

## The Republic of Moldova

### PARLIAMENT

LAW No. 1104  
of 6 June 2002

#### on the National Anticorruption Center\*

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#### *AMENDED*

[LP180 of 22 Oct. 2015, MO297-300/30.10.15 art.546](#)

[LP106 of 3 May 2013, MO109/10 May 2013 art.342](#)

[LP93 of 19 Apr. 2013, MO91/20 Apr. 2013 art.300](#)

[LP49 of 22 Mar. 2013, MO82/12 Apr. 2013 art.260](#)

[LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154](#)

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\* Republished in accordance with Art.XXXV (10) c) of Law no.120 of 25 May 2012 – the Official Gazette of the Republic of Moldova, 2012, no.103, art.353.

Amended through modifications and additions by the following Laws of the Republic of Moldova:

LP197-XV of 15 May 2003 MO97/31 May 2003 art.436

LP206-XV of 29 May 2003, MO149/18 July 2003 art.598

LP12-XV of 6 Feb. 2004, MO35-38/27 Feb. 2004 art.190

LP136-XV of 6 May 2004, MO91-95/11 June 2004 art.482

LP432-XV of 24 Dec. 2004, MO01-04/1 Jan. 2005 art.24; effective from 1 Feb. 2005

LP332 -XVI of 10 Nov. 2006, MO186-188/8 Dec. 2006 art.871

LP243-XVI of 16 Nov. 2007, MO194-197/14 Dec. 2007 art.747

LP273-XVI of 7 Dec. 2007, MO84-85/13 May 2008 art.288

LP139-XVI of 20 July 2008, MO125-126/15 July 2008 art.491

LP127-XVIII of 23 Dec. 2009, MO197-200/31 Dec. 2009 art.664

LP108-XVIII of 17 Dec. 2009, MO193-196/29 Dec. 2009 art.609; effective from 1 Jan. 2010

LP63 of 23 Apr. 2010, MO75-77/18 May 2010 art.213

LP195 of 15 July 2010, MO160-162/7 Sept. 2010 art.590

LP222 of 17 Sept. 10, MO210/26 Oct. 2010 art.696

HCC27 of 25 Nov. 2010, MO247-251/17.12.10 art.28; effective from 25 Nov. 2010

LP66 of 7 Apr. 2011, MO110-112/8 July 2011 art.299

LP181 of 19 Dec. 2011, MO1-6/6 Jan. 2012 art.4; effective from 1 Mar. 2012

LP229 of 25 Nov. 2011, MO7-12/13 Jan. 2012 art.24

LP47 of 22 Mar. 2012, MO76-80/20 Apr.12 art.253

LP120 of 25 May 2012, MO103/29 May 2012 art.353; effective from 1 Oct. 12

The Parliament adopts the present Organic Law.

The present Law establishes the legal framework, the guiding principles, the functions,

obligations and rights of the National Anticorruption Center, as well as the conditions governing service within the Center.

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. National Anticorruption Center**

(1) The National Anticorruption Center (hereinafter referred to as the Center) is an agency specializing in preventing and combating corruption, related acts and corrupt conduct.

(2) The Center is a legal person of public right, funded entirely from the State Budget, possessing treasury accounts, a seal with the representation of the Coat of Arms of the Republic of Moldova and other necessary attributes.

(3) The Center shall be an apolitical agency and shall not provide assistance to nor shall it support any political party.

(4) The Center shall be independent in its activity and shall be subject only to the law. The Center shall have organizational, functional and operational independence under the conditions laid down by the law.

#### **Article 2. Legal Framework**

(1) The legal framework governing the work of the Center comprises the Constitution of the Republic of Moldova, the present Law, other laws and regulations, as well as the international treaties the Republic of Moldova is party to.

(2) The present Law has been amended to incorporate the provisions of Law no.158-XVI of 4 July 2008 on the Public Office and Status of the Public Official, of Law no.199 of 16 July 2010 on the Status of High Public Office-Holders, of the labor legislation, and general provisions of civil, administrative or criminal law, as appropriate, insofar as they don't contradict the special legislation regulating the work of the Center's employees.

#### **Article 3. Guiding Principles**

The Center shall be guided by the principles of:

- a) legality;
- b) independence;
- c) impartiality;
- d) precedence to preventive methods in dealing with corruption over counteractive ones;
- e) respect for fundamental human rights and liberties;
- f) necessariness;
- g) combining public operation methods and means with secret ones ;
- h) combining unipersonal and collegial styles of management;
- i) cooperating with other public authorities, with civil society organizations and members of the public.

## **Chapter II**

### **FUNCTIONS, OBLIGATIONS AND RIGHTS OF THE CENTER**

#### **Article 4. Functions of the Center**

(1) The functions of the Center shall include:

a) to prevent, discover, investigate and counteract administrative and criminal offenses of corruption and related offenses, as well as corrupt conduct;

*[Art.4 (1) b) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

c) to prevent and combat money laundering and terrorism financing, under the conditions laid down by Law no. 190-XVI of 26 July 2007 on preventing and combating money laundering and terrorism financing;

d) to provide anti-corruption expert assessment to draft laws and Government regulations, as well as to other legislative initiatives introduced in the Parliament, to check them for consistence with the state policy on preventing and combating corruption.

e) to ensure the conducting of assessment for corruption risks within public authorities and institutions by providing training, advice, monitoring and data analysis on corruption risk

assessment, and to coordinate the development and fulfillment of integrity plans.

f) to carry out operational and strategic analyses of corruption and related acts, as well as corrupt conduct, of information on analytical studies on the corruption phenomenon.

*[Art.4 (1).f) introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

(2) The functions of the Center are listed exhaustively and may only be amended through law.

#### **Article 5. Obligations of the Center**

In performing its functions, the Center shall observe the following obligations:

a) to operate in strict compliance with the Constitution of the Republic of Moldova, with the present Law and other laws and regulations;

b) to carry out special investigative actions in conformity with the law;

c) to take actions under its competence to prevent, discover and counteract corruption, acts related to corruption and corrupt conduct, including by providing anti-corruption expert assessment to draft laws and draft Government regulations, as well as to other legislative initiatives introduced in the Parliament, while respecting the relevant principles, criteria and procedures;

d) to conduct prosecution in cases whose counteracting falls under its jurisdiction;

e) to conduct proceedings in administrative offense cases that fall under its jurisdiction;

f) to take actions to repair the damages caused to the state through offenses whose counteracting falls under its jurisdiction;

g) to receive and record statements, reports, alerts and other information reporting offenses, and to verify them in accordance with the law;

h) to ensure a safe activity and protection for its employees in the line of duty;

i) to ensure training, re-training and continuing professional development for its staff;

j) to keep record, in conformity with the law, of the persons subject to military duty employed by the Center as officers;

k) to ensure protection and safekeeping of information classified as state, bank or trade secret, as well as of other classified information protected by the law which have become known in the exercise of duties. Such information may be provided to other public authorities under the conditions laid down by the law.

l) to submit, each year until March 31, a report to the Parliament and the Government accounting for its activity. The annual report shall be published on the Center's website one month prior to being submitted to the Parliament and the Government. If necessary, the Parliament and the Government may request further reports on the Center's work.

