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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the result of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Action

Data collection: 2023

Report prepared by the CEPEJ for the attention of the European Commission

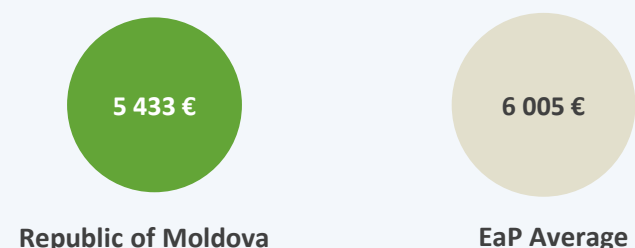
Part 2 (A) - Beneficiary profile - Republic of Moldova

Executive Summary - Republic of Moldova in 2023

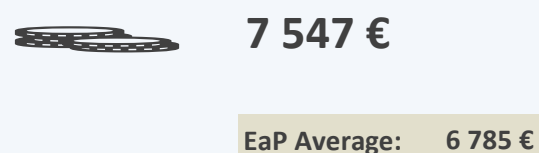
Population in 2023



GDP per capita in 2023



Average annual salary in 2023



Judicial Organisation

The system is organised in three tiers: 15 first instance courts, 4 courts of appeal and one Supreme Court. There were no specialised courts in the Republic of Moldova in 2023.

Budget

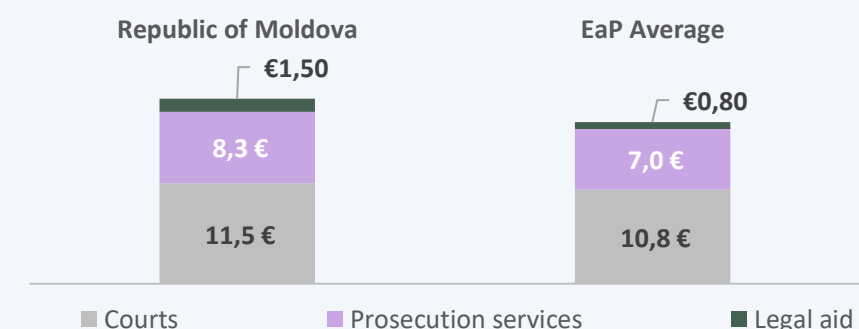
In 2023, the Republic of Moldova spent 53 504 395€ on the implemented judicial system budget. It meant **21,3€ per inhabitant** (+12,5% compared to 2022). On a per inhabitant basis, it was higher than the EaP Average of 18,4€. **54,2% was spent for courts, 38,8% for prosecution services, 7,1% for legal aid.** Compared to 2022, the Republic of Moldova has spent per inhabitant 16% more on courts, 14% more on prosecution and 13,3% less on legal aid. The budgets spent per inhabitant amounted to **11,5€ for all courts, 8,3€ for prosecution services and 1,5€ for legal aid**, which are higher than the respective EaP Averages.

Legal Aid

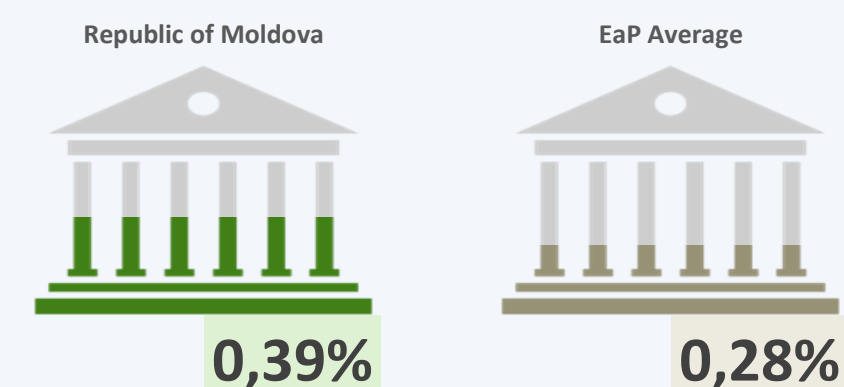
In 2023, the implemented budget for legal aid spent by the Republic of Moldova was **3 780 774€**, which was 202% more compared to 2018, explained by the increase in the remuneration for legal aid services, as well as the diversification of cases eligible for legal aid. Thus, the Republic of Moldova allocated **1,5€ per inhabitant** (considerably above the EaP Median of 0,7€) in 2023 and it has a higher number of cases benefiting from legal aid. In 2023, the legal aid was granted for a **total of 44 695 cases**, which represented 1,78 cases per 100 inhabitants. The majority of legal aid was granted for criminal cases (32 884). The number of other than criminal cases was considerably lower (11 811), although it increased considerably over the last 5 years (+256%), as explained above. On average, Moldova spent **84,6€ per legal aid case**.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2023



Implemented Judicial System Budget as % of GDP in 2023



Efficiency

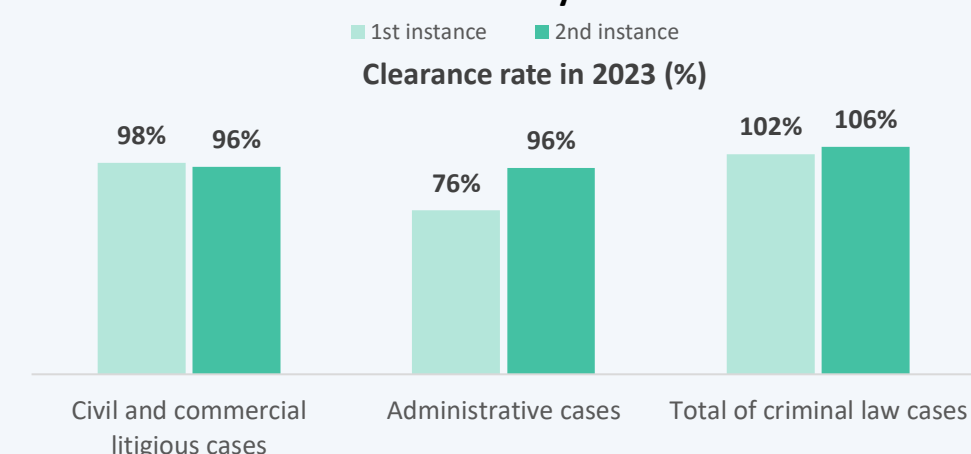
For the purpose of this Profile, the data of the 1st and 2nd instance courts is analysed. The Disposition Time increased compared to 2022 and some notable differences appear in relation to the EaP average values in 2023, in particular in first instance administrative cases. **Second instance civil and commercial litigious cases were resolved faster** than other types of cases with a Disposition Time of 110 days. Clearance Rates (CR) in 2023 appear to be below the 2018 levels, except total criminal law cases in both instances; CR in 2023 are above 100% only in these cases. The number of incoming and resolved cases in 2023 increased slightly, except in criminal law cases where they decreased compared to 2022. The highest value of the CR **was recorded for criminal law cases in second instance (106%)**. The **CR in first instance courts decreased in civil and commercial litigious cases and more notably in the administrative cases** over the 5-year period. However it **increased in criminal cases to 102%** in 2023. Similarly, **the DT increased in all categories of cases**, again most notably in administrative cases over a period of 5 years. The CR in 2023 in **first instance courts** is close to the EaP Average on civil and commercial cases, slightly above in criminal law cases and slightly below in administrative cases. The DT on administrative cases (544 days) is considerably above the EaP Average; on civil and commercial cases (165 days) it is below the EaP Average, and on criminal law cases (211 days) above the EaP average. In **second instance**, the CR decreased in civil and commercial litigious cases and administrative cases over the 5-year period. However, the CR increased in criminal cases to 106% in 2023. Similarly, the DT increased in all categories of cases, most notably in criminal law cases over a period of 5 years. If courts performance in administrative and civil and commercial litigious cases does not improve, this might lead to negative efficiency developments, such as accumulation of pending cases (already noticeable compared to 2022), creation/accumulation of backlog and prolonged duration of trials. In the Republic of Moldova, there **are no quality standards for courts approved at the national system**. The monitoring of the number of pending cases and backlogs is done for civil and commercial, administrative and criminal law cases. The waiting time in courts is being monitored due to the implementation of the new version of Integrated Case Management System in all courts.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

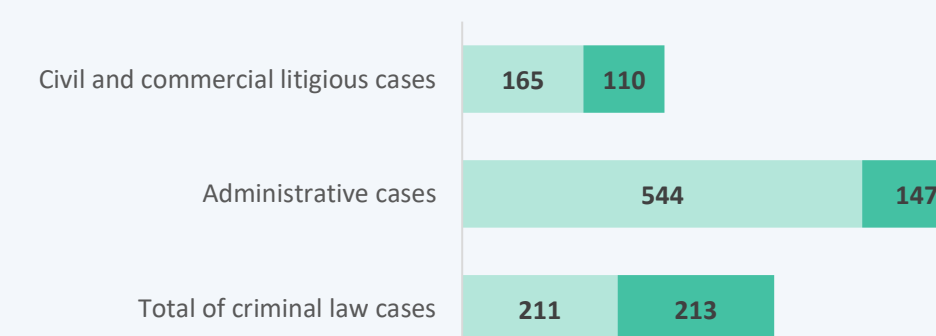
Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

Efficiency



Disposition time in 2023 (days)



ICT Deployment indexes (scale 0-10)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



ICT indexes

In the Republic of Moldova, the overall **maximum score** among the three ICT indexes is achieved by the **CMS index (9,8)**; while overall lowest score was calculated for the Courts decisions DB index (5,3). The CMS (9,8), Statistical tools (8,4) and the Court decisions DB (5,3) indexes have the **same scores in all three matters concerned**.

In the Republic of Moldova, there is an overall Information and Communication Technology (**ICT strategy**) in the judicial system, part of the 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan. This Strategy includes the information systems of the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system. There was no plan for a significant change in the IT system in the judiciary in 2023. The judiciary has an "**Integrated Case Management System**", which has been developed between 2 and 5 years.

Trainings

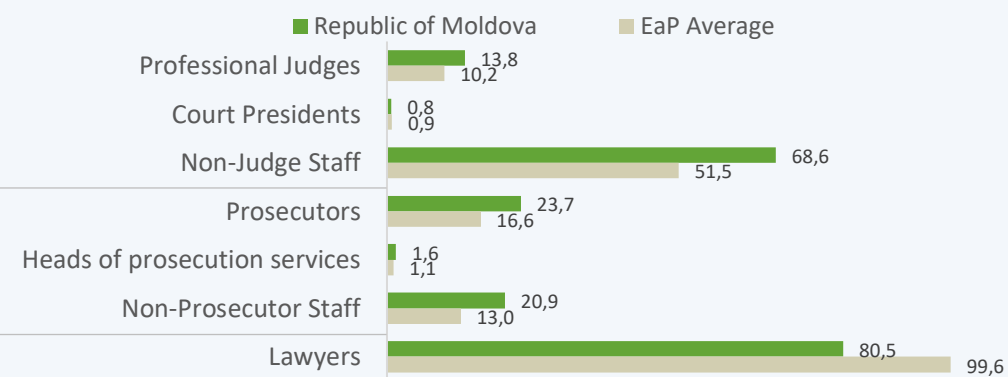
The **total budget for training** of judges and prosecutors in the Republic of Moldova was **0,44€ per inhabitant**, which is above the EaP Average (0,3€ per inhabitant). In 2023, 6 715 participants (of which 1 962 judges and 2 135 prosecutors) were trained in 308 live trainings (in-person, hybrid or video conferences). Regarding the internet-based trainings (not-live), 14 trainings in total were provided on the e-learning platform of the training institution, whereas a total of 11 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 1052 on the e-learning platform of the National Institute of Justice and 720 on other e-learning platforms. In the Republic of Moldova, each judge participated, on average, in 5,7 live trainings in 2023, which was higher than the EaP Average (2,6) while each prosecutor participated, on average, in 3,6 live trainings, more than the EaP Average (1,8).

ARD (Alternative Dispute Resolution)

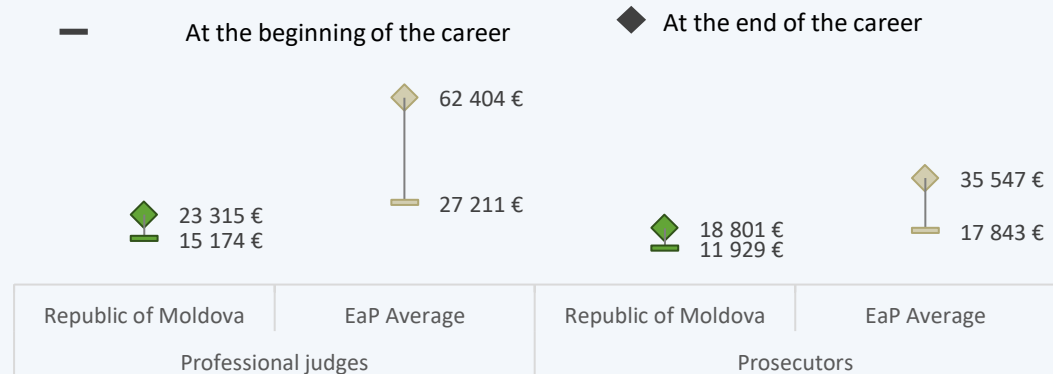
In the Republic of Moldova, court related mediation procedures are available, and legal aid for court-related mediation or related mediation provided free of charge could be granted. The judicial system does not provide for mandatory mediation. Moreover, there are no mandatory informative sessions with a mediator. In 2023, the number of accredited mediators was 42,1 per 100 000 inhabitants, which was considerably above the EaP Average (13,2 per 100 000 inhabitants). 49,1% of total accredited mediators were female. There were in total 1 661 cases for which the parties agreed to start mediation (predominantly in Civil and commercial cases (1 524) and Criminal cases (112) in 2023. Reportedly, 1 594 mediation procedures ended with a settlement agreement.

Professionals of Justice

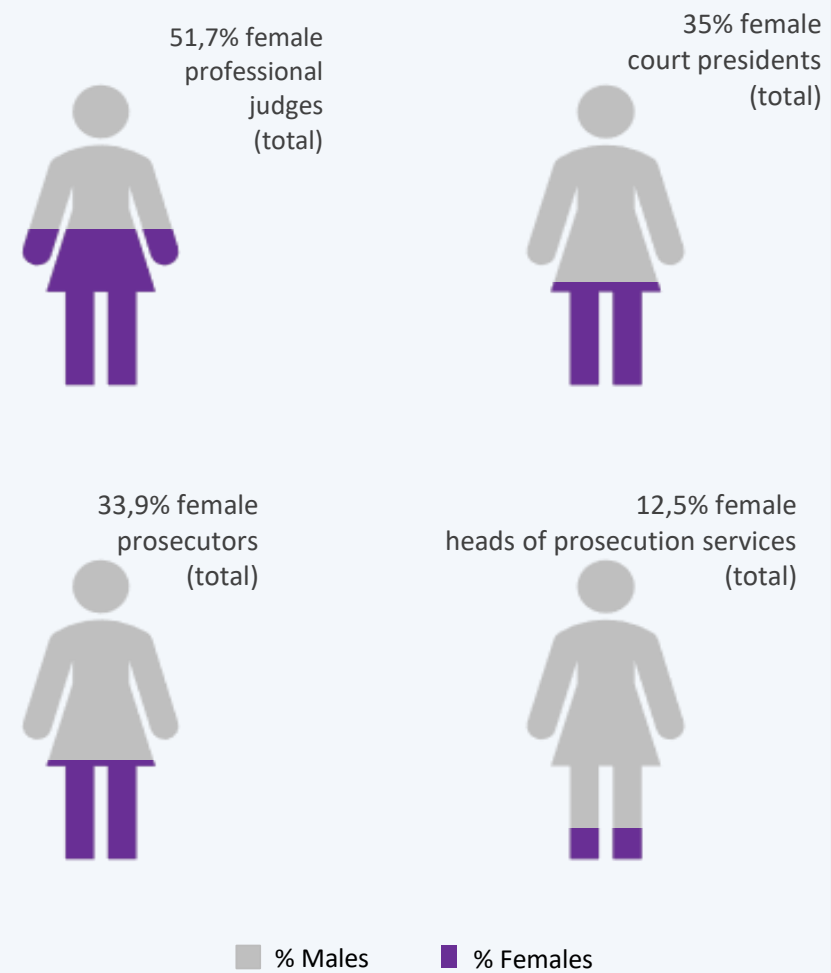
Total number of professionals per 100 000 inhabitants in 2023



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Gender Balance



Professionals and Gender balance

In 2023, the Republic of Moldova had **13,8 professional judges** and **23,7 prosecutors per 100 000 inhabitants**. Both figures were above the EaP Average of 10,2 and 16,6, respectively. In 2023, there were **80,5 lawyers per 100 000 inhabitants** (which is below the EaP Average of 99,6).

In the Republic of Moldova there were **51,7% female professional judges** (vs. 43,1% EaP Average) and **33,9% female prosecutors** (vs 27,5% EaP Average). 35% of **court presidents** were women and there were only 12,5% female **heads of prosecution services**. For **non-judge and non-prosecutor staff** the situation seems to differ: women make 85,6% of non-judge staff and 65,8% of non-prosecutor staff, which is close to the Averages in the region (69,% and 64% respectively).

ECHR

In 2023, there were 653 applications for the Republic of Moldova allocated to a judicial formation of the ECtHR. In 24 judgements at least one violation has been found by the Court. 20 cases were considered as closed after a judgments of the ECtHR and the execution of the judgments process.

In the Republic of Moldova, there is a possibility to review a case after a decision on violation of human rights by the ECtHR and there is a monitoring system for violations related to Article 6 of ECHR in civil procedures (non-enforcement and timeframe), administrative and criminal procedures.

Judicial organisation in the Republic of Moldova in 2023 (Indicator 2.0)

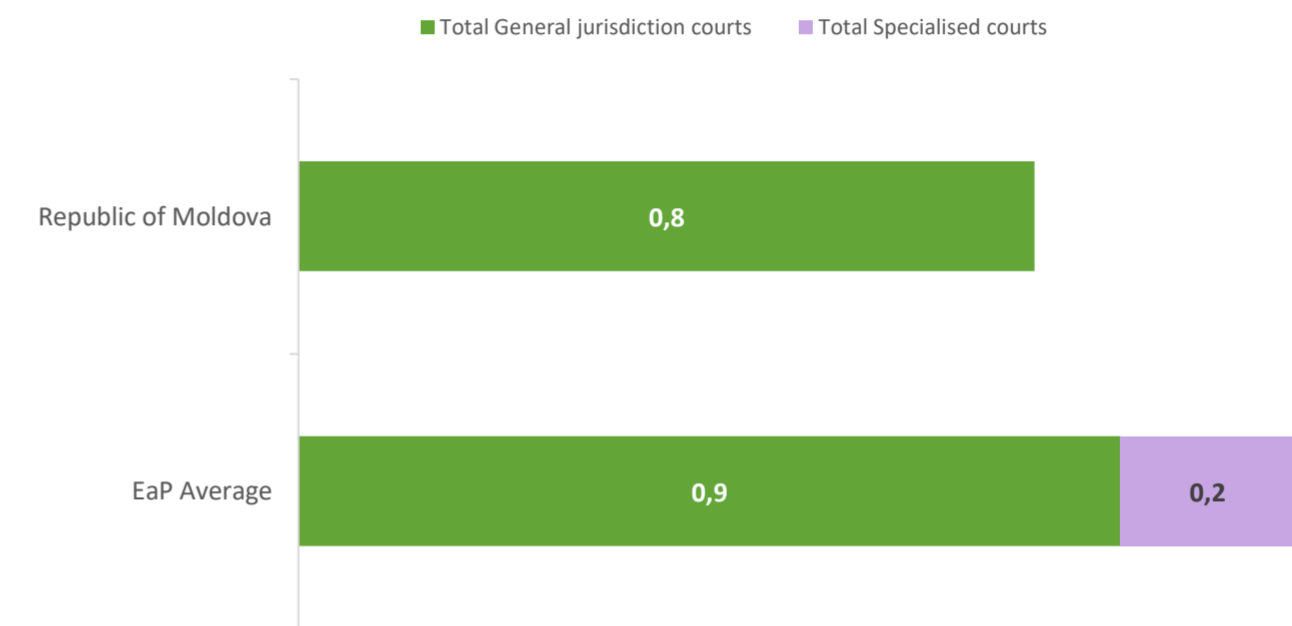
The legal framework on courts is provided for by the Law on the judicial organisation of 1995, with its subsequent amendments, the latest being in 2023; the Law on the reorganisation of courts of 2016 and other legal provisions aligned with the Strategy on ensuring the independence and integrity of the justice sector for 2022-2025.

The system is organised in three tiers: 15 first instance courts, 4 courts of appeal and one Supreme Court. There were no specialised courts in the Republic of Moldova in 2023.

Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		20	0,8	1,0
General jurisdiction	Total General jurisdiction courts (1)	20	0,8	0,9
	1st instance	15	0,6	0,8
	2nd instance	4	0,2	0,1
	Highest instance	1	0,0	0,0
Specialised courts	Total Specialised courts (2)	NAP	NAP	0,2
	1st instance	NAP	NAP	0,2
	Higher instance	NAP	NAP	-

Number of all courts - legal entities per 100 000 inhabitants in 2023



Per 100 000 inhabitants, there were slightly less courts - legal entities (0,8) compared to the EaP Average in 2023. The number of second instance courts (0,2) per 100 000 inhabitants was however higher than the EaP Average.

Specialised courts

There were no specialised courts in the Republic of Moldova in 2023, although plans for an anti-corruption court are in the making (see section on Reforms).

Number of courts - geographic locations

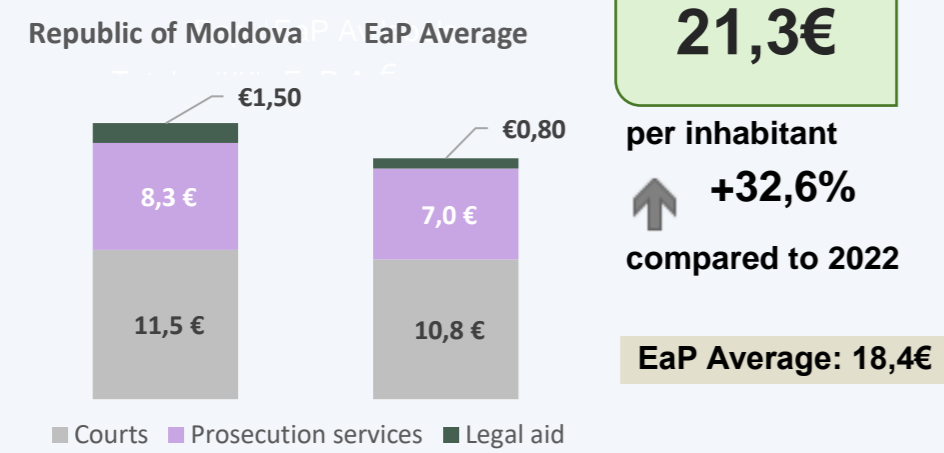
Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number	46	1,8	1,4
1st instance courts	40	1,6	1,3

The number of courts - geographic locations per 100 000 inhabitants in the Republic of Moldova is higher than the EaP Average of both in respect of total and first instance courts.

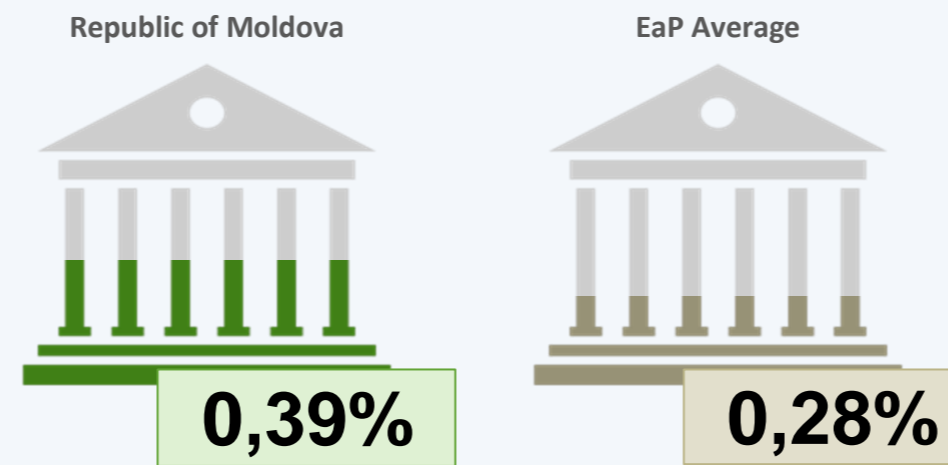
In 2023, a change of location at the level of first instance courts occurred: the territorial office "Șoldănești" of the Orhei first instance court has been moved into the building of "Rezina" territorial office, located in the city of Rezina.

Budget of the judicial system in the Republic of Moldova in 2023 (Indicator 1)

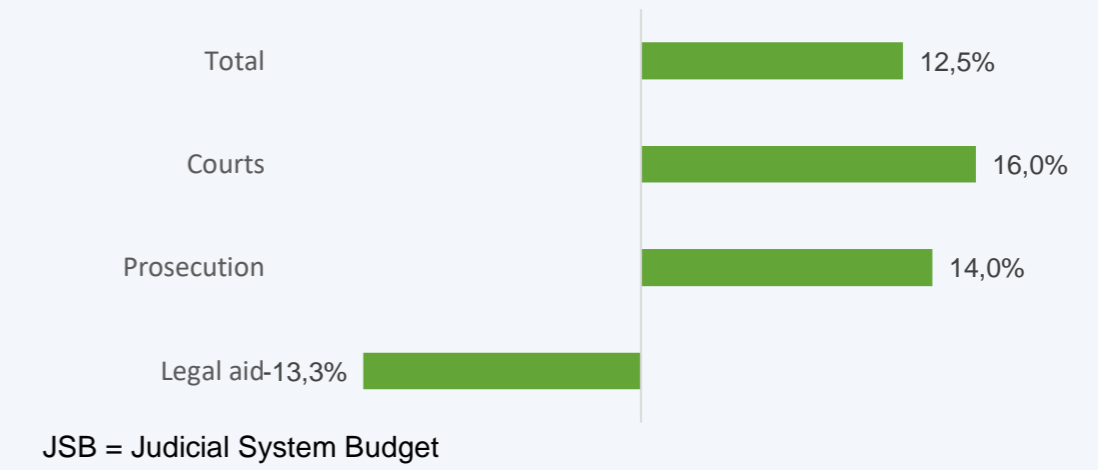
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed of the budgets for courts, public prosecution services and legal aid. In 2023, the implemented JSB for the Republic of Moldova was 21,3€ per inhabitant (+12,5% compared to 2022). It was higher than the EaP Average of 18,4€. The expenditure on JSB represented 0,39% of the GDP of Republic of Moldova (the EaP Average was 0,28%). Compared to 2022, the Republic of Moldova has spent per inhabitant +16% more on courts, 14% more on prosecution and 13,3% less on legal aid.

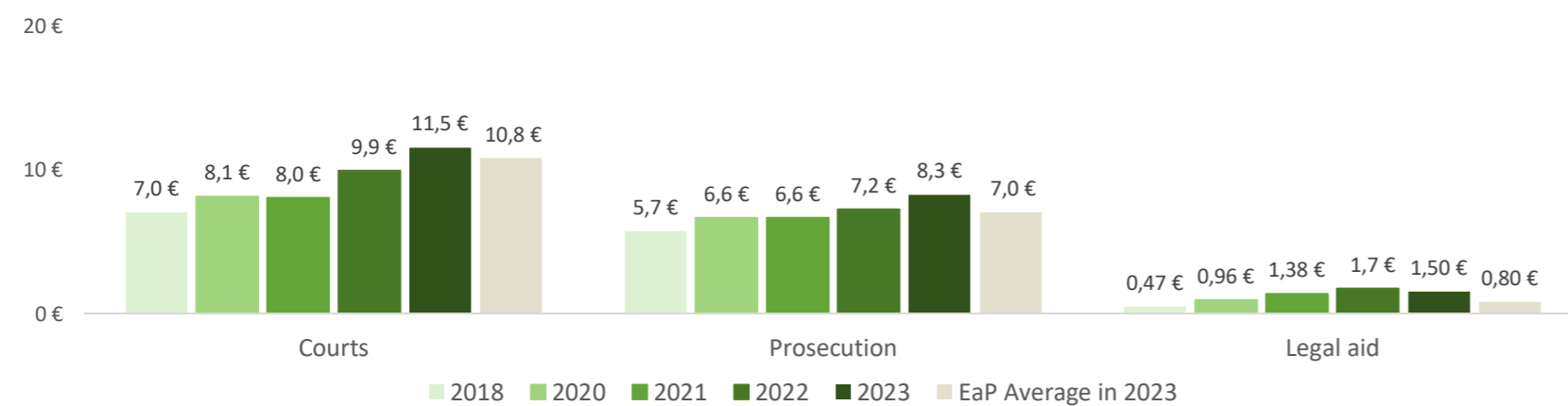
Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2023, the Republic of Moldova spent 53 504 395€ on the implemented judicial system budget. 54,2% was spent for courts, 38,8% for prosecution services, 7,1% for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	EaP Average in 2023	% Variation between 2018 - 2023	% Variation between 2022 - 2023	As % of GDP	EaP Average in 2023	Variation (in ppt) 2018 -2023	Variation (in ppt) 2022 - 2023
Total	55 022 662 €	53 504 395 €	21,3 €	18,4 €	61,2%	12,5%	0,39%	0,28%	0,02	0,044
Courts	29 945 245 €	28 984 597 €	11,5 €	10,8 €	64,4%	16,0%	0,21%	0,16%	0,01	0,029
Prosecution	21 295 798 €	20 739 024 €	8,3 €	7,0 €	44,1%	14,0%	0,15%	0,13%	-0,01	0,019
Legal aid	3 781 619 €	3 780 774 €	1,5 €	0,8 €	222,6%	-13,3%	0,028%	0,01%	0,014	-0,004

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2018 and 2023 (€)



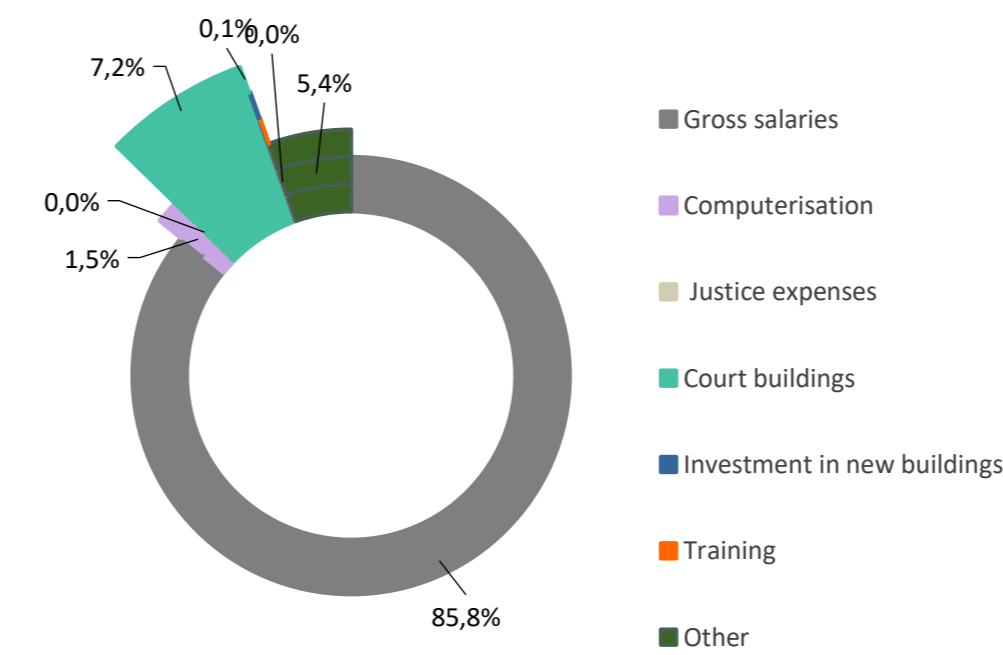
Budget allocated to the functioning of the courts - Categories

In 2023, the Republic of Moldova spent a total of 28 984 597€ on the implemented budget for courts. 85,8% was spent for gross salaries, 7,2% for court buildings, 5,4% for other, 1,5% for computerisation, 0,1% for investments in new buildings.

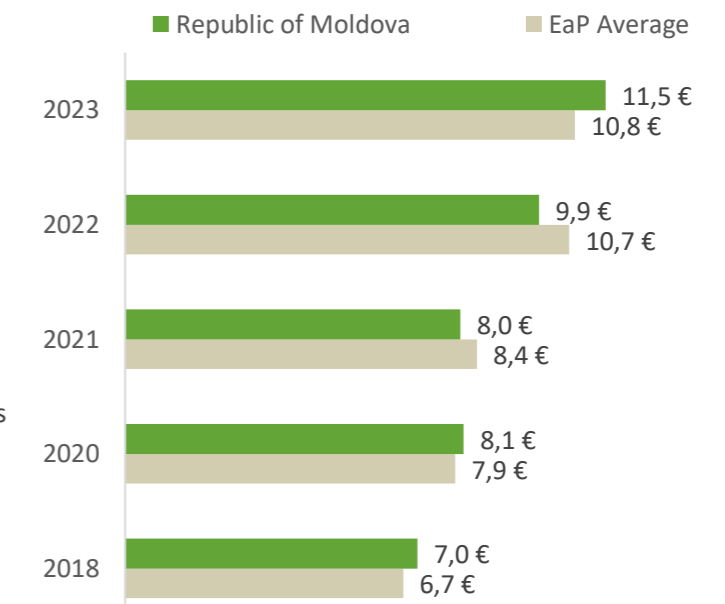
Between 2022 and 2023, the implemented budget for courts has increased by 16% and per inhabitant in the Republic of Moldova it continues to be above the EaP Average.

	2023		% Variation between 2018 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	29 945 245 €	28 984 597 €	52,8%	53,8%	17,0%	16,0%
1. Gross salaries	25 548 086 €	24 879 745 €	59,1%	58,7%	20,5%	18,9%
2. Computerisation (2.1 + 2.2)	523 241 €	430 403 €	169,5%	131,0%	-1,7%	-8,7%
2.1 Investment in computerisation	161 575 €	144 822 €			-27,3%	-10,3%
2.2 Maintenance of the IT equipment of courts	361 666 €	285 581 €			16,6%	-7,9%
3. Justice expenses	NAP	NAP	NAP	NAP	NAP	NAP
4. Court buildings	2 255 584 €	2 080 386 €	57,7%	50,9%	11,2%	3,1%
5. Investment in new buildings	25 451 €	18 936 €	-88,2%	-75,5%	-88,5%	-
6. Training	5 321 €	4 839 €	187,2%	204,5%	44,9%	48,7%
7. Other	1 587 562 €	1 570 288 €	-6,5%	3,1%	0,1%	0,0%

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2018 and 2023 (€)



Between 2022 and 2023, the implemented budget for courts has increased by 16%, mainly due to increases in salaries. The investments in computerisation slightly decreased in 2023 as resources have been invested in several model-courts by donors (USAID and UE, CoE - CEPEJ) and other needs (for refining the ICMS functionalities, extending the use of the e-file solution and videoconference in courts and launching the JUSTAT Information System).

