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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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REPUBLIC OF MOLDOVA

DRAFT LAW

ON THE INTELLIGENCE AND SECURITY SERVICE

LAW

on the Intelligence and Security Service of the Republic of Moldova

The Parliament shall adopt this Organic Law.

Chapter I

GENERAL

Article 1. Intelligence and Security Service of the Republic of Moldova

(1) The Intelligence and Security Service of the Republic of Moldova (*hereafter – Service*) is a specialised autonomous authority of the central public administration in the field of ensuring national security.

(2) The Service shall plan, organise and carry out activities to collect, verify, evaluate, preserve and valorise the information necessary to defend the Constitution, to guarantee and protect human rights and fundamental freedoms, and for the purpose of knowing, preventing and addressing anticipated vulnerabilities, risk factors and threats that jeopardise or could jeopardise the national security of the Republic of Moldova.

(3) The work of the Service is coordinated by the President of the Republic of Moldova and is subject to parliamentary scrutiny. Coordination by the President of the Republic of Moldova shall be achieved through: the annual determination of priority directorates in the field of national security, the division of tasks within the remit of the Service, the determination of the types of information to be presented and the manner in which they are presented, and the assessment of the performance of the tasks assigned.

(4) The service is a legal person, has an official and conventional name – SIS, has other necessary attributes, treasury accounts, in banks, in Moldovan lei and in foreign currency.

Article 2. Legal framework for the work of the Service

The legal framework for the activity of the Service shall be the Constitution of the Republic of Moldova, this Law, other legislative acts, decrees of the President of the Republic of Moldova, Government ordinances and decisions, regulatory acts of the Service, issued within the limits of its competence, as well as international treaties to which the Republic of Moldova is a party, and cooperation agreements concluded with other special services.

Article 3. Principles of activity of the Service

The service operates in accordance with the principles of:

- a) legality;
- b) respect for human rights and freedoms;
- c) independence and impartiality;
- d) humanism;
- e) non-partisanship and political neutrality;
- f) opportunity;
- g) continuity and consistency;
- h) conspiracy, combining methods and means of public and secret activity;

Chapter II

DUTIES, WORK DIRECTORATES, OBLIGATIONS AND THE RIGHTS OF THE SERVICE

Article 4. Duties of the Service

For the purpose of ensuring national security, detecting, reducing or avoiding risks and threats to the security of the Republic of Moldova, the Service shall:

- 1) collect, verify, assess, analyse, maintain and exploit:
 - a) information of importance for the national security of the Republic of Moldova, the preservation and development of its scientific, human, economic and defence potential, the promotion of foreign and internal policy;

b) information to detect, prevent and counteract information and subversive activities of foreign special services, unconstitutional entities or structures, as well as specific groups or individuals, aimed at harming the national interests of the Republic of Moldova;

2) develop and implement, within the limits of their competence, a system of measures aimed at identifying, preventing and countering risks and threats posing a particular danger to national security, as follows:

a) violent change of the constitutional order, subversive actions or any other action aimed at forcibly removing the democratic institutions of the State, undermining or liquidating by whatever form the sovereignty, independence or territorial integrity of the State;

b) hybrid security threat with the aim of undermining national security;

c) usurpation of state power;

d) the challenge of racial, national, religious, social hatred accompanied by violence or incitement to violence;

e) activity contributing, directly or indirectly, to military action against the Republic of Moldova, favouring the occupation of the state by foreign military forces, diminishing defensive capacity, security of the state border, assault on a foreign power or triggering civil war, other violent actions undermining the existence of the state;

f) actions and conditions which favour, trigger or may give rise to exceptional situations in relation to national transport, communications, energy system, information and electronic communications systems, financial and banking market, taxation, customs, investment, major branches of the economy of the Republic of Moldova and their external relations, other critical infrastructure objectives of strategic importance for national security;

g) establishment of organisations, groupings and structures: terrorist, extremist, unconstitutional intelligence or paramilitary organisations endangering national security, participating in or supporting national security in any form;

h) serious harm to the constitutional rights and freedoms of persons which may jeopardise national security;

i) state treason, espionage, illegal information activity, plot against the Republic of Moldova, unauthorised intelligence gathering;

j) information security incidents and cyber crimes, which directly or indirectly affect or may affect national security;

k) attempts and actions of disinformation and/or manipulative information affecting the information security of the State, including by altering the content of the information conveyed in the public space, with the aim of creating panic, creating tensions or social conflicts;

l) collecting, obtaining, holding information that is secret by the State with a view to transmitting it to unconstitutional structures, as well as collecting, obtaining, holding any other information drawn up at the direction of representatives of unconstitutional structures;

m) preparing or committing attacks on the life, health and inviolability of persons enjoying protection and state security in accordance with the law, or of representatives of other States or international organisations whose protection is to be ensured during their stay in the Republic of Moldova in accordance with the law, international treaties to which the Republic of Moldova is a party, or international law;

n) the stealing of arms, ammunition, combat techniques, explosive, radioactive, poisonous, narcotic, toxic and other substances, their smuggling, their illegal production, use, transport and storage, if this is detrimental to the interests of national security;

o) conducting terrorist activity, supporting in any way this activity, other activities of an extremist nature, spreading terrorist and extremist ideas and values;

p) organised crime undermining national security as well as the work of international organised crime networks;

q) corruption affecting national security;

r) influencing, supporting and/or adopting decisions for purposes contrary to the national interest;

s) illegal management, degradation or destruction of or disabling access to economic resources of national interest;

t) work against the health of persons who may endanger national security;

