and SCP if the situation when the term of office of more than 2/3 of the members has ended.

4. Economic and financial substantiation

I. The implementation of the project will involve additional expenses from the state budget in the part related to the remuneration of the activity of the members of the Evaluation Commission. The draft provides for the payment of an allowance in the amount of 20% of the average salary in the economy for each meeting attended.

II. The administrative costs of the activity of the respective commission will be ensured from the budget of the Ministry of Justice.

Detailed cost calculations will be reflected in the Regulatory Impact Analysis.

5. The method of incorporation of the draft law in the system of normative acts in force

As a result of the adoption of this draft, it is not necessary to modify the related normative framework. This draft law involves only the approval by the Independent Evaluation Commission of its own organization and functioning regulations.

6. Approval and public consultation of the project

In order to comply with the provisions of *Law no. 239/2008 on transparency in the decision-making process*, the draft will be placed on the official website of the Ministry of Justice www.justice.gov.md, at the Directorate of *Decisional Transparency*, section *Announcements on the initiation of the elaboration of normative acts*.