



Group of States against Corruption
Groupe d'États contre la corruption



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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

THIRD *INTERIM* COMPLIANCE REPORT REPUBLIC OF MOLDOVA

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

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I. INTRODUCTION

1. [The Fourth Round Evaluation Report](#) on the Republic of Moldova was adopted at GRECO's 72nd Plenary Meeting (1 July 2016) and made public on 5 July 2016, following authorisation by the Republic of Moldova. [The Compliance Report](#) was adopted by GRECO at its 81st Plenary Meeting (on 7 December 2018) and made public on 24 July 2019. [The Second Compliance Report](#) was adopted at the 85th Plenary (21-25 September 2020) and made public on 13 October 2020. [The Interim Compliance Report](#) was adopted at GRECO's 89th Plenary Meeting (3 December 2021) and made public on 9 February 2022.
2. In the *Interim* Compliance Report, GRECO concluded that only six of the eighteen recommendations had been implemented and that the low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. It therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report.
3. In the [Second Interim Report](#) adopted by GRECO at its 93rd plenary meeting (24 March 2023) and made public on 13 May 2023, GRECO maintained that the low level of compliance with the recommendations remained "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO continued to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report and asked the Head of delegation of the Republic of Moldova to provide a report on the progress in implementing the outstanding recommendations. The situation report was received on 31 May 2024 and served, together with information submitted subsequently, as a basis for this Third Interim Report. In addition, in accordance with Rule 32, paragraph 2, ii (b), GRECO invited the President of the Statutory Committee to send a letter to the Permanent Representation of the Republic of Moldova to the Council of Europe drawing the attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
4. This *Third Interim Compliance Report* evaluates the progress made in implementing the outstanding recommendations since the previous Second Interim Compliance Report and provides an overall appraisal of the level of Moldova's compliance with these recommendations.
5. GRECO selected Azerbaijan and Portugal to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Elnur Musayev, on behalf of Azerbaijan and Mr Antonio Delicado, on behalf of Portugal. They were assisted by GRECO's Secretariat in drawing up the Third Interim Compliance Report.

II. ANALYSIS

6. In its Fourth Round Evaluation Report, GRECO addressed 18 recommendations to the Republic of Moldova. In the Second *Interim* Compliance Report, GRECO concluded that six recommendations had been implemented satisfactorily or dealt with in a satisfactory manner (namely, recommendations v, xi, xii, xiv, xvi and xvii), ten recommendations partly implemented (namely, recommendations i, iv, vi, vii to x, xiii, xv and xviii) and two recommendations not implemented (namely, recommendations ii and iii). Compliance with the outstanding recommendations is examined below.

12. GRECO notes that, as regards the first part of the recommendation, the authorities have taken reasonable steps to ensure that draft legislation is published in a timely manner. While this process has been fraught with problems, as evidenced in a report by a civil society organisation, the fact remains that the authorities' efforts merit acknowledgment. In these circumstances, this part of the recommendation has been dealt with in a satisfactory manner, and GRECO anticipates that parliament will continue to publish draft legislation in time and respond to findings from civil society organisations. Regarding the second part, GRECO takes note of the authorities' efforts in conducting public consultation of draft legislation and soliciting the public's views. However, the frequent use of accelerated/fast-track procedure for the adoption of legislation, irrespective of its nature, is worrying. That hampers the conduct of meaningful public consultation. Consequently, this part of the recommendation remains partly implemented.

13. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii

14. *GRECO recommended (i) adopting a code of conduct for members of Parliament and ensuring that the future code is made easily accessible to the public; (ii) establishing a suitable mechanism within Parliament, both to promote the code and raise awareness among its members on the standards expected of them, but also to enforce such standards where necessary.*

15. GRECO recalls that the recommendation was not implemented owing to the lack of adoption of concrete measures.

16. The authorities now report that draft law no. 448 of 6 December 2023 on the Status, Conduct and Ethics of the Members of Parliament⁶ has been adopted at the first reading in December 2023. It unifies all legal norms related to the legislative procedure, organisation, functioning of the legislature and the Parliament's secretariat and provides clarity, taking into account parliamentary rules and the case-law of the Constitutional Court. It contains provisions on, amongst other things, incompatibilities, conflicts of interest and gifts. A committee on parliamentary ethics and conduct will be set up to consider breaches of ethics. The committee may propose one of the following sanctions: a warning, a call to order, prohibition from attending plenary meetings, removal from parliament's chamber, exclusion from parliamentary committees, restriction to access confidential information. Sanctions will be imposed by the president of the committee or parliament.

17. GRECO welcomes that a draft law on the conduct and ethics of parliamentarians has been adopted at the first reading. A parliamentary committee will be set up to ensure its enforcement. Pending its final adoption and entry into force, the draft law would further benefit from introducing provisions regulating matters such as interaction with, and disclosure of, contacts with third parties/lobbyists, post-employment restrictions and practical guidance on its content, particularly on conflicts of interest, as well as the conduct of trainings or provision of confidential counselling. Consequently, this recommendation has not been more than partly complied with.

18. GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii

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<https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/7054/lanquage/ro-RO/Default.aspx>

19. *GRECO recommended introducing rules for parliamentarians on how to interact with third parties seeking to influence the legislative process.*
20. GRECO recalls that this recommendation was not implemented owing to the lack of relevant progress.
21. The authorities provide that on 16 May 2024 the parliamentary Legal Committee for Appointments and Immunities has established a working group to prepare a draft law on lobbying. The working group will analyse the practice applied by other European countries and develop a comparative study. A draft law will be subsequently developed, and it will be presented to the parliamentary committee, which will organise public debates and exchange of views with interested parties.
22. GRECO takes note of the domestic developments and the authorities' efforts in setting up a working group which will prepare a draft law on lobbying. As preparations are still at an early stage, GRECO considers that further concrete progress is needed to upgrade the status of implementation of this recommendation.
23. GRECO concludes that recommendation iii remains not implemented.

Recommendation iv

24. *GRECO recommended ensuring a significantly more independent and effective control, by the National Integrity Commission, of compliance by members of Parliament, judges and prosecutors with the rules on conflicts of interest, incompatibilities, statements of personal interests and statements of income and property.*
25. GRECO recalls that this recommendation was partly implemented. The role of integrity inspectors in verifying declarations of assets and interests had been strengthened and the e-Integrity system had become operational. However, the National Integrity Authority (ANI) was understaffed, and it operated in the absence of an institutional strategy since its inception.
26. The authorities now report that integrity inspectors have completed the verification⁷ of 938 declarations of assets and personal interests in 2023 and 550 verifications in the first quarter of 2024. The results have shown a very limited number of parliamentarians, judges and prosecutors who had not submitted the declaration of assets (two persons) and had made a late submission (three persons) or in respect of whom there had been a significant discrepancy between income, assets and expenses (thirteen persons). Following the performance of in-depth control⁸ of declarations, integrity inspectors issued 104 acts of finding (or not) a violation of the legal regime of the declaration of assets and personal interests in 2023 and 33 acts of finding in 2024 in respect of seven parliamentarians, two judges and three prosecutors. Sanctions have been imposed for conflicts of interest, incompatibilities, failure to provide information, failure to submit a declaration or for late submission of declaration.
27. According to ANI's organisational chart, 21 out of 43 integrity inspectors have been employed until May 2024. ANI's institutional development strategy for 2024-2028 is being assessed and will be submitted for approval to the Integrity Council. A new methodology for the verification of assets and personal interests has been adopted

⁷ A verification is the first type of review carried out by an integrity inspector, the aim of which is to check the timely submission of declarations and compliance with the formal requirements.

⁸ The in-depth control is the second type of review, which consists of a thorough review of a smaller number of declarations.

on 24 January 2024⁹, which aims at, amongst others: setting out a new role of the Chief Inspector to coordinate the activities of ANI's integrity inspectors; publishing declarations of assets in a format that supports automated data processing; introducing restrictions on asset acquisition, use and disposal, as well measures addressing the reporting of donations and gifts, in order to prevent the concealment of receipt of informal income.

28. In addition, pursuant to amendments to Law no. 152/2006 on the National Institute of Justice (NIJ)¹⁰, candidate judges and prosecutors applying for initial training at the NIJ are required to file declarations of assets and interests and are subject to integrity checks at the start of their career. In case of a finding of the lack of integrity, the candidates are excluded from competition. All candidates who have applied for and have started initial training in October 2024, have gone through the integrity checks.
29. GRECO welcomes that candidate judges and prosecutors are being subjected to integrity checks, including scrutiny of declarations of assets and interests, at the beginning of their career. However, this recommendation calls for verifications and in-depth control performed by the National Integrity Authority's (ANI) integrity inspectors during the career of parliamentarians, judges and prosecutors. GRECO remains concerned that the number of integrity inspectors has decreased compared to the previous compliance report (from 25 to 21 inspectors), which has translated into a reduction of verifications, in-depth control and acts of findings issued in respect of parliamentarians, judges and prosecutors. It calls on the authorities to seriously address ANI's understaffing and adopt its institutional development strategy for 2024-2028, while it remains hopeful that the new methodology will translate into concrete progress. Pending such action, this recommendation remains partly complied with.
30. GRECO concludes that recommendation iv remains partly implemented.

Recommendation vi

31. *GRECO recommended that determined measures be taken in order to ensure that the procedures for lifting parliamentary immunity do not hamper or prevent criminal investigations in respect of members of Parliament suspected of having committed corruption related offences.*
32. GRECO recalls that this recommendation was partly implemented thanks to an emerging parliamentary practice leading to the lifting of parliamentary immunities of three parliamentarians.
33. The authorities now report that between April 2023 and April 2024 nine requests for lifting the parliamentary immunity of three parliamentarians MPs had been submitted and granted. Eight requests concerned the commission of alleged offences of corruption.
34. GRECO notes that the parliamentary practice of lifting immunity of members of Parliament has consolidated further. All requests for lifting parliamentary immunity have been accepted. It considers that, in view of an established practice by parliament to accept requests for lifting parliamentary immunity, this recommendation has been dealt with in a satisfactory manner. That notwithstanding, GRECO still calls on the authorities to consider amending Article 70 (3) of the Constitution to abolish the immunity enjoyed by parliamentarians.