The budget for new court buildings in 2023 was allocated for court reorganization reform. The implemented budget reflects proposals to modify the court organization and consultations are under-way on the plan for building new court premises. In the same context, the amounts allocated and implemented for court buildings increased due to enhanced maintenance necessities of several buildings.

The amount allocated to training increased to respond to training needs submitted by courts. Equally, many additional trainings for court staff have been organized by different cooperation/external assistance projects. The category "other" includes expenses related to postal, medical, financial services, transportation, periodicals, equipment, protocol expenses and missions, etc.

NAP for justice expenses can be explained by lack of specific budget lines for such expenses. If the courts allocate and spend some financial resources on interpretation/ translation this will be included in the budget line "other services" (category 7. Other herein). For interpretation for Russian-Romanian-Russian languages, staff is employed by courts on a pay-roll basis, thus this is reflected in the budget line Salaries.

Budget received from external donors

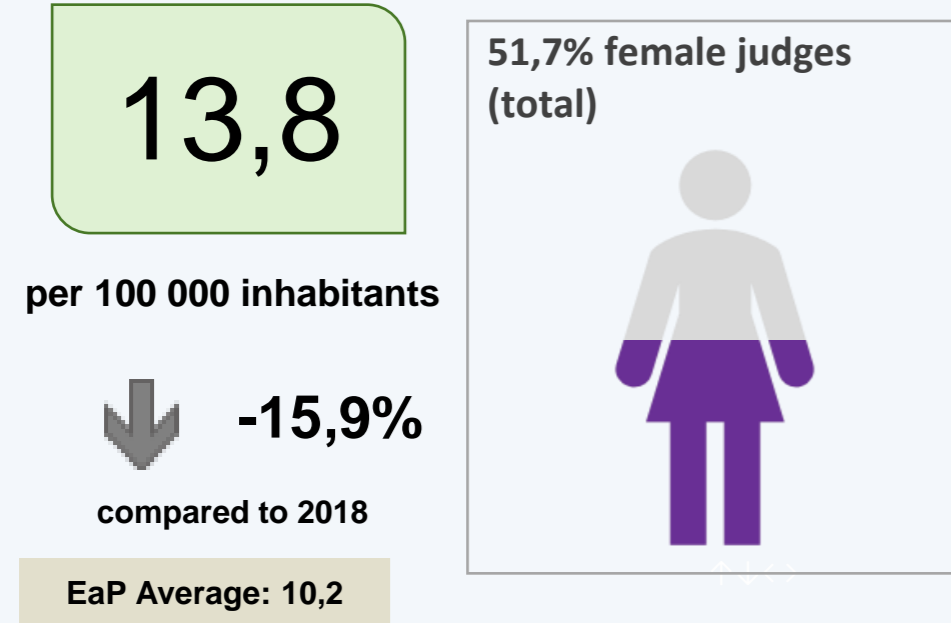
	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	NA	NA
Whole justice system	NA	NA

In 2023 external funds have been provided by EU, CoE (CEPEJ) and USAID for implementing projects aimed at improving the functioning of judiciary (launching the JUSTAT Information System, strengthening the institutional capacities in using court performance indicators and reporting on court performance, further implementation of videoconference and e-file solution in courts, trainings for court staff, automatized satisfaction surveys for court staff and for court visitors, refining ICMS functions, facilitating the access to courts for disabled persons, etc.). EU and CoE reportedly spent EUR 257000 and USAID - EUR 2215560 and these projects are ongoing. All procurements linked to the external assistance were not a part of the national budget and were organized by the development partners. In this regard the national justice actors are not keeping a complete evidence on the implemented amount of the international donor assistance.

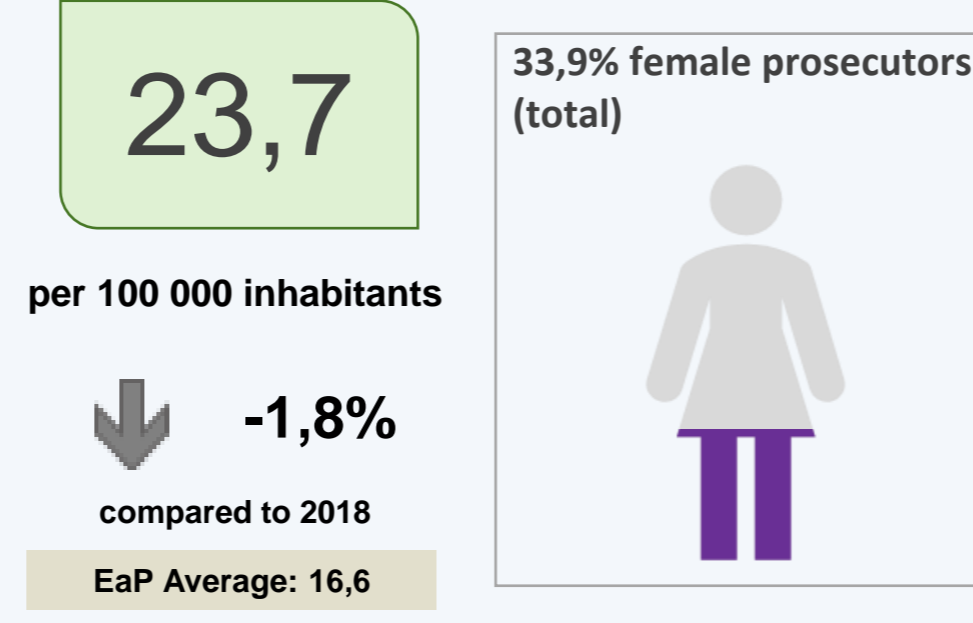
The Prosecutor General Office, Superior Council of Prosecutors, National Legal Aid Council and other justice sector actors did not report any external donor funds for 2023.

Professionals and Gender Balance in judiciary in the Republic of Moldova in 2023 (Indicators 2 and 12)

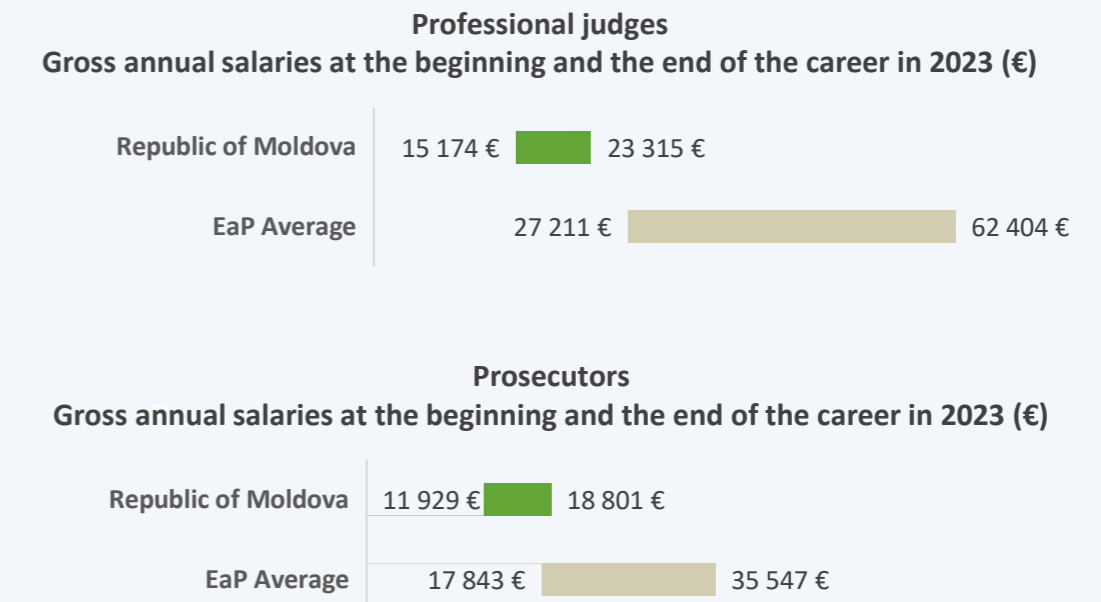
Professional Judges



Prosecutors



Salaries of judges and prosecutors



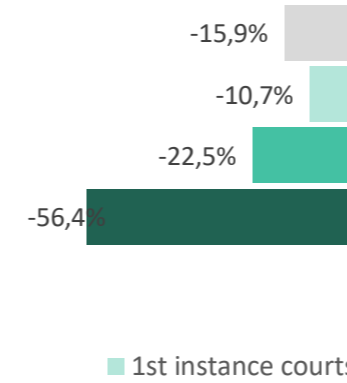
In 2023, the Republic of Moldova had 13,8 professional judges per 100 000 inhabitants and 23,7 prosecutors per 100 000 inhabitants. Both figures were above the EaP Average of 10,2 and 16,6, respectively. More than half of professional judges were women (EaP Average was 43,1%), whereas the percentage of female prosecutors was 33,9% (the EaP Average was 27,5%).

Professional Judges

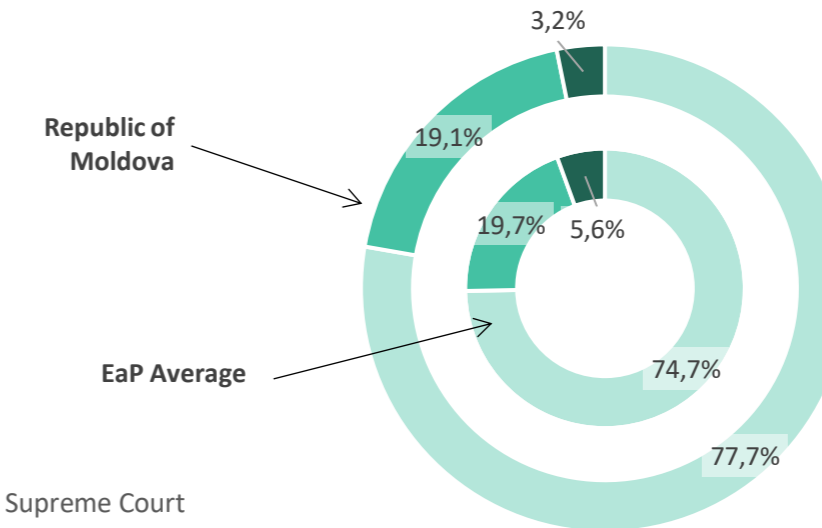
	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	346	100,0%	13,8	10,2
1st instance courts	269	77,7%	10,7	7,6
2nd instance courts	66	19,1%	2,6	2,0
Supreme Court	11	3,2%	0,4	0,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

% Variation of no. of professional judges per 100 000 inh. 2018 - 2023



Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in the Republic of Moldova was 346 (i.e. 13,8 per 100 000 inhabitants, which was higher than the EaP Average of 10,2).

Compared to 2018, the total number of professional judges per 100 000 inhabitants decreased by -15,9%. The most significant decrease is noticeable in the Supreme Court. In 2023, the majority of the Supreme Court judges resigned in the context of the pre-vetting procedure. In the same context, the number of first instance judges equally decreased due to their resignations in 2022 and 2023.

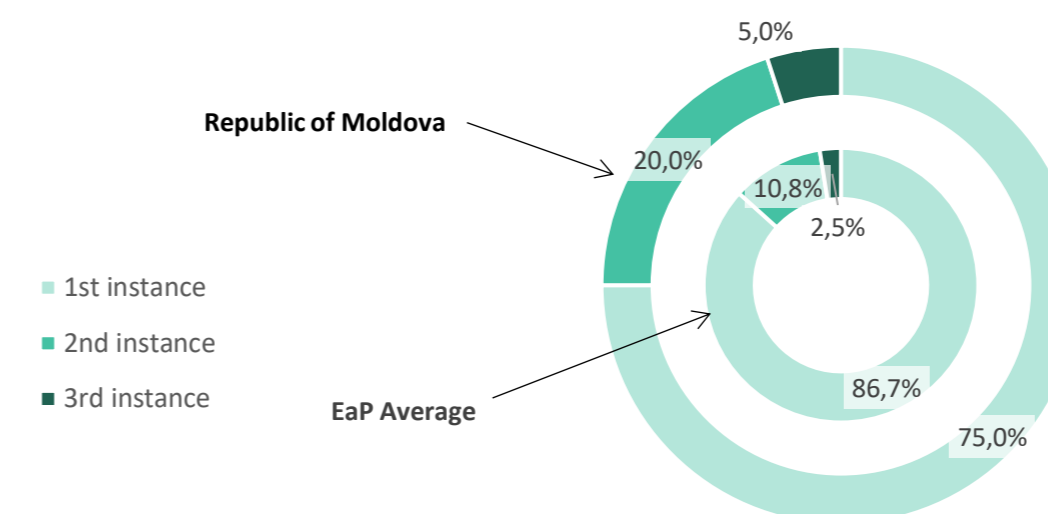
The figures show a difference of -3 percentage points between the percentage of judges in the first instance (77,75%) and the EaP Average (74,7%)

• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	20	100,0%	0,8	0,9
1st instance courts	15	75,0%	0,6	0,8
2nd instance courts	4	20,0%	0,2	0,1
Supreme Court	1	5,0%	0,0	0,0

The absolute number of court presidents in the Republic of Moldova in 2023 was 20 (i.e. 0,8 per 100 000 inhabitants, which was slightly below the EaP Average of 0,9).

Distribution of court presidents by instance in 2023 (%)



• Non-judge staff

The absolute total number of non-judge staff in the Republic of Moldova was 1 725, which increased by 9,2% between 2018 and 2023. The number of non-judge staff per 100 000 inhabitants was 68,6, which was above the EaP Average of 51,5.

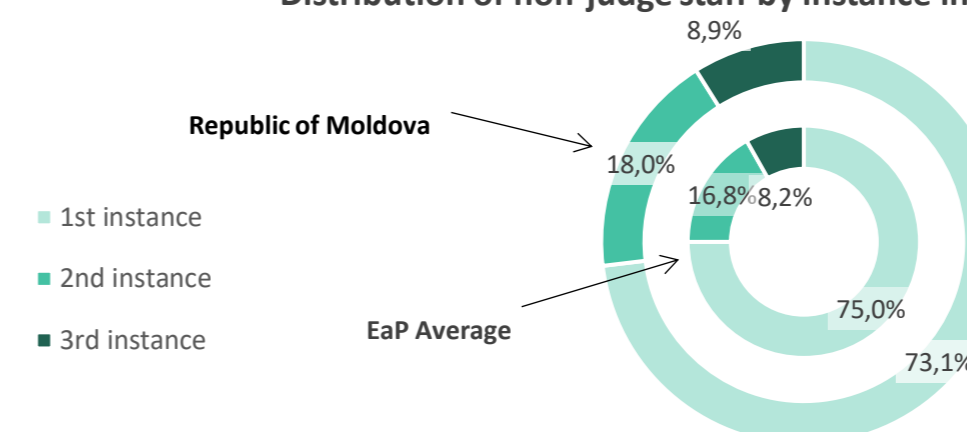
	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 725	100,0%	68,6	51,5
1st instance courts	1 261	73%	50,2	38,6
2nd instance courts	310	18%	12,3	8,7
Supreme Court	154	9%	6,1	4,2

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

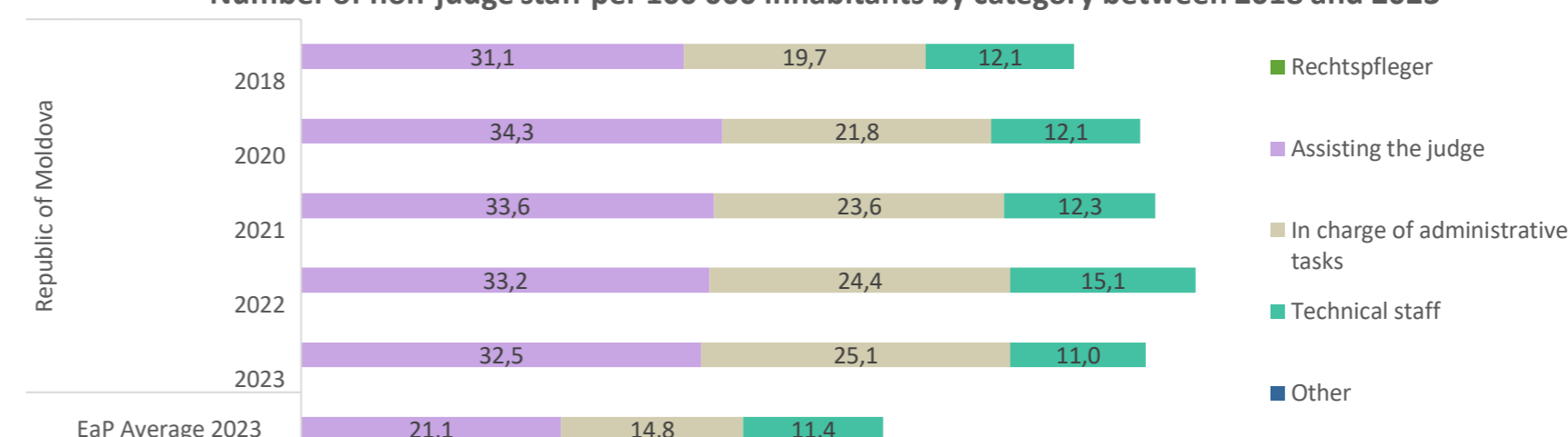
In 2023, the highest number of non-judge staff were assisting judges and they represented 47,4% of the total, followed by non-judge staff in charge of administrative tasks (36,6% of the total). There were no significant changes in the categories of non-judge staff over the five year period.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	1 725	100,0%	68,6	51,5
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	817	47,4%	32,5	21,1
In charge of administrative tasks	631	36,6%	25,1	14,8
Technical staff	277	16,1%	11,0	11,4
Other	NAP	NAP	NAP	-

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2023



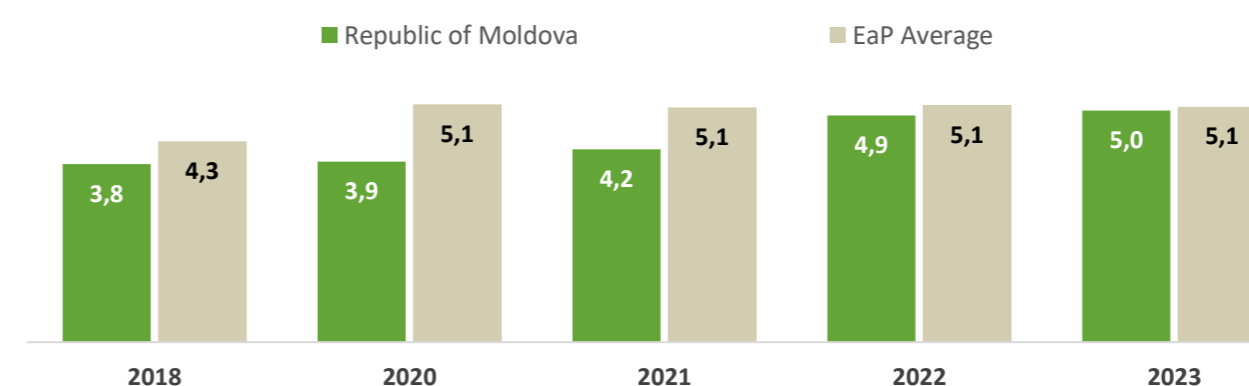
• Ratio between non-judge staff and professional judges

In the Republic of Moldova, the ratio of non-judge staff per professional judge was 5 in 2023, which is slightly below the EaP Average of 5,1. This increased since 2018 by 30% in the total, with the most notable increase in the Supreme Court (+125%).

	Ratio in 2023		% Variation between 2018 and 2023
	Republic of Moldova	EaP Average	
Total	5,0	5,1	30,0%
1st instance courts	4,7	5,2	24,1%
2nd instance courts	4,7	4,4	40,6%
Supreme Court	14,0	8,1	125,0%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2018 and 2023



• Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	595	100,0%	23,7	16,6
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

% Variation of no. of prosecutors per 100 000 inh. 2018 - 2023

-1,8%

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

In 2023, the absolute number of prosecutors in the Republic of Moldova was 595 (i.e. 23,7 per 100 000 inhabitants, which was higher than the EaP Average of 16,6).

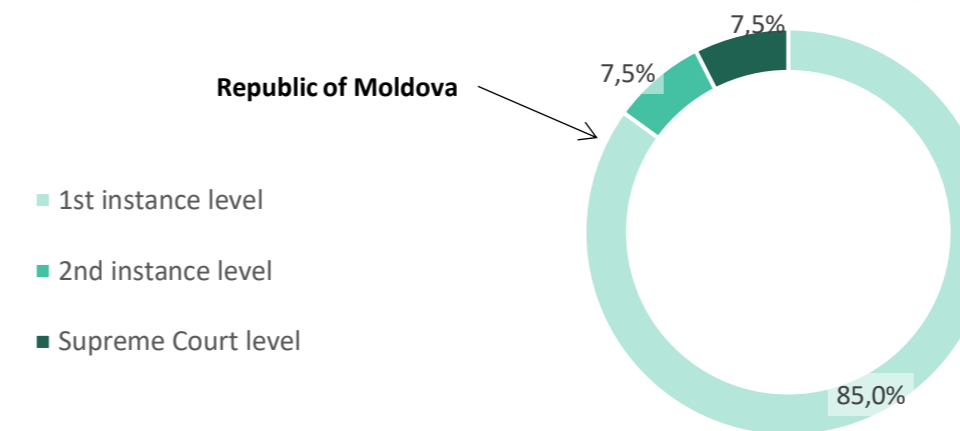
The total number of prosecutors per 100 000 inhabitants decreased by -1,8% between 2018 and 2023.

Taking into account the specifics of the Prosecutor's Office system in the Republic of Moldova, the recording of number of prosecutors is not done by courts' levels. Prosecutors are organised in territorial prosecutor's offices, specialized prosecutor's offices and in the General Prosecutor's Office.

• Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	40	100,0%	1,6	1,1
1st instance level	34	85,0%	1,4	-
2nd instance level	3	7,5%	0,1	-
Supreme Court level	3	7,5%	0,12	-

Distribution of heads of prosecution services by instance in 2023 (%)



In 2023, the absolute number of heads of prosecution services in the Republic of Moldova was 40 (i.e. 1,6 per 100 000 inhabitants, which was higher than the EaP Average of 1,1).

In line 1 authorities reported the number of heads of territorial prosecutor's office, line 2 - the number of heads of district prosecutor's offices (Chisinau, Balti, Cahul), line 3 - the head of the General Prosecutor's Office and number of heads of specialised prosecutors' offices (Source: General Prosecutor's Office).

• **Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors**

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2018 - 2023
	Republic of Moldova	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova
Total	524	20,9	13,0	0,9	0,8	23,5%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

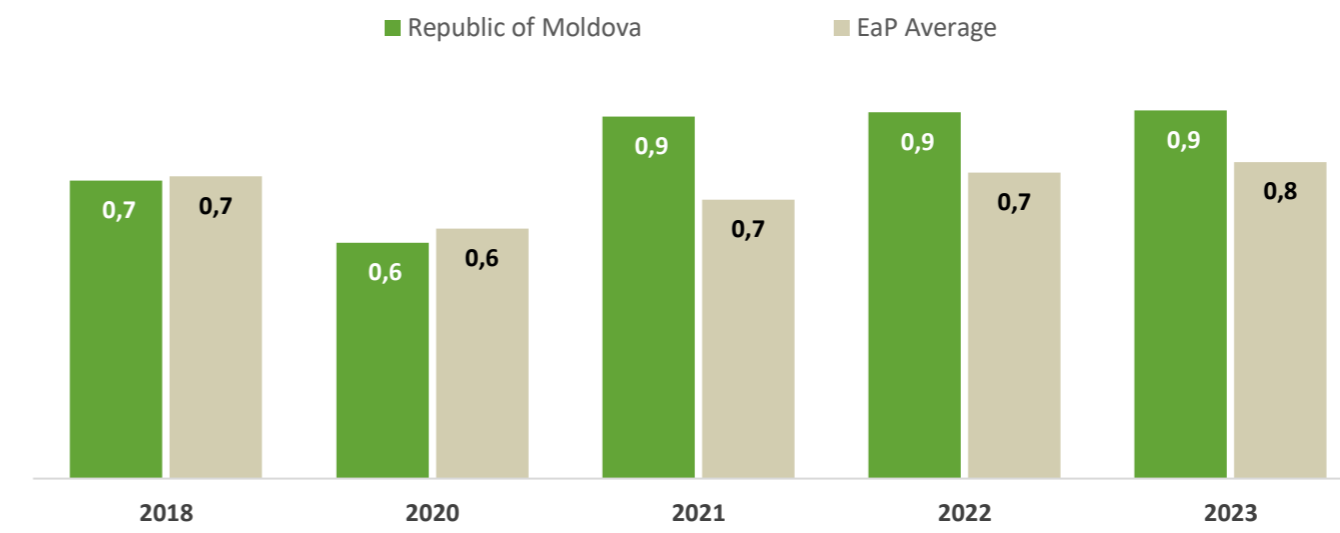
In 2023, the total number of non-prosecutor staff in the Republic of Moldova was 524. Their number increased by 21,2% compared to 2018.

The number of non-prosecutor staff per 100 000 inhabitants was 20,9, which was considerably above the EaP Average of 13.

The ratio of non-prosecutor staff per prosecutor was 0,9 (slightly higher than the EaP Average of 0,8), and a 23,5% increase in the ratio is noticeable compared to 2018.

Non-prosecutor staff reported herein include: leading positions of public officials, investigation officers, prosecutor consultants, main specialists, specialists and technical staff.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2023



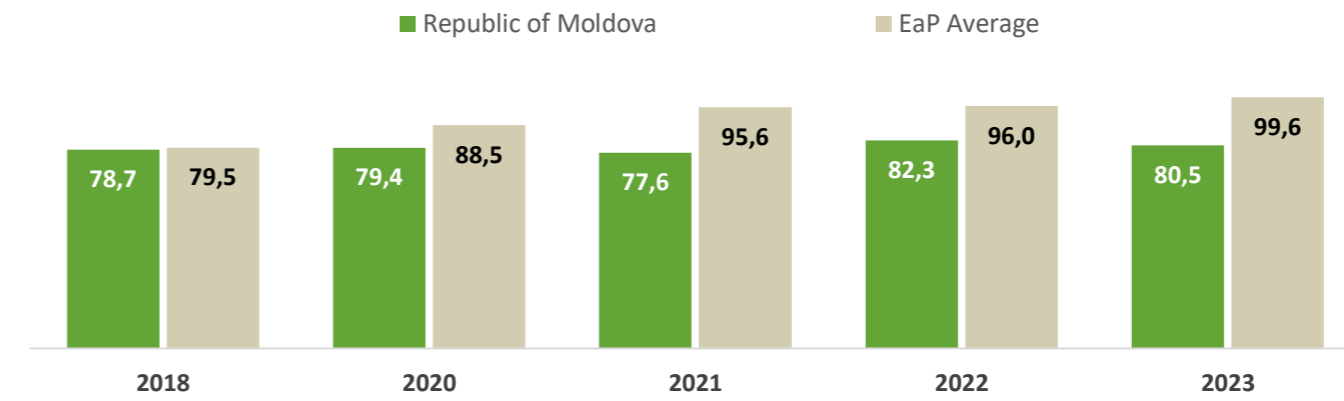
• Lawyers

	Number of lawyers in 2023			% Variation 2018 - 2023
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Republic of Moldova
Total	2 024	80,5	99,6	2,3%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 80,5 per 100 000 inhabitants, which was lower than the EaP Average (99,6). The number of lawyers per 100 000 inhabitants increased by 2,3% between 2018 and 2023.

Number of lawyers per 100 000 inhabitants between 2018 and 2023



• Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Republic of Moldova was 2, which was less than the EaP Average (4,1).

At the end of career, judges were paid more than at the beginning of career by 53,7%, which was less than the variation noted for the EaP Average (143%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Republic of Moldova was 1,6, which was less than the EaP Average (2,7).

At the end of career, prosecutors were paid more than at the beginning of career by 57,6%, which was less than the variation noted for the EaP Average (112,9%).

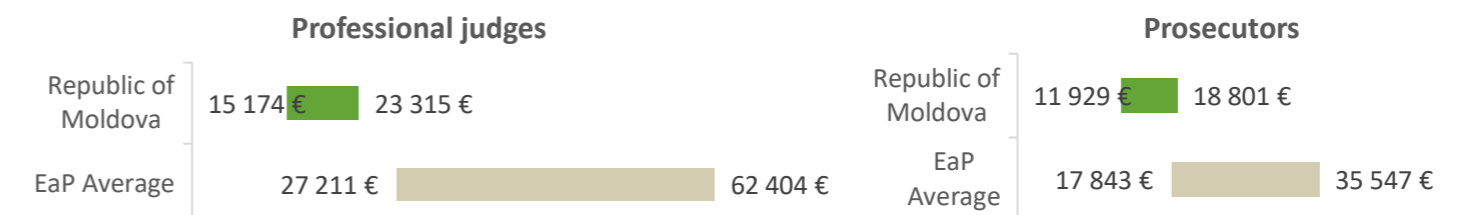
	Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
	Gross annual salary in €	% Variation 2018 - 2023	Net annual salary in €	Republic of Moldova	EaP Average ratio
Professional judge	At the beginning of his/her career	▲ 40,6%	15 174	2,0	4,1
	Of the Supreme Court or the Highest Appellate Court	■ 0,0%	23 315	3,1	10,0
Public prosecutor	At the beginning of his/her career	▲ 12,4%	11 929	1,6	2,7
	Of the Supreme Court or the Highest Appellate Court	▲ 7,5%	18 801	2,5	5,7

For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

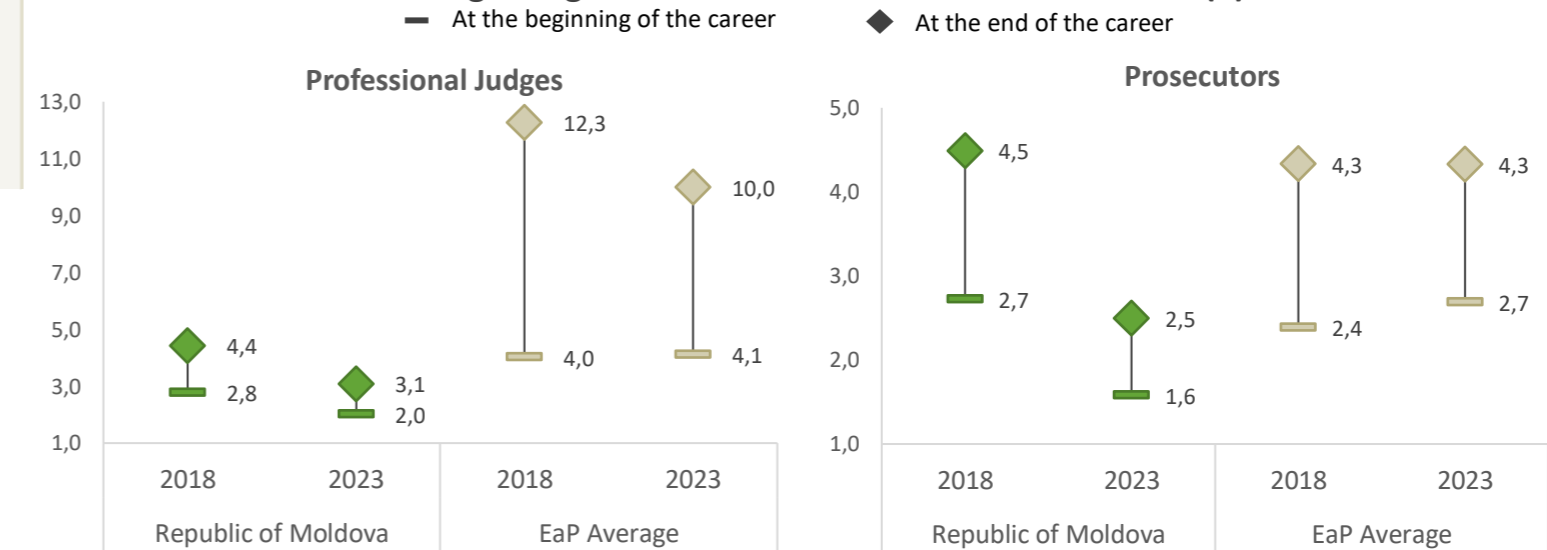
- professional judges' salary at the beginning of career: 1,9
- prosecutors' salary at the beginning of career: 1,7
- professional judges' salary at the end of career: 4,3
- prosecutors' salary at the end of career: 3,3

As an exception, for the year 2023, according to the provisions of art. 11 of the State Budget Law for the year 2023, a fixed monthly increase of 1300 MDL was introduced for all budget workers, which was included in the calculation of the salary for the year 2023.

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2018 and 2023 (€)



Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✓	✗	✓	✗
Prosecutors	✗	✗	✗	✓	

According with the Law No. 270 of 11.23.2018 regarding the unitary system of remuneration in the budgetary sector, all public employees can benefit from unique financial benefits on the occasion of professional holidays and non-working holidays, which are paid from the savings of the financial means allocated for the remuneration of the work for that year, but not more than 5% of the annual salary fund at the level of each budgetary entity. Thus, the cumulative amount of the bonuses granted to a judge or prosecutor during a budget year can not exceed the official salary of the judge/prosecutor. In addition to the above, the law foresees an annual performance bonus, including for managers. Also, both judges and prosecutors have the right to be remunerated with a special compensation in cases of dismissal at their request.

Gender Balance

	% Female in 2023		Variation of the % females between 2018 - 2023 (in ppt)
	Republic of Moldova	EaP Average	Republic of Moldova
Professional Judges	51,7%	43,1%	▲ 4,5
Court Presidents	35,0%	22,4%	▲ 12,6
Non-Judge Staff	85,6%	69,4%	▲ 16,2
Prosecutors	33,9%	27,5%	▲ 6,4
Heads of Prosecution Services	12,5%	7,3%	▲ 5,2
Non-Prosecutor Staff	65,8%	64,0%	▲ 1,8
Lawyers	29,4%	36,1%	▼ -6,7

PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

In 2023, the percentage of female professional judges was 51,7%, which was higher than EaP Average (43,1%). This is partly explained by the resignation of predominantly male judges in the first and highest instance in the context of the pre-vetting procedure. With a presence of 35%, the number of female court presidents in Republic of Moldova was significantly higher than the EaP Average of 22,4%.

The percentage of female non-judge staff was 85,6%. Despite an increase of the salaries the court staff in the last quarter of 2023, the number of male non-judge staff decreased in 2023 in comparison with 2021 as they considered it "insufficient to provide for their families".