#### **Article 6. Rights of the Center**

In performing its functions, the Center shall have the following rights:

*[Art.6 a) and b) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

c) to operate a remand facility, under the conditions laid down by the law;

d) to issue notices accusing violations of administrative legislation in cases that fall under its competence;

e) to request and receive from public authorities, and from natural and legal persons, any documents, records, information and data necessary for the Center to be able to exercise its duties of preventing and analyzing acts of corruption and related acts, as well as of examining requests or reports, registered in the manner prescribed by the law, which report administrative or criminal offenses that fall under its jurisdiction;

*[Art.6 e) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

f) to perform forensic and other expert examinations as well as investigations that fall under its competence, to request from public authorities, state enterprises, organizations and institutions the participation of specialists and experts in performing verifications or expert examinations, in elucidating specific matter issues;

g) to perform the photographing, audio and video recording, recording of fingerprint data and taking

of other records of the persons held in custody, in conformity with the law;

h) to initiate summons to appear before a court, in accordance with the law;

i) to participate in developing and improving the legal framework on preventing and combating offenses of corruption, related offenses and corrupt behavior;

j) to request and to receive from public authorities support with information and advice necessary for providing anti-corruption expert assessment to draft laws and draft Government regulations, as well as other legislative initiatives introduced in the Parliament;

k) to issue notes, in accordance with the law, requesting the elimination of causes and circumstances which favored the commission of offenses and whose counteracting falls under the Center's jurisdiction;

l) to make use of mass media to establish the circumstances of offenses and to track fugitives from justice;

m) to process personal data, including within the scope of informational and strategic analysis, in conformity with the law;

*[Art.6 m) introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

n) to develop and administrate institutional registers, informational systems and data bases, within their competence.

*[Art.6 n) introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

### **Chapter III**

#### **ORGANIZATION OF THE CENTER'S ACTIVITY**

##### **Article 7.** Organization of the Center's Activity

(1) The Center is an unitary body, centralized and hierarchically structured, composed of a central office and territorial subdivisions.

(2) The Center shall enjoy independence in developing its work agenda and in performing its functions.

(3) The structure and the staff number limit of the Center, the number and the location of its territorial subdivisions and their territorial jurisdiction shall be approved by the Parliament on the proposal of the Center's Director.

*[Art.7(3) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.7(3) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

(4) The Center is a legal person, operating a treasury account and endowed with other necessary attributes.

*[Art.7(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

*[Art.7(5) repealed by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.7(5) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

*[Art.7(6) repealed by LP180 din 22.10.15, MO297-300/30.10.15 art.546]*

##### **Article 8.** Appointment and Dismissal of the Center's Director

(1) The Centre is led by a director. The director of the Centre (hereinafter referred to as *director*) is appointed by the Parliament with the majority vote of elected deputies, for a mandate of 5 years, without the possibility of appointment for a consecutive mandate.

(2) The function of director is incompatible with any other remunerated activity, with the exception of scientific, didactic and artistic activity.

(3) The candidate for the function of director is selected based on a contest organized by the Legal committee for appointments and immunities of the Parliament, with the involvement of representatives from the civil society or the academic domain as observers.

(4) The candidate to the function of director must meet the following criteria:

- a) holds citizenship of the Republic of Moldova and is resident on its territory;
- b) holds full functional capacity;
- c) holds a university degree in law;

- d) holds minimum 10 years of employment in the legal domain;
- e) has an irreproachable reputation;
- f) is not and has not been a member of a political party for the last 2 years, is not and has not been employed within the permanent bodies of any political party and/or has not carried out agitation for any electoral contender;
- g) does not have any criminal antecedents;
- h) has full proficiency in the state language;
- i) is medically apt to exercise his function.

(5) At the date of appointment, the director makes the following oath in front of the Parliament:  
 “I swear to strictly respect the Constitution and laws of the Republic of Moldova, to carry out my obligations in good faith, to protect the rule of law, the human rights and freedoms, the general interests of the society and citizens of the Republic of Moldova to live and develop in a corruption-free environment.”

(6) The director is irremovable during the period of exercise of his mandate.

(7) The director’s mandate is terminated in the event of:

- a) demission;
- b) incompatibility;
- c) loss of citizenship of the Republic of Moldova;
- d) impossibility of carrying out the exercise of his attributions for longer than 4 consecutive months, due to a health status that has been established by means of a medical exam;
- e) reaching the age limit;
- f) the passing of a definitive sentence of conviction;
- g) non-submission of the declaration of personal interests and the assets declaration in the conditions and terms established by law;
- h) issuance/adoption of an administrative act or conclusion of a legal act with the violation of the legal provisions on conflict of interests, a fact established by a definitive report on findings;
- i) demise;
- j) revocation.

(8) The terms provided in paragraph (7) letters a) – i) are ascertained in the plenary session of the Parliament, based on the report of the Legal committee for appointments and immunities, by adopting a decision taking note of the occurrence of the cause that determines the termination of mandate.

(9) The revocation from function of the director, due to noncompliance with the terms of appointment to function or due to the attainment of a negative result at professional integrity testing, is adopted by the Parliament, under the provisions of art. 14, with the vote of the majority of the elected deputies, at the initiative of minimum 20 deputies.

(10) The director is assisted by two deputy directors in exercising his function, appointed by the Parliament, at the proposal of the director, for the period of the director’s mandate. The selection of candidates for the function of deputy director is carried out based on a contest organized by the director of the Centre, with the involvement of representatives from the civil society or academic domain in the evaluation process. To be selected, the candidate must meet the criteria in paragraph (4). The deputy director stops activating under the conditions of paragraphs (7), (8) and (9). The revocation from function of the deputy director is adopted by the Parliament by majority vote of the elected deputies, at the initiative of the director.

*[Art.8 as re-worded by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.8 amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

*[Art.8 amended by LP93 of 19 Apr. 2013, MO91/20 Apr. 2013 art.300]*

**Article 9.** The attributions of the director and deputy directors

*[Art.9 title as re-worded by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

(1) The Director shall:

- a) organize and supervise the work of the Center, including of its subdivisions and of the Board, and shall be responsible for how the Center performs its functions;

b) establish and assign the functions of his deputies and of the heads of the central office subdivisions;

c) participates in the Government and Parliament sessions, based on an invitation or request in the event that the review of certain problems is of interest for the Centre;

*[Art.9 (1) c) as re-worded by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.9 c) as re-worded by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

d) approve the employment scheme of the central office and territorial subdivisions in conformity with the structure and within the staff number limits approved by the Parliament ;

*[Art.9 (1) d) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.9 d) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

e) develops the draft budget of the Centre for the following year and submits it to the Parliament for approval;

*[Art.9 (1) e) as reworded by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.9 e) as re-worded by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

f) approve the Center's internal Rules of Procedure;

g) issue, on the basis of and for enforcing the present Law, orders, directions and instructions;

h) organize the selection, deployment and training of staff;

i) ensure conspiracy and confidentiality procedures;

j) award ranks to the Center's officers;

k) issue appointment and dismissal orders;

l) incentivize and discipline employees in accordance with the relevant laws;

m) represent the Center in its relations with other public authorities in the country and with similar agencies from foreign countries, and shall initiate and sign cooperation agreements, under the conditions laid down by the law, with similar institutions from foreign countries;

*[Art.9 m) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

n) revoke or modify orders, decisions, resolutions and directions issued by the heads of the territorial subdivisions when these are inconsistent with the laws and regulations.