⁹ <https://ani.md/sites/default/files/Metodologia.PDF>

¹⁰ https://www.legis.md/cautare/getResults?doc_id=144937&lang=ro

35. GRECO concludes that recommendation vi has been dealt with in a satisfactory manner.

Corruption prevention in respect of judges

Recommendation vii

36. *GRECO recommended (i) changing the composition of the Superior Council of Magistracy, in particular by abolishing the ex officio participation of the Minister of Justice and the Prosecutor General and by allowing for more diverse profiles among lay members of the Council, on the basis of objective and measurable selection criteria; (ii) ensuring that both judicial and lay members of the Council are elected following a fair and transparent procedure.*
37. GRECO recalls that this recommendation was partly implemented thanks to the new composition of the Superior Council of Magistracy (SCM) which would include six judges and six lay members. The law had also laid down selection criteria for the SCM members. GRECO remained concerned about the pre-vetting process for candidates to the SCM which had impeded the filling of vacant posts to the SCM and its functioning, as well as the Minister of Justice's power to convene the General Assembly of Judges.
38. The authorities now report that parliament has appointed six SCM lay members who had passed the vetting proceedings carried out by the Pre-vetting Commission (one has subsequently resigned after disclosure of reports by the media affecting his integrity). In April 2023 and March 2024, the General Assembly of Judges has elected four judges (from first instance court) and one Supreme Court judge, who had been cleared by the Pre-vetting Commission, as SCM members. The Pre-vetting Commission is assessing judges coming from courts of appeal so that the General Assembly of Judges may elect the SCM member representing those courts. To date, the SCM consists of eleven members (5 judges and 6 lay members). The SCM has become operational since April 2023, as attested, for example, by decisions taken in several areas (see paragraph 44, 56 and 65 below). In July 2024, the SCM has elected its President for a two-year term of office. It is currently working on developing its institutional strategy, together with the assistance of the Council of Europe.
39. The authorities further state that the mandate of the Pre-vetting Commission, which had been set up to vet candidates to the self-governing bodies of judges and prosecutors, namely the SCM and the Superior Council of Prosecutors (SCP), is nearing its end, with only one case pending before it. The Vetting Commission¹¹, which has been established under Law no. 65 of 30 March 2023 to carry out the external evaluation of candidates for the position of judge of the Supreme Court of Justice, will continue to vet candidates for the specialised boards of the SCM¹² and the Superior Council of Prosecutors. Lastly, the authorities provide that, owing to the impossibility to convene the General Assembly of Judges for two years because of a non-functioning SCM, the parliament introduced a mechanism to address such a deadlock by empowering the Minister of Justice, as a last resort, to convene the

¹¹ <https://www.vettingmd.eu/en>

¹² To date, 15 candidates have applied for the Judges' Selection and Evaluation (Career) Board. The Vetting Commission has assessed 12 candidates, two having withdrawn and one candidate having been excluded from the SCM. The SCM will convene the General Assembly of Judges to elect the members of the Selection and Evaluation (Career) Board. A total of 12 candidates have applied for the Disciplinary Board.

General Assembly of Judges¹³. The Minister of Justice has not availed himself/herself of this mechanism, and the newly constituted and operational SCM has the right to do so by law.

40. GRECO welcomes the information and explanations provided and notes that significant steps have been taken to render the SCM operational, which now counts eleven out of twelve members, representing judges and various stakeholders of the justice system. Work is underway to vet and elect the sixth judge member, which will ensure a balanced representation of judges at the SCM. Neither the Minister of Justice nor the Prosecutor General sit as *ex officio* members. The SCM has elected its President, together with members for its specialised bodies. It is also satisfied with the explanations given about the Minister of Justice's right to convene the General Assembly of Judges, as a means of last resort in the event of impossibility to call it otherwise. In these circumstances, this recommendation has been fully complied with.
41. GRECO concludes that recommendation vii has been implemented satisfactorily.

Recommendation viii

42. *GRECO recommended that decisions of the Superior Council of Magistrates be adequately reasoned and be subject to judicial review, both on the merits of the case and on procedural grounds.*
43. GRECO recalls that the recommendation was partly implemented in the Second *Interim Compliance Report*. Statutory amendments had been adopted. They required the SCM to motivate and publish its reasoned decisions, including dissenting opinions. These amendments had to be accompanied by practice, especially as regards decisions on matters pertaining to the recruitment and career of judges.
44. The authorities now report that the SCM has continued to adopt reasoned decisions (with dissenting opinions), which are publicly available on its website¹⁴ and are amenable to appeal, on points of facts and law, before the Supreme Court of Justice, in accordance with Law no. 246 of 31 July 2023¹⁵. Furthermore, pursuant to section 25(2) of Law no. 147/2023, given the absence of two thirds of members of the Judges' Selection and Evaluation (Career) Board¹⁶, the SCM has carried out the selection and evaluation of judges for vacant positions. In 2023, the SCM has conducted competitions for 33 vacancies in first-instance courts and in 2024 for 22 vacancies¹⁷. Also, in 2023, in order to fill vacancies arising from resignation of judges, the SCM has decided on the transfer of judges¹⁸. In November 2023, it has appointed a judge to the Constitutional Court. Appointments have also been made in 2024,