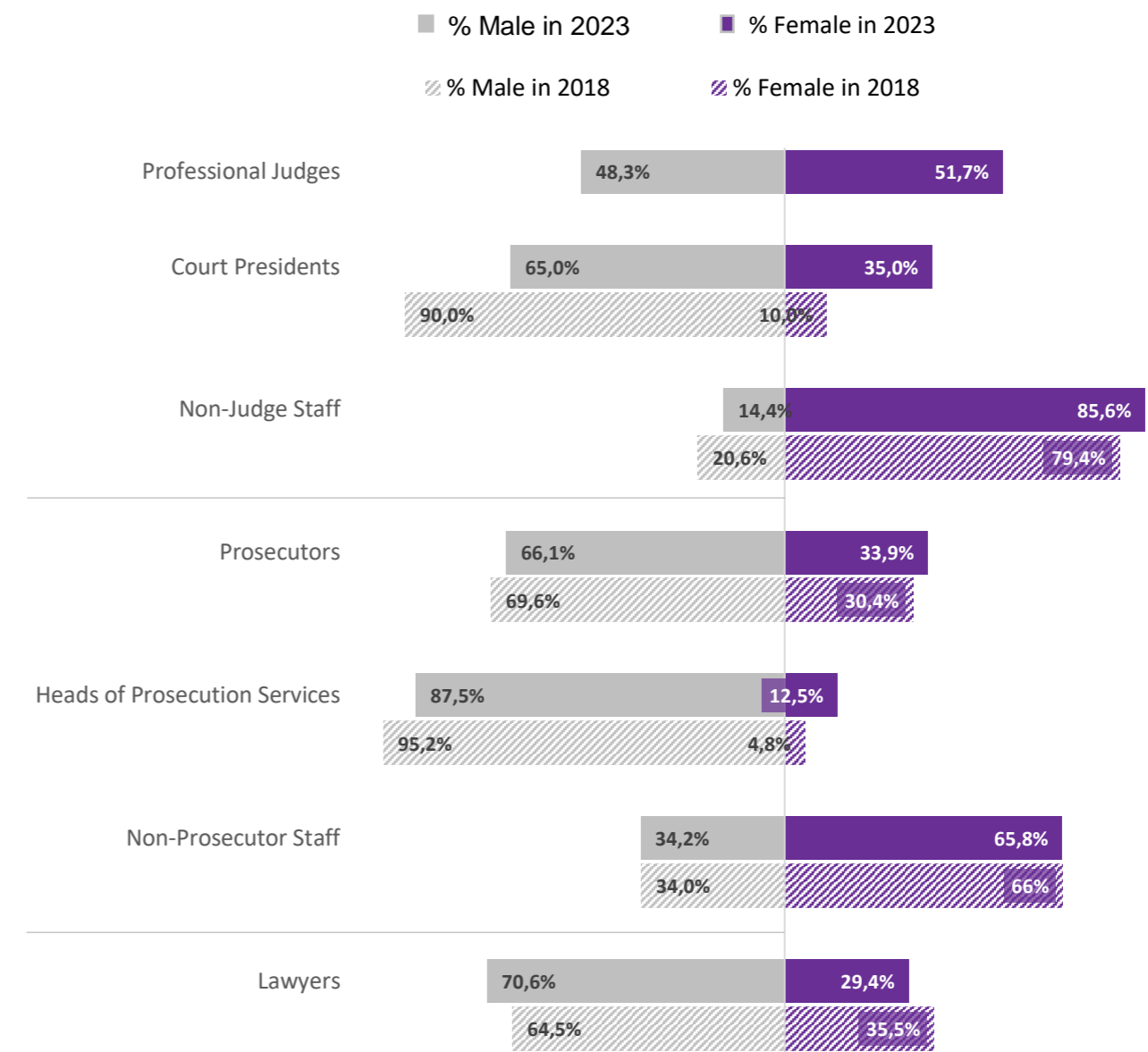
The percentage of female prosecutors was 33,9% (higher than the EaP Average of 27,5%). The number of female heads of prosecution services (12,5%) was higher than the EaP Average (7,3%). Moreover, the percentage of female non-prosecutor staff was 65,8%.

At the same time, the percentage of female lawyers was 29,4%, which was lower than EaP Average (36,1%).

The court presidents, prosecutors, heads of prosecution services and lawyers were among categories with less than 50% of female presence.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
1st instance	53,2%	45,4%	33,3%	21,8%	NAP	-	8,8%	-
2nd instance	47,0%	37,5%	25,0%	11,9%	NAP	-	33,3%	-
Supreme Court	45,5%	32,4%	100,0%	60,0%	NAP	-	33,3%	-

Gender Balance in Republic of Moldova in 2018 and 2023

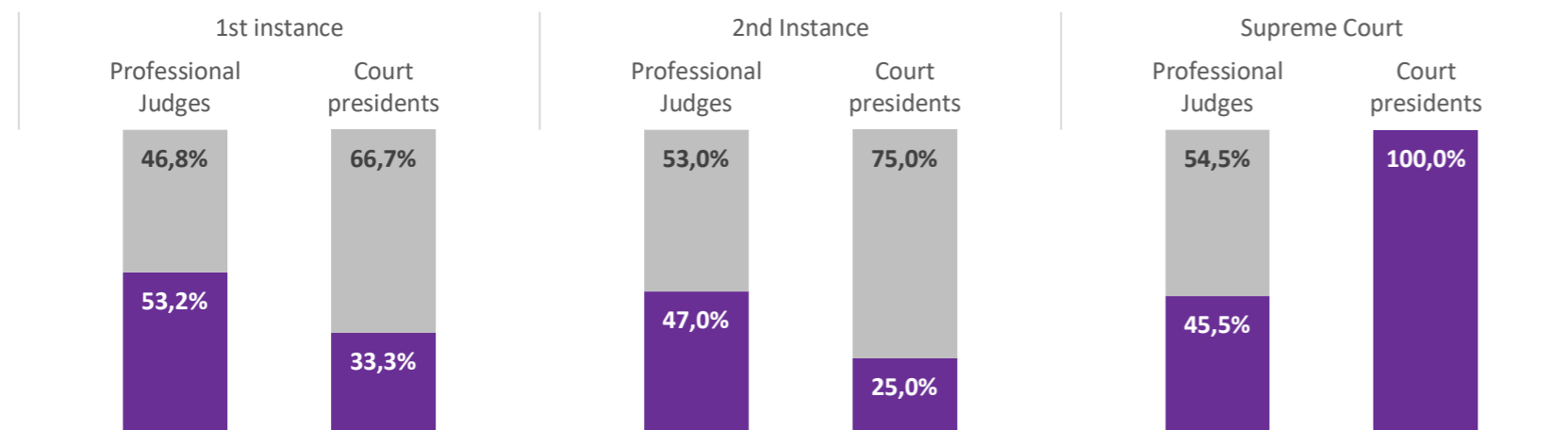


For judges, a diminution of the percentage of female can be observed from first to third instance.

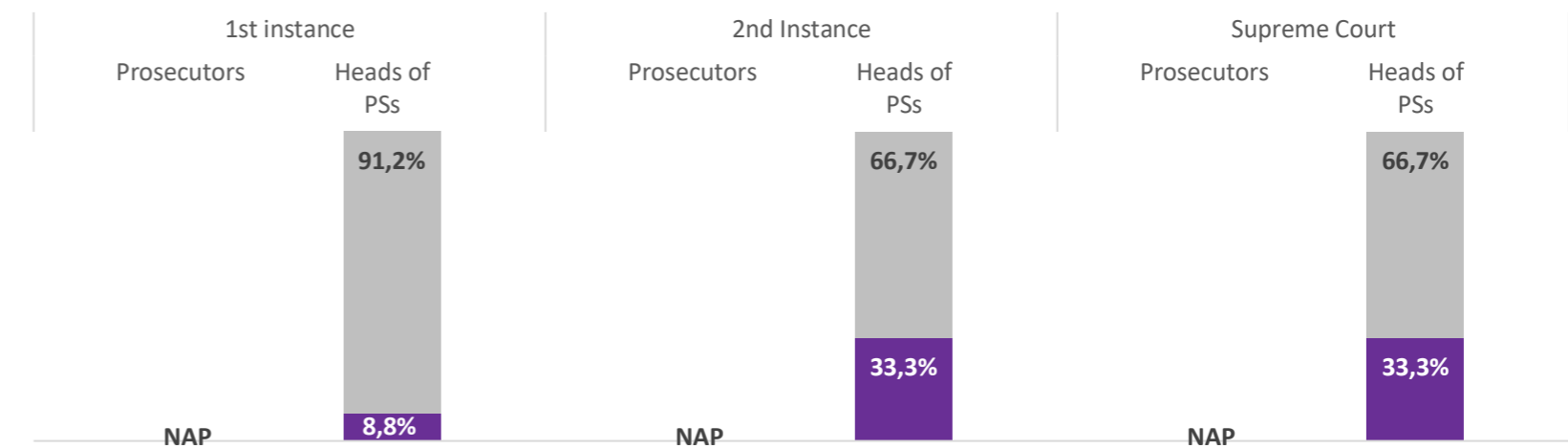
Gender Balance by instance in 2023

■ % Females ■ % Males

Professional Judges and Court Presidents



Prosecutors and Heads of Prosecution Services



• Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✗			
Heads of Prosecution Services			✗			
Judges	✗	✗		✗	✗	✗
Prosecutors	✗	✗		✗	✗	✗
Non-judge staff	✓	✗		✓	✗	✗
Lawyers	✗			✗		
Notaries	✗			✗		
Enforcement agents	✗			✗		

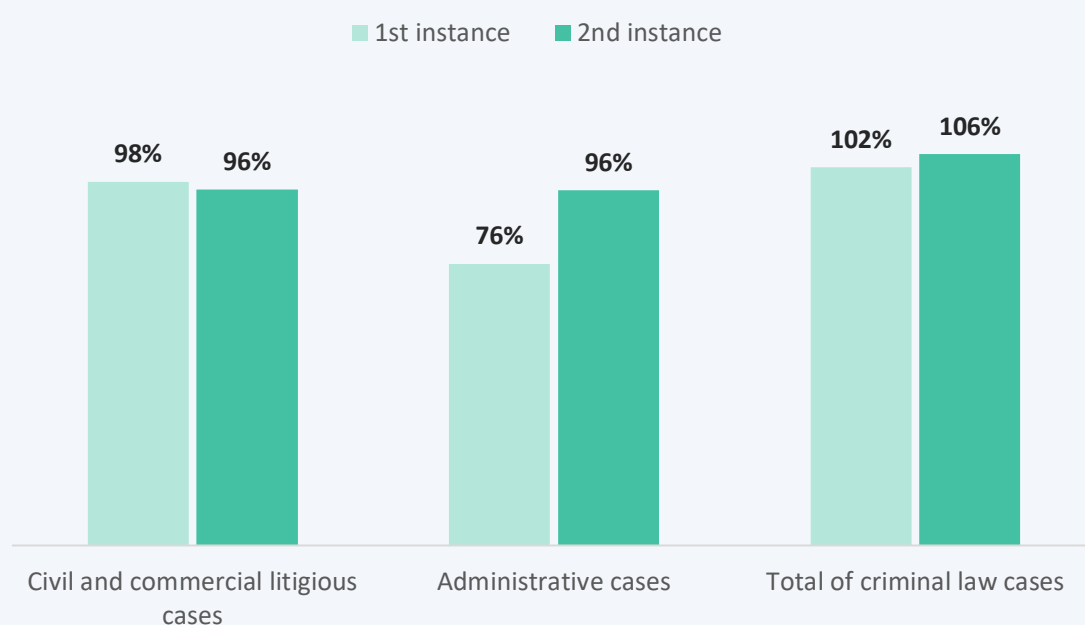
In the Republic of Moldova there is no overarching document (e.g. policy/strategy/action plan/programme) on gender equality that applies specifically to the judiciary.

Equal opportunities in the Republic of Moldova between men and women are provided for by the Law no. 5 of 09.02.2006 on ensuring equal opportunities for women and men as well as through the Programme for acceleration of gender equality in the Republic of Moldova for the years 2022-2027. Both normative acts contain general provisions on gender equality, equally applicable within the judicial system. The Government approved the Programme for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 (decision no. 203 of 12.04.2023). The Law no. 121/2012 on ensuring equality and Law no. 298/2012 on the activity of the Council for the prevention and elimination of discrimination and ensuring equality were amended on 2 February 2023. The amendments are aimed at expanding the non-discrimination criteria, improving the collection of equality data, monitoring, evaluating and reporting the results annually, as well as strengthening the institutional framework (the competences, activity and structure of the Equality Council).

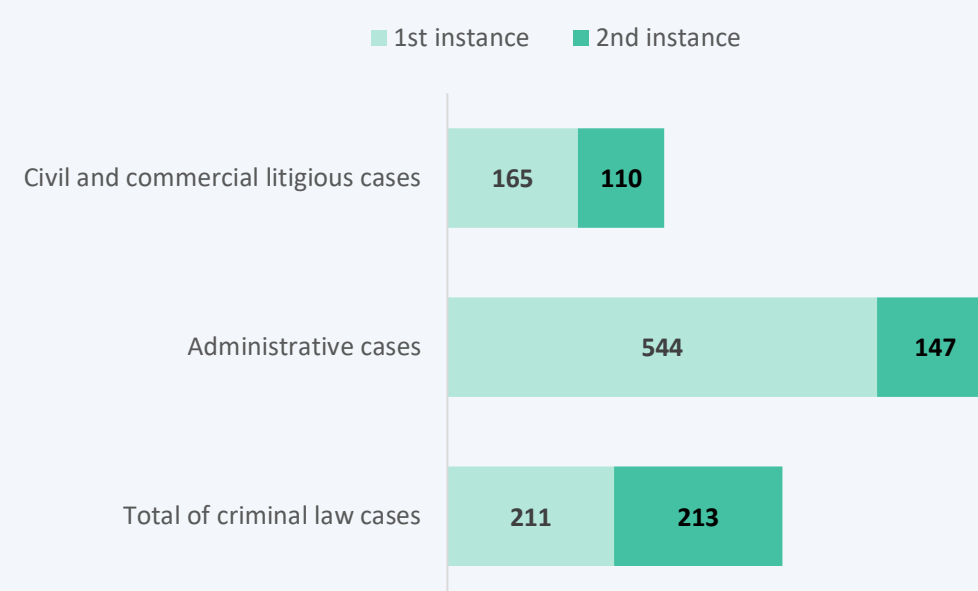
In addition to the above, on 22 December 2016, the provisions of Art. 14 of the Law no. 158 of 04.07.2008 regarding the public function and the status of the civil servant was supplemented by a new paragraph (in force as of 6 January 2017), according to which civil servants are entitled to equal opportunities and treatment of men and women in terms of recruiting, continuous professional development, and promotion. There are no specific provisions for facilitating gender equality within the framework of the procedures for recruiting for judges, prosecutors, lawyers, notaries and enforcement agents but the conditions for joining a position of a judge, prosecutor, notary, lawyer, enforcement agent do not contain any restrictions that would limit the equality of chances between women and men in order to be recruited for the these professions. See also the section on Reforms.

Efficiency in the Republic of Moldova in 2023 (Indicators 3.1 and 3.2)

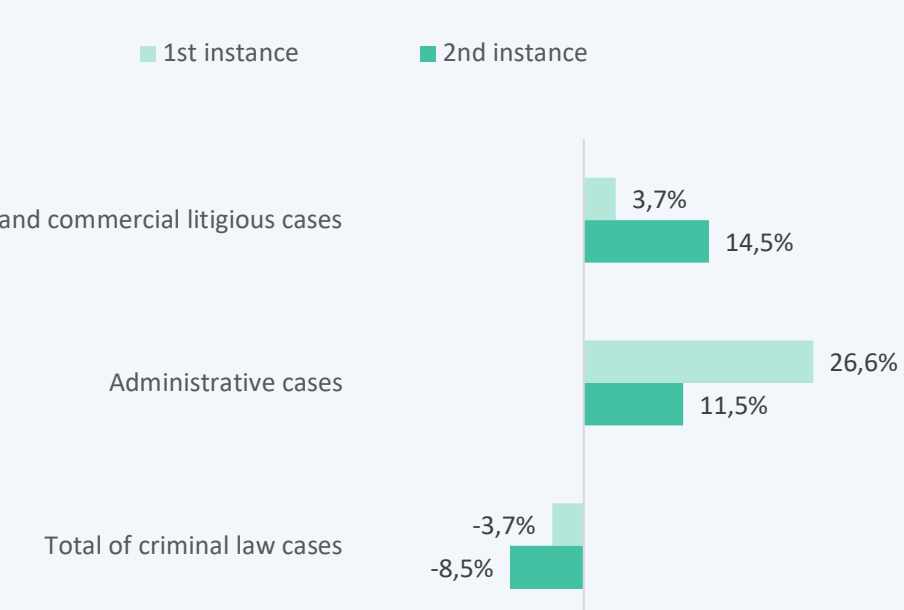
Clearance Rate in 2023



Disposition Time in 2023 (in days)



% Variation of pending cases at the end of year between 2022 and 2023



In 2023, the total number of incoming cases increased slightly in other than criminal cases and decreased in criminal cases in both first and second instance courts. The most notable increase was noted in the administrative cases in first instance (+11% compared to 2022). In 2023, the highest Clearance rates (CR) for the Republic of Moldova were in total criminal cases in first instance (102%) and the second instance (106%). However, it seems that the courts were not able to deal as efficiently with the first instance Administrative cases (CR of 76%).

With a Disposition Time of approximately 110 days, the second instance Civil and commercial litigious cases were resolved faster than any other types of cases. The most significant increase in the DT compared to 2022 is noted for first instance administrative cases to 544 days in 2023.

The variation of pending cases at the end of year between 2022 and 2023 for the first instance Administrative cases is 26,6%, whereas the variation for second instance total Criminal law cases was -8,5%. If courts performance in administrative and civil and commercial litigious cases does not improve, this might lead to negative efficiency developments, such as accumulation of pending cases (already noticeable compared to 2022), creation/accumulation of backlog and prolonged duration of trials.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2023



First instance cases

The CR decreased in civil and commercial litigious cases and more notably in the administrative cases over the 5-year period. However it increased in criminal cases to 102% in 2023. Similarly, the DT increased in all categories of cases, again most notably in administrative cases over a period of 5 years.

The CR in 2023 in first instance courts is close to the EaP Average on civil and commercial cases, slightly above in criminal law cases and slightly below in administrative cases. The DT on administrative cases (544 days) is considerably above the EaP Average; on civil and commercial cases (110 days) it is below the EaP Average, and on criminal law cases (211 days) above the EaP average.

Second instance cases

The CR decreased in civil and commercial litigious cases and administrative cases over the 5-year period. However, the Clearance rate increased in criminal cases to 106% in 2023. Similarly, the DT increased in all categories of cases, most notably in criminal law cases over a period of 5 years.

The CR in 2023 second instance courts is close to EaP Average on civil and commercial cases and criminal law cases. The DT in criminal law cases (213 days) is considerably above the EaP Average (77 days); in civil and commercial cases (110 days) it was above the EaP Average (101 days), whereas in administrative cases (147 days) it was considerably below the EaP Average (226).

Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2023



First instance cases - Other than criminal law cases

1st instance cases in 2023 (absolute values)		Republic of Moldova (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)		122 419	121 032	55 251	2 573	1,5%	6,7%	2,6%	18,7%
1	Civil and commercial litigious cases	102 537	100 889	45 634	2 086	3,9%	7,6%	3,7%	6,0%
2	Non-litigious cases**	14 796	16 233	3 893	0	-14,8%	0,6%	-27,0%	-
3	Administrative cases	4 909	3 738	5 575	487	11,3%	11,0%	26,6%	143,5%
4	Other cases	177	172	149	0	4,1%	-9,0%	3,5%	-

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2023, there were 102 537 incoming civil and commercial litigious cases (4,08 per 100 inhabitants vs the EaP Average of 3,08). They increased by 3,9% between 2022 and 2023. There were 100 889 resolved cases (4,02 per 100 inhabitants) and they increased by 7,6%. In 2023, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 98% (same as the EaP Average of 98%). This increased by 3,4 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 165 days in 2023 (below the EaP Average of 172 days). This decreased by -3,6% compared to 2022.

There were 4 909 incoming administrative cases in 2023 (i.e. 0,2 per 100 inhabitants vs the EaP Average of 0,59). They increased by 11,3% compared to the previous year. In 2023, the resolved cases were 3 738 (0,15 per 100 inhabitants, below of the EaP Average of 0,51). Between 2022 and 2023, the number of resolved administrative increased by 11%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 76% (below the EaP Average (84%). The CR decreased by -0,2 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 544 days in 2023. This has increased by 14,1% compared to 2022 and it was above the EaP Average (359 days).

1st instance cases in 2023 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
Total of other than criminal law cases (1+2+3+4)		4,9	> 4,8	4,8	> 4,7	2,2	> 1,8	0,10	< 0,27
1	Civil and commercial litigious cases	4,1	> 3,1	4,0	> 3,1	1,8	> 1,4	0,08	< 0,22
2	Non-litigious cases**	0,6	< 0,8	0,6	< 0,8	0,2	> 0,1	0,00	-
3	Administrative cases	0,2	< 0,6	0,1	< 0,5	0,2	< 0,3	0,02	< 0,05
4	Other cases	0,0	-	0,0	-	0,0	-	0,00	-

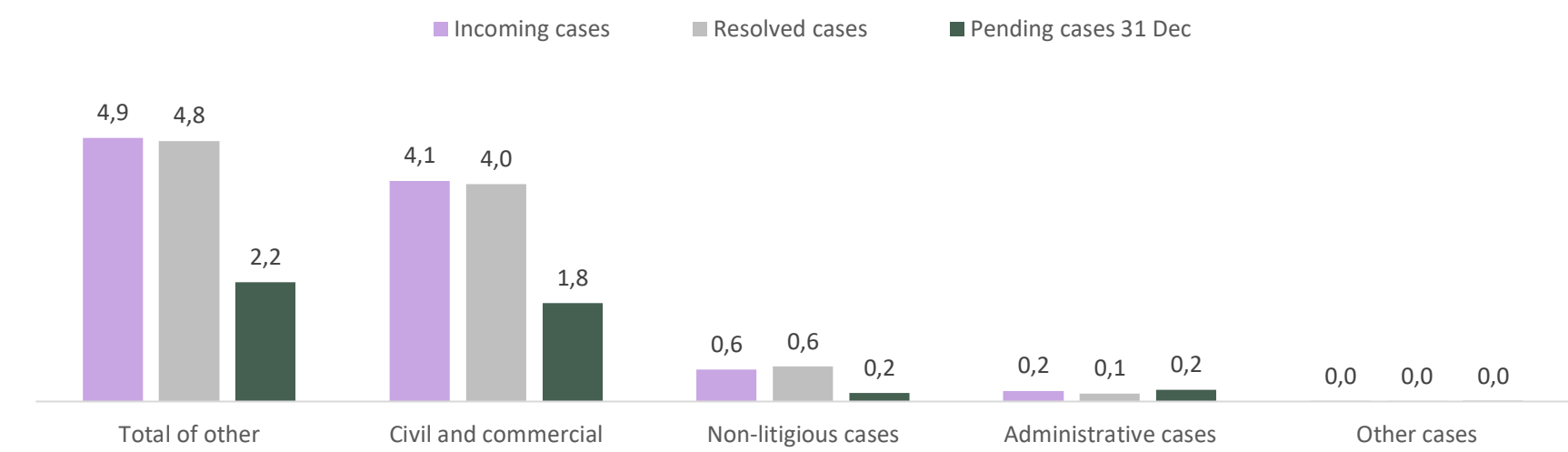
For reference only: the 2022 EU Median was as follows:

- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;

- incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key:	>	=	<
	Higher than the EaP Average	Equal to the EaP Average	Lower than the EaP Average

First instance Other than criminal cases per 100 inhabitants in 2023



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)		99%	98%	167	160	4,8	-3,8%
1	Civil and commercial litigious cases	98%	98%	165	172	3,4	-3,6%
2	Non-litigious cases**	110%	102%	88	74	16,8	-27,4%
3	Administrative cases	76%	84%	544	359	-0,2	14,1%
4	Other cases	97%	-	316	-	-14,0	13,7%

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 100,5%;

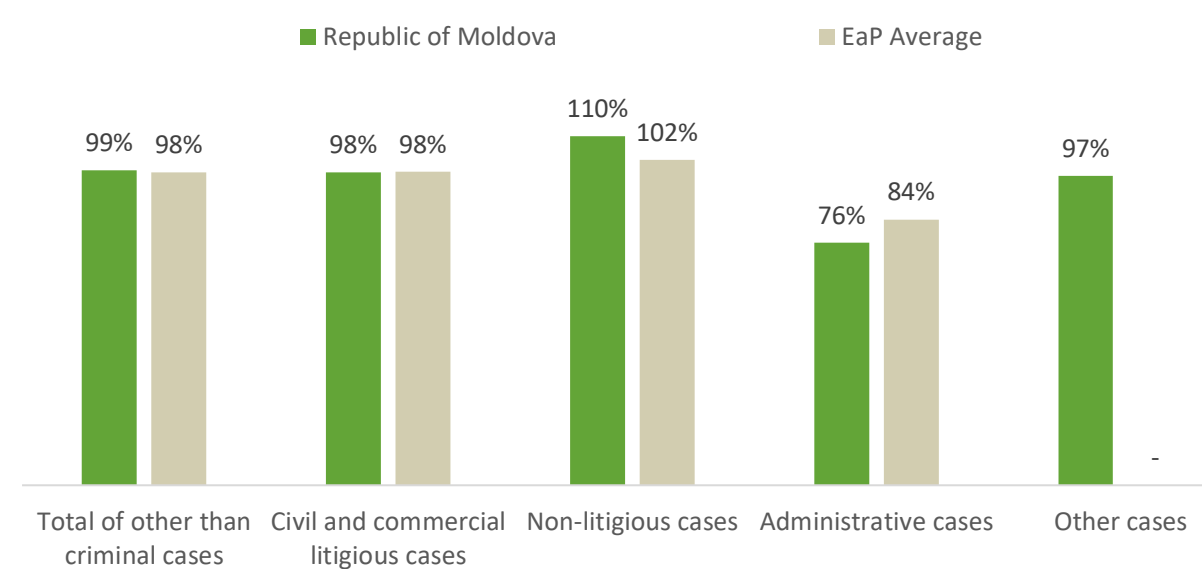
- Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:

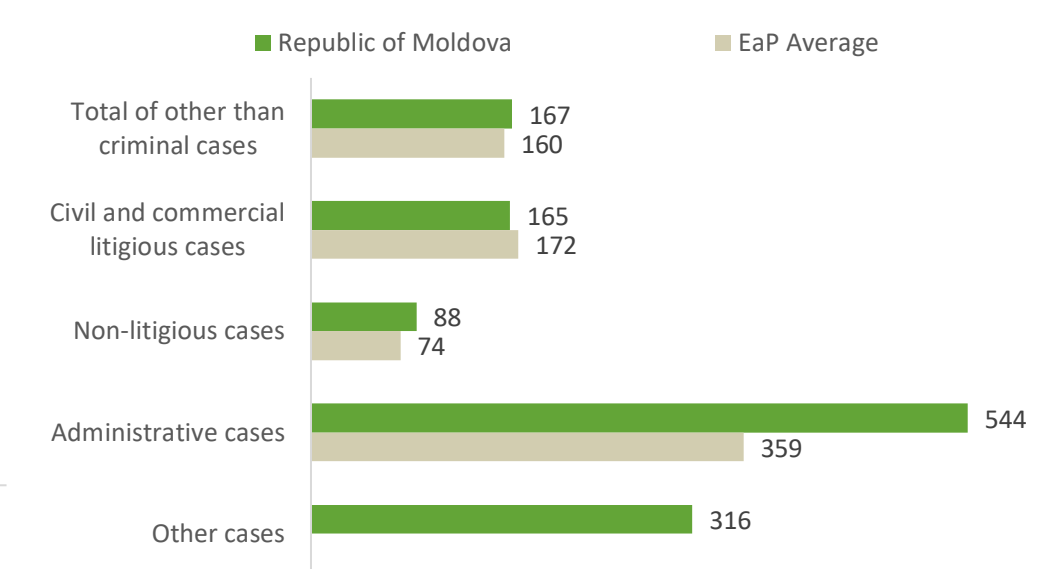
- Clearance rate: 98,8%;

- Disposition time: 288 days.

Clearance Rate for first instance Other than criminal cases in 2023 (%)



Disposition Time for first instance Other than criminal cases in 2023 (in days)



First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)	Republic of Moldova (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	28 471	29 112	16 848	1 185	-7,4%	-9,4%	-3,7%	-4,0%
1 Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2 Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2023, there were 28 471 incoming total criminal cases (1,13 per 100 inhabitants vs the EaP Average of 0,99). They decreased by -7,4% between 2022 and 2023. The courts resolved 29 112 cases (1,16 per 100 inhabitants). Between 2022 and 2023, they decreased by -9,4%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 102% (above the EaP Average of 93,8%). This decreased by -2,2 percentage points compared to 2022.

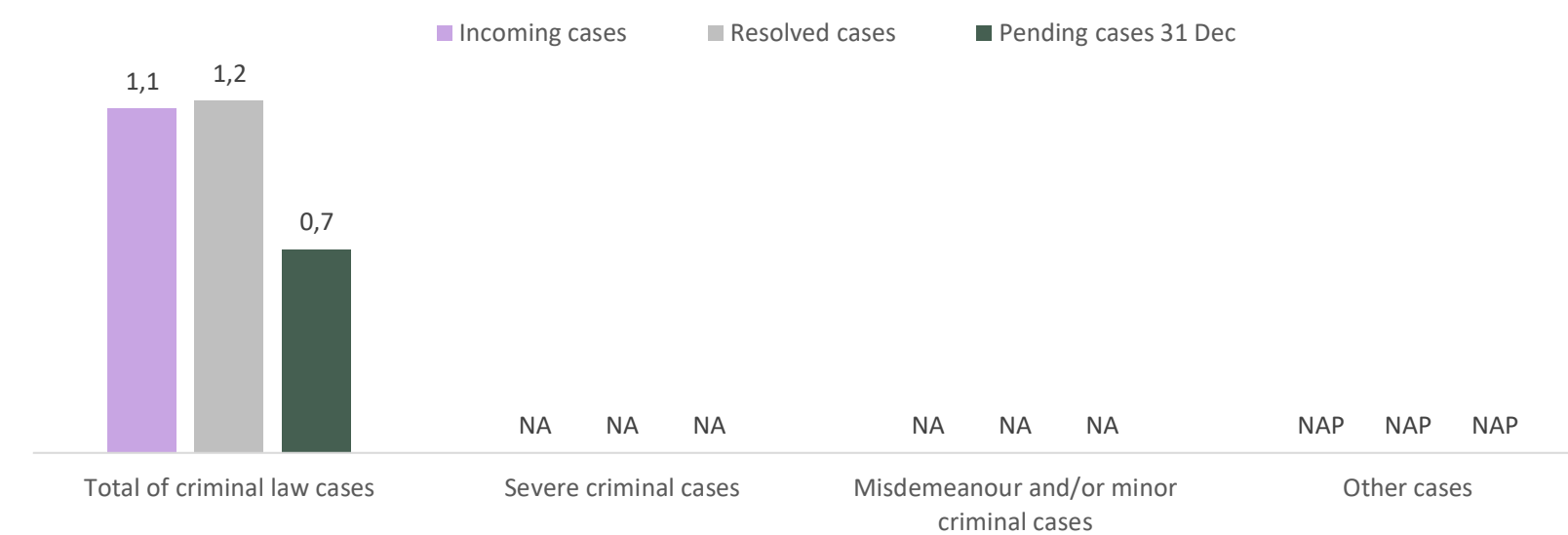
The Disposition Time for total criminal cases was approximately 211 days in 2023 (above the EaP Average of 176 days). This increased by 6,3% over the 2022-2023 period.

1st instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
Total of criminal law cases (1+2+3)	1,1	> 1,0	1,2	> 1,0	0,7	> 0,3	0,05	> 0,03
1 Severe criminal cases	NA	0,1	NA	0,1	NA	0,1	NA	-
2 Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	-	NA	-
3 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

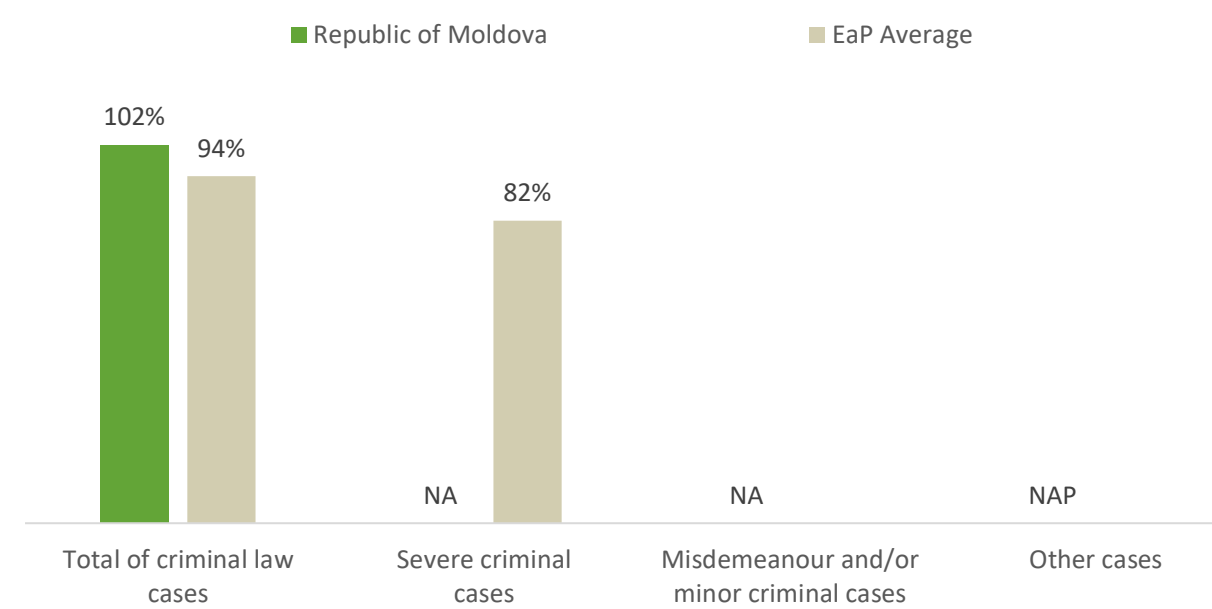
For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,7.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

First instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for first instance Criminal Law cases in 2023 (%)

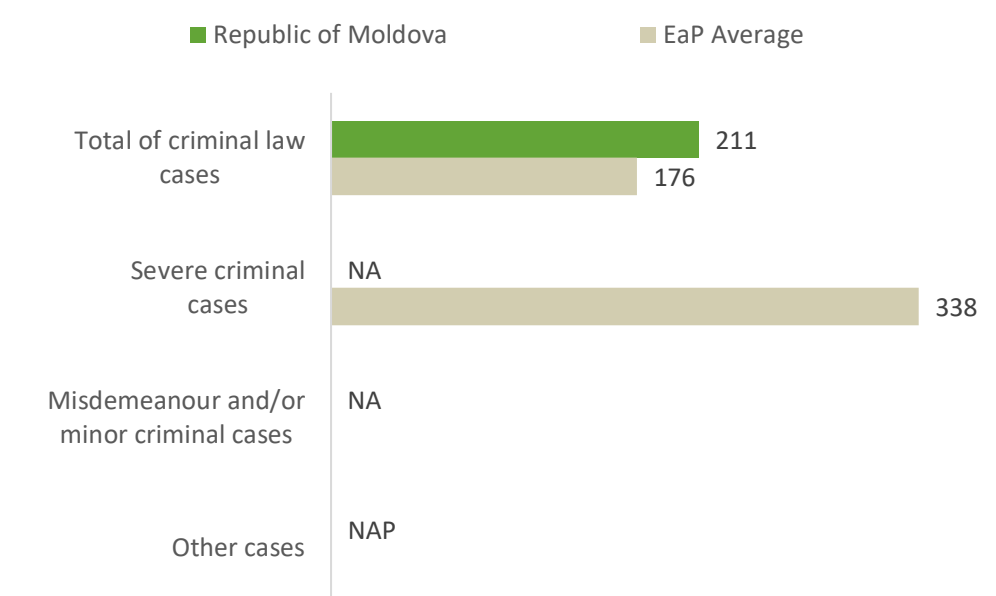


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	102%	94%	211	176	-2,2	6,3%
1 Severe criminal cases	NA	82%	NA	338	NA	NA
2 Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	NA
3 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
 - Clearance rate: 100%;
 - Disposition time: 136 days.