- u) environmental degradation and endangering environmental security at national and/or regional level;
 - v) unlawful interception and/or access to communications and/or data flow carried out through electronic communications networks, and the unlawful construction or possession of the special technique or programme means for unlawful interception and/or access to communications and/or data flow;
 - w) penetration of the Service with Exponents of Foreign Special Services, unconstitutional entities, organised criminal groups, extremist parties and movements, economic and financial structures and individuals for illicit purposes;
 - x) the intention of the employees of the Service to establish or establish, for illicit purposes, contacts with representatives of foreign special services, unconstitutional entities, organised criminal groups, extremist parties and movements, economic and financial structures and special individuals engaged in illegal activities;
- 3)** carry out activities to prevent, identify and detect the following categories of crime:
- a) crimes against the peace and security of humanity, war crimes;
 - b) offences against public authorities and state/national security;
 - c) terrorist offences,
 - d) organising and participating in illegal paramilitary formations, if these facts undermine national security;
 - e) mass disorder affecting the national security, sovereignty, integrity and inviolability of the Republic of Moldova;
 - f) offences against the security of shipping and fixed platforms, undermining national security;
 - g) organised crime and corruption, other illegal actions against the proper conduct of activity in the public sphere, which undermine national security;
 - h) cybercrime posing threats to national security;
 - i) offences against national economic security and interests in the energy system, the financial-banking market, taxation, customs, investment, major branches of the economy of the Republic of Moldova and their external relations, transport, information and electronic communications systems, critical infrastructure objectives of strategic importance for national security;
 - j) offences in the field of production and movement of goods, technologies and services of strategic importance for national security;
 - k) organising irregular migration affecting national security and/or defaming the image of the state externally;
 - l) offences relating to the production and movement of weapons, ammunition and explosives, weapons of mass destruction and their components, radioactive substances, toxic substances, narcotics, psychotropic materials and precursors in international trade;
 - m) offences in the field of import, export, design, production, marketing and use, by natural and legal persons not empowered by law, of special technical means designed to obtain information hidden, cryptographic and technical protection of information;
 - n) other acts posing a particular danger to national security, as referred to in point 2) of this Article, if they meet the elements of the composition of offences laid down in the Criminal Code of the Republic of Moldova;
- 4)** participate in the provision and development and implementation of state policy and coordinate the work of all public authorities in the field of information security;
- 5)** notes the infringements attributed, in accordance with the provisions of the Code of Infringement, within the remit of the Service;
- 6)** perform the technical assurance of interception of communications made using electronic communications networks using special software or technical means installed or connected, where necessary, to the equipment of providers of electronic communications networks and/or services;
- 7)** provide counter-information to the Ministry of Defence, the National Army, the General Inspectorate of Carabinieri, other military formations, established in accordance with the law, the Ministry of Internal Affairs and the subordinate authorities, the State Protection and Guard Service, the Ministry of Foreign Affairs and European Integration, the National Penitentiary Administration, the National Anti-Corruption Centre and other public authorities;

8) participate in the formulation and implementation of the State policy on the protection of State secrecy, provide for other necessary measures in this field, exercise control of the state of protection of State secrecy in public authorities and other legal persons, including institutions of the Republic of Moldova abroad, and ensure the prevention of leaks of state secret information and other information of importance to the State, check persons who are to occupy functions involving access to information and activities assigned to it by the State secret, exercise other functions within the competence of the Service in accordance with the provisions of Law No 245/2008 on state secrecy;

9) establish, ensure the operation and security of governmental electronic communications systems, develop and implement State policy in the field of the establishment, administration, operation and security of special electronic communications systems;

10) develop and implement State policy and exercise control in the field of cryptographic and technical protection of information assigned to State secrets, keep records of cryptographic protection instruments used in public authorities and other legal persons, exercise control over compliance with the requirements for their exploitation, preservation and destruction;

11) develop and carry out State policy and exercise control in the field of trust services, exercise the function of the higher-level qualified trust service provider;

12) verify and provide, in accordance with the law, data on holders and candidates for public office;

13) participate in ensuring the security of the diplomatic missions and consular posts of the Republic of Moldova abroad and their staff;

14) carry out work to protect their own staff, both domestically and abroad;

15) ensure the internal security of the Service and safeguard its objectives;

16) collaborate, within the limits of its competence, with the State Protection and Guard Service in order to ensure the security of persons benefiting from state protection and security and security objectives;

17) carry out counter-information insurance at the state border, collaborating in this regard with the General Inspectorate of the Border Police;

18) contribute, jointly with other public authorities, to the implementation of the State's migration and asylum policy, the entry/exit and residence of foreigners and stateless persons, the granting of refugee status, and the granting, restoration and withdrawal of citizenship of the Republic of Moldova;

19) carry out measures to determine the place of occupation and detention of persons announced in national, inter-state and international search for the commission of terrorist offences, crimes against the peace and security of humanity, public authorities and state/national security, other offences undermining the security of the Republic of Moldova, detaining them and handing them over to the competent bodies;

20) carry out the assessment of institutional integrity under the terms of Law nr.325/2013 on the Assessment of Institutional Integrity;

21) provide diplomatic and special courier services in accordance with the law;

22) exercise other powers established by the legislation in force and international treaties to which the Republic of Moldova is a party.

Article 5. Directorate of activities of the Service

(1) In order to carry out its tasks in the field of ensuring national security, the Service shall carry out:

- a) external information activity;
- b) counter-informative activity;
- c) special investigative activity, if it participates in the investigation of criminal offences;
- d) other activities established by the legislation.

(2) The manner and conditions for ordering and carrying out counter-information measures and external information measures and for carrying out checks on their legality shall be laid down in the Law on counter-information and external information activities.

(3)

Article 6. Communication of information

(1) Information in the field of national security, obtained in the outcome of the work of the Service, shall be communicated to the following beneficiaries:

- a) The President of the Parliament, the President of the Republic of Moldova and the Prime Minister;
- b) The Chair of the Parliamentary Committee on National Security, Defence and Public Order;
- c) Ministers and heads of other central administrative authorities, including autonomous from the Government, where such information relates to matters relating to the areas of activity which they coordinate or for which they are responsible;
- d) the Mayor of Chisinau, the mayors of the municipalities, the presidents of the rayons and the Governor of Gagauziei, on matters falling within their competence;
- e) The public prosecutor's office, the prosecution, where the information relates to the preparation or commission of a crime.

(2) The information assigned by the State secret, as referred to in paragraph (1), is to be protected in accordance with the Law on State secrecy.

(3) The beneficiaries of the information will inform the Service about the relevance of the information submitted and the actions taken as a result of its use.