¹³ Article 23² (2) of Law no. 44/2023 amending Law no. 514/1995 on the organisation of the judiciary reads as follows: "In the case of the impossibility of convening the General Assembly of Judges by the Superior Council of the Magistracy due to the termination of the mandate of its members, due to lack of quorum or in the case of declaring a state of emergency under the conditions of Law no. 212/2004 on the state of emergency regime, of siege and war, the General Assembly of Judges is convened by the president of the Superior Council of Magistracy or, as the case may be, by the member of the Superior Council of Magistracy who exercises the functions of the president during his/her absence. In the event of the vacant position of President of the Superior Council of the Magistracy, as well as the absence of a member appointed by decision of the Superior Council of the Magistracy to exercise his/her functions, the General Assembly of Judges is convened by the Minister of Justice".

¹⁴ <https://www.csm.md/ro/hotaririle/hotarari-csm/documents.html>

¹⁵ https://www.legis.md/cautare/getResults?doc_id=140328&lang=ro

(Art. VII of Law no. 246/2023)

¹⁶ Please see footnote 12 about progress regarding the selection of members of the Judges' Selection and Evaluation (Career) Board.

¹⁷ As of 1 October 2024, 391 judges are serving at all court levels and there are 98 vacant positions. At the district court level, there are 338 serving judges and 34 vacant positions.

¹⁸ In 2023, 18 judges were transferred within the district courts and, in 2024, 11 judges were transferred. Also, seven judges were temporarily transferred to the Chişinău Court of Appeal, four judges to the Bălţi Court of Appeal and two judges to the Supreme Court of Justice.

with the SCM appointing five judges to the Supreme Court of Justice (SCJ) and the President of the Republic appointing 38 judges to district courts. Currently, the CSM has announced a competition to fill all vacant positions at the SCJ, the Chişinău Court of Appeal and the Bălţi Court of Appeal. Lastly, the SCM has decided on the dismissal of 49 judges at their request.

45. GRECO welcomes the information provided and the visible progress made by the SCM in adopting reasoned decisions, in particular pertaining to appointment, transfer and career of judges. It notes that SCM decisions are open to appeal - on merits and on procedural grounds - before the Supreme Court of Justice. In these circumstances, this recommendation has been fully complied with.
46. GRECO concludes that recommendation viii has been implemented satisfactorily.

Recommendation ix

47. *GRECO recommended (i) that appropriate measures be taken, with due regard to judicial independence, in order to avoid the appointment and promotion to judicial positions of candidates presenting integrity risks; and (ii) abolishing the five-year probation period for judges.*
48. GRECO recalls that this recommendation was partly implemented. Only the first part of the recommendation remained to be fully implemented, subject to the implementation of the vetting process. The second part had already been implemented satisfactorily.
49. The authorities now report that the Pre-vetting Commission has assessed the integrity of candidates for the position of members in the self-governing bodies of judges and prosecutors. As a result, both the SCM and the SCP have been established and are functioning.
50. In addition to the Pre-vetting Commission, the Vetting Commission of Judges has begun functioning in July 2023 (see also paragraph 39 above). It is composed of three international experts, proposed by international development partners, and three national experts. It is currently assessing the ethical and financial integrity of candidates for the position of judge of the Supreme Court of Justice¹⁹. In 2024 the SCM has examined the applications of candidates who had passed the vetting process and has proposed that the President of the Republic appoint five candidates. At present, out of a total of 20 positions in the SCJ, nine have been filled (five candidates were appointed according to the new procedure) and four judges have been temporarily transferred to the SCJ. In addition, one SCJ judge has been suspended as s/he is acting as a judge to the Constitutional Court and one judge has been seconded to the SCM. The Vetting Commission will also assess the integrity of candidates for the autonomous boards of the SCM (please see footnote 12 above) and of the sitting judges of the Chişinău Court of Appeal.
51. Lastly, candidates who join the National Institute of Justice to become judges or prosecutors, are required to file declarations of assets and interests which are subject to verification and in-depth control by ANI. If a candidate is found to breach the legal

¹⁹ 37 candidates (5 SCJ sitting judges, 9 judges from other courts and 23 candidates from legal professions) had applied. Six candidates belonging to legal professions withdrew and two sitting judges resigned. Three SCJ judges were subjected to evaluation, with one having passed, one failed and one is currently under examination. To date, the Vetting Commission has adopted 22 reports, with 13 reports finding in favour of candidates and nine reports against them. The CSM has endorsed 21 reports, and one report was sent back for re-evaluation. All unsuccessful candidates have challenged the SCM decisions to the CSJ. Out of nine appeals, the CSJ has rejected four, and hearings will take place in respect of the remaining five appeals. In two cases, the court proceedings have been suspended, as the CSJ has referred the matter raising a point of constitutionality of the statutory provisions to the Constitutional Court.

regime of declarations of personal assets and interests, conflicts of interest, incompatibilities, restrictions and limitations, s/he will be subject to disqualification (see also paragraph 28 above).