Disposition Time for first instance Criminal Law cases in 2023 (in days)



Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)	Republic of Moldova (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	15 492	14 924	4 749	14	4,5%	-3,1%	13,6%	7,7%
1 Civil and commercial litigious cases	12 547	12 086	3 640	0	7,3%	0,7%	14,5%	-
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	2 744	2 634	1 064	14	-5,8%	-16,8%	11,5%	7,7%
4 Other cases	201	204	45	0	-9,0%	-8,1%	-6,3%	-

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2023, there were 12 547 incoming civil and commercial litigious cases (0,5 per 100 inhabitants vs the EaP Average of 0,27). They increased by 7,3% between 2022 and 2023. There were 12 086 resolved cases (0,48 per 100 inhabitants). Between 2022 and 2023, they increased by 0,7%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 96% (below the EaP Average of 99%). This decreased by -6,4 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 110 days in 2023 (above the EaP Average of 101 days). This increased by 13,8% over the 2022-2023 period.

There were 2 744 incoming administrative cases in 2023 (i.e. 0,11 per 100 inhabitants vs the EaP Average of 0,16). They decreased by -5,8% compared to the previous year. The courts resolved 2 634 cases (0,1 per 100 inhabitants, below of the EaP Average of 0,16). Between 2022 and 2023, the number of resolved administrative decreased by -16,8%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 96% (above the EaP Average (83%). The CR decreased by -12,7 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 147 days in 2023. This has increased by 34% compared to 2022 and it was below the EaP Average (210 days).

2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
Total of other than criminal law cases (1+2+3+4)	0,62	> 0,37	0,59	> 0,36	0,19	> 0,12	0,00	= 0,00
1 Civil and commercial litigious cases	0,50	> 0,27	0,48	> 0,27	0,14	> 0,07	0,00	= 0,00
2 Non-litigious cases**	NAP	-	NAP	-	NAP	-	NAP	-
3 Administrative cases	0,11	< 0,41	0,10	< 0,16	0,04	< 0,12	0,00	< 0,00
4 Other cases	0,01	-	0,01	-	0,00	-	0,00	-

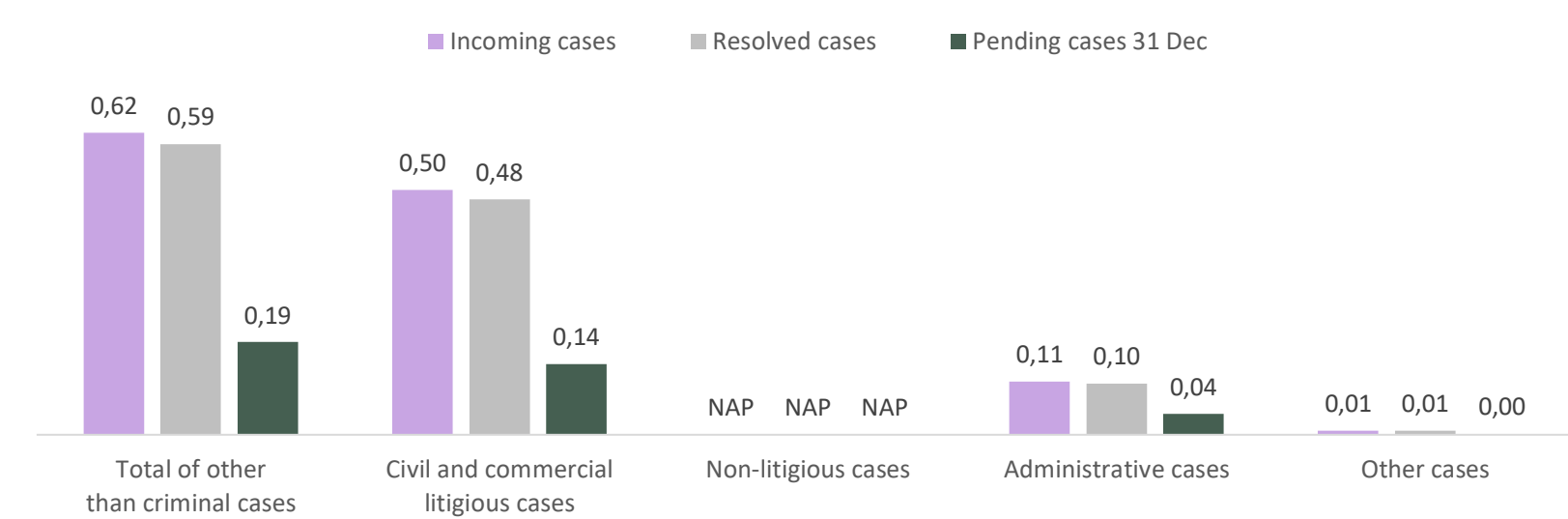
For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;

- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

Key: > Higher than the EaP Average
= Equal to the EaP Average
< Lower than the EaP Average

Second instance Other than criminal cases per 100 inhabitants in 2023



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	96%	97%	116	122	-7,5	17,2%
1 Civil and commercial litigious cases	96%	99%	110	101	-6,4	13,8%
2 Non-litigious cases**	NAP	-	NAP	-	NAP	NAP
3 Administrative cases	96%	83%	147	210	-12,7	34,0%
4 Other cases	101%	-	81	-	1,0	2,0%

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 97,1%;

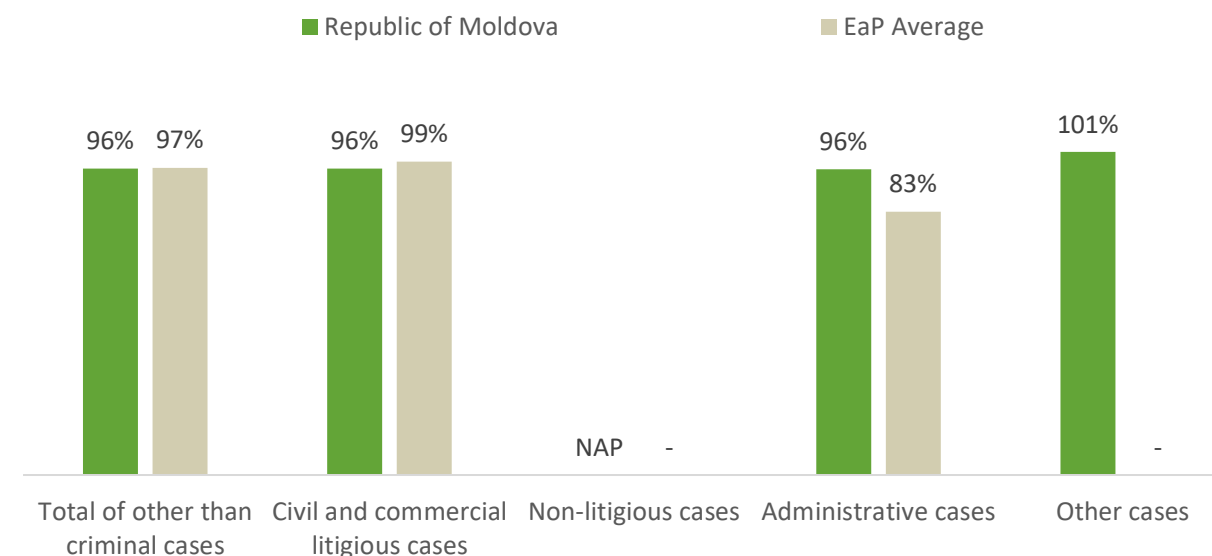
- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

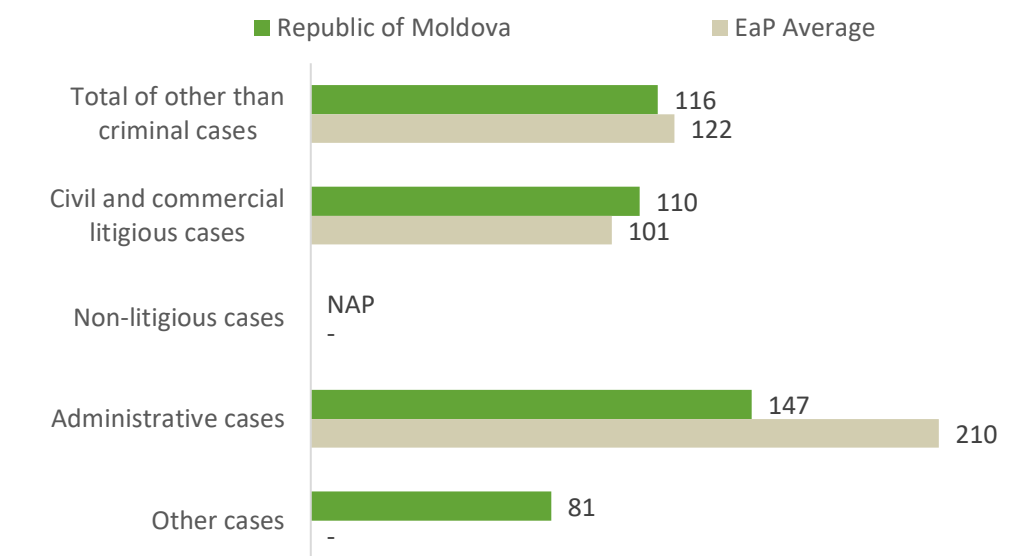
- Clearance rate: 102,6%;

- Disposition time: 277 days.

Clearance Rate for Second instance Other than criminal cases in (%)



Disposition Time for Second instance Other than criminal cases in (in days)



Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)	Republic of Moldova (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	11 392	12 048	7 029	834	-16,0%	6,8%	-8,5%	51,6%
1 Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2 Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3 Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2023, there were 11 392 incoming total criminal cases (0,45 per 100 inhabitants vs the EaP Average of 0,28) and they decreased by -16%, compared to the previous year. The resolved cases were 12 048 (0,48 per 100 inhabitants). Between 2022 and 2023, they increased by 6,8%. In 2023, the number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 106% (above the EaP Average of 102%). This increased by 22,6 percentage points compared to 2022.

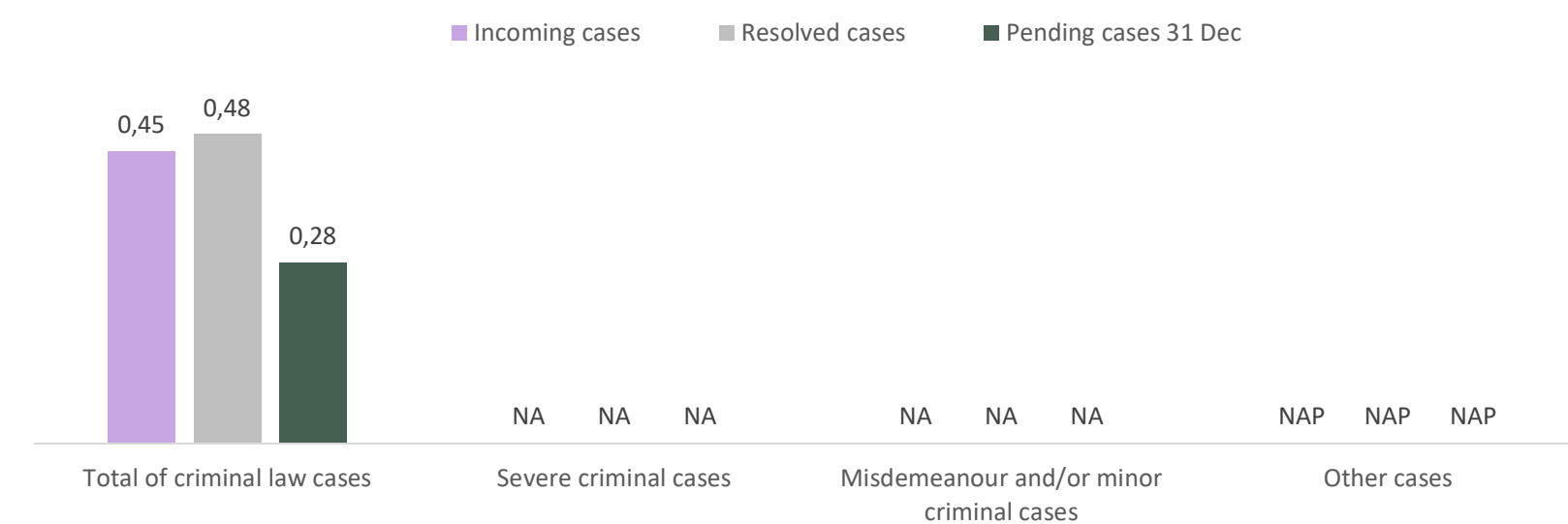
The Disposition Time for total criminal cases was approximately 213 days in 2023 (above the EaP Average of 77 days). This decreased by -14,3% compared to 2022.

2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
Total of criminal law cases (1+2+3)	0,45	> 0,28	0,48	> 0,28	0,28	> 0,07	0,03	> 0,01
1 Severe criminal cases	NA	-	NA	-	NA	-	NA	-
2 Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	-	NA	-
3 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

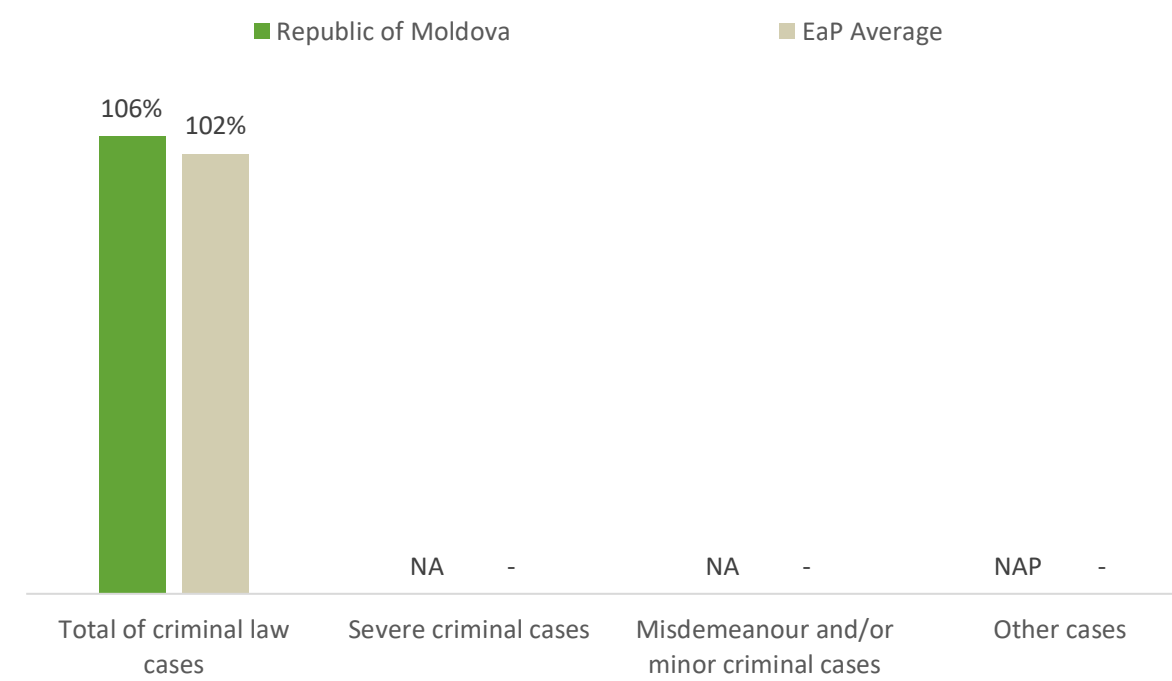
For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 0,1.

Key: > Higher than the EaP Average
 = Equal to the EaP Average
 < Lower than the EaP Average

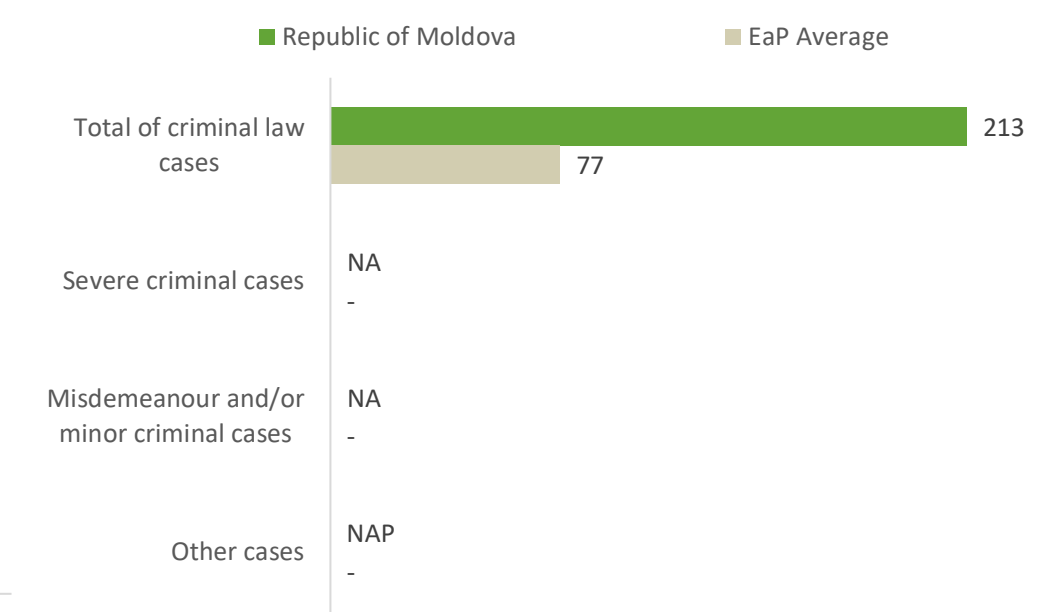
Second instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for second instance Criminal Law cases in 2023 (%)



Disposition Time for second instance Criminal Law cases in 2023 (in days)



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Republic of Moldova	EaP Average	Republic of Moldova	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	106%	102%	213	77	22,6	-14,3%
1 Severe criminal cases	NA	-	NA	-	NA	NA
2 Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	NA
3 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
 - Clearance rate: 99%;
 - Disposition time: 135 days.

• Specific category cases

The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

	Republic of Moldova (2023)						% Variation between 2022 and 2023						
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)	
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total		
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

All the above data was reported as NA for 2023. However, the authorities commented that they keep data concerning the percent of decisions subject to appeal and percent of cases pending for more than 3 years for **first instance courts**.

• Quality standards and performance indicators in the judicial system

In the Republic of Moldova there are quality standards determined for the judicial system at national level. Also, courts have specialised personnel entrusted with implementation of these national level quality standards

The Superior Council of Magistracy approved by Decision nr. 457/2023 the Regulation on the minimum quality standards concerning the organizational activity and administration for first instance courts and courts of appeal. The standards cover the following areas: (1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.

Regular monitoring of courts and prosecution offices' activities

In the Republic of Moldova, there is a system to regularly evaluate **courts** performance based on the monitored indicators listed below (more frequently than once a year). This evaluation of the court activities is then used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

The same applies to Prosecution Offices, which have a system to regularly evaluate public **prosecution services** performance based on the monitored indicators listed below (more frequently than once a year). This evaluation of the public prosecution services' activities is then used for identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

	Regular assessment	
	Courts	Prosecution offices
Number of incoming cases	✓	✓
Length of proceedings (timeframes)	✓	✓
Number of resolved cases	✓	✓
Number of pending cases	✓	✓
Backlogs	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✓
Satisfaction of court / prosecution staff	✓	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✓	✗
Costs of the judicial procedures	✓	✓
Number of appeals	✓	
Appeal ratio	✓	
Clearance rate	✓	✗
Disposition time	✓	✗
Percentage of convictions and acquittals		✓
Other	✓	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	No

For **Courts**: The CMS records regularly the number of pending civil cases older than 200 days, criminal cases older than 100 days and misdemeanour cases older than 30 days; as well as all pending cases older than 12, 24 and 36 months. According to the SCM Decision no.854 / 37 of 19.12.2017 on the approval of quality indicators, in order to carry out the modernization of the judicial statistics included in the Government Action Plan for the years 2016 - 2018, the following quality indicators were additionally approved: Rate of postponed court hearings, Rate of the court staff per judge, Case per judge, Case per court staff, Examination of cases in time (refers to cases with the fixed terms provided by the legislation). Two more indicators (satisfaction of court staff and satisfaction of users) were built in the Court information System in 2022 and can be used by courts by a regular monitoring of their activity performance. This set of court performance indicators (qualitative and quantitative) is being monitored regularly by the judiciary. Based on afore-mentioned indicators, through SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standard 1 "Measuring courts' efficiency" has the following progress indicators: 1. Clearance rate - at least 100%; 2. Rate of postponed court hearings - less than 20%; 3. Age of cases resolved in less than 2 years - 90% of cases; 4. Age of pending cases more than 3 years - 4% of cases; 5. Disposition time in first instance courts - less than European median in 2020 (civil cases-293 days, administrative cases-397 days, criminal cases - 199 days); 6. Disposition time in courts of appeal - less than European median in 2020 (civil cases-282 days, administrative cases-500 days, criminal cases - 186 days).






The SCM Decision no.457/ 29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of courts activity for first instance courts and courts of appeal recommends to the heads of secretariat to collect data and to present them to the court presidents every 3 months. A Working Group created by each court based on the afore-mentioned SCM decision has the competence to evaluate the court performance every 6 months. With the support of the UE/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level to uniformise the methodology of annual reporting on court performance.

For **Prosecution Services**: the prosecutors ensure the examination of cases within a reasonable time, monitoring this aspect in general, but there are no established certain special timeframes for the examination of certain types of criminal cases to be monitored. The prosecutors monitor some aspects related to the recovery of legal expenses in the criminal process. Pending cases are also monitored. The data of the Prosecution Services is collected/monitored monthly and it is analysed once per year.






• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for: **Judges**  **Prosecutors** 

The responsibility for setting up quantitative targets for judges lies on:

Executive power (for example the Ministry of Justice)	
Legislative power	
Judicial power (for example the High Judicial Council, Supreme Court)	
President of the court	
Other:	

The responsibility for setting up quantitative targets for public prosecutors lies on:

Executive power (for example the Ministry of Justice)	
Prosecutor General /State public prosecutor	
Public prosecutorial Council	
Head of the organisational unit or hierarchical superior public prosecutor	
Other	

	Consequences for not meeting the targets	For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
With disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
No consequences		NAP	NAP

• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	✓	✓
Quantitative work	✓	✓
Qualitative work	✓	✓

Responsibility for setting up the criteria qualitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other	✗

Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✓
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

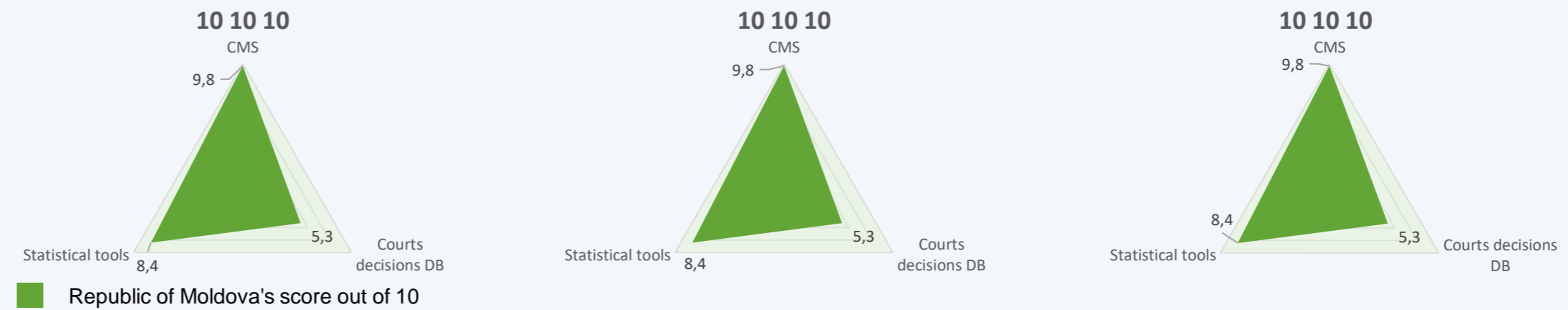
Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✗
Less frequent	✗	✗
More frequent	✗	✗

Judges: According to the provisions of the Law 147/2023 on the selection and individual evaluation of the judges the ordinary evaluation of judges' performance is carried out based on the following criteria: a) professional competence, which has a weight of 50% of the total evaluation; b) organizational competence, which has a weight of 20% of the total evaluation; c) integrity, which has a weight of 30% of the total evaluation. According to the same Law on the selection and individual evaluation of judges: (1) the ordinary evaluation of judges' performance is carried out once in 5 years; (2) the extraordinary evaluation of judges' performance is carried out: a) in case of participation in the competition for the position of court president or vice-president; (b) in case of request to be promoted in a higher court; (c) in case of request to be transferred in another court; (d) in case of obtaining the qualification "insufficient" not more often than 1 year after obtaining such qualification; (e) in the case of an existing disciplinary case requesting the extraordinary assessment a the performance of the judge concerned in a disciplinary procedure; (f) in case there are doubts that the judge is not realizing his/her managerial competencies as a court president or vice-president. In situations listed from (a) to (c) the extraordinary evaluation will be carried out only if the judge has not been evaluated in the last 2 years.

Prosecutors: As part of the performance evaluation, the following are evaluated: (a) the quality of the prosecutor's activity in general; (b) the activity of the prosecutor during the criminal investigation phase; (c) the activity of the prosecutor during the trial phase of criminal cases; (d) promptness of the prosecutor in the professional activity; (e) compliance with the institutional regulations within the Prosecutor's Office; (f) integration and communication skills; (g) reputation and integrity. According to Article 29 of the Law no.3/2016 on the Prosecutors Office, the evaluation of prosecutors performance is carried out in two forms: a) periodic evaluation b) extraordinary evaluation. The periodic (ordinary) is carried out once every 5 years. The extraordinary evaluation is carried out: (a) at his/her request, but not more often than once a year; (b) in case of participation in the competition for the position of chief prosecutor; (c) in case of obtaining the qualification "insufficient"; (d) in the case of the request by the SCP of an extraordinary assessment of the performance of the prosecutor concerned by a disciplinary procedure.

Information and communication technology tools in Republic of Moldova in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In the Republic of Moldova, the overall maximum score among the three ICT indexes is achieved by the CMS index (9,8); while overall lowest score was calculated for the Courts decisions DB index (5,3). The CMS (9,8), Statistical tools (8,4) and the Court decisions DB (5,3) indexes have the same scores in all three matters concerned.

In the Republic of Moldova, there is an overall Information and Communication Technology (ICT) strategy in the judicial system part of the 2022-2025 Strategy for Ensuring the Independence and Integrity in the Justice Sector and its Action Plan. This Strategy includes the information systems of the Legal Aid Council, Prosecution authorities, Judiciary and Enforcement system. There was no plan for a significant change in the IT system in the judiciary in 2023.

The judiciary has 1 case management system (CMS), e.g. software used for registering judicial proceedings and their management, called "Integrated Case Management System" (ICMS). The ICMS has been developed between 2 and 5 years.

• Electronic case management system

The CMS is developed and deployed in all courts (95-100% deployment rate) with all inquired upon functionalities in place. The data is stored on a database consolidated at national level.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✓	✓	✓	✓	✓	✓	✓	NAP	✓	✓	✓	✓	✓	✗
Administrative	95-100 %	95-100 %	✓	✓	✓	✓	✓	✓	✓	NAP	✓	✓	✓	✓	✓	✗
Criminal	95-100 %	95-100 %	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✗

• **Database of court decisions**

The database of court decision is available for all instances and matters and its deployment rate is 95-100%. The court decisions are published online (i.e. on a public website) and the functionalities of the database include "automatic anonymisation" of court decisions, "manual anonymisation" of court decisions, free public online access, availability in open data, advanced search engine, structured content, and metadata, again in all instances and all matters. Additionally, authorities explained that all courts are using the ICMS as a database, including for issuing electronic court decisions. The web pages for free public online access to all courts' decisions are instante.justice.md (National Court's Web Portal) and csj.md (web page of the Supreme Court).

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	✓	✓	✓	✗	✓	✓	✗	✓	✓	✗	✗
Administrative	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	✓	✓	✓	✗	✓	✓	✗	✓	✓	✗	✗
Criminal	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	95-100 %	Published online (public website) and on an internal database	✓	✓	✓	✗	✓	✓	✗	✓	✓	✗	✗

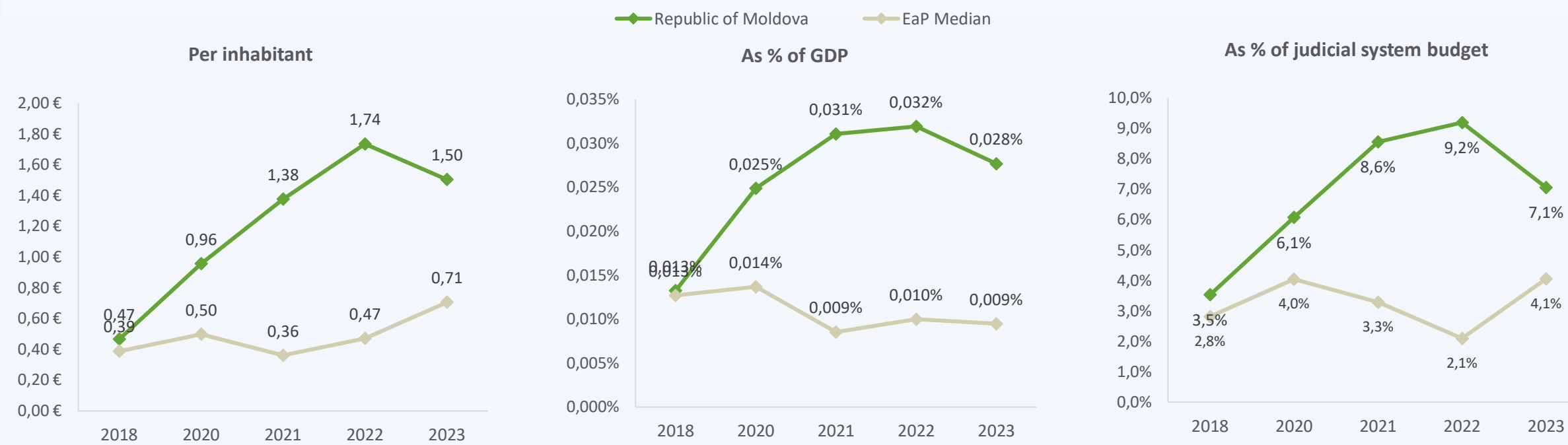
• **Statistical tools**

The statistical tools are developed in all courts (deployment rate is 95-100% for all matters). All inquired about functionalities in all matters are reported as being in place. The same applies to availability of data for statistical analysis.

	Deployment rate	Functionalities										Data available for statistical analysis							
		Integration/ connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Administrative	95-100 %	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Criminal	95-100 %	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓

Legal Aid in the Republic of Moldova in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2018 and 2023



Number of cases for which LA has been granted in 2023



1,78

per 100 inhabitants

EaP Median: 0,72

EaP Median: 0,72

In 2023, the implemented budget for legal aid spent by the Republic of Moldova was 3 780 774€ (7,1% of the judicial system budget). This means that an amount of 1,5€ was spent per inhabitant (above the EaP Median of 0,71€). The budget for legal aid was equal to 0,028% of the GDP, whereas the EaP Median was 0,009%. With 1,78 cases for which legal aid has been granted per 100 inhabitants, the system in the Republic of Moldova has considerably more legal aid cases compared to the EaP Median of 0,72.

• Organisation of the legal aid system

The main body administering the legal aid system is the National Legal Aid Council (NLAC) and its territorial Offices. The Ministry of Justice is the policy making body in the field. The Bar Association cooperates with the NLAC for ensuring the delivery of legal aid. The National Legal Aid Council has four territorial offices: Chisinau, Balti, Comrat and Cahul. The territorial offices administer the process of granting the legal aid and operate in the cities (municipalities) where the courts of appeal are located. The activity of ensuring the delivery of qualified legal aid is carried out directly by the coordinator of the territorial office, selected and delegated by the National Council on the basis of a contest organized in the established way. Both primary legal aid and qualified legal aid are delivered for all types of cases (criminal and non-criminal). Emergency legal assistance is provided in the event of detention in criminal or misdemeanour cases, including the examination of the arrest warrant. Eligibility is based on financial criteria, and for certain types of cases, legal aid is granted regardless of the person's income level. The concept of state-guaranteed legal aid includes only the compensation of expenses for the services provided by the lawyer on behalf of the state. Attorneys, lawyers on request and paralegals are involved in the process of providing state-guaranteed legal aid. The legal provisions on legal aid make a distinction between primary legal aid (providing information on the legal system of the Republic of Moldova, on the normative acts in force, the rights and obligations of legal subjects, on the manner of realization and capitalization of judicial and extrajudicial rights; legal advice; providing assistance in drafting legal documents; providing other forms of assistance, which do not fall into the category of qualified legal assistance) and qualified legal aid (providing legal consultancy, representation and / or defence services in criminal investigation bodies, in courts, for criminal, misdemeanour, civil or administrative cases; providing representation before public administration authorities).