Article 7. Obligations of the Service

In the performance of its duties, the Service shall:

- a) operate in strict compliance with the Constitution of the Republic of Moldova, this Law, other legislation and regulations in force, as well as international treaties to which the Republic of Moldova is a party;
- b) to obtain information of interest in ensuring the security of the Republic of Moldova, enhancing its economic, human, technical-scientific and defensive potential, creating the conditions for the promotion of the Republic of Moldova's foreign and internal policy;
- c) to detect, prevent and counteract the informative and subversive work of foreign special services and organisations, unconstitutional entities or structures, as well as special individuals, whose actions are directed towards prejudicing national security;
- d) ensure the leadership of the Republic of Moldova and public authorities with governmental electronic communications and other types of protected communications, in accordance with the nomenclature approved by the Government;
- e) detect radio releases of transmitting radio means the activity of which endangers national security;
- f) to ensure, within the limits of its competences, counter-informative protection of the objectives of the defensive complex, the elements of the national defence system, the financial-banking, energy, transport, information and electronic communications systems, and the objectives of the critical infrastructure, which are of strategic importance for national security;
- g) at the request of the criminal prosecution services, to assist in prosecuting acts, which according to Article 4 fall within the remit of the Service;
- h) to maintain in good condition the preparation for deployment of the Service, to form staff needs and to keep records of staff reserves;
- i) coordinate, when declaring a state of siege or war, within the limits of competence, with the General Staff of the Armed Forces the measures to maintain the state of siege or war regime and participate in the provision of defence operations of the Republic of Moldova;
- j) to take the necessary measures to ensure the protection of State secrecy in accordance with the provisions of the legislative acts governing this field, to inform Parliament of the findings and conclusions drawn from the work carried out for the protection of State secrecy;
- k) to ensure diplomatic courier and to exercise control over the flow of state-secret information and service information between the Ministry of Foreign Affairs and European Integration and the diplomatic missions and consular posts of the Republic of Moldova abroad;
- l) to ensure the lawful handover of parliamentary, presidential, governmental, diplomatic mail, state secret mail, and also of Heads of State and Heads of Government of

States participating in the Intergovernmental Agreement on the Special Curiere Service of the Commonwealth of Independent States;

m) perform other obligations laid down by law.

Article 8. Rights of the Service

(1) The service shall have the right to:

1) participate in the development of state programmes and strategies for ensuring national security;

2) to take measures to prevent facts which undermine national security, to submit to public administration authorities, to natural and legal persons, irrespective of their ownership, proposals to remedy deficiencies found in matters of national security, to request that appropriate measures are taken and information on their execution to be provided and, where appropriate, to apply a formal warning;

3) to train, under the conditions laid down in the legislation, in an open or secret manner, with their consent, in order to provide support for national security;

4) use the following goods, with the exception of those belonging to diplomatic missions and persons with diplomatic immunity:

a) by contract or verbal agreement, within the limits necessary for the performance of his duties, service rooms, other assets of legal persons, military formations, and premises and other property of natural persons;

b) in cases of extreme need, in the interests of the service, the means of communication of the legal person, irrespective of the type of ownership, and of the natural person. At the request of the owners of the communication facilities, the Service shall compensate them, in the manner laid down by civil law, for the costs or damage caused;

c) in cases of extreme need, in the interests of the service, the means of transport of legal persons, irrespective of the type of ownership, as well as of natural persons. At the request of the owners of the means of transport, the Service shall compensate them, in the manner laid down by civil law, for the costs or damage caused;

d) in exceptional circumstances, as well as in the case of applications planned at national level or by the Service, on a contract or verbal basis, free of charge, of the providers' electronic communications networks and services, irrespective of their ownership. At the request of suppliers, the Service shall compensate them, in the manner laid down by civil law, for the costs or damage caused;

5) to achieve:

a) the detention of offender who has committed the offences referred to in Article 4 (3), to remove the bodies of crime, to request the information and documents necessary to establish the offence, to summon persons and obtain statements from them, to assess the damage, to carry out other actions which do not suffer from aforesaid, and to draw up the reports recording the actions carried out and the circumstances established. The persons detained, the minutes of the proceedings carried out, together with the material, shall be handed over to the public prosecutor within the prescribed time limit, in accordance with the law of criminal procedure;

b) the detention of persons announced in a national, inter-State and international search, and the detention of persons who have committed acts relating to attempted entry and entry into the territory under special supervision of the special and other objectives of the Service and their handing over in a manner determined by the competent authorities.

6) forward to public authorities, other legal persons, irrespective of the type of ownership, enforceable indications on the removal of causes and conditions contributing to the realisation of threats to national security;

7) request and receive, free of charge, from public authorities, other legal persons, irrespective of their ownership, information necessary for the performance of the duties of the Service. The presentation of the information required by the Service may not be refused on the grounds that it constitutes information of limited accessibility;

8) require natural persons, persons with positions of responsibility and representatives of legal persons to appear at the official premises of the Service in order to explain matters relating to the provision of national security in the areas within the remit of the Service;

9) in the interest of ensuring national security, to keep operational records, to create databases, in the volume and manner determined by the requirements for carrying out the tasks laid down by law;

10) to develop cryptographic standards and protections, to exercise control over compliance with the secret regime when using cryptographic protectors and to operate with correspondence in public authorities and other legal persons, to diplomatic missions of the Republic of Moldova;

11) create, in the manner laid down by law, legal persons and subdivisions necessary for the performance of the duties assigned to the Service and for the performance of its work;

12) create public and special purpose subdivisions for the purpose of carrying out the tasks assigned to the Service;

13) provide, as far as possible, through available forces and means, including technical and/or programme, support to the prosecution and other competent authorities in the fight against crime. The possibility of providing such support shall be coordinated in advance with the management of the Service;

14) to train, with the agreement of the Ministry of the Interior, its forces and means to ensure national security;

15) to carry out technical, scientific and other findings and research within the remit of the Service;

16) to second intelligence officers to state and private companies, institutions and organisations with the consent of their leaders to occupy functions within them, while continuing to perform the special service;

17) establish relations with foreign special services, international organisations, participate in certain regional meetings/structures, conclude international treaties, in accordance with legislation, and cooperation agreements with other foreign special services, in areas within the remit of the Service, which do not have international treaty status;

18) have official representatives of the overseas service, including in the institutions of the diplomatic service of the Republic of Moldova;

19) take measures to ensure its own security;

20) to use, for conspiracy purposes, acts codifying the identity of the persons responsible, the departmental membership of the subdivisions, organisations, rooms and means of transport of the Service, and the identity of the persons collaborating with it confidentially;

21) conduct scientific research on national security issues and carry out editorial work;

22) to contribute to the design and production of the special technical and/or programme means necessary for the performance of its tasks;

23) set up working groups, in the composition of intelligence officers and guest specialists from other public authorities, to conduct research on important issues relating to national security;

24) undertake initial and continuing vocational training and retraining of staff of the Service, including abroad, to train, on the basis of compensation or free of charge, staff for foreign special services, other public authorities, as well as other legal persons, irrespective of the type of ownership;

25) negotiate and conclude, as provided for by law, for the purpose of resolving the duties of the Service, contracts and agreements with public authorities, natural persons and legal persons, irrespective of the type of ownership;

26) participate, within the limits of their competence, in ensuring the security of the transport of the national currency, at the request of the National Bank of Moldova, on the basis of inter-departmental agreement, with compensation for the costs of the applicant's account;

27) instruct diplomatic and consular staff, and their family members, who are to leave for diplomatic mission across the boundaries of the Republic of Moldova;

28) to hand over, in accordance with the law, the correspondence of the public administration authorities and the correspondence of economic operators.