52. GRECO positively notes the developments that have taken place since the last compliance report. The vetting of candidates to the self-governing body of judges has produced results, leading to the composition and functioning of the Superior Council of Magistracy (SCM). Candidates for judges of the Supreme Court of Justice are being subject to an external evaluation of their ethical and financial integrity, which will also extend to autonomous boards of the SCM and the Chişinău Court of Appeal. A requirement has also been introduced for trainee magistrates to file declarations of assets and interests, which will be subject to in-depth control. In these circumstances, GRECO considers that appropriate measures have been introduced to assess the integrity of candidate judges. In order to maintain judges' integrity, GRECO recalls that an adequate salary is an important element of the independence of judges, and it encourages the Moldovan authorities to pursue their ongoing efforts in this regard (see paragraph 107 of the Evaluation Report).
53. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x

54. *GRECO recommended that additional steps be taken (i) to ensure that cases are adjudicated without unjustified delays and (ii) to increase the transparency and accessibility of information available to the public on judicial activity.*
55. GRECO recalls that this recommendation was partly implemented. Statistics alone were not conclusive to consider that cases had been adjudicated without unjustified delays. The authorities had failed to provide information regarding additional steps taken, whether in the legal framework or the court practice, to reduce the length of proceedings and increase the transparency and accessibility of information available to the public on judicial activity.
56. The authorities now report that the following measures have been taken in respect of the first part of the recommendation. (i) Law no. 83 of 14 April 2023 has amended certain normative acts²⁰ and has revised the criminal procedure in order to simplify the examination of criminal cases both at the pre-trial and trial stages. The procedural mechanisms to ensure an appropriate balance between the prosecution and the defence have also been reviewed from the perspective of equality of arms. (ii) A new Law no. 213 of 31.07.2023 on the State Fee (Tax)²¹ has been adopted, introducing the concept of a "judicial stamp tax", which is a one-off amount to be paid by natural persons and legal entities for filing a civil or administrative action, as well as for each appeal lodged against the decision of the investigating officer in misdemeanour cases, both at first instance and on appeal, which is not subject to exemption. One of the aims of introducing the judicial stamp tax is to reduce the number of unjustified applications to the courts. As a result of the analysis of the work of the courts, the number of unjustified applications has decreased. (iii) The SCM has promoted and participated in the public debate on revising the current judicial map²². Among other things, the SCM has supported the modification of the jurisdiction of the Chişinău Court of Appeal by removing two judicial districts from its territorial jurisdiction and

²⁰ https://www.legis.md/cautare/getResults?doc_id=138762&lang=ro

²¹ https://www.legis.md/cautare/getResults?doc_id=142817&lang=ro

²² On 30 May 2025 Parliament has adopted, in the second reading, Law no 135/2023 on amending some normative acts (the revising of judicial map) [Draft legislative acts \(parlament.md\)](#). Pending promulgation by the President and its entry into force, the main innovation of the law is the replacement of the four existing Courts of Appeal (Bălţi, Chişinău, Cahul and Comrat) with three new Courts of Appeal (North, Centre and South).

transferring them to the Bălți Court of Appeal with the aim of reducing the total number of cases examined by the Chișinău Court of Appeal by about 20%. This will significantly reduce the current caseload of the Chișinău Court of Appeal²³. (iv) In February 2024 the SCM has decided in favour of a specialisation of judges within the Chișinău Court, including specialisation in the examination of corruption cases. In addition, the Anti-Corruption Prosecutor's Office has noted significant improvement in the efficiency and quality of justice²⁴. Approximately 120 criminal cases investigated by the Anti-Corruption Prosecutor's Office at the pre-trial phase have been assigned to the nine specialised judges of the Buiucani premises of Chișinău Court. The SCM regularly organises meetings with the presidents of the courts, courts of appeal and the CSJ to ensure better administration of the judicial system.

57. As stated in paragraphs 44 and 50 above, the SCM has regularly organised competitions to fill in vacant judgeship positions, in accordance with the Regulation on the organisation and conduct of competitions for the completion of judicial positions. 16 competitive procedures have been announced in 2024 and eight competitive procedures took place in 2023. Consequently, in 2024, 38 judges have been appointed at district courts and at five judges at the SCJ, while other judges have been transferred to district courts, courts of appeals and the SCJ to make up for a shortage of human resources.

58. The authorities further submit the following statistics:

Year 2023

Cases/court files	Adjudicated	Pending	Pending cases of more than 12 months	Pending cases of more than 24 months	Pending cases of more than 36 months
Civil	104,761	47,076	4,270	2,139	3,803
Criminal	9,747	72,326	2,673	1,280	2,216
Contravention	1,6367	5,044	-	-	-

January-September 2024

Cases/court files	Adjudicated	Pending	Pending cases of more than 12 months	Pending cases of more than 24 months	Pending cases of more than 36 months
Civil	82,718	55,166	8,234	2,397	4,266
Criminal	17,534	63,037	4,810	1,514	2,743
Contravention	14,501	9,838	667	15	0

59. The authorities acknowledge that, when compared to statistics provided in 2022, in 2023 there was a decrease in the number of adjudicated criminal cases (from 10,414 to 9,747) and an increase in the number of pending criminal cases (from 69,686 to 72,326). Such trend is attributed to resignation of a significant number of judges from all court levels, unfilled vacant judicial positions, limited competence of the SCM to decide on the judges' career and lack of internal court administration and disciplinary liability. That said, on 13 February 2024 the SCM has decided²⁵ to specialise judges of the Chișinău District Court in the examination of criminal cases, pre-trial procedures related to these cases and in the examination of cases regarding

²³ Following notifications sent by the Vetting Commission of Judges to the sitting judges of the Chișinău Court of Appeal (at the time of the notifications there were 40 judges in office), 20 judges have resigned. Thus, there 20 remaining sitting judges at the Court of Appeal of Chișinău.