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

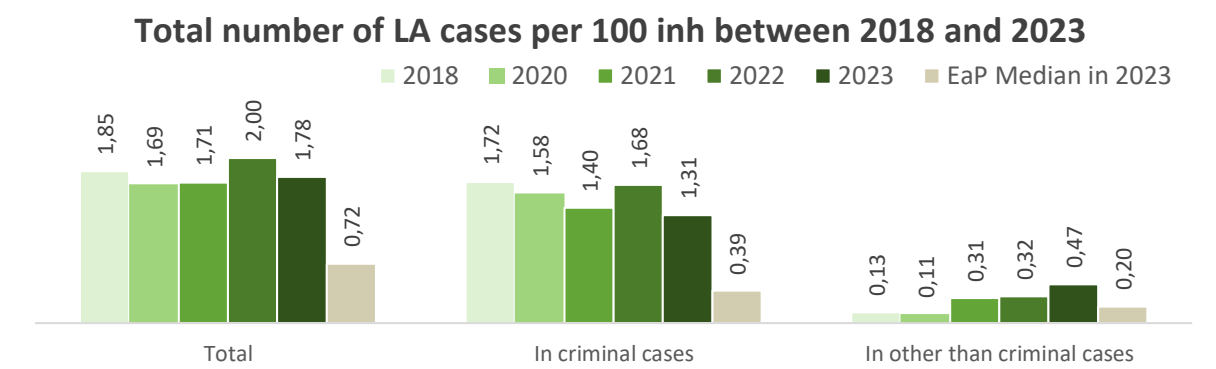
• Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2018 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Republic of Moldova	EaP Median	Republic of Moldova	EaP Median	Republic of Moldova	EaP Median
Total (1+2)	3 780 774 €	201,8%	3 576 580 €	204 194 €	1,50 €	0,71 €	0,028%	0,009%	7,1%	4,1%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

In 2023, the Republic of Moldova spent 3 780 774€ on the total implemented budget for legal aid, which was 201,8% more compared to 2018. This means that it spent more than double amount per inhabitant compared to the EaP Median (1,5€ and 0,71€, respectively).

Reportedly, the demand for legal aid for cases not brought to court (legal advice, legal counselling, etc.) has increased in 2023. Also, the remuneration of the para-legals has increased considerably, which is reflected in the implemented budget. Source: National Legal Aid Council activity report for 2023 https://cnaigs.md/uploads/asset/file/ro/2298/Raportul_de_activitate_al_CNAJGS_2023_.pdf.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2018 - 2023					
Total (1+2)	44 695	1,78	-3,9%	NA	NA	84,6 €	NA	NA
In criminal cases (1)	32 884	1,31	-23,8%	NA	NA	NA	NA	NA
In other than criminal cases (2)	11 811	0,47	256,1%	NA	NA	NA	NA	NA

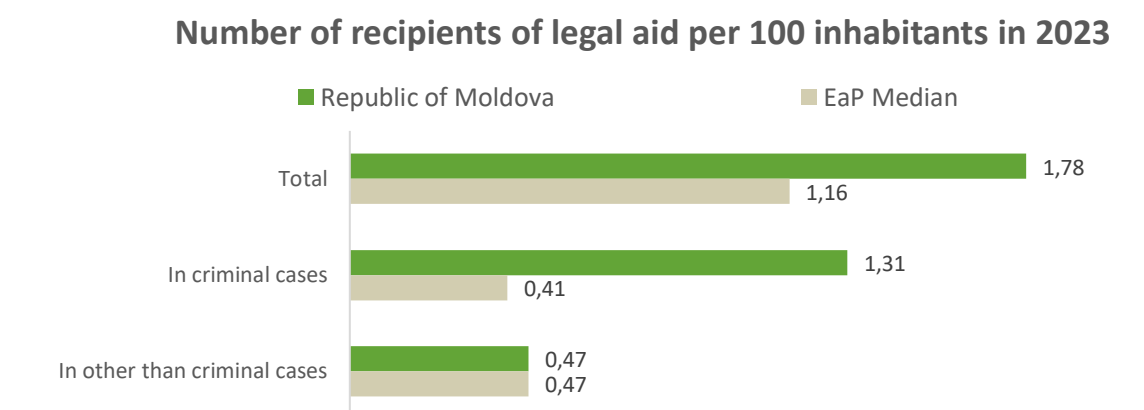


In 2023, the total number of cases for which legal aid was granted was 44 695, which was -3,9% less compared to 2018. The total number of cases for which legal aid per inhabitant has been granted was 1,78, which is considerably above the EaP median in 2023. There were 32 884 legal aid criminal cases, and the other than criminal cases were 11 811. On average, the amount granted per legal aid case was 84,6€.

The authorities explained that the number of other than criminal cases, for which legal aid has been granted, has been increasing as a result of a specific policy aimed at diversifying the eligibility for legal aid.

• Number of recipients of legal aid

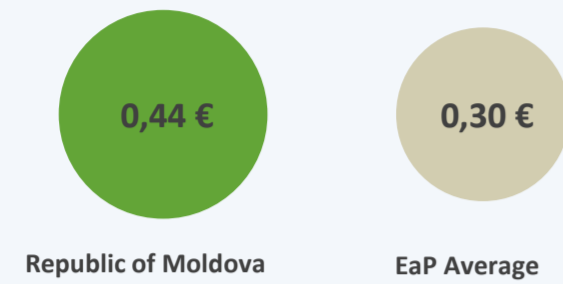
	Number of recipients of legal aid				Amount of LA granted per recipient (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	EaP Median					
Total (1+2)	44 695	1,78	1,16	NA	NA	84,6 €	NA	NA
In criminal cases (1)	32 884	1,31	0,41	NA	NA	NA	NA	NA
In other than criminal cases (2)	11 811	0,47	0,47	NA	NA	NA	NA	NA



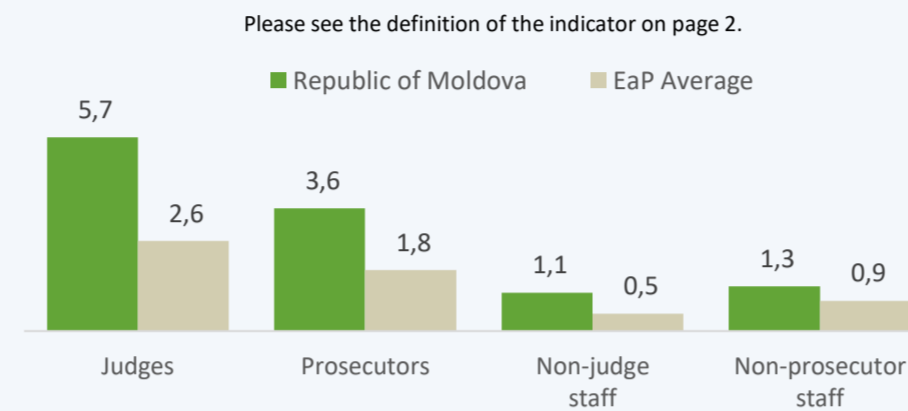
In 2023, the number of recipients of legal aid was 44 695, which is 1,78 recipients per 100 inhabitants, above the EaP Median. From the total number, legal aid was granted in 32 884 criminal cases, and 11 811 other than criminal cases. On average, the amount granted per recipient of legal aid case 84,6€.

Training of judges and prosecutors in the Republic of Moldova in 2023 (Indicator 7)

Total budget for training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



The total budget for training of judges and prosecutors in the Republic of Moldova was 0,44€ per inhabitant, which is above the EaP Average (0,3€ per inhabitant).

In 2023, 6 715 participants (of which 1 962 judges and 2 135 prosecutors) were trained in 308 live trainings (in-person, hybrid or video conferences).

There were 1052 participants in internet-based trainings. This shows that the participation on live trainings is higher than the participation in internet-based trainings.

In the Republic of Moldova, each judge participated, on average, to 5,7 live trainings in 2023, which was higher than the EaP Average (2,6) while each prosecutor participated, on average, to 3,6 live trainings, more than the EaP Average (1,8).

Regarding the internet-based trainings (not-live), 14 trainings in total were provided on the e-learning platform of the training institution, whereas a total of 11 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTJN, UN, etc.). The total number of participants was 1052 on the e-learning platform of the National Institute of Justice and 720 on other e-learning platforms.

In the Republic of Moldova, both judges and prosecutors are required to attend a minimum of 5 days of in-service compulsory training.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecution services dedicated to training (when applicable).

	Budget of the training institution(s) (1)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Absolute Number	Total (1)+(2)					% Variation 2018 - 2023	% Variation 2022 - 2023	EaP Average per inhabitant
					Evolution of training budget per inhabitant							
					2018	2020	2021	2022	2023			
Total	1 090 333 €	NA	4 839 €	1 095 172 €	0,34 €	0,35 €	0,33 €	0,38 €	0,44 €	28,3%	14,6%	0,30 €
Judges	NAP	NAP	4 839 €	4 839 €								
Prosecutors	NAP	NAP	0 €	0 €								
One single institution for both judges and prosecutors	1 090 333 €	NA		1 090 333 €								

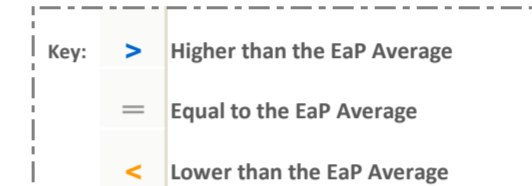
The Republic of Moldova spent in total 1 095 172€ for training in 2023, which is 0,44€ per inhabitant (above the EaP average of 0,3€ per inhabitant). An increase of the training budget for justice sector professionals per inhabitant is noticeable over the last 5 years.

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2023)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Republic of Moldova	EaP Average	Republic of Moldova	EaP Average
Total	149	308	249	6 715	0,8 <	2,4	21,8 <	22,2
Judges	95	187	208	1 962	1,1 <	1,6	10,5 <	17,5
Prosecutors	75	162	204	2 135	1,3 <	3,3	13,2 <	33,2
Non-judge staff	47	96	90	1 931	0,9 <	2,9	20,1 <	31,4
Non-prosecutor staff	31	63	72	687	1,1 <	5,2	10,9 <	53,2

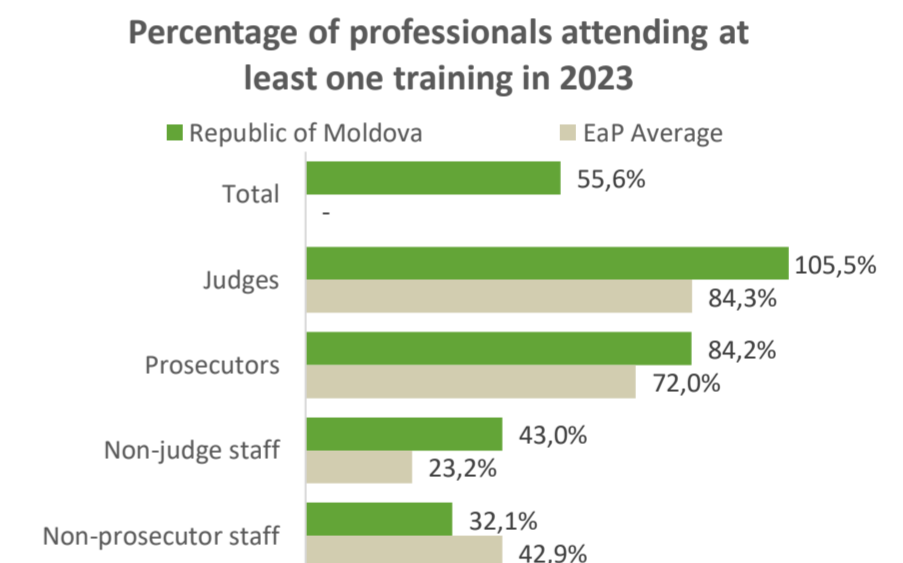
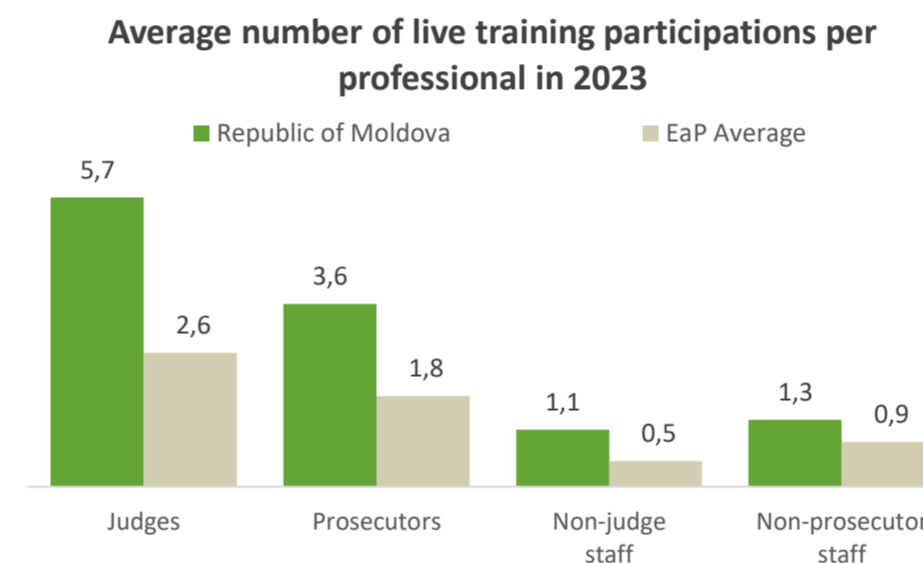
CEPEJ distinguishes these types of trainings:
 "A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
 "Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.



In 2023 the total number of available and delivered in-service trainings increased compared to 2022. In 2023, the average duration of trainings for judges in Republic of Moldova was 1,1 days (below the EaP Average of 1,6). During the same period, the average duration of trainings for prosecutors was 1,3 days, which was well below the EaP Average of 3,3 days.

Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Republic of Moldova	EaP Average	Number	% of total professionals by category	
				Republic of Moldova	EaP Average
Total	2,1 >	1,0	1 775	55,6%	-
Judges	5,7 >	2,6	365	105,5% >	84,3%
Prosecutors	3,6 >	1,8	501	84,2% >	72,0%
Non-judge staff	1,1 <	0,5	741	43,0% >	23,2%
Non-prosecutor staff	1,3 >	0,9	168	32,1% <	42,9%



Average number of live training participations per professional

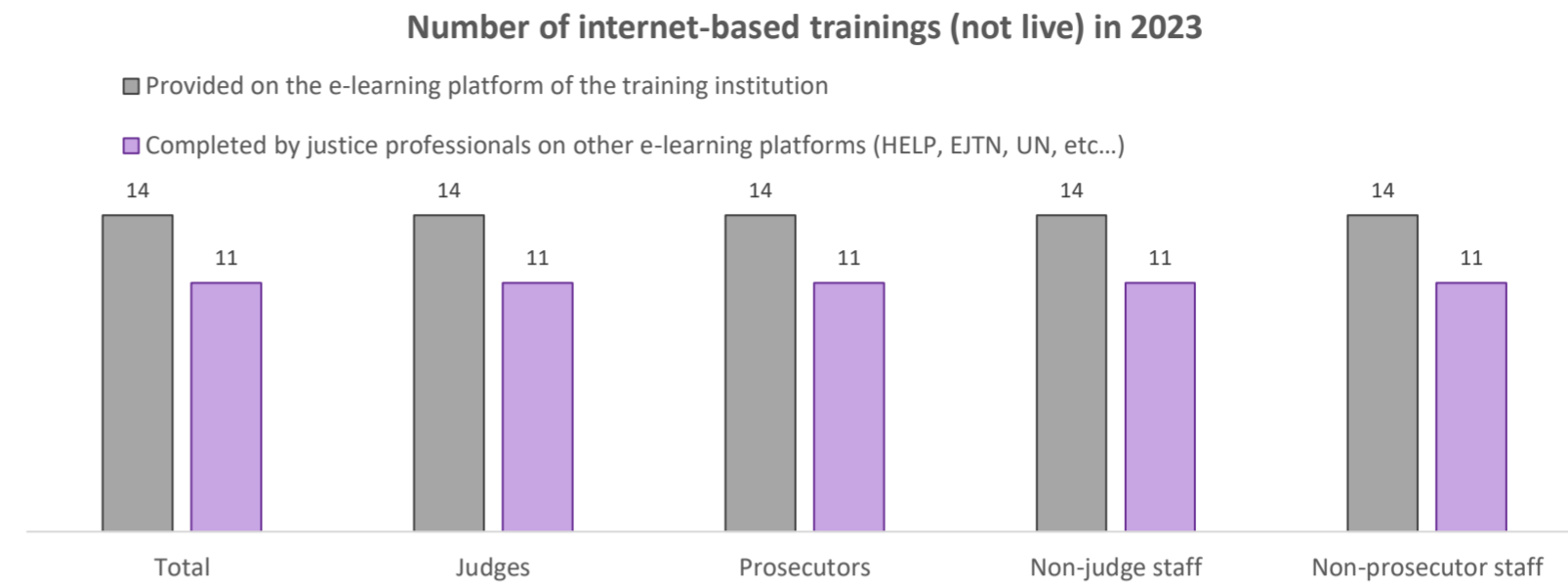
This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the EaP Average for judges is 2,6. This means that, on average, each judge in the region participated to 2,6 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

Considering the average participations in live trainings, the highest average was for judges (5,7 live training participations per judge). Hence, compared to the other professionals, the Republic of Moldova gave priority to the trainings for judges, similarly to the rest of the region (the EaP Average number of participations per judge on live trainings was 2,6).

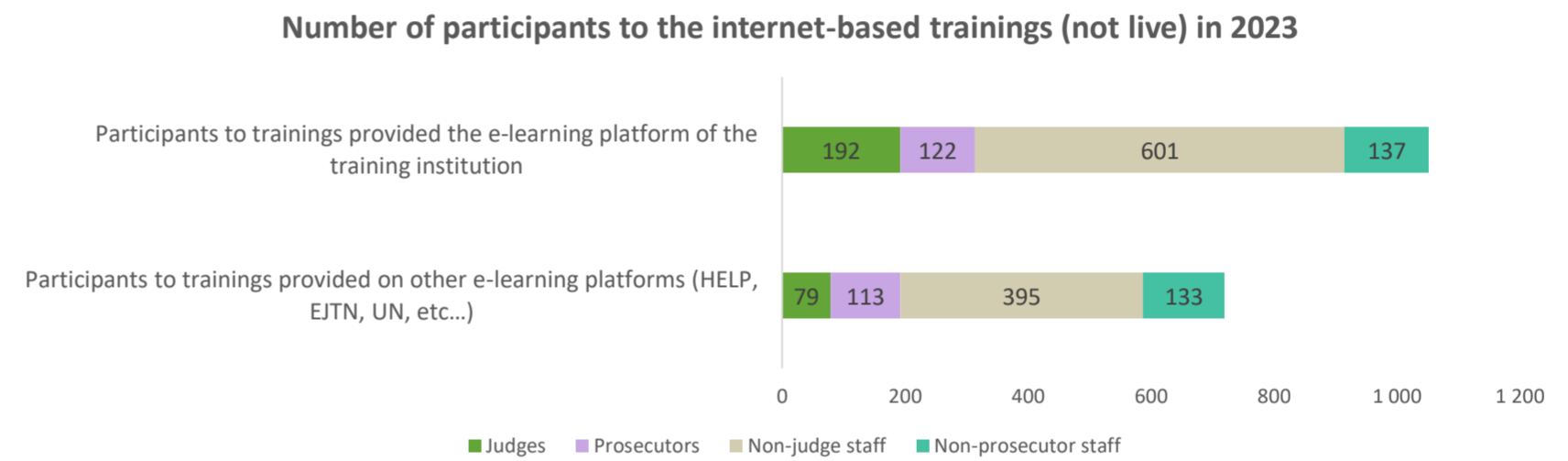
Specifically for judges, it has to be noted that the number of judges - unique participants is greater than the total number of judges reported (346 judges), explained by judges resignations during 2023.

• Number of in-service internet-based trainings and participants

	Number of internet-based trainings (not live) in 2023			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	14	1 052	11	720
Judges	14	192	11	79
Prosecutors	14	122	11	113
Non-judge staff	14	601	11	395
Non-prosecutor staff	14	137	11	133



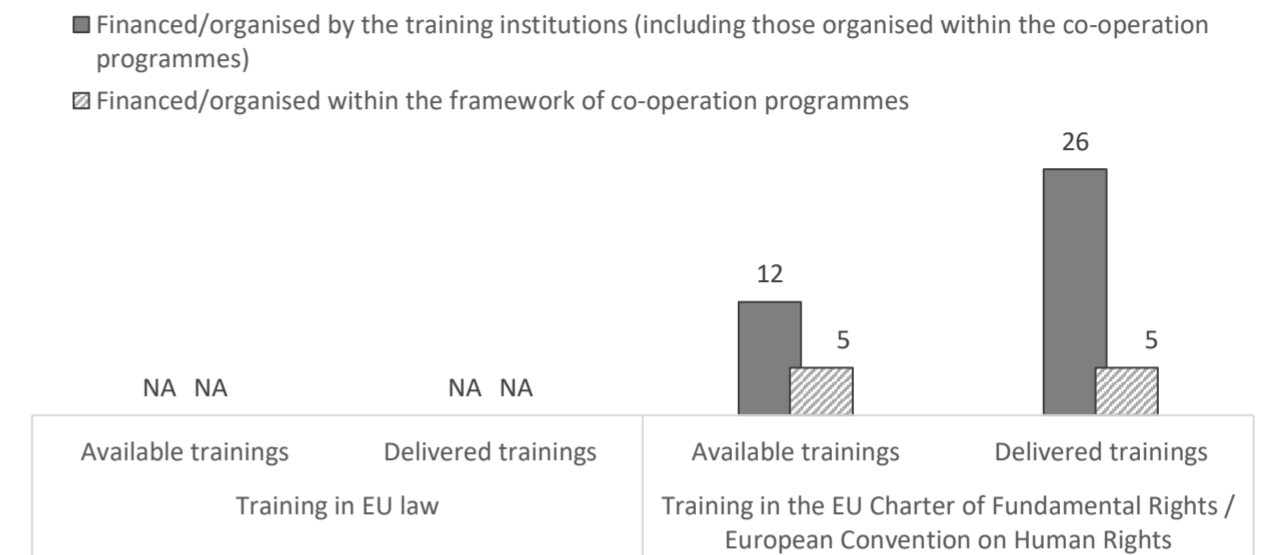
A total of 14 internet-based trainings (not live) were provided on the eLearning platform of the NIJ (1 052 participants), and 11 trainings were reportedly completed by justice professionals on other e-learning platforms (720). The majority of participants on both types of trainings came from the category of non-judge staff.



• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2023)				
Number of available live trainings	NA	NA	12	5
Number of delivered live trainings	NA	NA	26	5
Number of delivered live training in days	NA	NA	26	5
Internet-based trainings(2023)				
Provided on the e-learning platform of the training institution (not live)	NA	NA	NA	NA
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	-	NA	-	NA

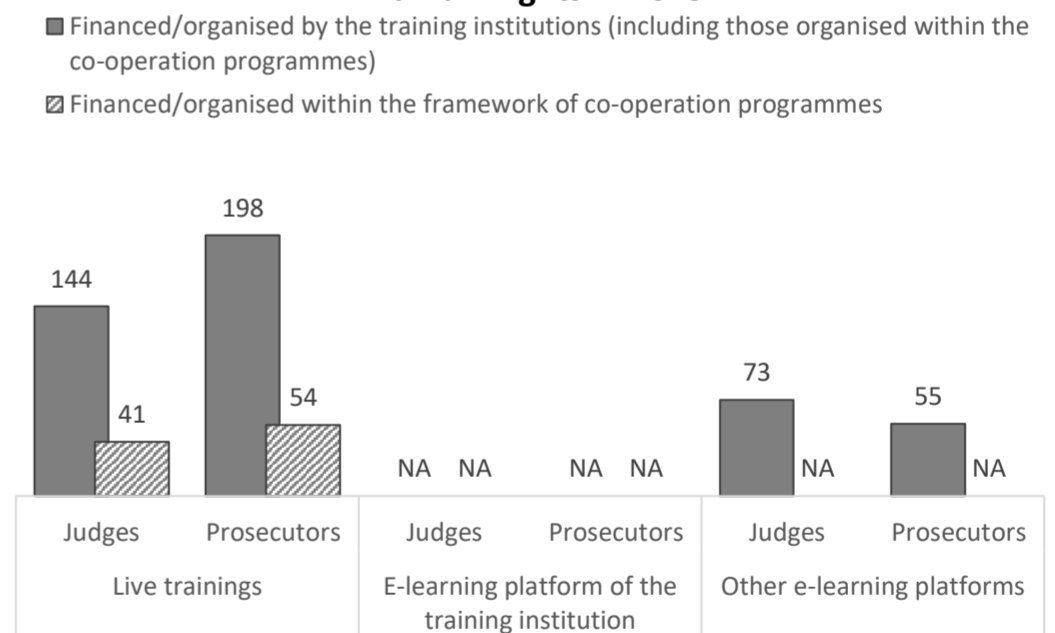
Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



The data on trainings on EU Law was not available at the date of this analysis. The majority of trainings on the EU Charter of Fundamental Rights/ECHR were organised by the NIJ (12 available and 26 delivered live trainings). 5 trainings were reportedly delivered with the support of co-operation programmes.

Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	144	198	NA	NA	NA	NA	73	55
Within the framework of co-operation programmes	41	54	41	54	NA	NA	NA	NA

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



Participation shall be understood as one attendance of a person to a training.

• **Type and frequency of trainings**

		Judges		Prosecutors	
		Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
In-service training	Initial training	Compulsory		Compulsory	
	General	Compulsory	Regularly	Compulsory	Regularly
	Specialised judicial functions	Optional	Regularly	Optional	Regularly
	Management functions of the court	Optional	Regularly	Optional	Regularly
	Use of computer facilities in courts	Optional	Regularly	Optional	Regularly
	On ethics	Optional	Regularly	Optional	Regularly
	On child-friendly justice	Optional	Regularly	Optional	Regularly
	On gender equality	Optional	Regularly	Optional	Regularly
	On prevention of corruption	Optional	Regularly	Optional	Regularly
	On conflicts of interest	Optional	Regularly	Optional	Regularly
Other	Optional	Regularly	Optional	Regularly	

The **National Institute of Justice** is a public independent institution responsible for the initial and in-service training of judges and prosecutors, clerks and judicial assistants, heads of court's secretariat and probation officers and other persons with judicial duties. The admission to the Institute is exclusively by competitive exam during which persons possessing the qualifications prescribed in the law to hold the position of judge/prosecutor may apply.

Judges have the right to in-service training, by selecting themes from the program and they have to complete at least 40 hours annually. The National Institute of Justice approves its curricula for judges twice per year and it includes trainings organized continually throughout the year.

According to the provisions of the Law on the Prosecution Office, **prosecutors** shall participate in at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training. The continuous training of prosecutors is being carried out with due account to the necessity of the prosecutors' specialization. When drafting the curricula and topics on the continuous training of prosecutors there are taken into consideration the suggestions and individual needs of prosecutors and they have possibility to choose the field they wish to improve in. The National Institute of Justice approves its curricula for prosecutors twice per year and it includes trainings organized continually throughout the year.

In the Republic of Moldova, no sanction is foreseen if judges and prosecutors do not attend the compulsory training sessions. Yet, the electronic profile (training account) of the judge or prosecutor is blocked, in case he/she misses trainings, and he/she cannot thus apply for another in-service training.

Both prosecutors and judges receive special training in the field of domestic violence and sexual violence. Thus, according to the National Institute of Justice in-service training Plan for 2023, beneficiaries can participate in activities held in the module entitled "Protection of minors and domestic violence" provided by specialised trainers.

• **Minimum number of compulsory trainings**

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NA	540	5	5
Prosecutors	NA	540	5	5

The initial training offered by the NIJ is carried out according to the Training Plan approved by the Council of the NIJ. The minimum number of days for initial compulsory training is reported herein with approximation. The duration for this training is 18 months.

The minimum number of hours for in-service compulsory training per year defined by Law is 40 hours.

• **Quality of judicial training**

Republic of Moldova identifies (collects information about) future in-service training needs via:

Target audience itself	✓	Relevant judicial institutions	✓
Previous participants in trainings	✓	Ministry of Justice	✓
Trainers	✓	Other (Bar Association, lawyers, donors, civ	✓
Courts/prosecutor's offices	✓		

Future in-service training needs are assessed annually.

The NIJ has Methodologies for collecting information about future training needs. E.g. <https://www.inj.md/sites/default/files/ISOHC%20nr.1-3.2%20din%2031.01.17Metodologia%20determ.necesit.%20FC%20a%20%20juddec%C4%83t.%20procuror.pdf>

The result of the training evaluation process is used:

To prepare a training evaluation report with recommendations	✓	To suppress a training course	✗
To improve the training course which, according to the report, needed improvements	✓	To introduce a new course	✓
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	✓	Other	✗

In the Republic of Moldova, in-service trainings (seminars, workshops, round tables) are evaluated immediately after the training is delivered by using a combination Kirkpatrick and other training evaluation models. There is a transitional period to Kirkpatrick evaluation model, so in 2023 still an evaluation immediately after the training was delivered but taking into consideration as well the Kirkpatrick model. Source: National Institute of Justice.

Alternative Dispute Resolution in the Republic of Moldova in 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Mediators

42,1

per 100 000 inhabitants

EaP Average: 13,2

49,1% female



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation 1 661

Number of finished court-related mediations 157

Number of cases in which there is a settlement agreement 1 594

In the Republic of Moldova, court related mediation procedures are available, and legal aid for court-related mediation or related mediation provided free of charge could be granted. The judicial system does not provide for mandatory mediation. Moreover, there are no mandatory informative sessions with a mediator. In 2023, the number of mediators was 42,1 per 100 000 inhabitants, which was considerably above the EaP Average (13,2 per 100 000 inhabitants). 49,1% were female mediators. There were in total 1 661 cases for which the parties agreed to start mediation and 1 594 mediation procedures, which ended with a settlement agreement.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

Court-related mediation was established as a mandatory way of settling the claims in civil procedures by the Law nr 31 of 17.03.17. In 2022, the legal provisions on mandatory court-mediation were abolished and judges do not have the role of mediators for specific cases anymore. A judge still can evaluate the circumstances and propose to parties to apply for mediation outside the court proceedings. Thus, mediation remains court-related, but not mandatory. In accordance with the Civil Procedure Code legal provisions, the judge evaluates the circumstances and propose to parties to apply for mediation outside the court proceedings.

In accordance with the Criminal Procedure Code, in case of accusing a person for committing a minor or less serious offense, and in case of minors, the court, before the case is accepted for examination, within a maximum of 3 days from the date of the distribution of the case, at the request of the parties, adopts a ruling in favour of a mediation procedure outside of the court proceedings. The document includes data on the name of the judge, of the accused person and the essence of the accusation, the indication to examine the case in the mediation procedure, the name of the mediator who will carry out the procedure, establishing a reasonable term for mediation. The decision shall be transmitted to the mediator, accused person, injured party, prosecutor and defender. The mediator immediately proceeds to the mediation procedure and, if the parties have reconciled, draws up a mediation contract, which is signed by the parties and is presented to the court. If the parties have not been reconciled, the mediator shall draw up a reasoned opinion, which is also submitted to the court. The parties in a criminal trial may repeatedly benefit from the right to mediation until deliberation and sentencing.

There are not specific provisions concerning the mandatory informative sessions but in accordance with the Law on mediation the informative sessions are free of charge. Furthermore, parties can establish by their agreement to benefit from mandatory informative sessions.

• Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



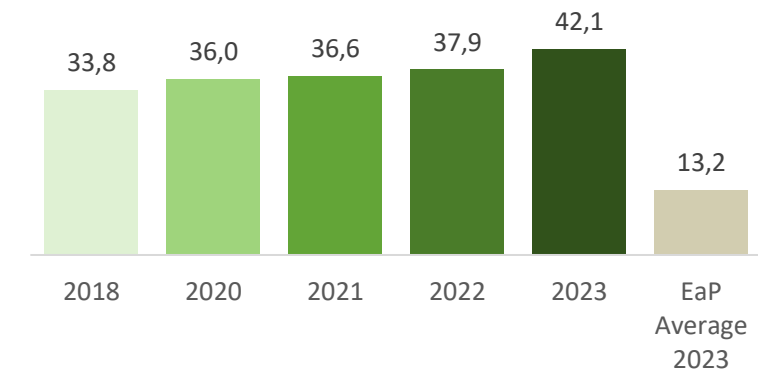
• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

A person who wants to be a mediator in the Republic of Moldova must cumulatively meet the following conditions: (a) have full mental capacity, (b) hold a bachelor's degree, (c) having not been previously convicted of serious, particularly serious, exceptionally serious crimes committed with intent, (d) have a clean criminal record for minor and less serious crimes, (e) have an impeccable reputation, (f) be physically fit from a medical point of view, (g) have completed the initial training courses for mediators, (h) have passed the mediator's certification exam. A foreign citizen or a stateless person can apply to become a mediator in the Republic of Moldova if he/she fulfils the above-mentioned requirements. According to the Law no.137 of 03.07.2015 on mediation, mediators must carry out their activities in an office or associate office.

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2023
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
1 058	42,1	13,2	16,5%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2023



For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of accredited mediators in Republic of Moldova was 1058, which is 16,5% more than in 2018. The number of accredited mediators per 100 000 inhabitants was 42,1, which is considerably above the EaP Average of 13,2.

At the same time, reportedly, of the total accredited mediators, there were 208 active mediators in 2023 (125 males and 83 females).

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	1 661	157	1 594				
1. Civil and commercial cases	1 524	109	1 462	✓	✗	✗	✗
2. Family cases	16	2	14	✓	✗	✗	✗
3. Administrative cases	2	0	2	✓	✗	✗	✗
4. Labour cases incl. employment dismissals	5	0	5	✓	✗	✗	✗
5. Criminal cases	112	46	109	✓	✗	✗	✗
6. Consumer cases	0	0	0	✓	✗	✗	✗
7. Other cases	2	0	2				

Court related mediations were provided by private mediators. In 2023, mediation was mostly used for Civil and commercial cases and Criminal cases (parties agreed to start mediation in 1 524 and 112 cases, respectively).