(2) It is not permissible to use the rights granted to the Service to carry out tasks/obligations which are not provided for in the legislation.

Article 9. Official warning

(1) The official warning addressed to a person is a written prescription requiring the data subject to respect the Constitution and other laws of the Republic of Moldova, human rights and fundamental freedoms, not to commit violations of the law or acts posing a threat to national security, making known the possible legal consequences.

(2) An official warning may be given when there are sufficient reasons, based on the information obtained in the work of the Service, to indicate that the person may commit breaches which could be harmful to national interests and/or security.

(3) The official warning shall be issued by decision of the Director of the Service or Deputy Directors.

(4) The official warning must be given in person, presenting it to the data subject against signature. If the person alerted refuses or is unable to sign on the document, a record shall be drawn up. The person concerned is entitled to obtain a copy of the official warning. The official warning of minors shall be issued in the presence of their legal representative.

(5) The Prosecutor General shall be notified of the affixing of the official warning.

(6) The procedure for affixing the official warning shall be laid down in a legislative act of the Service.

Article 10. Right to the application of physical force, firearm, ammunition and special means

The intelligence officer shall have the right to apply physical force, firearm, ammunition and special means under the terms of the Act on the Application of Physical Force, Special Assets and Firearms and the Law on the Status of the Intelligence and Security Officer.

Article 11. Cooperation of the Service with institutions in the country and abroad

(1) The service operates in cooperation with the public authorities of the Republic of Moldova, businesses, institutions and organisations, regardless of the type of ownership.

(2) In order to give concrete expression to the manner and conditions of the service's cooperation with the public administration authorities, they may conclude agreements or issue joint legislative acts.

(3) The service may use the availability of other public bodies/authorities and institutions of the Republic of Moldova under the conditions laid down in the legislation.

(4) Public authorities, as well as other legal persons irrespective of their ownership, are obliged to provide, as far as possible, operational, information, technical and other assistance to the Service in the performance of its tasks, including the provision of functions for the secondment of intelligence officers to carry out tasks in the interest of national security.

(5) The law and prosecution bodies are obliged, within the limits of the law, to communicate to the Service any data and information resulting from their service activities relating to the provision of national security.

(6) Postal service providers, providers of electronic communications networks and/or services of all types, including encrypted link system services, by satellite, through global, regional and departmental/institutional information networks, shall be obliged, in accordance with the legislation, to create the conditions necessary for connecting the technical means intended for the performance by the Service of the activities for which it is competent.

(7) The service cooperates with foreign special services and organisations, other organisations abroad, on matters of common interest aimed at ensuring national and international security.

Article 12. Respect for human rights and freedoms in the service

(1) In its work, the Service ensures respect for human rights and freedoms. Limitations on human rights and freedoms shall not be permitted except where provided for in the Constitution and other legislation.

(2) The persons whose rights and freedoms have been violated by the employees of the Intelligence Service (s) are entitled to complain to the Service, to the Public Prosecutor's Office or to the courts, to compensate for the damage caused and to hold those responsible to account in accordance with the law.

(3) Public administration authorities, as well as other legal persons, regardless of their ownership, political formations, obishers and natural persons, have the right, in accordance with the law, to obtain explanations and information from the Service in the event of infringement of their rights and freedoms and to seek compensation for the damage caused by the unlawful actions of the employees of the Service in the performance of their duties.

(4) Personal data, including data concerning intimate, family and private life which undermine the honour and dignity of the person or are likely to prejudice his or her legitimate interests, obtained in the course of the work of the Service, may not be made public without the consent of the Service, except in cases provided for by law.

(5) Employees of the Service who are guilty of abuse of power or misuse of office, whether in excess of power or exceeding their duties, shall bear the responsibility provided for in the legislation.

Article 13. Right to information on the work of the Service

(1) The company is informed of the work of the Service through the official page of the Service, the media and other forms provided for in the Press Act, the Access to Information Act, other legislative acts.

(2) Information on the rights and obligations of the Service is presented in full.

(3) It shall be prohibited to disclose to the public information covered by State secrecy or other information of limited accessibility, the disclosure of which could prejudice respect for the rights and reputation of another person, the protection of national security, except where provided for by law in the interests of justice, public order, the protection of health or the protection of morals of society.

(4) The right to information on the work of the Service shall be without prejudice to the manner in which information is communicated in the field of ensuring national security laid down in Article 6.

Article 14. Protection of information relating to the work of the Service

(1) Persons employed in the Service, as well as those admitted to information relating to the activities of the Service, shall be subject to the procedure for access to information assigned to the State secret, unless otherwise provided for by the legislation.

(2) Persons admitted, under the conditions laid down by law, to information relating to the activity of the Service, which is covered by State secrecy or to other information of limited accessibility, shall be liable, in criminal, civil, administrative or disciplinary matters, for their disclosure, in accordance with the law.

(3) Documents and materials containing information on the staff of the Service, persons who collaborate or have cooperated confidentially with the Service, as well as information on the organisation, forms, tactics, methods and means of external, counter-information and special investigation activities by the Service, shall be state secret and shall be kept in the Service's archive. The redacted material from the Service's archive showing historical and scientific value is to be stored at the National Archive of the Republic of Moldova in the manner established by the legislation.

Chapter III ORGANISATION OF WORK, MANAGEMENT AND SERVICE STAFF

Article 15. Organisation of the work of the Service

(1) The service is a centralised public authority consisting of the central apparatus and territorial sub-units.

(2) The territorial sub-units are directly subordinate to the management of the Service. Their location shall take place at the decision of the Director and may not correspond to the administrative and territorial organisation of the Republic of Moldova.

(3) The structure of the Service shall be approved by the College of the Service on a proposal from the Director of the Service.

(4) The staffing of the Service shall be determined and approved by Parliament on a proposal from the Director of the Service. The staff of the Service during the periods of siege

and war shall be approved by the President of the Republic of Moldova on a proposal from the Director of the Service and shall be assigned by the State secret.