(2) The deputy directors are subordinated directly to the director and organize the activity within the Centre within the limits of their attributions. In the absence of the director, the director's functions are exercised by the deputy director, who is appointed by order of the director.

*[Art.9 (2) introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546; the single article becomes (1)]*

#### **Article 10.** Board of the Center

(1) The collective management of the Center shall be exercised by the Board of the Center. The Board of the Center shall include in its composition: the Director, his/her deputies, the heads of the Center's subdivisions (having the status of general division), the Anti-corruption Prosecutor, the president of the National Integrity Commission, a representative of the relevant parliamentary commission who is also a representative of the opposition group, a representative appointed by the Government, a representative of the Center's labor union, a civil society representative selected in a public contest by the relevant parliamentary commission, and a representative of the Civil Council.

*[Art.10(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) The Board of the Center shall assemble quarterly for ordinary meetings or, as appropriate, for extraordinary meetings, which may be convened on the proposal of its members.

(3) The Board of the Center shall have the following functions:

a) to approve the Activity Regulation of the Center's Board reviewed by the Legal committee for appointments and immunities and the specialized committee;

*[Art.10 (3) a) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.10(3)a) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

b) to approve strategic development policies for the Center;

c) to approve performance indicators for the Center's work;  
d) to approve activity plans and periodical assessments of the Center's results;  
e) to issue a notice of approval for the Center's activity report, which shall be annexed to the report;

f) to approve the Activity Regulation for the Center's Money Laundering Prevention and Combating Service reviewed by the Legal committee for appointments and immunities and specialized committee;

*[Art.10 (3) f) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546*

*[Art.10 (3) f) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

g) to develop recommendations on how to organize the Center's work;

h) to perform other functions provided by the present Law.

#### **Article 11. Funding and Resourcing**

(1) The Center shall rely for funding and material and technical resources on the State Budget, which must cover the estimated costs of all of the Center's activities so that the Center can perform its activities in an effective, efficient and plenary manner.

(2) The Center's budget shall be approved by the Parliament no later than on the 1<sup>st</sup> of July and shall be submitted to the Government to be included in the draft State Budget for the next budgetary year.

*[Art.11 as re-worded by LP49 of 22 Mar. 2013, MO82/12 Apr. 2013 art.260]*

### **Chapter IV**

#### **EMPLOYMENT IN THE CENTER**

##### **Article 12. Staff of the Center**

(1) An officer of the Center is a person employed on the basis of a public contest, vested with rights and obligations for the execution of the Center's functions, who is awarded a special rank in the manner prescribed by the present Law. The Centre's employee is a civil servant with special status.

*[Art.12 al.(1) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.12(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) The Center employs dignitaries, subject to the regulations of the Law no. 199 of 16 July 2010 on the statute of dignitaries, public officials, subject to the provisions of Law no.158-XVI of 4 July 2008 on the Public Office and the Status of the Public Official, and contracted personnel, performing auxiliary activities and subject to the labor legislation.

*[Art.12 (2) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.12(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

*[Art.12(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(3) Upon employment and subsequently each year, an officer of the Center has an obligation to submit a statement declaring income and property under the conditions laid down by the law.

##### **Article 13. Employment Requirements**

(1) The employees of the Center must be citizens of the Republic of Moldova who speak the official language, have the individual and professional abilities required for the job, have higher hold a university degree in economics, law or other higher degree in conformity with the domain of activity of their subdivision, and whose physical condition allows them to discharge their duties. The public officials and the employees of the Center, except for the sub-officers, must have higher education relevant to the activity of the subdivision where they are to be employed.

*[Art.13 al.(1) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.13 (1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) A person over 40 years of age shall not be eligible for a position carrying a special rank.

*[Art.13 (3) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(4) To be employed by the Center, an applicant shall undergo a special screening, including a test for psychological aptitudes required for the job and a polygraph test as required by Law no. 269-XVI of 12 December 2008.

(5) Upon employment, the officers shall have their fingerprint data recorded, in accordance with the law.

(6) The applicant who passed the contest successfully shall be employed only after expressing in writing his/her consent to the following:

a) to have his/her professional integrity examined and his/her lifestyle monitored in accordance with the provisions of Art.14 of the present Law;

b) to undergo periodic tests for the physiological aptitudes required for the job;

c) to undergo polygraph testing as part of periodic or selective examinations of their work, in conformity with the provisions of Law no. 269-XVI of 12 December 2008 on the use of the simulated behavior detection (polygraph) testing.

**Article 13<sup>1</sup>. Probationary Period**

(1) When a person is employed by the Center, he/she may be given a probationary period of 6 months. The probationary period shall not include any days of sick leave or other periods of justifiable, certified absence from work.

(2) The probation clause shall be indicated in the employment order. In the absence of such clause, it shall be considered that the employee has not been given a probation status.

(3) Throughout an employee's employment, he/she may be placed on probation only once.

(4) The purpose of the probationary period is to integrate an employee into the Center's activity, to help the employee accumulate practical experience and become familiarized with the particulars and requirements of the Center, and to test his/her professional knowledge, abilities and skills in the line of duty.

(5) A person appointed to a managing position may not be placed on probation.

(6) During the probationary period, the employee on probation shall be guided by a mentor. The role of the mentor shall be assigned to an experienced employee within the same subdivision where the beginner has been employed.

(7) No later than 18 days before the expiry of the probationary period, an evaluation procedure shall be initiated to assess the employee's work, evaluating the level of his/her knowledge of the particulars and requirements of the Center's activity, of the practical experience accumulated, and rating the behavior displayed by the employee in performing the duties and functions laid down in the job description in order to assess whether or not he/she successfully passed the probationary period.

(8) The evaluation procedure to assess an employee's performance during the probationary period shall be established by a regulation of the Center.

*[Art.13<sup>1</sup> introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 14. Professional Integrity Testing**

(1) Professional Integrity Testing is a method to periodically verify how the Center's employees are following professional obligations and conduct standards, as well as to identify, evaluate and remove vulnerabilities and risks that may lead the employees of the Center to commit acts of corruption and related acts, engage in corrupt conduct or yield to undue influences in the exercise of their duties, which is a method that involves creating virtual situations similar to those experienced by the employees in the line of duty with the purpose of determining the responses and conducts they may have.

(2) Professional Integrity Testing shall be performed by the Security and Intelligence Service with the prosecutor's authorization.

(3) The results of the Professional Integrity Testing shall be submitted to the Disciplinary Board of the Center, which shall evaluate the behavior displayed by the tested employee and, if necessary, shall decide on imposing any disciplinary sanction listed at Art.33(9). The results of the Professional Integrity Testing performed on the Deputy Directors shall be submitted to the relevant parliamentary commission, which shall evaluate the behavior displayed during the professional integrity test and decide whether reasons exist for dismissal.

*[Art.14(3) amended by LP93 of 19 Apr. 2013, MO91/20 Apr. 2013 art.300]*



(4) The materials recording the behavior of the Center's employees during the professional integrity testing shall be kept as follows:

a) in the case of a positive result of the professional integrity test – until the result of the test is ascertained by the Disciplinary Board;

b) in the case of a negative result of the professional integrity test – until the court decision remains irreversible, if the decision of the Disciplinary Board has been appealed; or until the deadline for filing an appeal with the court expires.