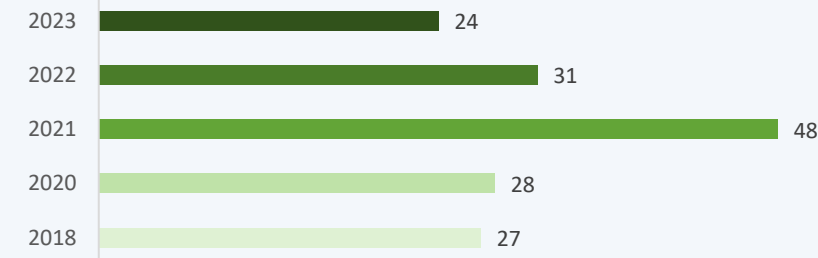
In the Republic of Moldova, it is possible to receive legal aid for court-related mediation or receive these services free of charge.

European Convention on Human Rights in the Republic of Moldova in 2023 (Indicator 10)

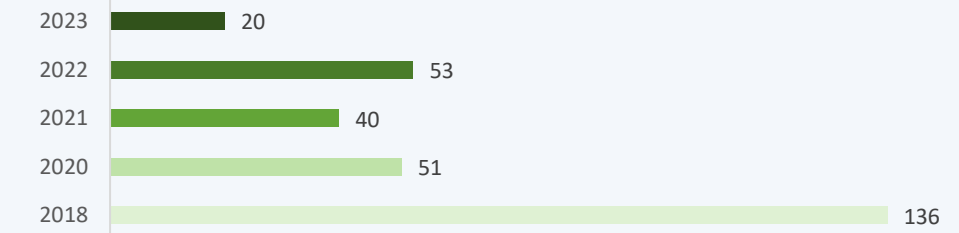
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



• ECHR

The remedy for the non-enforcement of final domestic judgments and unreasonable length of proceedings was adopted at national level by the Law no. 87 of April 2011, in force as of 1 July 2011. According to the Law, anyone who considers to be a victim of a breach of the right to have a case examined or a final judgment enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The Law establishes that its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The courts are obliged to deal with applications lodged under that Law within three months. The Law also states that if a breach of the right to have a case examined or a final judgment enforced within a reasonable time is found by a court, compensation for pecuniary damage, non-pecuniary damage and costs and expenses have to be awarded to the applicant. The procedure of enforcement of judgments adopted under this Law is simplified, so as no further applications or formalities should be required from the part of the applicants. That remedy concerns both civil and criminal procedures.

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review/reopen a case after a decision on violation of human rights by the ECHR

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

The national law allows the possibility to review a civil or a criminal case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case, within 6 months and, respectively, 1 year from the date of adoption of the Court's judgment. According to Law no. 151 of 30 July 2015, the Government Agent keeps the Register on the European Court's judgments and decisions against the Republic of Moldova, in line with the Regulation adopted in this regard by the Order of the Minister of Justice. The Register is public and is available on the Government Agent's official website <http://agent.gov.md/>, and includes all the judgments and decisions adopted by the European Court in respect of the Republic of Moldova. A database including summaries of the relevant Court judgments and decisions is also available on the Supreme Court of Justice's official website www.csj.md. Pursuant to the same Law no. 151 of 30 July 2015, the Government Agent notifies all the relevant authorities involved in a certain case about the issuance of a Court judgment in that case, by also proposing general measures aimed at preventing similar violations for the future. The evolution of cases at national level after the European Court of Human Rights found certain violations in those cases can be measured during the procedure of execution of those judgments at national level and within the supervision procedure of those judgments by the Committee of Ministers of the Council of Europe. The execution of both individual and general measures are subjected to Governmental supervision and Parliamentary scrutiny. In this regard, the Government Agent shall submit annual reports on the execution of those measures at national level before both the Government and the Parliament.

In 2023, there were 653 applications allocated to a judicial formation** for Republic of Moldova (11 more than the previous year). There were 24 judgements by the ECHR finding at least one violation for Republic of Moldova (down from 31 in 2022). 9 out of 24 judgements concerned the right to a fair trial in 2023.

There were 20 cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2023 (down from 53 in 2022).

	2018	2020	2021	2022	2023	
Applications allocated to a judicial formation of the Court**	814	523	630	642	653	
Judgements finding at least one violation**	27	28	48	31	24	
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	3	10	8	10	9
	Length of proceedings	0	0	2	0	0
	Non-enforcement	2	5	7	1	5

** Source: ECHR

(1) Figures in this line may include conditional violations.

	2018	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	136	51	40	53	20

*** Source: Department for the Execution of Judgments of the ECHR

Reforms in the Republic of Moldova in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✘	✔	✔	2023 is the second year of implementation of the Strategy on ensuring the independence and integrity of the justice sector for the years 2022-2025 and under the umbrella of this policy document several reforms in the justice sector have been continued and other activities have been started.
Budget	✘	✘	✔	Judges salaries have been increased as of spring 2023. The salaries of the court and prosecution staff increased as of October 2023.
Courts and public prosecution services	✔	✔	✔	<p>1. In order to increase the integrity and professionalism of the judges of the Supreme Court of Justice, as well as to strengthen the role of the Supreme Court of Justice, a new law on the SCJ was adopted and is in force as of 1 September 2023. The main provisions refer to: 1) reducing the number of SCJ judges to 20; 2) changing the composition of the SCJ, by ensuring access to the positions of judges of the SCJ for both judges (11 positions) and non-judges (9 positions) - lawyers, prosecutors, academics; 3) the regulation on criteria for access to the position of a SC judge; 4) establishment of the external evaluation mechanism of the current judges of the SCJ and of the candidates for the positions of judges of the SCJ; 5) changing the powers of the SCJ, to transform it into a court of cassation, with competence to interpret and apply uniformly the legal provisions in the justice system and others. The draft law was publicly consulted and submitted to the Venice Commission (see Opinion CDL-AD(2022)024 adopted at the plenary session of 21-22 October 2022 and Opinion CDL-AD(2022)049 adopted at the plenary session from December 16-17, 2022). In October 2023, the vetting process of the candidates to the SCJ was initiated. The final decision on promotion or appointment is on the SCM. Linked to the SCJ reform the Law no. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice was adopted on 30 March 2023.</p> <p>2. The process of amendment of Law no. 76/2016 on courts' reorganization was initiated on 4.09.2023.</p> <p>3. Through SCM Decision no.457/29/2023 on the approval of the Regulation on the minimal quality standards on organization and administration of court's activity for first instance courts and courts of appeal, 13 quality standards have been approved for Moldovan courts. The standards cover the following areas: (1) court performance, (2) online services, (3) court infrastructure, (4) quality management and (5) communication with the media and the general public.</p> <p>4. With the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova", a Working Group has been created in 2023 at the national level for an uniform methodology of annual reporting on court performance. The activity is planned to continue in 2024.</p>
Access to justice and legal aid	✘	✔	✘	The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanour (criminal-administrative) cases. The amendment was published on 29 December 2023. The provisions on complementing the composition of the National Legal Aid Council are in force from the same date. The rest of provisions will enter into force within 6 months from the date the amendment has been published. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).
High Judicial Council and High Prosecutorial Council	✘	✔	✘	<p>1. The Law on Prosecutor's Office was amended in 2023 by reducing the composition of the SCP to 10 members (5 prosecutors; 4 representatives of civil society and the SCM President). The Ombudsman and the General Prosecutor will cease to be members of the Superior Council of Prosecutors starting from 1 January 2024 and the Minister of Justice starting from 1 January 2026. The mandate of SCP members is for 6 years, and its is non-renewable. The mandate of the SCP president is for 2 years, again non-renewable.</p> <p>2. The SCM ex-officio members (Prosecutor General, Minister of Justice, SCJ President) are excluded from its composition and it is not mandatory for non-judge members to be academics.</p> <p>3. The pre-vetting evaluation of the candidates to SCM, Selection and evaluation and Disciplinary boards has been continued. It is expected to have a new vetted composition of these specialised bodies by mid-2024.</p>

Reforms in the Republic of Moldova in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Legal professionals	✘	✔	✘	<p>1. The mechanism of selection, evaluation and disciplinary liability of prosecutors has been improved. The main aspects are related to merging the College for the selection and career of prosecutors and the Performance evaluation college of prosecutors in a single college - the College for the selection and evaluation of prosecutors; transferring the Inspection of prosecutors from the General Prosecutor's Office in the structure of the Superior Council of Prosecutors;</p> <p>2. A new law on selection and performance assessment of judges entered into force on 21 June 2023. It was merged the Selection Board with the Evaluation Board and a single board was created - the Board of selection and evaluation of judges. The law also regulates the criteria of selection of candidates for the position of judge and performance evaluation criteria for judges. A novelty introduced by the law is the competence to evaluate a judge in terms of integrity.</p> <p>3. A new law on external evaluation of judges and prosecutors entered into force on 22 August 2023. It includes the full vetting (external evaluation) of the judges of the appeal courts; the presidents and vice-presidents of the courts; General Prosecutor, Deputy General Prosecutors, the chief prosecutors of different departments of the General Prosecutor's Office, including those who occupied these positions or who ensured their interim for a term longer than one year; all prosecutors from the specialized prosecutor's offices; the chief prosecutors and their deputies from the territorial prosecutor's offices.</p> <p>4. In order to improve the mechanisms of the disciplinary liability of judges and exclude some procedural deficiencies several amendments of Law no. 178/2014 on the disciplinary liability of judges, Law no. 544/1995 on the status judges and Law no. 947/1996 on the Superior Council of the Magistracy were approved in 2023. The main aspects of the changes concern: 1) the rights, obligations, guarantees of inspectors-judges; 2) the revocation of the mandate and other aspects of strengthening the capacities of the Judicial Inspection; 3) ensuring the clarity and predictability of the criteria that constitute disciplinary violations; 4) the examination procedure and other deficient aspects found following the examination of the practices.</p> <p>5. Strengthening the capacities of justice related, legal professions and the affirmation of their representatives (lawyer, notary, mediator, bailiff, judicial expert, licensed administrator and translator/interpreter) as a body of professionals capable of delivering quality legal services that are essentially public services delegated by the state is an essential task also. In this respect, the process to improve the mechanisms on organization, activity and accountability of justice related legal professions and develop and enforce improved policies for service delivery by justice related legal professions started in 2022 and is in progress in 2023. The reforms are part of the above-mentioned Strategy.</p>
Gender equality	✔	✔	✘	<p>1. Through the Government decision no. 203 of 12.04.2023 the Program for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 was approved.</p> <p>2. The Law no. 121/2012 on ensuring equality and Law no. 298/2012 on the activity of the Council for the prevention and elimination of discrimination and ensuring equality were amended on 2 February 2023. The amendments are aimed at expanding the non-discrimination criteria, improving the collection of equality data, monitoring, evaluating and reporting the results annually, as well as strengthening the institutional framework (the competences, activity and structure of the Equality Council).</p> <p>3. A Working Group to optimize HR policies in courts has been created, with the support of the EU/CoE Joint Programme "Support to further modernisation of court management in the Republic of Moldova". Among the expected deliverables of the WG are recommendations on ensuring non-discrimination, promoting social inclusion, gender equality and the balance between professional and family life of judges and court staff (based on the CEPEJ Guidelines on gender equality in the recruitment and promotion of judges).</p>
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✔	✔	✘	<p>Amendments to Criminal Procedure Code and Administrative Offences Code were adopted. The purpose of the changes was to improve the efficiency of the procedures for examining criminal cases both at the preliminary stage and at the judicial stage, as well as to review the procedural mechanisms that would ensure an appropriate balance between prosecution and defence from the perspective of equality of arms. The main aspects of the amendments aim at: adjusting the normative framework in order to prevent the violation of the reasonable term; expanding the use of videoconferencing in court sessions; the exclusion of provisions that created predispositions for procrastination of judicial proceedings, revision of the provisions on admission, designation and replacing the defender; establishment of the cooperation agreement procedure; improving the mechanism of compensation for detention conditions, etc.</p> <p>An amendment of the Criminal Code has been adopted in the first reading by the Parliament. The aim was to exclude some deficiencies of legislative order, which, in practice generate interpretation difficulties and to focus on humanizing the punitive policy of the state. Furthermore, the Criminal Code has been adjusted and completed with new offenses on ecology segment for a better protection of the environment. Components of crime have been introduced to protect personal identity; corruption and cyber offenses have been reviewed and adjusted.</p>

Reforms in the Republic of Moldova in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Mediation and other ADR	✘	✔	✘	The "mediation guaranteed by state" terminology with a dedicated to it paragraph has been integrated into the Legal Aid Law 198/2007. The National Legal Aid Council composition has been complemented with 2 members from the Mediation Council and the Mediation Council competences in this regard have been listed. A list of criteria for providing "mediation guaranteed by state", the procedural aspects of requesting and granting the services have been established. The beneficiaries of these services will be people whose income is lower than monthly minimum salary in the country. Regardless of the level of income, the services will be granted to minors, to people under the age of 21, and to those with severe or accentuated disabilities. The "mediation guaranteed by state" can be provided in civil, criminal and misdemeanour (criminal-administrative) cases. The amendment was published on 29 December 2023. The provisions on complementing the composition of the National Legal Aid Council are in force from the same date. The rest of provisions will enter into force within 6 months from the date the amendment has been published. The aim was to offer legal aid for mediation services by integrating them into the legal aid provided by the National Legal Aid Council (CNAJGS).
Fight against corruption and accountability mechanisms	✔	✘	✘	<ol style="list-style-type: none"> 1. A law on anti-corruption court has been adopted by the Parliament in the first reading. The Venice Commission provided its opinion in this respect and the draft law is being refined in accordance with the recommendations. 2. The corruption offenses have been reviewed and adjusted. On this issue an amendment of the Criminal Code has been adopted in the first reading by the Parliament. 3. Legislative changes on the delimitation of functional powers of Anti-Corruption Prosecutor's Office and National Anti-Corruption Centre at investigating, combating and sanctioning high-level corruption crimes were adopted in the reference period. According to Law No. 365/2023, "from 1 March 2024, criminal cases in the criminal investigation phase within the Anti-Corruption Prosecutor's Office and the criminal investigation body of the National Anti-Corruption Centre, for which they will not be competent to carry out the criminal investigation under this law, will be sent to the Prosecutor General, who will distribute them according to the competence within the period until 31 March 2024." 4. The normative framework regarding the whistle-blowers was refined in 2023 in accordance with EU legislation.
Domestic violence	✘	✔	✘	<p>The Law no. 45/2007 on the prevention and combating of family violence was amended in 2023. New responsible institutions were created: The National Agency for the Prevention and Combating of Violence against Women and Family Violence, which is a central administrative authority subordinate to the Government empowered to coordinate inter-institutional activity in the field of preventing and combating violence against women and family violence, implementing national programmes, to provide assistance to the Government in the implementation of policies, to monitor and evaluate public policies in the field, to facilitate cooperation and dialogue with civil society, to report on the manner of national application of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter - the Istanbul Convention), other international conventions and instruments.</p> <p>In addition to the National Agency for the Prevention and Combating of Violence against Women and Family Violence, the National Coordinating Council in the Field of Preventing and Combating Violence against Women and Family Violence (hereinafter - the National Coordinating Council) was established and is carrying out its activity. Its composition includes representatives of the specialised central public administration authorities, representatives of civil society and other interested parties. The National Coordinating Council ensures the collaboration between authorities and organizational structures with competences in the field of preventing and combating violence against women and violence in the family, as well as their cooperation with non-commercial organizations and foreign partners, it also serves as a platform for debates in the implementation process, at the national and local level, of policies to prevent and combat all forms of violence regulated by the Istanbul Convention. The regulation of the National Coordinating Council is approved by a Government decision. The activity of the members of the National Coordinating Council is not remunerated."</p>
New information and communication technologies	✘	✘	✔	Within the framework of the institutional reform of the judiciary, digitalization has been a priority. An essential support to the modernization of justice delivery is ensured by the development of the judicial information system. Nevertheless, the implementation of IT solutions is an ongoing process, which should be adapted to new requirements for process development. Increasing the level of digitalization of the judiciary is a tool for streamlining the activities carried out in the justice system. Examples: the Working Group for developing the Court Information System has identified a list of 85 needs in order to improve the functionalities of the ICMS. The ICMS has been updated 18 times during 2023. The pilot testing of the e-file solution has been extended to other courts. 11 more sets of the videoconferencing equipment for court hearings were procured. A monitoring assessment on the extended use of the videoconference for court hearings was done in 3 model pilot courts with the support of the USAID project "Moldova effective justice model courts initiative". The statistical JUSTAT solution was launched on 26 May 2023. The solution provides for general public online information on judicial system statistical data and court performance indicators.

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the result of judicial reform effort in the Eastern Partnership "Justice Dashboard EaP" Project

Data collection 2023

Part 2 (B) - Beneficiary Profile – Republic of Moldova

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Justice Dashboard Eastern Partnership, and relevant GRECO reports from the Fourth GRECO Evaluation Round on Prevention of corruption in respect of members of parliament, judges and prosecutors.

The level of implementation of GRECO recommendations as of 24 March 2023 (adoption of the Second Interim Compliance Report on the Republic of Moldova):

	JUDGES	PROSECUTORS
Implemented	29,00%	60,00%
partially implemented	71,00%	40,00%
not implemented	00,00%	00,00%

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges

The recruitment and career of judges is regulated by the Constitution, Law on the organisation of the judiciary (hereinafter: LOJ), Law on the status of the judge (hereinafter: LSJ); Law on the selection, performance evaluation and career of judges (hereinafter: LSPECJ) and the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023).

As of April 2022, judges are appointed by the President of the Republic of Moldova upon proposal of the Superior Council of Magistracy (hereinafter: SCM). After appointment in an open competition, they have a life tenure until the retirement age of 65 years (Article 116, Constitution). The President of the Republic may reject once the candidate proposed by the SCM, but only if irrefutable evidence is found confirming the candidate's incompatibility with this position or him/her violating the legislation or procedure for his/her selection or promotion. The refusal has to be reasoned and presented within 30 days of the proposal, a period that can be extended by 15 days in case additional investigation is necessary. Upon a repeated proposal of the SCM, the President of the Republic has to appoint the proposed candidate within 30 days.

Court presidents are appointed by the SCM, for a term of four years and can hold two consecutive mandates at most (para. 3 of Article 16, LOJ).

Judges of the Supreme Court were appointed by the Parliament on the proposal of the SCM (para 2. of Article 11, LSJ). The Parliament had the prerogative to also reject once the candidate proposed by the SCM for similar reasons as the President of the Republic regarding other judges. Following the amendments to the Constitution as of 1 April 2022, and under the amended Law No. 789/1996 on the Supreme Court of Justice (in force as of 06 April 2023), the judges of the Supreme Court are appointed by the President of the Republic of Moldova, upon the proposal of the SCM.

The decisions of the SCM are subject to a full judicial review (in fact and in law) (LSCM, Administrative Code).

GRECO recommendation viii. GRECO recommended that decisions of the Superior Council of Magistrates be adequately reasoned, both on the merits of the case and on procedural grounds.

In the [Evaluation Report on the Republic of Moldova](#) (see para. 93), GRECO expressed concerns about the insufficient justification of the SCM's decisions, especially in recruitment, career and disciplinary matters. Especially since the SCM is not bound by the decisions of the Judges' Selection and Career Committee on the respective merits of candidates to positions of judges and does not provide any reasoning when it chooses to deviate from them, citing only the number of votes obtained by each candidate. GRECO criticised this practice as it erodes judges' and the public's confidence in the SCM's decisions and in the fairness and objectivity of the selection process. While there may sometimes be reasons

for which the SCM does not follow the recommendation of the Selection Committee, GRECO said that such exceptions must be justified in a clear, complete and conclusive manner. Consequently, GRECO issued recommendation viii.

In [the Compliance Report \(see para. 48-52\)](#), GRECO noted amendments made to Law No. 154/2012 on the selection, performance evaluation and career of judges, which entered into force on 19th October 2018. These amendments require that the SCM's decisions take into account, to a certain degree, the results of selection exams and of performance appraisals. GRECO noted that these amendments could reduce the arbitrary nature of the SCM's decisions. However, in the absence of the information regarding justification in practice of the SCM's decisions on recruitment, career and disciplinary matters it assessed the recommendation as only partly implemented. GRECO noted no progress was made in [the Second Compliance Report \(see para. 51-58\)](#), since the authorities did not provide any examples of SCM decisions in which the SCM deviated from the decisions of the Selection Committee, that would allow GRECO to conclude that SCM's decisions on recruitment, career and disciplinary matters were systematically and adequately motivated in practice. No new information was reported by the authorities in the Interim Compliance Report on the Republic of Moldova (para. 35-38). In the [Second Interim Compliance Report on the Republic of Moldova](#) (see para. 39-43) the Moldovan authorities reported on the 2022 statutory amendment brought about by the Law No. 246 of 29 July 2022 with regard to certain normative acts, including the Law No. 947/1996 on the SCM, according to which the SCM adopts decisions with the open vote of the majority of members present, except for the case of proposals on the appointments of candidates to the position of judge, court president or court deputy president. The SCM reasoned decision is drawn up in no more than 30 days and be signed by the chairman of the meeting. The decision will state the number of votes cast in favour of and against the decision. If a member of the SCM has a dissenting opinion, it is immediately announced, reasoned, and published together with the decision of the SCM. The amended section 25 stipulates that SCM decisions can be challenged before the Court of Appeal on both the merits and procedural grounds. The Chisinau Court of Appeal examines, in the first instance, applications lodged against SCM decisions, and its decision can be appealed against to the Supreme Court (the Administrative Code). GRECO welcomed the amendments; however, it noted that in order for the recommendation to be fully implemented, these amendments should be translated, in practice, with the adoption of reasoned decisions by the SCM regarding matters pertaining to the recruitment and career of judges. Since no such decisions have been adopted since October 2020, because the Judges' Selection and Career board of the SCM has only two members out of seven, GRECO concluded recommendation remains partly implemented.

The recruitment to any position of judge occurs on the basis of competitions organised by the SCM. Basic requirements for appointment at a first instance court include: 1. Moldovan citizenship; 2. domicile in the country; 3. command of the official language; 4. legal capacity; 5. an irreproachable reputation; 6. a clean criminal record; 7. fulfilling the medical requirements for the function; 8. holding a bachelor's degree and master's in law or its equivalent; 9. having a minimum of five years of service in a legal profession. and the results of the exams at the National Institute of Justice (according to para. 1 of Article 6, LSJ); and 10. passing a polygraph test Other criteria according to the provisions of the Law 147/2023 on the selection and performance evaluation of judges (in force as of 21 June 2023): 1. participation in non-formal education activities, projects or initiatives; 2. knowledge of one of the official languages of the Council of Europe; 3. possession of personal qualities such as verticality, fairness, the ability to manage stressful situations, analytical ability, the ability to make decisions, attested by the result of psychological testing; 4. possession of the ability to understand and solve complex legal situations; 5. other criteria established by the regulation approved by the

Superior Council of Magistracy. Candidates also have to be entered in a register of participants in the competitions for fulfilling judicial vacancies prior to the competition being announced. Entry criteria are announced as part of a public call which is published on the SCM's website.

As of June 2023, with the entry into force of the Law 47/2023 on the selection and performance evaluation of judges, candidates are selected by the Judges' Selection and Career Committee of the SCM (Selection Committee). It is composed of nine members, among whom five are judges elected by the General Assembly of Judges (hereinafter: GAJ) and selected by the SCM following a public competition and four are representatives of civil society, selected by the SCM following a public competition. The term of office of the members of the Selection Committee is six years and members cannot be elected or appointed for two consecutive terms.

Until June 2023, the Selection Committee assesses and ranks the candidates on the basis of 1. the written materials submitted in the application; 2. the results of the exam taken before the Graduation Commission of the National Institute of Justice; 3. and an interview. Criteria to be taken into account include: 1. the level of knowledge and professional skills; 2. the ability to apply knowledge into practice; 3. the length of experience as a judge or in other functions; 4. qualitative and quantitative indicators of work undertaken as a judge or in other legal professions; 5. compliance with ethical standards; and 6) teaching and scientific activity (Article 2, LSPECJ). In the interview, minutes are taken, interviews are recorded (audio or video) and a standardized point system is used to evaluate the candidates. As of 21 June 2023, with the entry into force of a Law 147/2023 on the selection and performance evaluation of judges, further measures shall be established in a regulation approved by the Superior Council of Magistracy. Such a Regulation was not approved at the date of drafting this analysis. Thus, the SCM appears to have applied its old regulation concerning the interview process in 2023 (while a draft regulation was being drafted). The meetings of the Selection Committee are public, decisions are taken by open majority vote and are motivated, published on the SCM's website within five days of their adoption and are subject to appeal before the SCM within ten days of their adoption (art. 10 LSPECJ and as of June 2023 - art. 18 and 20 of the Law 147/2023). Non-pre-selected candidates may also challenge the results of the exam taken before the Graduation Commission of the National Institute of Justice; the appeal is decided by the Appeal Commission of the National Institute of Justice and its decision is final.

The integrity of the candidates is checked through several mechanisms and by several authorities. On 5 December 2017, the Constitutional Court declared unconstitutional the provisions of the 2008 Law on the background check of candidates to public functions in respect of candidates to the position of judges and judges. In 2023 the following provisions of art. 6 the Law 544/1995 were in force: "4. It shall be deemed not to be of irreproachable reputation within the meaning of paragraph 4. (1), and a person may not run for the position of judge who:

a) has a criminal record, including extinguished, or has been absolved of criminal responsibility by an act of amnesty or pardon; b) was dismissed from law enforcement bodies for compromising reasons or was dismissed, for the same reasons, from the functions in para. (2); c) behaves in a manner incompatible with the norms of the Code of Ethics for Judges or carries out activity incompatible with the norms of this Code. d) has been disciplined for non-compliance with the provisions of Article 7 para. (2) of Law nr. 325 of 23 December 2013 on institutional integrity assessment; e) is prohibited from holding a public office or public dignity, deriving from a finding act of the National Integrity Authority." As a follow-up to the above-mentioned CC decision, the SCM modified its Regulation on the criteria for the selection, promotion and transfer of judges in 2018

<https://www.csm.md/files/Hotaririle/2018/28/613-29.pdf>. According to Article 9 of the LSJ, the Judges' Selection and Career Committee of the SCM requests for the integrity certificate from the National Integrity Authority and the criminal record certificate from the National Anticorruption Center, while the SCM Regulation in force in 2023 refers also to the Information and Security Service. These two documents attest to the professional integrity of the candidate for the positions of judge. This criminal record certificate is not to be understood as a background check applied before the Constitutional Court decision mentioned above. The integrity of candidate judges is also checked using the polygraph (Law No. 269/2008 on the application of testing to the detector of simulated behaviour (polygraph), Article 7). Upon submission of his/her application for vacant position, the candidate is informed of the testing and must provide a written consent for taking it.

According to article 191 of the Administrative Code (in force in 2023) SCM decisions can be challenged before the Supreme Court of Justice.

GRECO recommendation ix. 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;...

GRECO expressed concerns about indications that candidates presenting integrity risks were appointed as judges (see para. 101 of the [GRECO Evaluation Report](#)). The integrity of candidates is verified by the SIS and the results of this assessment are communicated to the President of the Republic and the SCM. In case of a negative assessment, the President of the Republic has to refuse to appoint the candidate proposed by the SCM. But the SCM may decide by a simple majority vote to propose the candidate again and in this case, the President has to appoint him/her. According to information gathered by the GET (GRECO Evaluation Team), this occurred in nine cases in 2015. All the judges concerned were proposed again by the SCM and finally appointed. It is likely, therefore, that candidates presenting integrity risks are appointed as judges, all the more since the SCM confirmed to the GET that the integrity of candidates was not assessed by them during the selection process, as this was seen as the SIS's sole prerogative. In view of the detrimental effect of such questionable practices on public confidence in the SCM's decisions and in the selection process of judges, a system needs to be devised in order to avoid making questionable appointment proposals to judicial positions. GRECO therefore issued recommendation ix.

In the compliance procedure, a law amending the Law on State Secrets was adopted in 2017, including the President of the SCM and the court presidents in the list of persons to whom access to state secrets can be granted. It additional, it was planned that similar access to state secrets will be granted to all SCM members. The authorities recalled that in the past the verifications by SIS were accessible only to the President of the Republic at the stage of examining the proposals submitted by the SCM on appointing judges (see para. 53-60 of the [Compliance Report](#)). No tangible progress was made with regard to this part of the recommendation and GRECO again underlined that there should be clear, predictable and comprehensive rules on how the integrity of candidate-judges is to be checked by the judiciary, before they are appointed and/or promoted and that such rules need to be consistently applied in practice (see the [Second Compliance Report](#), para. 59-67). In the Interim Compliance Report on the Republic of Moldova (see para. 39-43), GRECO took note of the information provided by the authorities on number of polygraph tests taken and, as a result, candidates not being appointed or promoted by the SCM. Furthermore, GRECO took note of the information on the planned judicial reform process which envisages also an external assessment (vetting) of all judges (and prosecutors), including members of the

SCM and SCP. GRECO concludes that his part of recommendation is partly implemented. In the Second Interim Compliance Report on the Republic of Moldova, the Moldovan authorities reported on the 2022 statutory amendment brought about by the Law No. 246 of 29 July 2022 with regard to certain normative acts, including the Law No. 544/1995 on the Status of Judge, according to which judges are appointed from among the candidates selected following a competition, by the President of the Republic of Moldova, upon the proposal of the SCM. Judges are appointed until reaching the age limit of 65. The judge will enjoy only functional immunity. The promotion of the judge to the position of judge at a higher court happens only with her/his consent, through competition, at the proposal of the SCM, by the President of the Republic of Moldova. The transfer of the judge to a court of the same level or a lower court takes place only with her/his consent, by the SCM. The appointment of a judge as court president or vice-president of the court is done only with her/his consent, by decision of the SCM, based on the results of a competition. Under the amended Law No. 789/1996 on the Supreme Court of Justice, the judges of the Supreme Court of Justice are appointed by the President of the Republic of Moldova, upon the proposal of the SCM, within 30 days from the date of receipt of the respective proposal. The President of the Republic will inform the SCM in case of finding the incompatibility of a candidate for the position of judge of the Supreme Court of Justice with that position, the existence of one or more valid disciplinary sanctions or the violation of the legal procedures for his/her selection and promotion. The President of the Republic will also inform the SCM in the event of the appearance of circumstances that require an additional examination. The President of the Republic of Moldova examines the repeated proposal of the SCM within 30 days from the date of its receipt. The Moldovan authorities also provided GRECO with an opinion issued by the Venice Commission on 14 March 2023 regarding the draft law on the external assessment (vetting) of certain categories of sitting judges and prosecutors. The Venice Commission noted that the draft law contained certain safeguards and that several important issues related to the substantive grounds for the vetting needed to be further addressed. In conclusion, GRECO welcomed the increased role of the SCM as the guarantor of the independence of the judicial authority under article 121 of the Constitution, in the process of appointment, promotion and transfer of judges, court presidents and vice-presidents. However, GRECO pointed out the fact that the Republic of Moldova envisages implementing an external assessment of the ethical and financial integrity of certain categories of judges and prosecutors (vetting process). The draft law was the subject of an opinion by the Venice Commission. As the vetting process has not been put in place yet (at the time of the report), GRECO could only assess the first part of the recommendation as partly implemented. However, GRECO recalled that such vetting should be proportionate and compatible with the requirements of judicial independence and, therefore, that the integrity of judges should be tested within the framework of clear, predictable, comprehensive and consistently applied rules. The authorities were further encouraged to ensure that the legislative framework and operational capacity are in place to replace those judges and prosecutors who fail the vetting, or choose not to undergo it, with well-qualified candidates whose integrity is checked prior to appointment, also in a standards-compliant procedure. GRECO concludes that the recommendation remains partly implemented. A new law on external evaluation of judges and prosecutors entered into force on 22 August 2023. It includes the full vetting (external evaluation) of the judges of the appeal courts, the presidents and vice-presidents of the courts. Furthermore, In order to increase the integrity and professionalism of the judges of the Supreme Court of Justice, as well as to strengthen the role of the Supreme Court of Justice, a new law on the SCJ was adopted and is in force as of 1 September 2023. The main provisions refer to: 1) reducing the number of SCJ judges to 20; 2) changing the composition of the SCJ, by ensuring access to the positions of judges of the SCJ for both judges (11 positions) and non-judges (9 positions) - lawyers, prosecutors, academics; 3) the regulation of demanding criteria for access to the position of judge of the SCJ; 4) establishment of the external

evaluation mechanism of the current judges of the SCJ and of the candidates for the positions of judges of the SCJ; 5) changing the powers of the SCJ, to transform it into a Court of Cassation, with a competence to interpret and apply uniformly the legal provisions in the justice system and others. The law was publicly consulted and expertized by the Venice Commission (see Opinion CDL-AD(2022)024 adopted at the plenary session of 21-22 October 2022 and Opinion CDL-AD(2022)049 adopted at the plenary session from December 16-17, 2022). In October 2023, the vetting process of the candidates to the SCJ was initiated. The final decision on promotion or appointment is on the SCM. Linked to the SCJ reform the Law no. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice was adopted on 30 March 2023. In October 2023, the vetting process of the candidates to the SCJ was initiated.

Mandate of judges

Judges are appointed without limitation of their term of office, until they reach the retirement age of 65 or in other cases prescribed by law, such as: 1. at judge's request to resign from position; 2. dismissal as a result of qualifying as "insufficient" in two consecutive performance evaluations; 3. in case of transfer to another position; 4. dismissal as a disciplinary sanction; 5. dismissal as a result of a final conviction; 6. dismissal as a result of acting in a conflict of interest; 7. dismissal as a result of failure or refusal to submit the declaration on assets and conflicts of interest; 8. dismissal as a result of an order issued by a court on confiscation of unjustified assets; 9. dismissal as a result of a negative result of the integrity test required by the disciplinary body; 10. loss of citizenship of the Republic of Moldova; 11. non-compliance with different interdictions established by the special law on the status of judges; 12. ascertaining the inability to work, proven by a medical certificate; 13. dismissal as a result of establishing a judicial protection measure referring to the judge; 14. in case of death. (Article 25, LSJ). There is no probation after the Parliament adopted amendments to the Constitution in September 2021 and abolished the five-year probation period (see [the Interim Compliance Report on the Republic of Moldova](#), para. 41). These amendments came into force six months after the publication in the Official Journal, i.e. on 1 April 2022.

Procedure of recruitment of prosecutors

According to the Law No. 3/2016 on Prosecutor's Office (LP), basic requirements for appointment at a beginning-of-career post include Moldovan citizenship, command of the national language, legal capacity, medical capacity, a clean criminal record, impeccable reputation, holding a master's or higher degree in law or its equivalent, passing a polygraph test and not having any records of negative outcomes of his/her professional integrity test in the past five years in his/her professional integrity record. Additional conditions of work experience apply for higher positions in the prosecution service.

Competitions are organised annually or as needed by the Superior Council of Prosecutors (hereinafter: SCP) and include a capacity examination to be passed by the candidate before the SCP Selection Committee and an assessment of the results by the SCP. Candidates having graduated from the National Institute of Justice or candidates with 5 years of seniority have to take a graduation exam before the Graduation Commission while candidates having exercised functions in the legal sphere for at least ten years do not have to pass the examination.