Article 16. Director of the Service

(1) The service shall be headed by a Director, appointed by Parliament, by a majority of the elected Members, on a proposal from the President of the Republic of Moldova.

(2) The proposed candidate for Director shall be heard beforehand by the Committee on National Security, Defence and Public Order, which will report back to Parliament's plenary.

(3) The position of director is incompatible with any other gainful activity, including entrepreneurial activity, with the exception of creative, teaching and scientific work.

(4) The Director shall be appointed for a term of 5 years. The Director of the Service may hold the position of no more than two consecutive terms.

(5) At the time of appointment, the Director of the Service shall submit to Parliament, in the presence of the President of the Republic of Moldova, the following jury:

"I want to devote my full power and expertise to the Republic of Moldova, to respect the Constitution and laws of the country, to uphold democracy, human rights and fundamental freedoms, sovereignty, independence, unity and territorial integrity of Moldova"

(6) The Director of the Service shall be independent in the exercise of his or her mandate and shall be irremovable during its term of office.

(7) The Director of the Service shall be entitled to attend meetings of the Government.

Article 17. Conditions for appointment, termination and suspension of the term of office of the Director of the Service

(1) The candidate for the post of Director of the Service may be the person who cumulatively meets the following conditions:

a) holds the nationality of the Republic of Moldova and does not hold the nationality of any other State, with the exception of the Member States of the European Union, and is domiciled in the territory of the Republic of Moldova;

b) has full capacity to exercise;

c) have a university degree, professional qualification and work experience of at least 10 years in the fields of law, national defence, state security, public order or diplomatic service;

d) enjoy an irreproachable reputation;

e) has not reached the retirement rate for the limit of unemployment in the public social security system;

f) is not and has not been a member of any political party in the last 2 years;

g) has no criminal record, including extinguished or invalidated by the court;

h) knowledge of the State language;

i) is medically fit to perform the duties.

(2) The term of office of the Director shall be terminated in cases of:

a) the expiry of the term for which it was appointed;

b) resignation on its own initiative;

c) loss of citizenship of the Republic of Moldova or acquisition of citizenship of another State, with the exception of the Member States of the European Union;

d) declaring disappearance without delay, in accordance with the law;

e) the issuing of a final conviction, or the deprivation by judgment of the right to hold a public office;

f) elective election;

g) death;

h) revocation.

(3) The Director shall be removed from office in the following cases:

a) in which it is in a state of incompatibility, as established by a declaration which has become final;

b) the impossibility of performing for more than 4 consecutive months the duties assigned to him in relation to the state of health established by a medical examination;

c) failure to comply with the conditions for appointment, with the exception of that laid down in paragraph (1) (e) of this Article;

d) which establishes, by means of a final declaratory act, the issuing/adoption by the latter of an administrative act, the conclusion, directly or through a third party, of a legal act, the taking or participation in the taking of a decision without resolving the actual conflict of interest in accordance with the provisions of the legislation regulating the conflict of interest;

e) his failure to submit the declaration of assets and personal interests or the refusal to submit it in accordance with Article 27 (8) of Law No nr.132/2016 on the National Integrity Authority;

f) in which the court orders, by an irrevocable decision, the confiscation of his or her unjustified assets.

(4) The work of the Director of the Service shall be suspended:

a) from the time of the indictment, where a criminal case has been brought against him, until the judicial decision has become final;

b) in the case of registration as an elective candidate.

(5) The grounds referred to in paragraphs (2) to (4) shall be established in Parliament's plenary sitting, on the basis of the report of the Committee on National Security, Defence and Public Order, by adopting a decision taking note of the occurrence of the case giving rise to the termination or suspension of the mandate. The termination or suspension of the Director's term of office shall be adopted by Parliament by a majority of the elected Members.

Article 18. Tasks of the Director

Director of the Service:

a) organises and directs the work of the Service and is responsible for carrying out the tasks of the Service and the work carried out;

b) represent the interests of the Service in relations with the President of the Republic of Moldova, the Parliament and the Government of the Republic of Moldova, other public authorities, in relations with natural and legal persons, irrespective of the type of ownership, and with foreign special services, within the limits of their powers;

c) submit to the President of the Republic of Moldova proposals for candidates for the positions of Deputy Directors of the Service and propose their release;

d) assign powers of attorney and approve the functional obligations of the deputy directors, may delegate to them or other persons with positions of responsibility certain tasks falling within its remit, and monitor the performance of those duties and powers;

e) pursuant to and for the purpose of enforcing the law, issue orders and make enforceable orders within the Service, approve instructions, regulations and other legislative acts, including jointly with other public authorities;

f) in accordance with the structure and within the limits of the approved number, approve the Staff Regulations of the Central Equipment and of the territorial sub-units, create and liquidate subdivisions, decide on the location and relocation of the territorial sub-units;

g) participate in the development and promotion of security strategies and policies and submit, in the manner established, to the Parliament, the President of the Republic of Moldova and the Government proposals for further development of legislation in the field of ensuring national security;

h) within the limits of its competence and in accordance with the legislation in force, establish and maintain international cooperation relations, conclude with other special services/entities cooperation agreements which do not have the status of an international treaty in the fields of competence of the Service, receive delegations and send delegations from the Service overseas, within the limits of the budgetary allocations for this purpose;

i) determine the tasks and priority directions of the sub-units of the central department of the department and of the territorial sub-units, approve their business regulations, exercise control over their activities;

j) authorise, in accordance with the Law on Counter-Information and External Intelligence Activities, counter-informative measures and measures to carry out the external information activity;

k) determine, within the limits of its competence, the manner in which the Service transmits information obtained in the outcome of the work of the Legal Beneficiaries' Service;

l) negotiate and conclude, in accordance with the legislation in force, contracts and agreements with public authorities, natural and legal persons, both domestic and foreign, irrespective of the type of ownership, in order to resolve matters falling within the remit of the Service;

m) hires in the Service, appoints and relieves the Service's employees, decides to transfer/transfer them to other functions, secondment, including overseas, transfer to service, temporary removal from the performance of service obligations, determines the mode of employment in the special service of citizens who have exceeded the limit of 40 years of employment in the Service, in order to complement it with deficient specialities, until they meet the limit on admission to the service;

n) confer special grades to the colonel grade of the Service including, retrograde and restore in particular to the colonel grade of the Service inclusive, present, in the manner set out, proposals for the award of special grades of general, decoration with State distinctions and the attribution of honorary titles of the Republic of Moldova to the employees of the Service;

o) create, in the manner laid down by law, undertakings, institutions, organisations, other structures, public and covered, with a special purpose, necessary for the performance of the duties assigned to the Service and for the performance of its work;

p) manage the financial and technical and material resources of the Service, lay down, in accordance with the law, the rules on the planning, material and financial insurance of the sub-units of the Central Department of the Service and of the territorial bodies, as well as on the recording, control and use of material and financial resources;

q) exercise other powers, established in accordance with the legislation in force.