**Article 15. Lifestyle Monitoring**

(1) The lifestyle of the Center's employees shall be monitored by the Center's Internal Security subdivision to check correspondence:

a) of the Center's employees' standards of living with the level of the legitimate income received by them and by their household members;

b) of the Center's employees' conduct with the standards of irreproachable conduct, as laid down in the Code of Conduct of the Center's Employees, approved by the Parliament.

*[Art.15m(1) b) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.15 (1) b) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

(2) The lifestyle monitoring procedure shall be established by a departmental act of the Center.

(3) The results of the lifestyle monitoring shall be submitted to the Disciplinary Board of the Center, which shall examine the presented materials and, where necessary, shall decide on decide on imposing any disciplinary sanction listed at Art.33(8).

**Article 16. Employment Restrictions**

(1) A person shall be ineligible for employment in the Center if he/she has a criminal record with previous convictions, including expunged ones, or has been absolved of criminal charges by an amnesty act, or has been declared, in accordance with the established procedure, as having limited legal capacity or as being legally incapable.

(2) The Center's employee may not:

a) hold another paid job, except for teaching, scientific or creative activities;

b) engage personally or by means of a third party in any entrepreneurial activity;

c) be a member of the governing body of an enterprise;

d) act as an agent or representative for a third party in the Center;

e) use, for purposes other than work, any state funds, technical-material and information means and any other assets, as well as service information;

f) misuse his/her position in the interests of any parties and other social-political organizations, nongovernmental organizations, including trade unions, or religious communities;

g) be a member of a political party or participate in fund-raising for a political party, or offer logistical support to candidates for public offices.

*[Art.16(2) g) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(3) The Center's employee is required to entrust his/her interest or share in any company to another person in a fiduciary arrangement during employment in the Center, in the manner prescribed by the law.

(4) Should the Center's employee violate the provisions of the present Article or commit any act that is incompatible with the service in the Center, he/she shall be dismissed regardless of when the act was committed.

**Article 17. Badge and Uniform**

(1) The Center's employee shall be given an official identification document, a badge and a personal seal of a design and following a procedure established by the Center.

*[Art.17(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) The official identification document confirms the right of the officer to carry and possess a service gun and special equipment, and other rights and entitlements offered by the law. The Center's officers shall wear a uniform that is provided for free. The uniform's design, its

insignias and the procedures of providing uniforms shall be approved by the Parliament. The rules of uniform wear shall be established by the Center's Director.

[Art.17 al.(2) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]

[Art.17 al.(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]

[Art.17 al.(2) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]

## **Chapter V**

### **ASSIGNMENT OF SPECIAL RANKS**

#### **Article 18. Special Ranks**

(1) Officers shall include commissioned and non-commissioned officers. They shall be assigned the following special ranks:

- a) *plutonier*;
- b) *plutonier major*;
- c) *locotenent*;
- d) *locotenent major*;
- e) *căpitan*;
- f) *maior*;
- g) *locotenent-colonel*;
- h) *colonel*;
- i) *general-maior*;
- j) *general-locotenent*;
- k) *general-colonel*.

(2) The officer staff shall be grouped according to special ranks as follows:

- a) sub-officers: *plutonier* and *plutonier major*;
- b) inferior officers: *locotenent*, *locotenent major* and *căpitan*;
- c) superior officers: *maior*, *locotenent-colonel* and *colonel*;
- d) commanding officers: *general-maior*, *general-locotenent* and *general-colonel*.

(3) The list of positions within the Center and the special ranks corresponding to them shall be established by the Parliament.

[Art.18 al.(3) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]

[Art.18(3) amended by prin LP106 of 3 May 2013, MO109/10 May 2013 art.342]

(4) The special ranks awarded to the Center's officers are equivalent to the corresponding special ranks in other fields, except for the qualification grades of public officials.

[Art.18(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]

(5) Special ranks are awarded for life. Upon retirement, the word "retired" shall be added to the special rank.

#### **Article 19. General conditions for awarding special ranks**

(1) Special ranks shall be awarded personally, taking into consideration the conclusions of the special commission created by order of the Director to assess the employee's qualification and level of professional competence, his/her length of service and position, and other criteria established by the present Law.

(2) The special ranks including *general-maior* and above, as well as the special rank conferred on the Director shall be awarded by the President of the Republic of Moldova.

(3) The special ranks including *colonel* and below shall be awarded by the Director.

(4) Special ranks are divided into initial ranks and next higher ranks.

(5) When appointing a person to a position carrying a special rank of *maior* and higher, the initial rank to be assigned shall not be higher than *maior* unless that person previously held a higher special or military rank.

(6) Next higher ranks shall be awarded successively, in correspondence with the special rank associated with the position held, upon the expiry of the term required for holding the previous special rank.

(7) By way of exception to the provisions of par. (6), in recognition of an outstanding service or for completing missions of special importance, the next higher rank may be awarded ahead, by decision of the Director, upon the expiry of no less than half of the time-in-service required for receiving the proposed rank; and a rank higher than the one normally offered for the position held may be awarded after serving at least one and a half time-in-service in the previous rank. Early assignment of the next higher rank or of a rank higher than the one normally offered for the held position may only occur once throughout one's special-ranks-based service.

(8) Next higher special ranks up to *colonel*, inclusive, may be also awarded during studies in specialized education institutions (as assigned by the Center) in accordance with the position held prior to the studies. After graduate and doctoral studies, the next higher special rank shall be assigned irrespective of the position held previously.

(9) It shall be forbidden to establish a procedure of assigning special ranks other than the one provided by the present Law.

**Article 20.** Assignment of initial special ranks

(1) The special rank of *plutonier* shall be awarded upon employment in the Center and upon appointment to positions carrying the special ranks of *plutonier* or *plutonier major*.

(2) The special rank of *locotenent* shall be awarded to employees with higher education, appointed to positions carrying the special rank of *locotenent* and higher.

(3) The person employed by the Center who has a military rank or special rank of another public authority shall be assigned the special rank corresponding to the military or special rank held.

(4) The correspondence of the military ranks with the special ranks of the Center shall be established by the Parliament.

*[Art.20 al.(4) amended by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

*[Art.20(4) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

**Article 21.** The Oath

(1) Within 10 days from the assignment of the initial special rank, the Center's officer shall swear the following Oath:

“By joining the National Anti-corruption Center service, I swear to faithfully serve the people of the Republic of Moldova. I swear to strictly respect the Constitution and other laws of the country, to protect human rights and freedoms, and to diligently discharge my duties.

I swear to virtuously endure all hardship, to be honest, brave and vigilant, to employ all my competence to curb corruption in the Republic of Moldova, and to strictly keep secret any classified information or other official information with limited access that comes to my knowledge in the exercise of my duties. Should I break this Oath, I shall be held responsible according to the law”.

(2) The procedure of taking the oath shall be established by the Center's Director.

**Article 22.** Time-in-service Requirements for Special Ranks

(1) The following time-in-service requirements are established for holding special ranks:

- a) *plutonier* - 1 year;
- b) *locotenent* - 2 years;
- c) *locotenent major* - 3 years;
- d) *căpitan* - 3 years;
- e) *maior* - 4 years;
- f) *locotenent-colonel* - 4 years.

(2) For the special rank of *plutonier major* and for the special rank of *colonel* and higher there shall be no time-in-service requirements.

(3) For the officers with higher education degrees in subjects of study relevant to the Center's work, the time-in-service requirement for the special rank of *locotenent* is one year.