²⁴ [Îmbunătățirea calității și eficienței actului de justiție urmare a specializării judecătorilor în materie anticorupție | Procuratura Anticorupție a Republicii Moldova](#)

²⁵ <https://www.csm.md/files/Hotaririle/2024/06/64-6.pdf>

the legality of findings issued by ANI. As a result, the Anti-corruption Prosecutor's Office has reported significant improvements in the efficiency and quality of justice. Approximately 120 criminal cases have been assigned to the nine specialised judges of the Chişinău District Court.

60. Turning to the second part of the recommendation, in May 2023 the authorities have launched an online tool to consult and analyse statistical data related to the judicial system (justice and statistics automated information system – JUSTAT²⁶), which is managed by the Agency for the Administration of Court (AAIJ). It provides information on the activity of courts on effectiveness and file allocation²⁷. Furthermore, thanks to technical cooperation projects²⁸ several trainings have been organised to ensure the promotion of information on the work of courts.
61. GRECO takes note of the measures introduced to address delays in case-processing and publish information on courts' activity. The statistics provided for 2023 show a positive trend as regards an increase in the overall number of cases adjudicated (from 105,456 cases adjudicated in 2022 to 130,875 cases in 2023) and a decrease in those cases pending before courts (from 129,327 cases pending in 2022 to 124,446 cases pending in 2023). A positive trend is also noticeable for the first nine months of 2024 (the total number of adjudicated cases has increased). GRECO takes note of the information provided by the authorities regarding the trend in respect of criminal cases and is satisfied with the measures taken to address the backlog, it being noted that the overall number of criminal cases pending in September 2024 has decreased. It encourages the authorities to keep up with the progress and maintain the situation under regular review in the future. In these circumstances, this recommendation has been dealt with in a satisfactory manner.
62. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

Recommendation xiii

63. *GRECO recommended that the legal and operational framework for the disciplinary liability of judges be revised with a view to strengthening its objectivity, efficiency and transparency.*
64. GRECO recalls that this recommendation was partly implemented. Statutory amendments had brought about positive changes. However, more determined action was required, in law and practice, to strengthen the objectivity, efficiency and transparency of the disciplinary liability of judges. The new SCM was expected to bring the existing regulations in line with the newly introduced statutory amendments.
65. The authorities now report that, pursuant to the statutory amendments introduced by virtue of Law no 5/2023 (as reported previously), the SCM has set up a working group which has been tasked with the preparation of amendments to the Regulation on the disciplinary liability of judges. As a result, in February 2024 the SCM has adopted a Regulation on the disciplinary liability of judges²⁹. Furthermore, decisions by the Disciplinary Board are regularly published online³⁰.

²⁶ <https://justat.instante.justice.md/>

²⁷ <https://justat.instante.justice.md/home/chart4>

²⁸ [Evenimentul de lansare a etapei II a Proiectului USAID „Instante judecătoreşti model” | AGENTIA DE ADMINISTRARE A INSTANTELOR JUDECĂTOREŞTI \(justice.md\)](#) and [Support to further modernisation of court management in the Republic of Moldova - Council of Europe Office in Chisinau \(coe.int\)](#)

²⁹ <https://www.csm.md/files/Hotaririle/2024/08/87-8.pdf>

³⁰ [Completul de examinare a contestatiilor Nr.1 - Consiliul Superior al Magistraturii \(csm.md\)](#)

66. The annual activity report of the SCM³¹ provides aggregate statistics on disciplinary proceedings against judges. Thus, in 2023 the Disciplinary Board registered 25 disciplinary cases (reports drawn up by the Judicial Inspection following verification of complaints regarding facts that may constitute disciplinary offences committed by judges) and one case was pending from 2022³². As a result, ten disciplinary proceedings were joined and seven proceedings would be examined in 2024. Four disciplinary sanctions in the form of a warning were imposed on judges. Most of the proceedings were instituted against judges of the Chişinău District Court and the Chişinău Court of Appeal. The Judicial Inspection registered 1,152 complaints and 616 petitions for examination in 2023. It resolved 1,129 complaints and 614 petitions. At the end of 2023, it had a backlog of 60 complaints and 17 petitions, carried over from previous years. Both the Disciplinary Board and the Judicial Inspection publish annual activity reports³³, as does the SCM.
67. The authorities contend that Article 4 of Law no. 178/2014 on disciplinary liability of judges, which sets out disciplinary offences, has been amended to address the comments made in the Evaluation Report. The words “deliberate” and “gross negligence” have been added to Article 4^t(1)(a) and (b)³⁴. Also, Article 4(1)(m) and (o) have been deleted and Article 4(1)(p) qualifies as disciplinary liability “other deeds which undermine the honour or professional probity or the prestige of the judiciary to such an extent as to undermine confidence in the judiciary, committed in the performance of their duties or outside their duties, and which, due to their seriousness, cannot be qualified merely as infringements of the Code of Ethics and Professional Conduct for Judges”.
68. GRECO welcomes the positive developments made towards the implementation of this recommendation. Apart from Article 4(1)(d) of the law on disciplinary liability of judges³⁵, disciplinary offences have been amended to clarify their meaning and avoid varying, broad and possibly conflicting interpretations, thus addressing, on the whole, the concerns expressed in a Venice Commission’s opinion to which reference was made in the Evaluation Report. All bodies involved in the disciplinary proceedings (i.e. the Judicial Inspection, the Disciplinary Board and the SCM) publish annual activity reports, containing aggregate data about disciplinary cases and sanctions imposed. Also, individual decisions given in respect of disciplinary proceedings are made public. In these circumstances, it can be concluded that this recommendation has been dealt with in a satisfactory manner.
69. GRECO concludes that recommendation xiii has been dealt with in a satisfactory manner.