There is a public call for candidates announced on the SCP's website, together with the entry criteria.

Candidates for initial appointment have to be entered into a registry of candidates to vacant functions kept by the Secretariat of the SCP and the selection is carried out by the Selection Committee under the SCP.

Following an interview, which is recorded (audio or video) and a standardised questionnaire as well as a standardised point system are used for all candidates, the Selection Committee assesses and ranks the candidates on the basis of the following criteria: a) the level of professional knowledge and skills; b) the ability in the practical application of knowledge; c) the length of service as a prosecutor or in other positions; d) the quality and efficiency of work as a prosecutor; e) compliance with the rules of professional ethics, including irreproachable reputation; f) scientific and educational activity. It has to be noted that as of 4 August 2023, criteria (length of service and scientific and educational activity) have been excluded by legislative amendments. The Selection Committee's assessment represents at most 50% of the candidate's final score, the other at least 50% being determined by his/her result in the final exam before the Graduation Commission of the National Institute of Justice (for beginning-of-career posts). However, as of August 2023 the Selection Committee's assessment represents at most 20% of the candidate's final score, the other 20% represents the SCP's assessment and other 60% is determined by his/her results in the final exam before the Graduation Commission of the National Institute of Justice (for beginning-of-career posts).

The integrity of candidate prosecutors is checked through a certificate of integrity obtained from the National Integrity Authority, certificate of professional integrity obtained from the National Anti-Corruption Centre and the opinion on the professional performance within the bodies of the Prosecution Office obtained from the Prosecutor General.

In addition, the integrity of candidates to prosecutorial positions is checked (integrity vetting) by SIS according to Law No. 271 of 2008 on Verification of Public Office Holders and Candidates. The aim of the verification is to prevent, identify and exclude certain risk factors that "may prejudice the rule of law, state security, public order". The verification, which is conducted with the written consent of the candidate, entails completion by the candidate of a written questionnaire and the gathering by the SIS of relevant information held by other public authorities or private entities, such as previous employers and banks. In case the SIS concludes that a candidate's appointment is incompatible with the interests of the public office, s/he cannot be appointed. This candidate may file a complaint before the court if s/he thinks that the SIS exceeded its duties and his/her rights were violated.

The results of the candidates' assessment are published on the website of the SCP and candidates who disagree with these results may lodge an appeal with the SCP or with the National Institute of Justice (regarding the results of the exam taken before the Graduation Commission of the National Institute of Justice). Decisions made by the SCP may be appealed by a candidate at the Supreme Court of Justice. Successful candidates are appointed by the Prosecutor General upon the proposal of the SCP. The Prosecutor General is able to reject the candidate proposed, motivating this decision, but the SCP may override this opposition by proposing the same candidate again with a vote of 2/3 of its members. In the latter case, the Prosecutor General is obliged to appoint the proposed candidates.

According to the provisions of the LP, an unsuccessful candidate has a right to appeal against a decision of appointment made by the Prosecutor General in administrative procedure in court.

The Prosecutor General is appointed by the President of the country.

Mandate of prosecutors

No probation period is envisaged in the Law for prosecutors who are appointed with no limitation on their term in office, until they reach the retirement age of 65, or if another cause of termination of their office occurs, such as termination due to resignation; death/declaration of death; loss of citizenship; refusal to be transferred to a different prosecution unit in the event of closure or reorganisation of the prosecution unit concerned; registering as a candidate on the list of a political party or a social-political organization in elections to Parliament or local public administration authorities; in case of a final act establishing its incompatibility status or the violation of certain prohibitions; appointment to a position incompatible with the position of a prosecutor; certain forms of illness or physical disability specified by law; violation of the procedure stipulated by law for appointment; rejecting being subjected to the integrity vetting process; if on the basis of the results of regular performance evaluation or if obtaining the “insufficient” rating in two consecutive appraisals; absence for two consecutive rounds of performance evaluation without justification; issuing of an irrevocable judgement regarding the seizure of unjustified wealth by a court (Article 56 and 57, 58 LP).

The Prosecutor General is appointed by the President of the country for a single seven-year term following an open competition and a proposal from the SCP.

Promotion of judges and prosecutors

Promotion of judges

According to article 20 of the LSJ, the promotion of a judge is only made with his/her agreement by the President of the Republic, based on a proposal from the Superior Council of Magistracy. The promotion to a higher court, the transfer to another court, the appointment in the position of president/vice president of a court may be preceded by an additional assessment of the work of the judge, based on criteria and indicators provided by the provisions of the Law n°147/2023 on the selection, the performance assessment of judges (in force as of June 2023) and also by the rules of the Superior Council of Magistracy. Promotions are done on the basis of a competition organised by the SCM. All candidates have to be entered into a registry of participants in the competitions for fulfilling judicial vacancies prior to the competition being announced.

Candidates are selected by the Judges' Selection and Career Committee of the SCM. Until June 2023, the Selection Committee assessed and ranked the candidates on the basis of 1. the written materials submitted in the application; 2. the results of judges' performance evaluations; 3. and an interview. Criteria to be taken into account include: 1. the level of knowledge and professional skills; 2. the ability to apply knowledge into practice; 3. the length of experience as a judge or in other functions; 4. qualitative (clearance rate, compliance with reasonable time limits, compliance with deadlines for drafting court decisions, knowledge and application of IT) and quantitative indicators of work undertaken as a judge

or in other legal professions; 5. compliance with ethical standards; 6. and teaching and scientific activity (Article 2, LSPECJ.). Candidates who are subjected to a disciplinary penalty or who have been appraised as “insufficient” in their appraisal assessments, are not qualified for promotion for a period of one year. As of 21 June 2023, new provisions came into force in respect of promotion through the Law 147/2023. According to this new Law on the selection and the performance evaluation of judges, a person with a work experience as a judge of at least 4 years can apply for the position of a judge of a court of appeal (or, in case of a Supreme Court judge, after having at least 10 years of work experience). The assessment for the promotion of judges (to both judicial and management functions) is carried out on the basis of criteria listed by the Law in respect of 1) professional competence (represents 50% of total appraisal), 2) organizational competence (20% of total appraisal) and 3) integrity (30% of total appraisal). The Law provides for detailed indicators under each of these three criteria. In case of promotions, only 30% of the competition appraisal is based on the score awarded by the SCM, while the rest is based on the performance assessment of the work of a judge.

The meetings of the Selection Committee are public, decisions are taken by open majority vote and are motivated, published on the SCM's website within five days of their adoption and are subject to appeal before the SCM within ten days of their adoption. The SCM proposes candidates for promotion to be appointed by the President of the Republic of Moldova (amendments to the Law 947 on SCM in force as of 07 December 2023, the SCM proposes candidates for promotion to a higher court to be appointed by the President of the Republic of Moldova (for all judges in accordance with the constitutional amendments in force from April 2022). Candidates for president, vice-president positions are appointed by the SCM.).

The President of the Republic may reject once the candidate proposed by the SCM, but only if irrefutable evidence is found confirming the candidate's incompatibility with this position or him/her violating the legislation or procedure for his/her selection or promotion (Art. 11 Law 544/1995 and art. 7 Law 64/2023). The refusal has to be reasoned and presented within 30 days of the proposal, a period that can be extended by 15 days in case additional investigation is necessary. Upon a repeated proposal of the SCM, the President of the Republic has to appoint the person proposed. Promotion decisions are subject to the same appeal rules as the appointment (Art. 11 LSPECJ; then Art. 20 Law on selection and performance evaluation of judges as of June 2023 and Art. 25 Law 947/1996 on SCM) – described above.

Promotion of Prosecutors

The SCP and the Prosecutor General share the competence for promotion of prosecutors, which is done on the basis of a competition.

The promotion of a prosecutor occurs on the proposal of a hierarchical superior, the Prosecutor General, his/her deputies or the SCP on the basis of the principles of free consent, transparency and appraisal of professional and personal achievements (Article 58, LP).

According to Articles 19, 20 (para. 7), 22 (para. 4), 25 (para. 1) and 26 of the Law No. 3/2016 on Prosecutor's Office, candidates for promotion (or transfer) are entered into a registry of candidates to vacant functions kept by the Secretariat of the SCP and selection will be carried out by the Selection Committee under the SCP. The candidate may enter into the registry only if s/he has been subjected to performance appraisal within the last two years (or in the two years, if s/he wishes to be appointed as Chief Prosecutor or Deputy Chief Prosecutor).

Following an interview, the Selection Committee will assess and rank the candidates on the basis of the following criteria: a) the level of professional knowledge and skills; b) the ability in the practical application of knowledge; c) the length of service as a prosecutor or in other positions; d) the quality and efficiency of work as a prosecutor; e) compliance with the rules of professional ethics, including irreproachable reputation; and f) scientific and educational activity. It has to be noted that in 2023 prosecutors were evaluated, including on the basis of the criteria of teaching and scientific activity and seniority in the position of prosecutor or in other positions, which subsequently have been excluded by legislative amendments to the Law No. 3/2016 on the Prosecutor's Office in force as of August 2023. In case a prosecutor has been subjected to active disciplinary penalty, s/he is not eligible for promotion to certain positions (Prosecutor General, specialised prosecution offices, heads and deputy heads of prosecution offices and PG departments, Prosecutor of Gagauzia and his/her deputies - Art. 20 (7) LP). The Selection Committee's assessment represented at most 50% of the candidate's final score, the other at least 50% being determined by his/her performance appraisals. As of 4 August 2023, according to Article 23, LP no. 3/2016, 60% comes from the grades awarded by the NIJ; 20% - score by the Selection Committee and 20% - by the SCP. In addition, the integrity of candidates to prosecutorial positions is checked (integrity vetting) by SIS according to Law No. 271 of 2008 on Verification of Public Office Holders and Candidates. The aim of the verification is to prevent, identify and exclude certain risk factors. The verification, which is conducted with the written consent of the candidate, entails completion by the candidate of a written questionnaire and the gathering by the SIS of relevant information held by other public authorities or private entities, such as previous employers and banks. In case the SIS concludes that a candidate's appointment is incompatible with the interests of the public office, s/he cannot be appointed. This candidate may file a complaint before the court if s/he thinks that the SIS exceeded its duties and his/her rights were violated. The results of the candidates' assessment for promotion are published on the website of the SCP and candidates who disagree with these results may lodge an appeal with the SCP or in second instance with the Supreme Court. Successful candidates are appointed by the Prosecutor General upon the proposal of the SCP. The Prosecutor General is able to reject the candidate proposed, motivating this decision, but the SCP may override this opposition by proposing the same candidate again with a vote of 2/3 of its members.

Confidence and satisfaction of the public with their justice system

Compensation of users of the judicial system

The legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage as well as costs and expenses due to the violation of the right to a trial within reasonable time or for non-execution of court decisions is regulated by the Law No. 87 on the compensations by the State of the damage caused by excessive length of trial or by non-execution in a reasonable time of the court decision as of 1st July 2011. Its provisions should be interpreted and applied in accordance with the national law, the European Convention on Human Rights and the case-law of the European Court of Human Rights. The law is applicable to both civil and criminal procedures.

The procedure for enforcement of judgements adopted on the basis of this law is simplified, so as no other applications or formalities are required from the applicants. Anyone (a natural or legal person) who considers to be a victim of a breach of the right to have a case examined or a final judgement enforced within a reasonable time is entitled to apply to a court for the acknowledgement of such a breach and the award of compensation. The courts must deal with the application within three months. The judgement of the court is not enforceable. It can be challenged through appeal or cassation. The appeal is examined by another trial chamber as the one responsible in the primary case from which the claimed violation originated. The chamber has to decide within three months.

The Law No. 1545/1998 on the way to repair the damage caused by the illicit actions of the criminal prosecution bodies, the prosecutor's office and the courts regulates the procedure of applying for a compensation for pecuniary damage, moral damage as well as costs and expenses supported by the applicant.

The amount of the compensation for wrongful conviction and arrest is calculated starting from the average monthly income of the natural person at the moment of causing the damage, with the application of the inflation coefficient. The amount of the damage caused to the natural person who was convicted to unpaid work for the benefit of the community shall be calculated in the amount of up to 2 conventional units for one hour of work performed. For the quantification of the reparable damage, the average monthly income is calculated as follows: 1. persons employed by contract - by applying the method of calculating the average salary in accordance with the legislation; 2. persons not employed by contract - by dividing by 12 the amount of the total income for the previous year; 3. persons who did not work for proved reasons - starting from the average salary in the country in the respective year. The legal entities are compensated for the patrimonial damage caused, as well as for the unearned benefit (lost income) as a result of the illicit actions. The amount of compensation for moral damage is calculated taking into account: 1. the gravity of the crime for which the person was charged; 2. the character and gravity of the procedural violations committed during the criminal investigation and during the examination of the criminal case by court; 3. the resonance that the information about the person's accusation had in the society; 4. the duration of the criminal investigation, as well as the duration of the examination of the criminal case by court; 5. the nature of the injured personal right and its place in the person's value system; 6. physical suffering, character and degree of mental suffering; 7. the extent to which monetary compensation can alleviate the caused physical and mental suffering; and 8. the duration of detention.

The amount of the compensation for the damage caused by the violation of the right to a fair trial or the right to a reasonable execution of the judgment is established by court in each individual case, depending on the circumstances of the case in which the violation was committed, as well as the claims made by the applicant, the complexity of the case, the applicant's conduct, the conduct of the prosecution body, the court and other relevant authorities, the duration of the infringement and the importance of the proceedings for the applicant.

In 2023, 360 requests for compensation were submitted and 135 compensations awarded in the total amount of 584.282 € (table below):

	2021			2022			2023		
	Number of requests for compensation	Number of compensations	Total amount (in €)	Number of requests for compensation	Number of compensations	Total amount (in €)	Number of requests for compensation	Number of compensations	Total amount (in €)
Total	402	147	352.920	457	159	672.601	360	135	584.282
Excessive length of proceedings	NA	NA	NA	NA	NA	NA	NA	NA	NA
Non-execution of court decisions	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wrongful arrest	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wrongful conviction	NA	NA	NA	NA	NA	NA	NA	NA	NA
Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In case of violation of the right to a trial in a reasonable time, a legal action aiming at compensating the damages caused by the violation in question, is exercised in accordance with the rules of jurisdiction established by Chapter IV of the Civil Procedure Code. The appeal is examined by another trial chamber as the one responsible in the primary case from which the claimed violation originated and that chamber has to decide within three months. The appeal may be lodged within consideration of the merits of the primary case or within six months after the entry into force of the public prosecutor's order on cessation of the criminal prosecution or "enlèvement" of the criminal prosecution or a criminal disposition (Law n°87/2011 on the compensations by the State of the damage caused by excessive length of trial or by non-execution in a reasonable time of the court decision).

A breach obviously attributable to the judge of the timeframes for conducting procedural actions or drafting judgments can constitute a disciplinary offence. According to the Law No. 178/2014 on disciplinary liability of judges a complaint about the conduct of a judge should be submitted to the SCM which is responsible for dealing with such complaints.

Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. A recusal/disqualification request is envisaged both in criminal and civil proceedings and should be motivated. Another judge or, as the case may be, a panel shall decide the request. Deciding on the request is dealt with urgently. In case when a new panel cannot be formed, a hierarchically superior court will decide on the matter, if it admits the recusal/disqualification.

The data on requests for recusals and recusals pronounced in 2020 – 2023 is presented in the table below:

	2020	2021	2022	2023
Total number of initiated procedures in the reference year	4693	6164	7798	7119
Total number of recusals pronounced in the reference year	372	459	535	469

Instructions to prosecute or not addressed to public prosecutors

According to the Law on Prosecutor’s Service, the procedural hierarchy of prosecutors and the competences of hierarchical superior prosecutors are set up in the Criminal Procedure Code (CPC). The prosecutor operates on the basis of the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him/her the opportunity to make independent and impersonal decisions in the cases s/he manages. The procedural independence of the prosecutor is ensured by guarantees which exclude any political, financial, administrative or other influence on the prosecutor in connection with the exercise of his/her duties. Giving verbal instructions represent a violation of the Code of Ethics and triggers disciplinary liability. The CPC defines tiers of the hierarchy and clear rules for hierarchical interventions in the framework of criminal investigations, providing the subordinate prosecutors with the possibility to challenge the indications of hierarchically superior prosecutors to the Prosecutor General or his/her deputies (who must decide on an appeal within 15 days). According to Article 51 (3¹) of the CPC a prosecutor is independent in exercising his/her duties in criminal proceedings and should obey only the law. The same article specifies also that a prosecutor shall execute written orders given by a hierarchically superior prosecutor. In addition to the legal provisions, in order to prevent any oral instructions to be given to prosecutors by hierarchical superior prosecutors on 1st October 2019 the Prosecutor General issued a written notification which clarified that verbal instructions are not binding unless confirmed in writing. All prosecutors had to sign the notification and are aware of its binding character. Moreover, Article 303 of the Criminal Code establishes criminal liability for undue interference in the activity of criminal prosecution ([the Compliance Report](#), para. 84). According to the Interim Compliance Report (see para. 54-58), on 17 September 2021 the

Prosecutor general issued an Order on the role and responsibilities of the chief prosecutors of the subdivisions of the Prosecutor General's Office, specialised and territorial prosecutor's office in leading and carrying out criminal investigation providing *inter alia* a procedure of documentation of all hierarchical interventions in individual cases. This binding instruction sent to all prosecutors provides for a strict mechanism of verification as it foresees a specific register for documenting all hierarchical interventions in every case to be kept by every prosecutor's office.

With regard to special favourable arrangements to be applied, during judicial proceedings, to various categories of vulnerable persons the following were reported as being in place in 2023:

Special arrangements in hearings and other specific arrangements for victims of sexual violence/rape; minors (witnesses or victims); persons with disabilities; juvenile offenders; other victims (human trafficking; forced marriage). Other specific arrangements are reportedly in place for victims of sexual violence/rape, minors (witnesses or victims), victims of domestic violence, persons with disabilities, juvenile offenders, other victims (human trafficking; forced marriage).

Promotion of integrity and prevention of corruption

Independence of judges

The principle of judicial independence is enshrined in the Constitution as well as the Law No. 544/1995 on the statute of judge (hereinafter: LSJ), the Law No. 514/1995 on the organization of the judiciary and Procedural Codes. The Constitution provides that justice is administered in the name of the law solely by courts of law (Article 114) and that judges are independent, impartial and irremovable under the law (para 1. of Article 116). According to Article 1 of the LSJ, a judge administers justice based on the law. Judges of courts are independent, impartial and irremovable and are subject only to the law. They take decisions independently and impartially and act without any restrictions, influences, pressures, threats or interventions, direct or indirect, on the part of any authority, including the judiciary. The hierarchical organization of jurisdictions may not affect the individual independence of a judge. The Law no. 514/1995 on the organisation of the judiciary states that the judicial power is independent and has its own attributions, exercised by the courts (Article 1) and that any interference in the administration of justice and pressure on judges is prohibited (Article 13). The SCM is a guarantor of judges' independence.

Independence of prosecutors

Provisions which guarantee the autonomy of the prosecution service as part of the judicial authority are prescribed in the Constitution (Article 124, 125 and 125¹), which also states that the SCP is the guarantor of the independence and impartiality of prosecutors. The Law No. 3/2016 on Prosecution Office (LP), adopted in February 2016 contains similar provisions stipulating that independence of the prosecutor is ensured by: 1. the strict determination, by law, of the status of the prosecutor, the delimitation of the attributions of the Prosecution Office, of the attributions and competences of the prosecutor within the exercise of the functions of the prosecution service; 2. the procedures for appointment, suspension and dismissal; 3. its inviolability; 4. the decisional discretion of the prosecutor in the exercise of the function, granted by law; 5. establishing, by law, the interdiction regarding the interference of other persons or authorities in the activity of the prosecutor; 6. ensuring the adequate means for the functioning of the Prosecutor's Office, creating the organizational and technical conditions favourable to its activity; 7. the material and social insurance of the prosecutor; and 8. other measures provided by law.

Legal provisions contained in the Criminal Code (Chapter XV – Crimes committed by officials) which concern numerous different possible breaches of integrity of judges, prosecutors and court staff include *among others* Article 324 (Passive corruption), Article 325 (Active corruption), Articles 326 (Influence peddling) and 326¹ (Exercise of duties in the public sector in a situation of conflict of interest), Article 327 (Abuse of power or service), Article 328 (Exceeding powers), Article 329 (Negligence in service), Article 330-2 (Illegal enrichment).

Breaches of integrity for judges

Specific provisions describing possible breaches of integrity of judges are contained also in the Law No. 178/2014 on Disciplinary Liability of Judges (hereinafter: LDLJ) which lists offences in Article 4 (e.g. intentional or gross negligence of non-compliance with the duty to refrain when

the judge is aware or should be aware of one of the circumstances foreseen in the law for his/her abstention, as well as making repeated and unjustified statements concerning abstention in relation to the same case, which leads to delaying the case examination; adoption of a decision, intentionally or with gross negligence, in which the fundamental rights and freedoms of natural or legal persons, guaranteed by the Constitution of the Republic of Moldova and the international treaties on fundamental human rights to which the Republic of Moldova is a party, have been violated; judge's actions in the course of justice administration, which provide proof of his/her serious and obvious unprofessionalism; interference in the administration of justice by another judge; illegal intervention or use of the judge's position in relation with other authorities, institutions or officials, either to settle some claims, seek or accept the settlement of personal or others' interests, or to receive undue advantages; violation of the provisions concerning incompatibilities, prohibitions and limitations in relation to judges' profession). Possible breaches of integrity are described also in the Code of Professional Conduct and Ethics for judges, namely: 1. not respecting the highest standards of integrity and responsibility, to ensure the company's trust in the courts. Not being aware of the risks of corruption and admitting or creating the appearance of a behaviour corrupt in its activity; asking for, accepting or receiving gifts, favours or benefits for the fulfilment or non-fulfilment of functional attributions or by virtue of the position held; 2. not requesting or accepting, directly or indirectly, payments, gifts, services or other benefits, on his/her behalf, of his/her family members or friends, as an appreciation for exercising or abstaining from fulfilment its obligations in relation to a case to be examined by him/her; using his/her status as a judge to gain access to information on other cases pending before the court, except in cases provided by law; being involved in extrajudicial activities that will cast doubts on his/her impartiality, objectivity or integrity, etc. The Law 325/2012 on the assessment of institutional integrity obliges public agents (both judges and prosecutors) to not admit manifestations of corruption, to immediately report to the competent body any attempt to be involved in such manifestations of corruption, to immediately denounce improper influences, declare gifts and conflicts of interest in accordance with the law, to know and respect their obligations according to the national and sectoral anti-corruption policies, to comply with specific requirements of professional integrity for the activity of public agents within the public entity, which were brought to their attention and to fulfil the measures included in the integrity plan adopted following the evaluation of institutional integrity.

Breaches of integrity for prosecutors

Specific provisions applicable to prosecutors are contained (apart from the ones contained in the Criminal Code) also in the Law No. 3/2016 on the Prosecution Office, namely in Article 38 on disciplinary violation which states that a disciplinary violation is: 1. unworthy attitude, manifestations or way of life that harm the honour, integrity, professional probity, prestige of the Prosecution Office or that violate the Code of Ethics of prosecutors; 2. violation of the obligation provided in Art. 7 para. (2) lit. a) of Law no. 325/2013 on the assessment of institutional integrity (see above). The Code of Ethics of Prosecutors defines the principle of integrity according to which a prosecutor must: 1. comply with the highest standards of integrity and accountability to ensure the society's trust in the prosecution office; 2. be aware of the risks of corruption, not to admit corruptible behaviour in activity, not to claim and not to accept gifts, favours, benefits or other illicit remuneration for the performance or, as the case may be, non-fulfilment of the attributions by virtue of the position held; 3. refrain from making decisions when his/her interests, or the interests of the persons related by blood, adoption, affinity or other persons close to his/her family could influence the correctness of decisions; 4. not to act as a prosecutor and not to consult other persons in cases in which the prosecutor, his/her family or his/her business partners have a personal,

private or financial interest. As an exception, the prosecutor may provide consultations to parents, spouse, children, and persons under his or her guardianship or curatorship; 5. not make promises regarding the decisions he/she is going to take, to behave honest and decent, by personal example, to create an impeccable reputation of the prosecutor; 6. not provide grounds for being considered a suitable person committing acts of corruption or abuse; 7. not use against the law the property of the state, of natural or legal persons; 8. not use the symbols of the prosecution office and the official documents of the prosecutors in other purposes than in the interest of the service. See above also with regards to legal provisions of the Law 325/2012 on the assessment of institutional integrity.

Breaches of integrity for courts staff

Specific provisions which describe possible breaches of integrity of staff of the court are contained also in the Law No. 158/2008 on public service and civil servant, namely Article 64 (Dismissal from public office – in case a civil servant does not submit the declaration of assets and personal interests or refuses to submit it, under the conditions of Art. 27, para. 8 of the Law No. 132 on the National Integrity Authority) and Article 11 (Inappropriate influences) of the Law no. 158/2008 on public service and civil servant. Courts staff are public agents therefore the legal provisions of the Law 325/2012 on the assessment of institutional integrity apply to them as well (see above).

Number of criminal cases against judges and prosecutors

	2021				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	4	0,92	19,00	3,09	4	1,16	NA	NA
Number of completed cases	2	0,46	6,00	0,98	0	0,00	NA	NA
Number of sanctions pronounced	4	0,92	2,00	0,33	0	0,00	NA	NA

Existence of specific measures to prevent corruption

Specific measures to prevent corruption among judges and prosecutors are in place, namely gift rules, specific training, internal controls and safe complaints mechanisms.

In-service training on ethics

Both judges and prosecutors are regularly provided with optional in-service training on ethics and the prevention of corruption and conflicts of interest. This training is 2-3 days long and during their career they need to participate on this training on a regular basis. Trainings are organised by the National Institute of Justice which is an independent public institution competent for training (initial and in-service) of judges, prosecutors, clerks and judicial assistants, heads of court's secretariats, probation officers and persons with judicial duties. The National Institute of Justice approves training curricula for both judges and prosecutors, which includes various topics (including on ethics) to be selected from by judges and prosecutors in order to complete at least 40 hours of trainings annually.

Codes of ethics for judges and prosecutors

Judges have ethical rules stated also in the **Code of Professional Conduct and Ethics**, which contains the following principles: Adherence to judicial values (independence, integrity, impartiality), Relationship with institution, citizens and users, Competence and continuing education, Extrajudicial activities, Conflict of interest, Information disclosure and relationship with press agencies, Political activity, Association membership and institutional positions, Gift rules. The Code takes into account international standards and is coupled with an accountability mechanism. It was approved by a decision of the General Assembly of Judges in September 2015 and amended in March 2016. Booklets containing the provisions of the Code of Professional Conduct and Ethics have been published and distributed among courts of all levels. On 8th May 2018 the SCM adopted the Decision No. 230/12 on approving the "*Commentary to the Code of Ethics and Professional Conduct of Judges*". The code is published on the SCM website https://www.csm.md/files/Acte_normative/Codul_de_etica_al_judecatorului.pdf.

The General Assembly of Prosecutors adopted the **Code of Ethics of Prosecutors** in May 2016, which entered into force on 1st August 2016 and, following a proposal by the Superior Council of Prosecutors, the General Assembly of Prosecutors adopted amendments to the Code of Ethics of Prosecutors on 22 February 2019 (the Compliance Report, para. 97). It contains the following principles: Adherence to judicial values (independence, integrity, impartiality), Relationship with institution, citizens and users, Competence and continuing education, Extrajudicial activities, Conflict of interest, Information disclosure and relationship with press agencies, Political activity, Association membership and institutional positions, Gift rules. The code is published on the SCP website https://csp.md/sites/default/files/inline-files/CODUL%20de%20Etica%20Redactat%2015.07.2019_0.pdf.

Bodies giving opinions on ethical questions

Opinions and recommendations on ethical questions of the conduct of judges as well as the application of the provisions of the Code of Ethics and Professional Conduct of Judges is given by the Ethics Committee which adopts them upon request or *ex officio*. The opinions and recommendations are provided in writing and are to be followed by all judges in future similar situations. In case of a judge's ethical dilemma regarding a concrete situation, the Ethics Committee shall provide its opinion in the shortest period of time, from the perspective of the provisions of the Code of Ethics. The Ethics Committee which was set-up in 2018 by the SCM has seven members (four judges and three non-judge

members with legal background as of 26 September 2023, all from the SCM members). Its documentations, including opinions, requests, replies, recommendations are kept confidential and not made public, unless the requester agrees. Opinions of public interest are published on the SCM's website. In 2023, no opinions/advisories were adopted.

According to the Law on Public Prosecutor's Office and the SCP's Regulation on the organisation and activity of the Disciplinary and Ethics Committee, the Disciplinary and Ethics Committee of the SCP has the competence to adopt recommendations on the prevention of disciplinary violations within the Prosecutor's Office and on compliance with the ethics of prosecutors. It provides advice on incompatibilities, conflicts of interest or other issues related to prosecutorial ethics. Based on the Code of Ethics of Prosecutors, the Disciplinary and Ethics Committee may develop additional written guidance on interpreting the code, including practical examples of violations of the provisions of the code. The Disciplinary and Ethics Committee was created in 2016 by the SCP and consists of seven members (five prosecutors elected by the General Assembly of Prosecutors and 2 members appointed by the SCP from among representatives of the civil society). The Committee may decide to publish its opinions on the website of the SCP in order to raise awareness among prosecutors who might find themselves in similar situation as dealt with in the opinion – in such cases the opinions are anonymised. No opinions were adopted in 2023.

Confidential counselling on prosecutors' request is to be provided by persons appointed by the SCP as ethics advisers. The ethics advisers are to be selected among former members of the self-governing bodies of Prosecutor's Service, considering in particular their reputation and communication skills.

Established mechanisms to report influence/corruption on judges and prosecutors

With regard to established mechanisms to report attempts on influence/corruption on judges and prosecutors, the Moldovan authorities refer to the national anti-corruption hotline, which is free of charge and operating 24/7 that may be used by anyone to report cases of corruption to the National Anticorruption Centre in a confidential manner. Both the SCM and the General Prosecution Office have put to use hotlines which may be used to communicate known acts of corruption in the judiciary/prosecution service.

In 2014, the Prosecutor General adopted by order the Regulation on the evidence of cases of improper influence exerted on public officials of the Prosecutors Office with an aim to ensure the professional integrity of the employees of the Prosecutors Office bodies, to prevent and combat corruption and to establish a single order of communication, identification and evidence of improper influence exerted on public officials employed by the Prosecutors Office bodies. According to this regulation, a public official who is subject to improper influence is obliged to refuse undue influence, to carry on with the activity for which the undue influence occurred in a lawful manner and to make a denunciation about the undue influence attempt. The Inspectorate of Public Prosecutors receives and records cases of improper influence, keeps a register of such reports, verifies the performance of tasks for which the undue influence arose, take measures to prevent cases of undue influence by being directly involved in their resolution and takes necessary measures against those public officials who failed to reject improper influence or who failed to denounce the improper influence which they couldn't reject on their own. Denunciation should be made within three working days, in writing, to the Inspectorate of Public Prosecutors.

Transparency in distribution of court cases

There is transparency in distribution of court cases ensured in the Moldovan judicial system via random allocation through the electronic case management system to a panel of judges. Judges' panels are created, and their chairpersons appointed at the beginning of the year by the court president. They can only change in exceptional circumstances, based on a motivated resolution of the court chairperson and according to objective criteria foreseen in a regulation by the SCM (e.g. when a judge goes on annual leave for a period exceeding half of the total duration of the annual leave for the current year). All interventions on the system are irreversibly logged/registered.

Cases' reassignment occurs through the electronic system as well, based on a general written act issued by the court chairperson at the beginning of the year, by which s/he establishes a limited number of judges or panels of the same specialization taking into account the judge's specialization, to whom cases may be reassigned. Reassignment of cases must be reasoned by the court chairperson. Cases are reassigned due to conflict of interest declared by the judge or the parties; recusal of the judge or requested by the parties; physical unavailability (illness, longer absence) or in other justified cases, upon a reasoned decision of the court's chairperson. A card containing all data about random case assignments is mandatorily attached to each case file.

In 2023, a total of 18 166 (17 094 in 2021) reassignments of court cases were processed.

Declaration of assets for judges and for prosecutors

The Law on the statute of judge (hereinafter: LSJ) and Law on the Public Prosecutor's Office (LP) impose obligations with regard to submission of declarations of assets and personal interests on judges and prosecutors, respectively. This obligation is further regulated in the Law No. 133/2016 on declaration of assets and personal interests which extends this obligation also onto all non-judge members of the SCM and all non-prosecutor members of the SCP, as well as the members of the bodies that function under the subordination of these two bodies.

Judges and prosecutors are obliged to declare their assets, financial interests, sources of income, liabilities, gifts and conflicts of interest. Assets, financial interests and liabilities held both in the Republic of Moldova as well as abroad have to be declared.

Declarations are to be submitted at the beginning and at the end of the term of office as well as annually to the National Authority for Integrity, which is an independent public authority headed by a president and assisted by a vice-president who are appointed by the President of the Republic at the proposal of the Integrity Council. Its competences as regards receipt of asset declarations and verifications thereof are regulated in the Law No. 132/2016 on the National Integrity Authority.

The obligation to submit declarations applies also to the judge's/prosecutor's family members which include the spouse, partner, the underage children and the members of the family who are financially or otherwise supported by the declarant. The declaration to be submitted by the family members is the same as for the judge/prosecutor.

The timeliness of submission of declarations as well as completeness and accuracy of the data submitted is verified. Unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) are also checked. A register of declarations is kept, and the declarations are published on the internet page of the National Integrity Authority <https://portal-declaratii.ani.md/>

In case of failure to declare assets, a judge/prosecutor may be fined or dismissed from office.

The number (absolute/Abs and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2023 is presented in Table below:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2023	4	1,16	2	0,58	1	0,29	8	1,34	6	1,01	6	1,01

In case of a judge, a fine of approx. 75 EUR (MDL 1500) was imposed for late submission of the declaration. Five prosecutors were fined for late submission of their declarations (a fine of approx.75 EUR/ MDL1500) and one for failure to submit a declaration (a fine of approx. 150 EUR/MDL 3000).

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest

The **legal framework for the prevention and the resolution of conflicts of interest applicable to judges** is provided by the relevant provisions of 1) the Judges Integrity Guide, which provides for rules on managing conflicts of interest; 2) the Code of Ethics and Professional Conduct of Judges, which enshrines the principle of independence of judges; 3) the relevant procedural laws contain rules on recusal, namely the Civil Procedure Code (Articles 50 and 53) and the Criminal Procedure Code (Article 33); 4) the Law No. 82/2017 on Integrity, as regards rules on gifts (Article 16); 5) the Law No. 544/1995 on the statute of judge (LSJ), which regulates incompatibilities and accessory activities as well as dismissal in case of a judge's unresolved real conflict of interest; and 6) the Criminal Code, which criminalizes exercising one's duties, adopting decisions, concluding legal acts etc. in a situation of conflict of interest (para. 1 of Article 326).