(4) The next higher special rank corresponding to the position held shall be awarded upon the expiry of the time-in-service required for the previous rank, with the exceptions provided in

Art.19(7).

(5) In calculating the time in service in a particular rank, the following periods shall not count:

- a) partially paid parental leaves for taking care of children under 3 years of age;
- b) parental leaves for taking care of children under 6 years of age;
- c) demotion to a lower special rank.

*[Art.22(5) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 23. Age Limits**

(1) Officers in the Center's service shall be subject to the following mandatory retirement age limits:

- a) from *plutonier* to *căpitan* - 50 years;
- b) from *maior* to *colonel* - 55 years;
- c) for *general-maior* - 60 years;
- d) for *general-locotenent* and *general-colonel* - 65 years.

(2) The public officials and the technical personnel working in the Center shall be subject to the mandatory retirement age limits prescribed by the law.

(3) The persons subject to military duty and employed as officers by the Center shall be removed from military records, in accordance with the law, and shall be included in the staff of the Center.

**Article 24. Postponement of Promotion  
to Next Higher Rank**

An officer shall not be assigned the next higher rank in the following cases:

- a) the special ranks commission has issued a conclusion unfavorable to the officer;
- b) the officer has received a disciplinary sanction – until such sanction is lifted;
- c) the officer is under an internal investigation for a disciplinary violation or is under prosecution – until the termination of the internal investigation or clearance of criminal charges (except when absolved by an amnesty act), or until the pronouncement of an acquittal decision. Should the allegation of the disciplinary infringement prove unfounded, criminal charges be dropped on rehabilitation grounds or an acquittal decision be pronounced, the next higher rank shall be assigned the day the grounds for assignment appear.

**Article 24<sup>1</sup>. Qualification Grades**

(1) Assigning qualification grades to the Center's officers has the purpose to show approbation and stimulate professional development, improve the quality and efficiency of the output, increase responsibility in performing the duties, as well as to put in place a system of incentives for the officers.

(2) Based on the level of professional competence, length of service, theoretical knowledge and practical skills, the following qualification grades shall be assigned to the Center's officers:

- a) specialist of 2<sup>nd</sup> grade;
- b) specialist of 1<sup>st</sup> grade;
- c) specialist of superior grade.

(3) The procedure and terms of assigning qualification grades to the Center's officers and of conferring certificates and insignias related thereto shall be established by a regulation of the Center.

*[Art.24<sup>1</sup> introduced by LP319 din 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Chapter VI**

**SERVICE IN THE CENTER**

**Article 25. Rights of Employees**

(1) In discharging their duties, the Center's employees shall have the following rights, within the scope of their position:

- a) to receive the information and materials they may need to perform their duties, having the authorization of the head of the specialized structure;

*[Art.25 (1)a) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

- b) to become acquainted with the documents that set out their rights and obligations, and the assessment criteria for the quality of their work;
- c) to make decisions and/or participate in developing proposed decisions;
- d) to submit suggestions on how to improve the Center's work;
- e) to compete for a vacant job within the Center;
- f) to take stock of the materials in a criminal case, of notices and other documents related to their work and to provide explanations to be attached to the criminal case;
- g) to upgrade their professional competence by making use of the means offered by the Center for this purpose;
- h) to request an internal investigation to refute allegations trampling on their dignity and violating their rights;
- i) to attend meetings held within the Center;
- j) to be issued with a service gun and to apply physical force, special means and the service gun in the cases foreseen by the present Law;
- k) to enjoy financial, material, health and pension insurance and other entitlements provided by the law.

(2) The Center's employees shall enjoy also other rights provided by the law.

**Article 26. Obligations of Employees**

(1) The Center's employees shall have the following obligations:

- a) to observe the Constitution of the Republic of Moldova, the present Law and other laws and regulations;
- b) to ensure respect and protection for fundamental human rights and liberties;
- c) to follow the legitimate orders and instructions of their superiors;
- d) to follow the Center's Rules of Procedure, the use of service information procedures, and other rules and regulations;
- e) to keep secret information classified as state secret and other information protected by the law and not to disclose information that has come to their knowledge in the exercise of their duties, including information related to the private life, honor and dignity of people.
- f) to record in a special register kept by the internal security subdivision any attempts by third parties to influence them in the exercise of their duties and to report this to the Director in writing;
- g) to ensure the integrity of all the documents and materials received and handled in the exercise of their duties;

*[Art.26(1)g) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

- h) to remain firm against attempts by persons or entities inside or outside the institution to influence their decisions, and to exhibit a behavior that is law-abiding, self-controlled, respectful and responsive, both at work and in their private lives.

*[Art.26(1)h) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) The employees' duties shall be laid down in the duty instructions approved by the Director.

(3) The following shall be considered exercise of duties:

- a) executing the provisions of the regulations issued by the Center and by other public authorities that are relevant to the Center's work;
- b) executing orders and directions from superiors, within the limits of powers, except for those which are obviously unlawful;
- c) executing duties during or outside working hours in case of stringent necessity, pursuing formal studies on the Center's assignment;
- d) participating in meetings, drills, contests and other activities which the Center has initiated or is taking part in;
- e) participating in activities aimed to prevent or deal with natural or manmade disasters and catastrophes;
- f) defending the life, health, honor and dignity of oneself and of others;

- g) traveling for work (both to and from), carrying out missions or undergoing therapy;
- h) being a hostage in connection with the exercise of duties;
- i) going missing in action – until formally declared missing in action or dead;
- j) other actions declared by the court to have been undertaken in the exercise of duties.

#### **Article 27. Attestation**

(1) The Center's officers shall be subject to attestation that has the purpose to evaluate their professional performance by determining the level of fulfillment of the assigned objectives, the manifestation of their professional abilities; to improve the quality and efficiency of their work by determining the level of responsibility in the exercise of their duties with a view to assessing the achieved results and compatibility with the position held; and to identify the needs for their professional development and promotion.

(2) Attestation shall be carried out based on the following criteria:

- a) knowledge and abilities used in the exercise of duties;
- b) activism and sense of initiative;
- c) ability to develop professionally and implement advanced practices;
- d) ability to develop and implement progressive working methods;
- e) adequate level of legal culture;
- f) proficiency in languages of international communication;
- g) ability to take the initiative and be high-principled in making decisions;
- h) creativity and communication;
- i) ability to organize work effectively and to assume responsibility for its outcomes.

(3) Officers shall undergo attestation once in 4 years.

(4) Officers shall be disqualified from undergoing attestation if they committed actions that make the object of an ongoing internal probe or if they are under prosecution. Their attestation shall be performed after the finalization of the internal probe or after a decision is pronounced by the competent body to terminate prosecution against them or acquit them.

(5) To organize the attestation process, an Attestation Commission with a permanent status shall be created by order of the Center's Director. The Commission's meetings shall be considered duly constituted provided that they are attended by two-thirds of its members. The Commission's decisions shall be adopted in the absence of the officers under attestation, in an open manner and taking into consideration the attestation sheets and interviews, by a simple majority of votes of the members present.

(6) Depending on the results of the attestation, the Commission shall decide whether the officer is fit or not fit for the job held. The Commission's decision shall be communicated to the officer in question immediately after adoption.

(7) The procedure and conditions for performing attestation of the Center's officers shall be established by a regulation of the Center.

(8) The procedure of evaluating the professional performance of public officials is established by Law no. 158-XVI of 4 July 2008 on the Public Office and Status of the Public Official.