Article 19. Deputy Directors

(1) In the performance of his duties, the Director of the Service shall be assisted by two Deputy Directors.

(2) The Deputy Directors shall be career officers of the Service with a seniority as an Information and Security Officer of not less than 10 years, appointed and released to /from office by the President of the Republic of Moldova, on a proposal from the Director of the Service.

(3) The provisions of Article 17 (1) to (4) shall also apply to deputy directors accordingly.

(4) The Deputy Directors shall perform the duties assigned or delegated by the Director in accordance with the approved functional obligations.

(5) During the temporary absence of the Director, the Deputy Director replacing him may issue orders and other acts only within the limits of the powers assigned by the Director of the Service.

Article 20. College of the Service

(1) In order to discuss issues relating to the work and policies promoted by the Service, the College of the Service shall act as an advisory body in addition to the Director of the Service. In cases determined by law, the College of the Service shall have decision-making powers.

(2) The College of the Service shall comprise the Director (President), Deputy Directors and other persons in senior positions within the Service. The nominal composition of the College of Service shall be approved by the President of the Republic of Moldova on a proposal from the Director of the Service. The Rules of Functioning of the College shall be approved by order of the Director of the Service.

(3) The College of the Service shall be convened by the Director of the Service or as necessary.

(4) The solutions identified and the recommendations made following the discussions in the College of Service shall be approved by a simple majority of the members of the College present at the meeting and shall be submitted to the Director for adoption of that decision.

Article 21. Public authorities and institutions under the Service

(1) Under the authority of the Service is the Office of Special Couriers, which is an administrative authority through which the Service performs the duties relating to diplomatic courier and special courier.

(2) The service may also be subordinate to other public authorities or institutions for the purpose of carrying out the tasks laid down by law.

Article 22. National Intelligence and Security Institute

(1) The National Intelligence and Security Institute 'Bogdan founder of Moldova' (hereinafter – *Institute*) is a subunit within the central department of the Service which conducts specialised training for the purposes of initial and continuing vocational training and retraining of the employees of the Service, in the field of national security, as well as the conduct of scientific research in the given field.

(2) The Institute may carry out, on an agreement/contract basis, initial and continuous training of specialists of other competent authorities with competence in the field of national security, as well as the training of persons, within public authorities and other legal persons, responsible for the protection of information classified by state secret and anti-terrorist protection.

(3) The Institute is not part of the national learning and education system, is not subject to the provisions in force on provisional operating licensing and accreditation of teaching institutions and science and innovation.

(4) The Institute shall act on the basis of this Law and the regulations approved by the Director of the Service.

Article 23. Staff of the Service

(1) The staff of the Service consists of intelligence and security officers and civilian employees (hereinafter – *employees*) who work under contract. Depending on their duties, intelligence and security officers shall be part of the scriptural or cryptographic staff.

(2) The legal status, the way in which the special service is performed by contract, the disciplinary regime, the prohibitions and the liability of the intelligence and security officer are governed by Act No 170/2007 on the status of the intelligence and security officer.

(3) The employment, work, rest conditions, pay and regulation of the work of civil employees shall be governed by labour law and other legislative acts, taking into account the specificities laid down in this Law.

(4) As a civil servant, a person who meets the general conditions of employment, has the professional training, qualification and state of health required for the post and meets safety criteria may be employed.

(5) Staff of the Service may not belong to parties and other social and political organisations. Civil employees may set up and join trade unions.

(6) When hiring in service and every year thereafter, intelligence and security officers are required to submit a declaration of income and property and declaration of personal interests under the conditions laid down in the Act on the Declaration of Assets and Personal Interests.

(7) Employees of the Service shall be subject to compulsory state fingerprint registration in accordance with the legislation.

(8) The employees of the Service are obliged to strictly preserve State secrecy, other official information of limited accessibility, including after release from the Service for whatever reason. The disclosure of data and information which has become known to them in the course of their work in the Service, except where provided for by law, shall be prohibited and punishable by law.

“Chapter IV**SOCIAL AND LEGAL PROTECTION OF EMPLOYEES OF THE SERVICE****Article 24. Social and legal protection of employees of the Service**

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

(2) The social and legal protection of the Information and Security Officer is governed by Act No 170/2007 on the Status of the Intelligence and Security Officer.

(3) The social and legal protection of civil employees is governed by the Labour Code and other legislation containing labour law rules.

(4) Information concerning employees of the Service who perform or have performed special tasks relating to ensuring national security in national public authorities or legal persons, special services, foreign authorities or organisations, criminal groups or organisations shall constitute State secrecy and may be made public only in cases provided for by law and only with the consent of the employee.

(5) The period of performance by the staff of the Service of the special tasks relating to ensuring national security, as well as to the performance of their duties under other conditions which endanger their life and health, shall be included in the period of general service, the special length of service, the contribution period and the period conferring entitlement to length-of-service increments in accordance with the legislation.

Chapter V

PERSONS COLLABORATING CONFIDENTIALLY WITH THE SERVICE

Article 25. Persons collaborating confidentially with the Service

(1) Persons cooperating confidentially with the Service shall have the right to:

a) conclude confidential collaboration contracts with the Service in the cases provided for in the regulatory acts of the Service;

b) to receive explanations from the Service's intelligence officers concerning their duties, rights and obligations;

c) use encrypted identity documents for conspiracy purposes;

d) receive a reward;

e) be compensated for damage to their health or property in connection with collaboration with the Service.

(2) Persons collaborating confidentially with the Service are obliged to:

a) comply with the terms of the contract or working arrangement with the Service;

b) carry out the tasks assigned to them by the Service in order to fulfil their obligations;

c) not to admit the premeditated presentation of incomplete, unobjective, false or defamatory information;

d) not to disclose information secretly assigned by the State, as well as any other information which has come to their knowledge in connection with the collaboration or which results from the process of collaboration with the Service.

(3) The service shall ensure compliance with the terms of the contract or cooperation agreement and the protection of personal data of persons who collaborate confidentially with the Service. Information on persons who collaborate or have collaborated with the Confidential Service shall be secret by the State and may not be disclosed without the written consent of such persons and only in the cases provided for by law.