Corruption prevention in respect of prosecutors

³¹ <https://www.csm.md/ro/activitatea/rapoarte-anuale.html>

³² <https://www.csm.md/files/RAPOARTE/2023/CsmRaportAnnual2023.pdf.pdf>

³³ <https://www.csm.md/ro/organe-subordonate/colegiul-disciplinar/colegiul-disciplinar/rapoarte-semestriale-si-anuale.html> and <https://www.csm.md/ro/organe-subordonate/inspectia-judiciara/rapoarte-de-activitate-ij.html>

³⁴ Article 4(1)(a) reads as follows: “deliberate or grossly negligent failure to comply with the obligation to abstain when the judge knows or ought to have known that one of the circumstances prescribed by law for abstention exists, as well as repeated and unjustified declarations of abstention in the same case, which have the effect of delaying the examination of the case”.

Article 4(1)(b) reads as follows: “issuing a judicial act of disposition by which, intentionally or through gross negligence, the fundamental rights and freedoms of natural persons or legal entities, guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights to which the Republic of Moldova is a party, have been violated”.

³⁵ The authorities report that, from 2015 to 2019, three disciplinary proceedings had been instituted on the strength of Article 4(1)(d). They were dismissed by the Disciplinary Board and upheld by the SCM. No judge has been sanctioned under that provision for the last nine years.

Recommendation xv

70. *GRECO recommended that appropriate measures be taken to ensure that the composition and operation of the Superior Council of Prosecutors be subject to appropriate guarantees of objectivity, impartiality and transparency, including by abolishing the ex officio participation of the Minister of Justice and the President of the Superior Council of Magistracy.*
71. GRECO recalls that the recommendation was partly implemented. Draft amendments to the Law on the Prosecution Service envisaged abolishing the *ex officio* membership of the Minister of Justice and the President of the Superior Council of Magistracy in the Superior Council of Prosecutors.
72. The authorities now report that the composition of the Superior Council of Prosecutors (SCP) has been revised by Law no. 200 of 31 July 2023³⁶ which entered into force in August 2023. The SCP will consist of 10+1 members: the Minister of Justice (until 1 January 2026), the President of the SCM, five prosecutors elected by the General Assembly of Prosecutors (one member from amongst prosecutors of the Prosecutor General's Office and four from amongst prosecutors of the territorial and specialised prosecutors' offices), and four lay members from civil society chosen by competition (one appointed by the President of the Republic, one by Parliament, one by the Government and one by the Academy of Sciences of Moldova).
73. In December 2023 the General Assembly of Prosecutors elected its members, who had passed the vetting process. The newly composed SCP assumed office in January 2024.
74. GRECO considers that the new mixed composition of the Superior Council of Prosecutors, in which the prosecutor members do not constitute the majority, is not in line with the recent Consultative Council of European Prosecutors' (CCPE) Opinion no. 18 (2023) on council of prosecutors as key bodies of prosecutorial self-governance³⁷. Also, it is concerned that, in spite of recent statutory amendments, the Minister of Justice will remain *ex officio* member of the SCP (at least until 1 January 2026), as will the President of the Superior Council of Magistracy, which is contrary to the requirements of the recommendation. Even the recent CCPE Opinion no. 18 (2023) is not in favour of including members of the executive in the composition of councils of prosecutors³⁸. The current situation justifies maintaining the same status of implementation of this recommendation.
75. GRECO concludes that recommendation xv remains partly implemented.

Recommendation xviii

76. *GRECO recommended that additional measures be taken in order to strengthen the objectivity, efficiency and transparency of the legal and operational framework for the disciplinary liability of prosecutors.*
77. GRECO recalls that the recommendation was partly implemented, pending the adoption of draft amendments to the Law on the Prosecution Service which intended to bring about changes to certain disciplinary offences and to establish the Prosecutors' Inspection as an autonomous authority.