*[Art.27 as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

#### **Article 27<sup>1</sup>. Detachment**

(1) An officer of the Center may be detached to work at an international organization, diplomatic mission, public authority, enterprise or institution for no longer than 2 years, unless the period is extended by consent of the parties.

(2) The officer may refuse a detachment involving relocation if the following circumstances exist:

- a) the detachment involves taking a position inferior to the one currently held;
- b) the detachment involves relocation to a place where he/she is not provided with lodging;
- c) in case of pregnancy;
- d) if he/she raises a minor child alone;
- e) if the state of health, as proved by a medical certificate, makes detachment contraindicated;

- f) if he/she is his/her family's only breadwinner;
- g) upon the expiry of the period specified in par. (1);
- h) in other justified situations.

(3) During detachment, the officer shall keep his/her job and enjoy the rights provided by this Law and other normative acts.

(4) Should the salary entitlements that come with the duty for which the officer is being detached be lower in value than the ones previously enjoyed, the difference shall be paid by the Center.

(5) The officer that refuses a detachment involving relocation in the absence of the reasons specified in par. (2) may be dismissed from the Center.

*[Art.27<sup>1</sup> introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 28.** Conditions of and Limitations on the Use of Physical Force,  
Special Means and the Service Gun

(1) The Center's officers shall be authorized, after appropriate training, to possess and use service guns and special means within the limits and in the manner prescribed by the law.

*[Art.28 (1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

*[Art.28 (2) through (12) repealed by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 29.** Legal Liability of Employees

The Center's employees shall bear disciplinary, civil, administrative or criminal liability for illegal activities in conformity with the law.

**Article 30.** Procedure of Reviewing Employees' Actions

The claims challenging the actions by the Center's employees which violated the rights, liberties and legitimate interests of citizens shall be examined and settled in conformity with the law.

**Article 31.** Reparation of Damages Caused by Employees

Should the Center's employees violate the rights, liberties and legitimate interests of natural and legal persons, the Center shall take measures to provide redress and compensate damages in conformity with the law.

**Article 32.** Employee Motivation

(1) To ensure a conscious fulfillment of duties, employees may be incentivized through the following:

- a) expression of recognition;
- b) awarding of bonuses;
- c) valuable presents;
- d) awarding of the Honorary Diploma of the National Anti-corruption Center;
- e) conferral of the badges "Eminent Member of the National Anti-corruption Center" or "Honorary Officer of the National Anti-corruption Center";
- f) annulment of a disciplinary sanction prior to the completion of its period.

(2) In recognition of outstanding achievements in the line of duty, or for completing missions of special importance, an employee of the Center may be awarded the next higher special rank in advance or awarded a higher rank than the one corresponding to the position held, under the conditions set out in Art. 19 (7).

(3) In recognition of acts of valor showed in the line of duty in protecting the economic security of the Republic of Moldova, or for other outstanding merits to the Motherland, employees may be nominated for state distinctions or for honorary titles of the Republic of Moldova, in conformity with the Law.

(4) The regulation on the conferral of the Honorary Diploma of the National Anti-corruption Center, of the badges "Eminent Member of the National Anti-corruption Center" and "Honorary Officer of the National Anti-corruption Center", and of other decorations shall be approved by the Center's Director, in conformity with the law.

*[Art.32(4) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 33. Disciplinary Responsibility**

(1) Acts of violation of professional obligations, employee discipline and professional conduct by the Center's employees shall be examined by the Disciplinary Board.

(2) The Disciplinary Board shall be composed of:

- a) a representative of the internal security subdivision;
- b) a representative of the human resources subdivision;
- c) a representative of the Center's labor union;
- d) a representative of the Center's legal service;
- e) two representatives of the Civil Council;
- f) a representative of the academia.

(3) The Disciplinary Board shall operate based on a regulation approved by the Director. The Disciplinary Board shall report on a biyearly basis to the Director to account for its activity.

(4) The Center's Director shall initiate disciplinary proceedings on the request of the internal security subdivision or of the direct superior of the Center's employee.

*[Art.33 (4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(5) When examining a disciplinary case, the participation of the Center's employee against whom disciplinary proceedings have been initiated is mandatory. Should the employee fail to be present without having reasonable grounds, the Disciplinary Board may decide to examine the case in absentia.

(6) The Center's employee against whom disciplinary proceedings have been initiated has the right, or may be requested to provide explanations before the Disciplinary Board and do this personally or assisted by a legal adviser.

(7) A disciplinary sanction shall be imposed by order of the Director, based on a majority of votes of the Disciplinary Board members, within 6 months from the primary finding of the disciplinary violation, but no later than one year from its commission.

(8) For acts of violation of professional obligations, employee discipline and professional conduct, the following sanctions may be imposed on the Center's employee:

- a) warning;
- b) reprimand;
- c) demotion to a lower special rank or position;
- d) warning of partial compatibility with the job;
- e) dismissal.

(9) Should the disciplinary proceedings be initiated in connection with acts or circumstances found as a result of professional integrity testing, as conducted in conformity with Art. 14, the Disciplinary Board shall propose dismissal for a sanction.

**Chapter VII**

**TERMINATION OF EMPLOYMENT IN THE CENTER**

**Article 34. Grounds for Terminating Employment**

(1) Employment in the Center shall be terminated in case of discharge or death.

(2) Discharge may occur:

a) in case of resignation;

*[Art.34 (2)a) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

b) when reaching the retirement age limit;

c) upon the expiry of the individual employment contract;

d) in case of transfer to work within another public authority;

e) in case of election to an elective office within another public authority;

f) in case of liquidation of the Center's subdivisions or personnel reductions within the Center's subdivisions;

g) in case of incapacity to discharge duties as found by a special medical examination;

h) in case of not being fit for the job as found by the attestation commission, if there is no inferior post vacant or the proposed post has been refused;



h<sup>1</sup>) in case of failing the probationary period;

*[Art.34 (2) h<sup>1</sup>) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

i) for serious or systematic violations of the discipline;

j) under the circumstances laid down in Art. 14;

k) in connection with the omission to declare facts that preclude employment;

l) in case of committing an offense and being condemned by an irreversible court decision;

m) when it has been definitively found that the Center's employee issued/adopted an administrative act or concluded a deal in violation of the conflict of interest rules;

n) when the citizenship of the Republic of Moldova has been revoked;

o) in other cases provided by the law.

(3) It shall be forbidden to discharge an employee while on vacation leave or sick leave, except for the case laid down in par. (2) h).

#### **Article 35. Severance Pay**

(1) When discharged from office under Art.34 (2) b) and g) or when retiring, employees shall be entitled to a one-time severance pay for length of service in the Center, as follows:

*[Art.35(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

a) from 2 to 10 years of service - 5 average monthly salaries;

b) from 10 to 15 years of service - 10 average monthly salaries;

c) from 15 to 20 years of service - 15 average monthly salaries;

d) over 20 years of service - 20 average monthly salaries.

(2) The one-time payment payable to an officer decorated with a state distinction while serving in the Center shall be supplemented with 2 average monthly salaries.

### **Chapter VIII**

## **LEGAL AND SOCIAL STATE PROTECTION**

#### **Article 36. Legal Protection**

(1) The Center's employees shall enjoy inviolability status and state protection. Their personality, honor and dignity shall be protected by law.