(4) The forms of collaboration with the Service are regulated by means of departmental legislative acts.

Article 26. Social and legal guarantees of persons collaborating confidentially with the Service

(1) The social protection of persons who collaborate in confidence with the Service in carrying out its work shall be carried out in accordance with the provisions of the legislation in force.

(2) Persons who collaborate confidentially with the Service are awarded, through the Service, rewards from the State budget.

(3) In the event of proceedings being instituted against the person who cooperated (collaborated) confidentially with the Service, in relation to the fact of the collaboration, the Service shall grant/provide free legal assistance in accordance with the regulatory acts of the Service, unless the legal action was initiated at its request.

(4) If the life, i.e. the personal or property security, of persons who collaborate (have) confidentially with the Service or their family members are in danger, the Service will provide free legal assistance, other support and protection in order to eliminate the danger.

(5) The life and health of persons collaborating confidentially with the Service, sent over the boundaries of the Republic of Moldova, are subject to compulsory state insurance, in accordance with the regulations of the Service.

(6) In the event of the death of the person who cooperates confidentially or of a member of his family, in connection with the tasks carried out in the process of confidential cooperation with the Service, the State shall bear the costs of preparing and transporting the body to the place of burial specified in the will or indicated by the close relatives (in the event of their absence – by the management of the Service), as well as the costs of funeral.

(7) The State is obliged, in all circumstances, to contribute to the release of persons who collaborate in confidence with the Service and their family members detained, arrested or convicted over the boundaries of the Republic of Moldova in connection with the performance of the tasks/tasks entrusted to them by the Service.

(8) Persons who collaborate confidentially with the Service may be submitted for decoration with state distinctions of the Republic of Moldova in the manner established by law.

Chapter VI

INFORMATION, FINANCIAL AND TECHNICAL AND MATERIAL PROVISION OF THE SERVICE

Article 27. Information provision of the Service

(1) In order to carry out its tasks, the Service may establish and operate information systems, electronic communications networks, information resources and databases on its own technological platforms, as well as means of protecting information, including cryptographic and technical protection.

(2) In the interests of national security, the Service shall, in the manner laid down by law, have the right to access, free of charge, information systems, electronic communications networks, information resources and databases of law enforcement bodies, public authorities, undertakings, institutions and organisations, irrespective of their ownership.

Article 28. Means of arming and equipping the Service

(1) The Service shall develop, create, procure and use means of arms and equipment, including special technical and other means, procure and use combat weapons entered into the service as well as other weapons and ammunition intended for its needs.

(2) The sale, transmission, removal from and introduction into the territory of the Republic of Moldova of means of arms and equipment, including special technical equipment, as well as other means, of firearms and ammunition for them, for use in the work of the Service, shall be carried out in the manner established by the legislation.

Article 29. Financial and technical and material insurance of the Service

(1) The technical and material financing and insurance of the Service shall be carried out from the State budget in accordance with the conditions laid down in the legislation. The service may receive donations and grants, including through external financial assistance programmes.

(2) The assets of the Service, including buildings, constructions, machinery, created or to be created, procured or procured from the account of State budget resources as well as other means, which are publicly owned by the State.

(3) The service may own a dwelling stock used under the conditions laid down by the legislation.

Chapter VII CONTROL OF THE ACTIVITY OF THE SERVICE

Article 30. Control of the activity of the Service

(1) Control over the work of the Service is exercised by the Parliament, the General Prosecutor's Office and the courts, within the limits of their competence.

(2) The service shall report on the performance of its work to Parliament and the President of the Republic of Moldova on an annual basis and where necessary upon request.

(3) The external public audit of the financial activity of the Service is carried out by the Court of Auditors.

Article 31. Parliamentary scrutiny

(1) Parliamentary scrutiny of the work of the Service is carried out by the Subcommittee for Parliamentary Control over the work of the Service of the Committee on National Security, Defence and Public Order (hereinafter the Subcommittee), in accordance with the rules approved by Parliament's decision.

(2) Members of the Sub-Committee may have access to information assigned to State secrecy under the terms of the Law on State Secret, with the exception of special files, information on ongoing operations, the identity of persons who collaborate or have collaborated confidentially with the Service, persons working under cover, performing encrypted staff or having specific tasks requiring non-disclosure of the identity.

(3) Members of Parliament, including those who, on the basis of interpellations, receive information from the Service, are responsible, in accordance with the law, for the disclosure of information assigned by the State secret.

Article 32. Control by the public prosecutor

(1) The public prosecutor's control shall be carried out by prosecutors from the Prosecutor General's Office, specifically empowered to do so by the Prosecutor General.

(2) Information on the organisation, forms, tactics, methods and means of operation of the Service shall not be subject to control by the public prosecutor.

Chapter VIII FINAL AND TRANSITIONAL PROVISIONS

Article 33.

(1) The Director of the Intelligence and Security Service of the Republic of Moldova and the Deputy Director of the Intelligence and Security Service of the Republic of Moldova, from the date of entry into force of this Law, shall continue to perform their duties until the end of their term of office, in accordance with the provisions of the present laws.

(2) This Law shall enter into force within one month of its publication in the Official Gazette of the Republic of Moldova.

(3) On the date of entry into force of this Law, Law No 753 of 23 December 1999 on the Intelligence and Security Service of the Republic of Moldova (Official Gazette of the Republic of Moldova, 1999, No 156, Article 764), as amended, shall be repealed.

Article 34

The Government shall, within 6 months of the entry into force of this Law:

- law;
- a) submit proposals to Parliament to bring the legislation into force in line with this law;
 - b) draw up the legislative acts necessary for the implementation of this Law;
 - c) bring its legislative acts into line with this Law.

The President of Parliament

Information Note to the draft Intelligence and Security Service Act of the Republic of Moldova

Conditions governing the preparation of the project

The draft Law on the Intelligence and Security Service of the Republic of Moldova is being drawn up with the aim of refining the regulatory framework for the *national intelligence* service. The new law is intended to ensure the independence of the Service, the establishment of the mission, the definition of the functions of coordination and evaluation of the SIS activity carried out by the President of the Republic of Moldova, the revision of the mandate of the management of the Service, the implementation of the tasks, etc.