³⁶ https://www.legis.md/cautare/getResults?doc_id=138387&lang=ro

³⁷ <https://rm.coe.int/opinion-no-18-2023-final/1680ad1b36> (see paragraph 46);

³⁸ See paragraph 48 of the CCPE Opinion no. 18 (2023); also, compare with paragraphs 33-36 of the [Venice Commission amicus curiae brief for the Constitutional Court of the Republic of Moldova](#) (CDL-AD(2019)034), which was based on the premise that clear international standards on councils of prosecutors were absent at the time.

78. The authorities of the Republic of Moldova now report that Law No. 200/2023 (see paragraph 72 above) has set up the Prosecutors' Inspection as an autonomous body of the SCP and composed on nine inspectors, for a non-renewable six-year term. The Law has also set out instances of disciplinary misconduct for members of the Prosecutors' Inspection. To date, three inspectors and the Chief Inspector have been appointed. On 6 September 2024, the SCP announced that, following legal amendments³⁹, the Prosecutors' Inspection has become operational⁴⁰.
79. The Disciplinary and Ethics Board has examined the following cases in 2023: 30 disciplinary procedures in respect of 24 prosecutors and 152 appeals against decisions of the Prosecutors' Inspection. It has adopted 28 decisions on disciplinary proceedings and 113 decisions on appeals against the Prosecutors' Inspection's decisions, which are available online⁴¹. Its annual activity reports are also publicly available⁴².
80. Lastly, the authorities provide that amendments have been made to Articles 38 and 38¹ of Law no. 2/2016 on disciplinary liability of prosecutors, by deleting one provision and adding the notion "intention" and "gross negligence", in order to add clarity, precision and avoid possibly conflicting interpretations.
81. GRECO welcomes the establishment of the Prosecutors' Inspection, which is an autonomous specialised body of the Superior Council of Prosecutors, as well as instances of actions which constitute disciplinary misconduct on the part of inspectors. The Prosecutors' Inspection has become operational, and its capacity will continue to be strengthened with the addition of the remaining inspectors. GRECO expects that the inspectors will be adequately trained to carry out proactive and efficient investigations into misconduct of prosecutors. Decisions on disciplinary matters continue to be reasoned and published. Disciplinary offences appear to have benefitted from further clarity and precision as a result of certain amendments made to the law on disciplinary liability of prosecutors. These are positive steps militating in favour of considering that this recommendation has been dealt with in a satisfactory manner.
82. GRECO concludes that recommendation xviii has been dealt with in a satisfactory manner.

III. CONCLUSIONS

83. **In view of the foregoing, GRECO concludes that the Republic of Moldova has implemented satisfactorily or dealt with in a satisfactory manner thirteen of the eighteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, four have been partly implemented and one has not been implemented.
84. More specifically, recommendations v, vi, vii, viii, ix, x, xi, xii, xiii, xiv, xvi, xvii and xviii have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, ii, iv and xv have been partly implemented and recommendation iii has not been implemented.

³⁹ https://www.legis.md/cautare/getResults?doc_id=144853&lang=ro

⁴⁰ <https://www.csp.md/inspectia-procurorilor-din-subordinea-consiliului-superior-al-procurorilor-devine-functionala>

⁴¹ <https://csp.md/colgiu/colgiul-de-disciplina-si-etica/hotarari1>

⁴² <https://csp.md/colgiu/colgiul-de-disciplina-si-etica/rapoarte-de-activitate>

85. As regards members of parliament, progress has been made to publish draft legislation in a timely manner. A draft law on conduct and ethics of parliamentarians has passed the first reading, and there has been an established practice to accept requests for lifting the immunity of parliamentarians suspected of having committed corruption offences. That said, the frequent use of emergency procedure for adopting legislation is worrying. Rules regulating the interaction of parliamentarians with third parties/lobbyists ought to be introduced. ANI's capacity should be strengthened to ensure effective in-depth control with the rules on conflicts of interest, incompatibilities, and declarations of assets and interests.
86. Turning to judges, all recommendations have been implemented. The vetting process of candidate judges has produced positive results. The Superior Council of Magistracy (SCM) has become operational, having eleven out of 12 members. It has continued to adopt reasoned decision regarding the appointment, transfer and career of judges, and it has proposed candidates for the position of judge to the Superior Court of Justice. Measures have been introduced to assess the integrity of trainee magistrates by requiring them to file declarations of assets and interests. Several measures have also been taken to address delays in case-processing and publish information on courts' activity. Progress has been made to amend the legal framework on disciplinary proceedings and statistics on disciplinary proceedings against judges are provided in annual activity reports.
87. With respect to prosecutors, an autonomous specialised Prosecutors' Inspection has been established, and its capacity is expected to be reinforced in the future in order to fully discharge its statutory mandate. Decisions on disciplinary cases have been reasoned and published. Disciplinary offences appear to have gained in clarity and precision. That said, it is regrettable that no progress has been made towards the composition of the Superior Council of Prosecutors, since the Minister of Justice will continue to sit as *ex officio* member (until 1 January 2026) as will the President of the Superior Council of Magistracy.
88. The adoption of this Third Interim Compliance Report terminates the Fourth-Round compliance procedure in respect of the Republic of Moldova. The Moldovan authorities may, however, wish to inform GRECO of further developments regarding the implementation of the outstanding recommendations i, ii, iii, iv and xv.
89. Finally, GRECO invites the authorities of the Republic of Moldova to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.