(2) Criminal proceedings against the Center's employees are conducted by prosecutors.

*[Art.36(2) amended by LP106 of 3 May 2013, MO109/10 May 2013 art.342]*

(3) To defend their rights and interests, employees have the right to turn to court.

(4) Officers may not be held responsible for damages and injuries incurred by offenders because of failure to comply or resisting arrest.

#### **Article 37. Inadmissibility of Interference in Employees' Work**

(1) In performing their functions, the employees shall be subordinated only to their immediate and direct superior. No one else shall be authorized to interfere in the employees' work.

*[Art.37(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) Should employees receive orders or instructions contradicting the law from their superior or other persons in positions of authority, the employees shall follow the law.

(3) The requests by the Center's employees made to citizens and persons in authority as well as the employees' actions shall be considered legitimate unless proven otherwise by the authority or person in authority with functions to supervise the employees' activity and legality of such activity.

#### **Article 38. Right to Professional Risk**

(1) It shall not constitute an offense if an officer acts in a situation of justifiable professional risk even when that action meets the elements of an act that carries disciplinary, administrative or criminal liability.

(2) Risk shall be considered justifiable when the action proceeds objectively from information, facts or circumstances known to the officer, provided that the legitimate goal could not have been achieved by actions that would have avoided that risk, and the officer has taken every possible steps to prevent any negative consequences.

**Article 39. Entitlement to Pension**

The Center's employees shall be pensioned off in accordance with the legislation in force.

**Article 40. Social Protection**

(1) Social protection for the public officials employed by the Center shall be ensured in conformity with Law no. 158-XVI of 4 July 2008 on the Public Office and Status of the Public Official and with Law no. 289-XV of 22 July 2004 on benefits for temporary incapacity and other social insurance entitlements.

*[Art.40(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) In case an officer dies in the line of duty, his/her family and dependents shall receive a one-time aid payment equivalent to the deceased's 10 years' worth of cash entitlements payable in his/her last position held in the Center. Minors who were dependent on the deceased shall be granted a supplementary monthly benefit equivalent to the average monthly salary payable to the deceased in his/her last position, until the minors reach the age of 18.

*[Art.40(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(3) In case an officer while on duty sustains a bodily injury that incapacitates him/her from performing his/her assigned duties, that officer shall receive a one-time aid payment equivalent to his/her 5 years' worth of cash entitlements payable in his/her last position held in the Center and shall be also granted, for the next ten years, complementary payments topping up the pension amount to arrive at the average monthly salary payable in his/her last position.

*[Art.40(3) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(4) Should an officer sustain a bodily injury that has milder consequences than those described in par.(3), he/she shall receive a one-time aid payment equivalent to 5 average monthly salaries.

*[Art.40(4) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(5) Any damage caused to the assets of an officer or his/her close family in connection with his/her work in the Center shall be repaired in full.

*[Art.40(5) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(6) Aid payments and compensation amounts in respect of damages shall be paid out from the State Budget, with the right of recourse against those responsible.

(7) Aid payments shall be paid out based on a court decision or a decision of the prosecution bodies or of the prosecutor in the case of termination of criminal proceedings or suspension of prosecution.

(8) The Center's employees not provided with employer-rented lodging shall be entitled to compensation of renting (sub-renting) costs in the amount indicated in the tenancy (sub-tenancy) agreement, which however shall not exceed the employees' base salary.

(9) The Center's employees shall be entitled to compensation for transportation costs when traveling for work-related purposes.

(10) The Center's officers shall be entitled to the following social benefits:

- a) benefits for temporary incapacity caused by common illnesses or non-work related accidents, or in connection with orthopedic prosthetic procedures;
- b) social insurance benefits for disease prevention (quarantine);
- c) maternity benefits, including for the wife dependent on the Center's officer;
- d) one-time birth allowances;
- e) benefits for raising children under 3 years of age;
- f) benefits for raising ill children under 7 years of age;
- g) death benefits.

*[Art.40 (10) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(11) The benefits payable to the Center's officers listed in par. (10) a) through c) of this Article shall be calculated pursuant to Art. 43 (2) c) of the present Law. The size of the benefit laid down in par.(10) d) of this Article shall be determined annually by the State Budget Law. The calculation basis for the benefits provided for in par. (10) e) and f) of this Article shall be similar to the one for the corresponding benefits provided for in Law. no. 289-XV of 22 July 2004 on

benefits for temporary incapacity and other social insurance entitlements. The size of the benefit laid down in par.(10) g) of this Article shall be determined in accordance with par. (2) of this Article.

*[Art.40(11) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(12) The benefits payable to the Center's officers shall be paid out at the place of employment from State Budget sources.

*[Art.40 (12) introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

#### **Article 40<sup>1</sup>. Health Care and Medical Assistance**

(1) The Center's officers shall be entitled to medical assistance and medical treatment (out-patient and in-patient) at the public expense in the manner established by the Government.

(2) The Center's officers retired after reaching the retirement age limit or based on the length of service and the officers incapacitated for work, as established by a specialized medical examination, shall be entitled to receive free of charge, once in three years, health resort vouchers.

(3) Health resort vouchers shall be granted in conformity with Law on Veterans no.190-XV of 8 May 2003.

*[Art.40<sup>1</sup> introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

#### **Article 41. Mandatory Insurance**

(1) The Center's employees shall receive mandatory insurance from State Budget funds and from other sources designated for this purpose.

(2) Insurance coverage payable to the officers shall be granted as follows:

*[Art.41(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

a) in case the insured dies, in the line of duty or within one year from being discharged from the Center, because of bodily injuries, brain injuries or illnesses incurred while on duty - [the insurance coverage shall be issued] to his/her heirs in the amount of 10 average monthly salaries paid in the last year of employment;

b) in case the insured officer is assigned a degree of invalidity which was incurred while on duty or within one year from being discharged from the Center: [the insurance coverage shall be issued]

- in the amount of 7.5 average monthly salaries - to invalids of 1<sup>st</sup> degree;

- in the amount of 5 average monthly salaries - to invalids of 2<sup>nd</sup> degree;

- in the amount of 2.5 average monthly salaries - to invalids of 3<sup>rd</sup> degree;

*[Art.41 (2)b) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

c) in case of severe damage to bodily integrity sustained while on duty - in the amount equal to one year's worth of cash entitlements; and in case of moderate damage to bodily integrity sustained while on duty - in the amount equal to six months' worth of cash entitlements.

(3) The size of annual cash entitlements shall be calculated on the basis of the last position held in the Center and shall include all the monetary entitlements payable in the year the insured event occurred.

*[Art.41(3) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(4) Further mandatory insurance terms for the Center's employees shall be established in the agreement concluded between the Center and the insurance organization.

#### **Article 42. Remuneration**

(1) In exchange for the work done, officers shall receive a monthly salary and shall be issued food rations and equipment.

*[Art.42(1) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(2) The monthly salary of the Center's officers shall consist of a base salary, bonuses for the special rank, longevity bonuses calculated as a percentage of the time in service, hazardous duty bonuses, and other pays, bonuses and recompenses provided for by the Law.

*[Art.42(2) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

(3) The public officials employed by the Center shall be remunerated in conformity with Law

no.48 of 22 March 2012 on the Public Officials' Pay Structure.