Main provisions and new elements

The project is divided into eight chapters, which include:

- I. General provisions;
- II. The duties, work directorates, obligations and rights of the Service;
- III. Organisation of the work, management and staff of the Service;
- IV. The social and legal protection of the employees of the Service;
- V. Persons collaborating confidentially with the Service;
- VI. Information, financial and technical and material provision of the Service;
- VII. Control and supervision of the work of the Service, and
- VIII. Final and transitional provisions.

The draft establishes the **legal status** of the Service – the *autonomous public authority specialising in ensuring national security*.

In order to ensure independence in the work of the Service, the project included the principles guiding SIS in its work: *independence and impartiality, political neutrality, continuity and consistency*.

The **duties, obligations and rights of the Service are also regulated in detail**.

In this context, the **categories of facts, risks and threats posing a particular danger to national security** have been established. Detailed rules have been laid down on the categories of offences the prevention and counteraction of which is assigned to the Service and which may be detected by the Service in accordance with Article 273 of the Code of Criminal Procedure. Other tasks provided for by the legislative/regulatory acts in force (e.g. Act No 271-XVI of 18.12.2008 on the verification of candidates and holders of public office, Act No 245-XVI of 27.11.2008 on State secrecy, Act No 91/2014 on electronic signature and electronic document, etc.), exercised at the moment by the Service, were included.

It should be noted that the Service for Security **Duties for the Diplomatic Missions and Consular Offices** of the Republic of Moldova abroad and their staff have been established. This area is extremely important, but rather vulnerable at the moment. This is because, in addition to physical security measures, these institutions need protection against subversive actions by foreign special services, i.e. their counter-informative provision, including staff. At the same time, measures are to be implemented to protect state secrecy, internal security, security of the means of communication and to train staff on how to protect the subversive actions of foreign special services.

The SIS is to carry out ¹*external information activity* and ²*counter-information activity* – regulated in detail in the draft law on counter-information and external information activity; ³*special investigative activity*, in accordance with the provisions of Law No 59 of 29.03.2012 on special investigative activity; as well as ⁴*other activities*, which do not fall within the scope set out above, but which arise from the tasks of the Service and are governed by legislation. For example, in the field of the protection of State secrecy, the Service, in accordance with Law No 245-XVI of 27.11.2008 and Government Decision No 1176 of 22.12.2010, carries out control activities within public authorities and other legal persons, examines and approves the classifications of functions requiring access to State secrecy, draws conclusions as to whether or not it is possible to grant the citizen the right of access to State

secrecy, organises and coordinates the training of the protection subdivisions of public authorities and other legal persons; etc. Ori, such as tasks in the field of ensuring the operation and security of government electronic communications systems (Government Decision No 735 of 11.06.2002) – connecting the respective systems, ensuring their functionality and security, removing faults, developing and upgrading them, etc.

Bearing in mind that the Service *organises and carries out activities to collect, verify, evaluate, retain and exploit the information necessary to know, prevent and counteract any actions which constitute or could pose risks and threats to national security*, the **categories of legal beneficiaries of that information**, who, within their respective competences, are to take appropriate measures with a view to not admitting harm to national interests and/or security.

Stemming from the role of the Service to *prevent* adverse consequences for national security, the “**official warning**” institute has been further regulated. At the moment, this measure is provided for by Article 10 (1) (b) of Law No 753-XIV of 23.12.1999 on the Intelligence and Security Service of the Republic of Moldova and Article 9 (p) of Law No 619-XIII of 31.10.1995 on State Security Organs.

As regards the organisation of the SIS, which is apparent from the specific nature of the activity and the territorial competence at national level, it consists of the central apparatus and territorial bodies.

The draft maintains the status quo regarding the **approval of the staff of the Service by the Parliament and the structure by the College of Service**. At the same time, it is established that the staff of the Service during periods of siege and war shall be approved by the President of the Republic of Moldova, on a proposal from the Director of the Service and assigned by the State secret.

At the moment, Law No 753-XIV of 23.12.1999 on the Intelligence and Security Service of the Republic of Moldova regulates very vaguely the issues related to the mandate of the management of the Service. In view of the fact that the need to ensure the independence of the Service in the service itself also directly involves the independence of its management, the **terms of appointment, termination and suspension of the term of office of the Director of the Service**, as well as his **duties**, have been laid down in detail in the draft.

At the same time, in order to ensure a balance between the requirements laid down for the post of Director of the Service and the responsibilities entailed by the mandate of this function of public dignity, the draft establishes as safeguards, including the principles of **independence in the exercise of the mandate and irremovability during the term of office**.

In addition to the mandate of the Director of the Service, just as superficial, it is currently governed by Law No 753/1999 and the term of **office of the Deputy Directors**. It is therefore proposed that legislation be included in the draft.

Similarly, the **legal status of the National Intelligence and Security Institute** has been established – a subunit of the service providing specialised training for the purposes of initial and continuing vocational training and retraining of the employees of the Service in the field of national security, as well as the conduct of scientific research in the given field. In this context, it should be noted that the Institute will not be part of the national learning and education system, will not be subject to the provisions in force concerning the provisional operating licence and accreditation of teaching institutions and those relating to the sphere of science and innovation.

The draft regulates the status of the Special Couriers Office under the SIS, through which the Service performs the tasks relating to diplomatic courier and special courier

Taking into account the specific nature of the service’s activity, the risks involved in the counter-intelligence and external intelligence activity, the project establishes a series of **safeguards for those who collaborate (have) confidentially with the Service**.

A particular issue, governed by the project, concerns the **control exercised over the work of the Service** – by Parliament, the Prosecutor General’s Office, the courts and the external public audit of the financial activity carried out by the Court of Auditors. To that end, rules have been laid down concerning the subject matter of the review, its limits and aspects

relating to the protection of information attributed to State secrecy in the context of the monitoring of the activities of the SIS.

The draft also includes provisions on: respect for human rights and freedoms in the service's work, citizens' access to information about its work, protection of information relating to the work of the SIS, cooperation with institutions in the country and abroad, staff of the Service, information, financial and technical and material provision.

It should be noted that the preparation of the draft Law on the Intelligence and Security Service of the Republic of Moldova, the relevant practice/legislation of other States such as: Germany, France, Romania, Ukraine, Lithuania, Poland, Czechia, Slovakia, Serbia, etc.

Economic and financial rationale and regulatory impact

The implementation of the project concerned will be carried out within the limits of the financial means provided for in the State budget for the Service, including the corresponding expenditure, on an annual basis, when the draft state budget is drawn up.

The draft does not lay down provisions that would govern the activity of an entrepreneur.