*[Art.42(3) as re-worded by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 42<sup>1</sup>.** Calculation of Length of Service/Contributory  
Period for Determining Pensions

(1) The length of service/contributory period for determining the size of the Center's employees' pensions shall be calculated in conformity with Law 1544-XII of 23 June 1993 on the provision of retirement pay to military and persons from Interior Affairs command corps and troops and with Law no. 156-XIV of 14 October 1998 on State Social Insurance Pensions.

(2) The time in service as an officer of a Center's special subdivision involving increased risks to life and health shall count toward the special length of service required to accrue pension rights and shall be calculated using multipliers from 1 to 1.5 in accordance with the legislation in force.

*[Art.42<sup>1</sup> introduced by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

**Article 43.** Leave of Absence

(1) Public officials and technical personnel shall be granted leaves of absence in conformity with the law.

(2) Officers shall be granted:

a) 35 calendar days of annual paid leave;

*[Art.43(2)a) amended by LP319 of 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

b) supplementary leave:

6 calendar days – for 5 to 10 years' length of service;

12 calendar days – for 10 to 15 years' length of service;

18 calendar days – for more than 15 years' length of service;

*[Art.43(2)b) amended by LP319 din 27 Dec. 2012, MO49-55/8 Mar. 2013 art.154]*

c) sick leaves based on a certificate issued by a medical institution. Officers shall keep their average monthly salary while on sick leave.

(3) The Center's employees shall be also able to take other leaves of absence under the conditions prescribed by the law.

## **Chapter IX**

### **CONTROL AND SUPERVISION**

**Article 44.** Control and Supervision of the Center's  
Activity

(1) The Center's activity shall be subject to monitoring by society, to parliamentary supervision and judicial control within the powers established by the law.

(2) Control and supervision of how the Center's employees discharge their duties shall be exercised by the prosecution service under the conditions prescribed by the law.

(3) External public auditing of the use of budgetary funds allocated to the Center shall be performed by the Court of Accounts.

**Article 44<sup>1</sup>.** The Parliamentary control on the Centre's activity

(1) The Parliamentary control on the Centre's activity is exercised by the Parliamentary Committee for national security, defense and public order and the Legal Committee for appointments and immunities.

(2) The Centre annually presents, till March 31, the report on carrying its institutional activities. On the deputies' request, the Centre's director can be heard on the report of the Centre's activities in a Parliamentary plenary meeting.

(3) The deputies can request the Centre's director hearing in a Parliamentary plenary meeting, at the meetings of the permanent committees, special committees or of the committees of inquiry regarding other issues on the Centre's activity, beside those stipulated at par. (2). The Centre's director is in right to refuse his participation at those meetings if the disclosure of the requested information affects the interest of the criminal prosecution, the principles of legality,

presumption of innocence, protection of personal data and prosecution confidentiality."

*[Art.44<sup>1</sup> introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

**Article 44<sup>2</sup>.** The control of the civil society on the Centre's activity

(1) The Centre's activity is subject to the control by the civil society, according to the legal framework on transparency in the decision making process, access to information and the activity of the nongovernmental organizations. The additional control by the civil society on the Centre's activity is exercised based on the present law, through the Civil Council, which:

- a) participates with voting right in the Centre's Board;
- b) participates with voting right in the Centre's Disciplinary Board;
- c) analyzes the Centre's activity reports;
- d) monitors the court hearings on cases handled by the Centre and the hearings initiated by the Centre's former employees, who were dismissed by the decisions of the Disciplinary Board;
- e) examines the citizens complaints against the Centre's employees;

(2) The Civil Council is composed of three members. The membership of the Civil Council could be carried only by a nongovernmental organization. The civil society delegates two members and the Parliamentary Legal Committee for appointments and immunities, following a public contest, delegates one member of the Civil Council for a period of three years.

(3) The nongovernmental organizations which participate at the contest for selecting the Civil Council members, have to carry statutory activities in one or more of the following domains: justice, human rights, transparency, integrity in the public sector, prevention and fighting corruption, civil participation.

(4) The Civil Council has the right:

- a) to adopt and modify its Regulation of activity;
- b) to create and administrate its web page;
- c) to publicly communicate the monitoring reports and other data of public interest, resulted following its activity, by respecting the legal provisions on personal data protection, on information attributed to state secret and information attributed to the category of official information with limited accessibility;
- d) to propose recommendations on improving the Centre's activity;
- e) to propose topics to be discussed at the ordinary and extraordinary meetings of the Centre's Board;
- f) to transmit to the internal security subdivision or to the prosecution the citizens' complaints against the Centre's employees;
- g) to conduct surveys on the corruption phenomenon and on the society's perception on the Centre's activity;
- h) to attract funds from authorized sources in order to conduct its activities;
- i) to request information regarding the Centre's activity, according to the existing legal framework;
- j) to undertake other activities directly related to the Centre's activity monitoring.

(5) The persons who represent the members of the Civil Council in the Centre's Board and the Centre's Disciplinary Board must meet the following requirements:

- a) to have university degree;
- b) not to hold a public function;
- c) not to have been a Centre's employee during the last two years;
- d) not to be a member of any political party and/or not to carry out agitation for any of the electoral candidate during the last two years;
- e) not to have criminal records into force;
- f) not to have the procedural position of suspect, accused or defendant in a criminal trial handled by the Centre in the last three years.

(6) If further is stated that the appointed person to represent the members of the Civil Council

in the Centre's Board and the Centre's Disciplinary Board, doesn't meet the conditions stipulated in paragraph (5), within 10 days he is replaced with another representative, at the initiative of the Civil Council member who appointed him, based on the justified proposal of the Centre or of other member of the Civil Council.

(7) The membership of the Civil Council is revoked by the entity which have provided it, according to the provisions of paragraph (2), if:

- a) the nongovernmental organization is disbanded;
- b) the nongovernmental organization expressly refuses to be a member of the Civil Council before the term for which he was appointed in this position has expired;
- c) the nongovernmental organization doesn't ensure the development of any of the activities, stipulated in paragraph (1), more than one year.

(8) In the cases stipulated at paragraph (7), letter a) and b), the entity which has appointed the nongovernmental organization as a member of the Civil Council, selects, within three months, a new member of the Civil Council, following the public contest referred to in paragraph (2) and (3).

(9) In the case referred at paragraph (7), letter c), the entity which selected the nongovernmental organization in the position of member of Civil Council revokes this position and informs it, in writing, regarding the decision of revocation. The revocation can take place at the entity's initiative, at the justified proposal of the Centre or of other member of the Civil Council. Within three months from the moment the decision of revocation was communicated, the entity selects a new member of the Civil Council, following a public contest referred to in paragraph (2) and (3).

*[Art.44<sup>2</sup> introduced by LP180 of 22.10.15, MO297-300/30.10.15 art.546]*

## **Chapter X**

### **FINAL AND TRANSITORY PROVISIONS**

#### **Article 45**

The Government:

- a) shall ensure, in conformity with the legislation in force, that the workers laid off in connection with the creation of the Center are placed back in employment;
- b) within 2 months:
  - shall submit proposals to the Parliament to bring the legislation in force in line with the present Law;
  - shall bring its secondary legislation acts in line with the Present Law;
  - shall ensure that the regulations of ministries and departments are brought in line with the present Law.

**PRESIDENT OF THE PARLIAMENT**

**Eugenia OSTAPCIUC**

**No. 1104-XV. Chisinau, 6 June 2002**