The Judges Integrity Guide prescribes the obligations of judges in relation to identification and management of conflicts of interest. A judge is obliged to declare in writing his/her real conflict of interest arising from his/her professional activity within 3 days to the SCM and provide details of the case. A judge must avoid taking any action in the course of his/her duty that would result in conflict of interest, until it is resolved.

The Code of Ethics and Professional Conduct of Judges enshrines the principle of independence of judges and obliges them to act independently, without any influences, guidance or control and not allowing any inappropriate behaviour that may lead to conflicts of interest and affect the confidence in their independence (Article 3).

The **reasons for disqualification** are listed in the relevant procedural laws (Article 33 of the Criminal Procedure Code, Articles 50 and 53 of the Civil Procedure Code). Provisions foresee an obligation of (self-) recusal in case of a conflict of interest resulting from family or marital relations, prior involvement in the case or from any other circumstances that may cast a doubt on the judge's impartiality.

The **obligation of a judge to abstain and disqualify** in case his/her impartiality might be questioned is also addressed in Article 4 of the Code of Professional Conduct and Ethics and failure to request disqualification in such a case constitutes a disciplinary offence (Article 4 (1) a), Law on Disciplinary Liability of Judges).

Law No. 82/2017 on integrity prohibits, as a general rule acceptance and requests of **gifts**, applicable to public agents as well as their family members (inadmissible gift). Courtesy and protocol gifts are excluded. In the case of an inadmissible gift, the public agent has to refuse the gift, provide witnesses to this action, immediately report the action to the responsible anti-corruption authority, notify the head of the public entity, send the gift to the head of the public entity in case the gift was given and could not be returned and exercise his/her professional activity properly. The request or acceptance of inadmissible gifts constitutes acts of corruption within the meaning of the criminal legislation. Certain gifts are specifically prohibited (e.g. money, financial means, instruments of payment). All admissible gifts are declared and entered in a public register, kept by each public entity, including the SCM. Admissible gifts whose value does not exceed the limits set by the Government may be kept by the person who received them or may be sent to the management of the public entity, in both cases, after the declaration. Admissible gifts whose value exceeds the established limit are sent to the management of the public entity after they are declared. If the person announces his intention to keep the admissible gift whose value exceeds the set limit, s/he is entitled to redeem it, paying in the budget of the public entity the difference between the value of the gift and the set limit. The categories of admissible gifts, the manner of declaring, recording, keeping, using and redeeming them are regulated by the Government.

In case a judge issued a decision or participated in issuing it without resolving the real conflict of interest, s/he shall be dismissed from office by the appointing body (Article 25, Law No. 544/1995 on the statute of judge).

The Criminal Code criminalizes exercising one's duties in the public sector while in a situation of a **conflict of interest** and thus obtaining undue advantage the value of which exceeds 10.000 conventional units, for himself/herself or a close person, and s/he failed to declare and settle his/her conflict of interest, and prescribes a fine in the amount of 10.000 to 15.000 conventional units or imprisonment for up to 3 years, in both cases

with deprivation of the right to hold public office for a term of 5 to 7 years. Severer sanctions are prescribed when the offence is committed by a person with a position of public dignity or when committed in connection with the negotiation, management or execution of financial means from public or external funds.

The **legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors** is provided by the relevant provisions of 1) the Law No. 3/21016 on the Prosecution Office, which provides for the dismissal in case of a prosecutor's unresolved real conflict of interest (Article 58); 2) the Code of Ethics of Prosecutors, which requires a prosecutor to be transparent (Article 6); 3) the Criminal Procedure Code, on prosecutor's recusal (Article 54), on incompatibility rules and on obligation to avoid a conflict of interest (Article 15); 4) the Law No. 82/2017 on Integrity, as regards complying with rules on conflicts of interest (Article 14) and rules on gifts (Article 16); 5) the Law on the Prosecutor's Office and Rules No. 12-168/18 regarding the accumulation of the prosecutor position with the didactic and scientific activities approved by the SCP's decision and rules on accessory activities, restrictions and incompatibilities; and 6) the Criminal Code, which criminalizes exercising one's duties, adopting decisions, concluding legal acts etc. in a situation of conflict of interest (para. 1 of Article 326).

The law No. 3/21016 on the Prosecution Office (Article 58) provides for a dismissal of a prosecutor in a case that his/her conflict of interest has been established with regard to taking or participating in a decision.

The Code of Ethics of Prosecutors requires that a prosecutor does not conceal or distort information on assets or conflicts of interest which are to be made public by virtue of his/her position (Article 5).

Reasons for recusal and self-recusal and the procedure for resolving it are described in Article 54 of the Criminal Procedure Code. Reasons include conflicts of interest arising from family and marital relations, as well as any other circumstances that raise reasonable doubt as to the prosecutor's impartiality. Disqualification is decided upon, during the investigation, by the hierarchically superior prosecutor and, during the trial, by the court. In case the Prosecutor General has to be recused, this is decided by a judge of the Supreme Court. The decision on recusal cannot be appealed. Failure to request recusal in such a case constitutes a disciplinary offence (Article 38, Law on Prosecutor's Office). Article 15 of the Criminal Procedure Code obliges a prosecutor to avoid any conflict of interest in the performance of his/her duties and prohibits him/her involvement in political parties or other formations of a political nature, strikes, in investigation or examination of a case in the event of his/her prior recusal, making public statements about cases, being involved in investigative activities on behalf of an authority performing special investigative activity, carry out entrepreneurial or commercial activities, act as an arbitrator in the arbitral tribunals and holding any other public office or exercising any activity in the private sector.

Rules on gifts defined in the Law No. 82/2017 on Integrity that are applicable to judges apply also to prosecutors. With regards to a procedure to be taken in case of a conflict of interest, the same law states that in case a prosecutor funds himself/herself in a real conflict of interest in the course of his/her professional activity, s/he must declare it in writing to the head of the public entity, within 3 days, providing details of it. The obligation to avoid any conflict of interest by abstaining from exercising his/her duties, until its settlement, applies too.

Possibility for judges and prosecutors to perform additional activities

According to Article 8 of the LSJ, the **principle of exclusive dedication** applies. Judges may not hold any public or private position, be an MP or a councillor in local administration authorities, be a member of a political party or a social-political organisation (including when detached to other functions), practice entrepreneurial activities or conduct any activity implying a conflict of interest, unless this conflict was brought in writing to the notice of the court president or, as the case may be, conveyed to the SCM. The only exceptions to this general prohibition are the exercise of didactic and scientific activities, membership in collegial bodies of public institutions as well as collaboration with literary, scientific or social publications or shows, on the occasion of which the judge may not express his/her views on current issues of judicial internal policy. However, no authorisation is needed for a judge to perform these activities. Nevertheless, they must inform their hierarchy for the purpose of keeping human resources records.

The Rules No. 12-168/18 regarding the combination of the prosecutor position with the didactic and scientific activities require that a prosecutor submits his/her request regarding these types of activities, in addition to his/her prosecutorial duties, to the SCP, together with an agreement of the head of the public prosecution office confirming that accessory activities will not affect the work of the prosecution office in question. The request needs to contain information regarding terms of reference of the accessory activity in question (institution, modality and conditions for performing the accessory activity). The SCP shall analyse the observance of the conditions provided in the Law on Prosecutor’s Office in this regard. The SCP may grant the request and determine that the accessory activity is carried out for a determined period of time or part-time which should not affect his/her exercise of official duties of a prosecutor. The didactic and/or scientific activities may be carried out by the prosecutor in the universities, the National Institute of Justice, in different training activities organized for civil servants, projects aiming the implementation of the national or international policy of the state in criminal matters.

In sum, judges and prosecutors may combine their work with the following other functions/activities (Table below):

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	√	√	√	√
	Research and publication	√	√	√	√
	Arbitrator				
	Consultant				
	Cultural function				
	Political function				

	Mediator				
	Other function	√		√	

Other: Judges can combine also their activity with creative activities and membership in collegial bodies of public authorities. Prosecutors can combine their activity with collegiate activities in public authorities or institutions.

Breaches of rules on conflict of interest

Breaches of rules on conflicts of interest in respect of judges are provided for in the Code of Professional Conduct and Ethics, LSJ, the Law on Superior Council of Magistracy (LSCM) and the Law No. 133/2016 on the declaration of assets and personal interests.

The procedure to sanction these breaches is regulated in the Code of Professional Conduct and Ethics, the Criminal Code, LSJ, LSCM, the Law 132/2016 on National Integrity Authority, Administrative Offences Code and in the Law No. 133/2016 on the declaration of assets and personal interests.

The offence contained in article 326 (para. 1) of the Criminal Code presented above in relation to judges applies also **to prosecutors**.

Breaches of rules on conflicts of interest in respect of prosecutors are regulated in Law No. 133/2016 on the declaration of assets and personal interests and Integrity Law 82/2017.

The procedure to sanction breaches of rules on conflicts of interest in respect of prosecutors are regulated the Law on Prosecution Office, P, the Law No. 133/2016 on the declaration of assets and personal interests, the Law 132/2016 on National Integrity Authority, Administrative Offences Code and the Criminal Code. According to the Law on Prosecution Office, a failure to request recusal for reasons stated in legal provisions may be qualified as a disciplinary offence (Article 15, 38, LP). If it was established that a prosecutor took or participated in a decision making without resolving his/her real conflict of interest in accordance with the provisions on conflict of interest, this constitutes a ground for his/her dismissal (Article 58, LP). The dismissal is made within 5 working days from the intervention or bringing the case to the attention of the Prosecutor General, by an order of the Prosecutor General, which is then communicated to the prosecutor concerned within 5 working days, but prior to the date of dismissal. The order on dismissal may be contested in court.

The number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2021 and 2023 is presented in the Table below:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	1	1,00	NA	NA	NA	NA	0	0,00	0	0,00	0	0,00
2023	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

Discipline against judges and prosecutors

Description of the disciplinary procedure against judges

The disciplinary liability of judges exists for committing an offence listed in Article 4 of the Law No. 178/2014 on Disciplinary Liability of Judges (hereinafter: LDLJ) or for disregarding the provisions of the Code of Professional Conduct and Ethics.

Notifications regarding suspected disciplinary offences or misconduct may be submitted by any interested person, the SCM, the Ombudsman, members of the Parliament, Ministry of Justice, the Judges' Selection and Evaluation Committee and the Judicial Inspection on its own initiative. The admissibility is examined by the Judge-Inspector to whom the case was distributed (LDLJ, art. 23 (2) d). There is an Appeals Panel of the Disciplinary Committee of the SCM, which examines the appeals against decisions of the Inspectors to reject the claim of disciplinary offence/misconduct. First the admissibility of the case is decided upon, then the Disciplinary Committee decides on the substance of the case and imposes sanctions, if necessary.

During the disciplinary proceeding, the judge concerned has a possibility to be heard and to present his/her argumentation in writing.

The **Judicial Inspection** is an independent body, consisting of seven judge-inspectors, who enjoy functional autonomy. Only the candidates who have not worked as judges in the last three years may apply for the position of a judge-inspector. A person can hold a single term of office for 6

years in this capacity and cannot be re-elected. Cases to be verified are distributed at random by the senior inspecting judge – who heads the Judicial Inspection – to an inspecting judge. The inspecting judge verifies within 30 days the facts of the case, in the process of which s/he can request any necessary information from court presidents, other judges, as well as other public authorities or private persons. These persons and authorities are under a legal obligation to submit the requested information. The inspecting judge also has to seek the written opinion of the judge suspected of misconduct. S/he then reports back to the Disciplinary Committee of the SCM. The Judicial Inspection keeps (electronic) statistical records of all complaints and results of the verification procedure.

As of August 2022, the **Disciplinary Committee of the SCM** is composed of four judges voted by the General Assembly of Judges and three representatives of civil society selected by open competition organised by the Ministry of Justice in coordination with SCM and appointed by the Minister of Justice. The term of office of members of the Committee is six years and members cannot be elected or appointed for two consecutive terms. Membership in the Disciplinary Committee is incompatible with membership in the SCM, the Selection Committee, the Evaluation Committee, with the position of inspecting judge, as well as with the position of president or vice-president of a court (Articles 9 and 10, LDLJ). The Disciplinary Committee functions in plenary meetings and within meetings of the appeals panels. These panels examine the appeals against inspectors' decisions to reject the claims of disciplinary offence/misconduct (art. 15 LDLJ). Decisions of the Disciplinary Committee are duly justified and published online. Meeting agendas and minutes of the Disciplinary Committee and its appeal panels are also published.

GRECO recommendation xiii. 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.

In [the Evaluation Report](#) (see para. 132-135) GRECO noted numerous concerns regarding the legal framework for the disciplinary liability of judges and its efficiency and adequacy in addressing judges' misconduct. In GRECO's opinion, major concern pertains to the limited competences of the Judicial Inspection and to the role of the admissibility panels in the disciplinary procedure. The Judicial Inspection only reviews cases, gathers evidence and submits the files to an admissibility panel. It has to process all cases, even obviously unsubstantiated ones, and it cannot dismiss a case nor re-qualify the facts of a case. The admissibility panel acts only as a filter, deciding by unanimous vote to dismiss unsubstantiated cases and passing the others on to the Disciplinary Committee. It cannot re-qualify the facts of the case either. As a result of both bodies being unable to change the legal qualification of the facts of a case, the GET heard that an incorrect legal qualification was sometimes used to delay or bury a case. Moreover, virtually all of the GET's interlocutors, including members of the SCM and the Disciplinary Committee themselves, saw the admissibility stage of the proceedings as superfluous. It needlessly complicates and lengthens disciplinary proceedings and the GET noted in this context that some procedures were discontinued in 2014 and 2015 due to the expiry of the statute of limitation, although the two-year period appeared adequate on paper. In the GET's view, the procedure could easily be simplified by removing the admissibility stage and giving Judicial Inspection the power to change the qualification of facts and to terminate proceedings by a reasoned decision, subject to appeal before the Disciplinary Committee.

Moreover, the GET pointed out that a number of disciplinary offences as laid out in Article 4 of the LJDJ lack precision and could be detrimental to judicial independence. In particular, the offence of “intentional application, or application with bad faith, or repeated negligence of legislation contrary to uniform judicial practice” (Article 4(1)b) may unduly restrict the independence of judges in drafting judgments and prevent the evolution of case-law; the offence of “other actions affecting the honour or professional integrity or reputation/prestige of justice, committed in performance of duties or outside them” (Article 4(1)p) is too general and could give rise to varying interpretations. As to Article 4(1) m which stipulates that committing an act with elements of a crime or a misdemeanour that was detrimental to the prestige of justice is considered a disciplinary offence, it is unclear and seems to combine elements of criminal and disciplinary liability, which should be avoided. A reference was made to the Venice Commission’s opinion for a more complete list of offences requiring reformulation.

Finally, several of the GET’s interlocutors expressed the view that the SCM did not react to reported misconduct of judges in a sufficiently determined manner. Numerous cases were reported in the media and allegedly not acted upon by the SCM. Decisions were reportedly not well explained, available sanctions were not used to their full extent and the GET was given examples of judges being allowed to resign at their own request instead of being dismissed, in order to be entitled to legal allowances and social benefits. This sends out unfortunate messages that misconduct and lack of diligence are tolerated with no effective deterrents, GRECO said. Giving greater publicity to cases, explaining decisions not to prosecute, publishing details about sanctions imposed in disciplinary cases, both anonymised overall figures of numbers sanctioned, and specific penalties imposed, and in severe cases publicly by naming individuals removed from office with reports of the behaviour and outcome would start to improve the system’s accountability to the public it serves. This would reinforce standards of expected behaviour, might rebalance negative press reporting and improve public confidence. In view of the above paragraphs, GRECO issued recommendation xiii.

Little progress has been made in the compliance procedure by the Republic of Moldova. In 2018 amendments to the Law No. 178/2014 on disciplinary liability of judges (LDLJ) brought some changes to the disciplinary framework for judges (provide a new procedure for examining claims regarding disciplinary violations by a judge) and strengthened the competencies of the Judicial Inspectorate in disciplinary matters (the competencies of Judicial Inspectors have been reinforced and an appeal before the Disciplinary Committee made possible). However, GRECO was only able to conclude this recommendation was partly implemented (see [GRECO Compliance Report](#), para. 79-82). In the [Second Compliance Report](#) (see para. 76-82), GRECO noted that decisions on disciplinary matters are public. However, based on the information provided GRECO could not conclude that the Disciplinary Committee's decisions are duly justified and thus concluded that the recommendation remains partly implemented. In the Interim Compliance Report on the Republic of Moldova (see para. 49-53), GRECO took note of the information provided by the authorities on amendments of the Law on the disciplinary liability of judges in November 2020 which introduced the definition of intention and gross negligence to initiate disciplinary procedure against judges upon request of the Governmental Agent (before the European Court of Human Rights) based on judgement by the ECHR. The authorities also indicated that the SCM proposed amendments to various laws for improving the framework of the disciplinary liability of judges which were forwarded to the Ministry of Justice. GRECO encouraged the authorities to pursue efforts so that tangible and fully demonstrated results can be shown, namely regarding the adequate reasoning of decisions, and with the adoption of new legislation, proposed by SCM. It concluded that recommendation xiii remains partly implemented. In the Second Interim Compliance Report on the Republic of Moldova (para. 55-60), the Moldovan authorities report that by virtue of Law no. 246/2022, amendments

were brought about to Law no. 178/2014 on the Disciplinary Liability of Judges (LDLJ). Thus, the Disciplinary Committee is to be composed of four judges and three lay members (instead of nine: five judges and four lay members). Judge members are elected by secret ballot of the General Assembly of Judges, provided that they have effectively worked as a judge for at least two years. The judge candidate who obtains the highest number of votes is considered elected. The quorum required for the Disciplinary Committee meeting is two-thirds of its members. Admissibility panels are composed of three members of the Disciplinary Committee, one of whom must be a judge. The reasoned decisions of the plenary of the Disciplinary Committee are published on the SCM's website. In practice, the SCM has given reasoned decisions in several disciplinary cases. Also, the authorities indicate that by virtue of Law no. 5 of 2 February 2023¹⁶, which will come into force on 18 April 2023, additional amendments were introduced, which concern, inter alia: the repeal of two disciplinary offences and the amendment of two others under Article 4 of LDLJ; the consideration of personal circumstances, under Article 7 (2) of LDLJ, in the imposition of a disciplinary sanction; the criteria for declaring a complaint inadmissible under Article 20 (2) of LDLJ; the procedure for carrying out the verification of a complaint under Articles 23-26 of LDLJ and the procedure before Admissibility Panels under Articles 27-29 of LDLJ; and the right to appeals against SCM decisions on disciplinary measures to the Supreme Court of Justice. GRECO noted the provided information but recalled that in the evaluation Report more determined action was required, in law and practice, to strengthen the objectivity, efficiency and transparency of the disciplinary liability of judges. It also emphasised that the SCM is expected to bring existing regulations in line with the newly introduced statutory amendments. As such, GRECO concluded the recommendations to remain partly implemented.

A judge may appeal the decision of the disciplinary body. The decision of the Admissibility Committee can be challenged within 15 days before the plenary of the Disciplinary Committee. If the case is admitted, it is passed on to the Disciplinary Committee. Appeals against the Disciplinary Committee's decision can be lodged within 15 days of receipt of the decision by the judge concerned, the person who filed the notification or the Judicial Inspection. They are decided upon by the SCM within 30 days of their registration. The SCM's decision may be challenged within 20 days by the same persons/bodies before the Supreme Court, which decides within 30 days in a panel of five judges.

Disciplinary sanctions consist of a written warning, written reprimand, removal from the office of court president or vice-president and dismissal (Article 6, LDLJ). The latter measure is proposed by the Disciplinary Committee to the plenary of the SCM, which, once the decision is final, passes the proposal on to the President of the Republic (Article 38, LDLJ). The President of the Republic has to accept the proposed dismissal of a judge.

A judge may not be transferred to another court without his/her consent (para. 4 of Article 116 of the Constitution). The transfer of a judge to another jurisdiction for a limited period of time may be decided by the SCM at the request of the president of the court in question, for organisational reasons. The judge's consent is necessary and must be given in writing (para. 1 of Article 20, LSJ). Moreover, in all cases specified by LSJ, a magistrate may be transferred to another judicial body only with his/her consent.

Description of the disciplinary procedure against prosecutors

Prosecutors are disciplinary liable for committing a disciplinary offence as listed in Article 38 of the LP. Disciplinary offences are: 1. inappropriate fulfilment of the service duties; 2. incorrect or biased application of legislation, if this action is not justified by the change of practice of application of legal norms established in the current law enforcement; 3. illegal interference in the activity of another prosecutor or any other interventions with the authorities, institutions or officials for the purpose of solving any issue; 4. intentional hindrance, by any means, of the activity of the Prosecutor's inspection; 5. severe violation of the legislation; and 6. undignified attitude or manifestations affecting the honour, professional trustworthiness, prestige of the prosecution service or that violate the code of ethics for the prosecutor.

The **disciplinary liability mechanism** is laid down in the LP. The right to initiate a procedure belongs to 1. any interested person; 2. the head of the organisational unit/hierarchical superior public prosecution, 3. The Prosecutor General, 4. the SCP; 5. the Discipline and Ethics Committee; 6. the Ombudsman; 7. the Performance Evaluation Committee; 8. the Inspection of Prosecutors; and 9. Ministry of Justice upon notification by the Government Agent. The notification automatically starting the proceedings is submitted to the SCP and forwarded to the Inspection of prosecutors, which is a subdivision of the General Prosecutor's Office, under the direct supervision of the Prosecutor General. It is composed of civil servants and employees with special status. Facts of the case are then verified and the prosecutor subject to the procedure is asked for his/her written explanations. S/he also may provide additional explanations and evidence before the case is either dismissed or passed on to the Discipline and Ethics Committee. The Discipline and Ethics Committee examines the case in the presence of at least 2/3 of its members, the prosecutor subject to the procedure being mandatorily present. A decision is taken by majority vote, but if the procedure was initiated by a member of the Discipline and Ethics Committee, that member cannot take part in the vote. The decision of the Discipline and Ethics Committee is then transmitted to the SCP for validation and may be challenged on this occasion by the prosecutor sanctioned, the person who initiated the procedure and any other person who considers that his/her rights were affected by the decision. The SCP's decision may be appealed before a court in an administrative review procedure. The statute of limitation is six months from the initiation of the proceedings (not counting the time when the prosecutor was sick or absent on leave) and one year from the commission of the offence. All decisions of the SCP in disciplinary matters are published on its website.

The **Discipline and Ethics Committee** is composed of seven members, five being elected by the General Assembly from among prosecutors and two being elected by the SCP following an open competition from among civil society representatives.

Possible sanctions are warning; reprimand; sharp reprimand; withdrawal of the badge of "Honorary Employee of the Public Prosecutor's Office" and dismissal. In addition to sanctions, the Discipline and Ethics Committee may recommend to the SCP that the prosecutor be subject to an extraordinary performance assessment.

Prosecutors have a right to appeal against the disciplinary sanctions. The appeal against the decisions of the SCP in disciplinary matters is heard by the Supreme Court, specifically by the same panel of five judges which hears the appeals against decisions of the SCM in disciplinary cases against judges.

GRECO recommendation xviii. 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.

As is the case for judges, GRECO noted, in its Evaluation Report (see para. 186), that numerous cases of misconduct by prosecutors were reported in the media and several of the GET's interlocutors expressed the view that the prosecution service had so far not been very proactive and transparent in addressing such cases. Legal provisions on accountability were said not to be enforced in full and sanctions appeared lenient. Against this background, the capacity of the disciplinary bodies to deal with misconduct of prosecutors in a determined and effective manner is crucial, especially given the negative image of the prosecution service. As with other aspects of the reform, much will depend on how the new system will be implemented in practice. Three specific issues, however, deserved mentioning in the Evaluation Report. The GET noted that according to the new LP, the Inspection of Prosecutors will be a subdivision of the General Prosecutor's Office, under the direct supervision of the General Prosecutor. A sufficient number of adequately trained inspectors will be instrumental to its efficiency. The GET was concerned that the Inspection's statutory and budgetary dependence on the Prosecutor General may lead to self-censorship in sensitive cases. The GET also noted that nothing prevents a member of the SCP from being involved in several stages of disciplinary proceedings against a prosecutor, by initiating a disciplinary procedure, appealing against a decision of the Discipline and Ethics Committee and voting on this appeal as a member of the SCP. Finally, transparency is a key element of a successful accountability policy. Along the same lines as the measures recommended in the chapter on judges, disciplinary cases need to be given sufficient publicity, it is necessary to ensure that decisions are properly motivated as required by law, that decisions not to prosecute are adequately explained, and that details about sanctions are published, both anonymised overall figures and, in severe cases, leading to removal from office, reports that name the individuals concerned, the behaviour involved and the outcome. Consequently, GRECO issued recommendation xviii.

In the compliance procedure, no tangible progress was noted in the [Compliance Report](#) (see para. 104-107) and the [Second Compliance Report](#) (see para. 102-106). In [the Interim Compliance Report on the Republic of Moldova](#) (see para. 70-75), GRECO took note of the information provided by the authorities regarding publication of anonymised decisions on disciplinary liability in respect of prosecutors of the Disciplinary and Ethics Committee as well as the decisions of the SCP on the challenge of the Disciplinary and Ethics Committee's decisions. Furthermore, it took note of the information on examination of complaints submitted to initiate disciplinary proceedings, on examination of disciplinary proceedings and on appeals filed as well as information on the outcome of the examination of the appeals. GRECO concluded that the figures indicate that the system for the disciplinary liability of prosecutors is operational. In the Second Interim Compliance Report on the Republic of Moldova (see para. 67-71), the Moldovan authorities reported on public consultations being organised by the Ministry of Justice on 3 March 2023 on draft amendments to the LPS, according to which (i) certain disciplinary offences will be clarified and amended and (ii) the Prosecutors' Inspection will become an independent authority, to be composed of 6 inspectors. The tasks of the Prosecutors' Inspection will be inter alia to examine complaints that allegedly constitute disciplinary misconduct and present the findings to the Discipline and Ethics Committee and the SCP. The amendments further intend to regulate the disciplinary procedure instituted against inspectors. Decisions of the Discipline and Ethics Committee have been published on the SCP website and the statistics of the Discipline and Ethics Committee for 2022 are as follows: it commenced 39 disciplinary procedures in respect of 35 prosecutors and examined 162 appeals against decisions of the Inspection; it adopted 136 decisions (25 decisions

on disciplinary procedures in respect of 25 prosecutors and 111 decisions regarding appeals against decisions of the Inspection. Based on the information provided, GRECO concluded, pending the adoption of the amendments, that the recommendation remains partly implemented.

The Table below summarises the data on disciplinary procedures in 2023 in absolute (Abs) numbers and per 100 judges /prosecutors respectively:

		2023			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	25	7,23	182	30,59
	1. Breach of professional ethics (including breach of integrity)	NA	NA	NA	NA
	2. Professional inadequacy	NA	NA	NA	NA
	3. Corruption	NA	NA	NA	NA
	4. Other criminal offence	NA	NA	NA	NA
	5. Other	NA	NA	NA	NA
Number of cases completed in the reference year against	Total number (1 to 5)	19	5,49	131	22,02
	1. Breach of professional ethics (including breach of integrity)	NA	NA	NA	NA
	2. Professional inadequacy	NA	NA	NA	NA
	3. Corruption	NA	NA	NA	NA
	4. Other criminal offence	NA	NA	NA	NA
	5. Other	NA	NA	NA	NA
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	4	1,16	8	1,34
	1. Reprimand	0	0,00	2	0,34
	2. Suspension	NAP	NAP	NAP	NAP
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NAP	NAP	NAP	NAP
	6. Position downgrade	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	NAP	NAP	NAP	NAP
	9. Other	4	1,16	4	0,67
	10. Dismissal	0	0,00	2	0,34

For judges, the source of data provided is the SCM. Sanctions pronounced in 4 cases were warnings. A warning is considered to be the mildest sanction that can be applied for one year consisting of a written notice of the negative consequences that may be applied in the future, if the person to whom the sanction is applied admits the same behaviour. The circumstances in which the warning is applied are determined by 1. The primary commission of a disciplinary violation, usually a minor, of an intentional nature or by negligence; 2) the evaluation of those competent in determining the relevant disciplinary sanction that the warning is sufficient to be applied in relation to the seriousness of the violation. The authorities report that since 2023 temporary reduction of salary has been removed from the list of disciplinary sanctions that can be imposed on judges.

For prosecutors, the authorities report that the data reflects the number of disciplinary proceedings initiated by the Discipline and Ethics Committee. The source of the data is the SCP. As regards “Other” sanction imposed, they were warnings. The authorities also explain that since 2023, due to legal amendments, temporary reduction of salary and position downgrade have been excluded from the disciplinary sanctions that may be imposed on prosecutors.

Council for the Judiciary

Following amendments to the Law on the SCM (LP103 of 24.08.21, in force as of 17.09.21), as of September 2021, SCM consists of 12 members, including: 6 members elected by the General Assembly of Judges from among the judges in office (4 from the first instance courts, 1 from the courts of appeal and 1 from the Supreme Court of Justice), by secret, direct and freely expressed vote and 6 members elected by competition by the Parliament. Candidates for the position of non-judge member of the SCM must have a high professional reputation, personal integrity, experience in the field of law or political science, economics, psychology for at least 10 years, should not be politically affiliated and should not work within the bodies of the legislative, executive or judicial powers at the time of applying. At least four of them must have legal experience (amendments to the Law on the Superior Council of Magistracy from 2022). Non-judge candidates must pass an integrity assessment carried out by an independent commission for the assessment of the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors (the Independent Integrity Assessment Commission). The pre-vetting evaluation of the candidates to SCM, Selection and evaluation and Disciplinary boards has been continued. It is expected to have a new vetted composition of these specialised bodies by mid-2024.

The subsequent legislation for defining the procedure and conditions for the election, appointment and termination of the mandate of members of SCM is yet to be adopted (currently this is regulated in the Law on Superior Council of Magistracy).

The SCM is competent regarding the selection, training, evaluation, ethics and disciplinary liability of judges; it also has certain duties regarding declarations of income and property and declarations of personal interests of judges; finally, it has certain tasks regarding the administration of courts, notably as regards budgetary matters. In case the SCM considers the independence, impartiality or professional reputation of a judge is affected in any way, it shall act *ex officio* or upon a request.

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the SCM include a full-time position of its judge members and a part-time position for non-judge members; mandate limited to six years for elected members of the SCM prohibitions to exercise (a) other remunerated activities except for educational, creative, scientific activities; (b) to be a member of the parliament or an elected representative in local authorities; (c) to engage in entrepreneurial activity; (d) to work on companies board (Nota Bene (a) is not applicable to SCM non-judge members); suspension of judicial office for the SCM's judge members for the period of their mandate as SCM members and random reallocation of their cases to other judges; different branches within the SCM (Judicial Inspection, Disciplinary Committee, Evaluation Committee, Selection/Recruitment Committee) composed by different members, nominated/elected by different bodies (SCM, General Assembly of Judges).

Accountability measures in place regarding the SCM's activities include publication of the activity reports and publication of decisions which must be reasoned. Other measures include publication on SCM webpage of activity plans, budget and courts budget, annual salaries, declarations on assets and personal interests, gifts register, procurement plans and reports, meetings/public sessions agenda, meetings summary, video streaming of meetings, information on study visits abroad, public consultations of its normative acts, etc.

The SCM is competent when it is evident that there is a breach of the independence or impartiality of a judge. In such cases the SCM may start a disciplinary proceeding against the judge in question.

Due to a pre-vetting process, the Moldovan authorities have reported when submitting the data for the preparation of this report, that it is expected to have a new vetted composition of the SCM by mid-2024.

Prosecutorial Council

Article 125¹ of the Constitution enacted on 29 November 2016 specifies that the Superior Council of Prosecutors (hereinafter: SCP) is “the guarantor of independence and impartiality of prosecutors”, is “composed of prosecutors elected from the prosecutor’s offices of all levels and of representatives of other authorities, public institutions or civil society” and “ensures appointment, transfer, promotion in position and disciplinary measures regarding prosecutors”.

According to the Law on the Public Prosecutor’s Office (hereinafter: LP), the SCP is one of the bodies of self-administration that guarantees the autonomy, objectivity and impartiality of prosecutors.

According to the to the Law nr. 103 of 24.08.21 in force as of 17.09.21 amending the Law on Prosecution Office, as of September 2021, and the Law 200/2023 of 31.07.23 (published on 04.08.23) SCP consists of 10 members, including: 5 members elected by the General Assembly of Prosecutors from among the prosecutors in office (one member from among the prosecutors of the General Prosecutors Office and four members from the ranks of prosecutors from the territorial and specialised prosecution offices), by secret, direct and free vote; 4 members elected by competition from civil society (one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova); and 1 member from the Ministry of Justice. Based on the Law 200/2023 as of 1st January 2024 the Prosecutor General and the Ombudsman are no longer *ex officio* members, while the Minister of Justice will cease to be *ex officio* member as of 1st January 2026. Prosecutor members of the SCP are elected from among the prosecutors who have accumulated the highest number of votes at the General Assembly of Prosecutors. The following prosecutors on the list of candidates who have accumulated the highest number of votes shall fill the vacancies in descending order by the number of votes accumulated. Candidates for the position of member of the SCP must enjoy an impeccable reputation, be a recognized authority in their fields of activity and may not be prosecutors who have unqualified disciplinary sanctions and persons who have been convicted of a crime. Four non-prosecutor members of the SCP are elected by competition from the civil society, as follows: one by the President of the Republic of Moldova, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova. Candidates for the position of member of the SCP from civil society must have at least 3 years of higher legal education and experience in the

field of law, having good reputation, have not been convicted of a criminal offence, have Moldovan citizenship, knowledge of Moldovan language, mental capacity and be no more than 65 years of age. The open competition includes an assessment carried out by the Independent Integrity Assessment Commission of candidates for membership of self-administrative bodies of judges and prosecutors and an interview organised by the body selecting the candidate where the field of competence the candidate applied for is examined.

The position of the SCP's prosecutor members is a full-time position and a part-time position for civil society members and *ex officio* members. The mandate of the elected SCP's members is six years. Elected members cannot hold two consecutive terms (Article 73, LP).

SCP's competences include the selection, promotion, training, evaluation, ethics, developing a draft Code of Ethics for prosecutors, approving its own budget and submitting it to the Ministry of Finance, participating in the development of the budget and strategic development plans for the prosecution service, establishing disciplinary liability of prosecutors, appointing prosecutors to the Council of the National Institute of Justice etc. In case the SCP considers the independence, impartiality or professional reputation of a prosecutor is affected in any way, it shall act *ex officio* or upon a request (the Regulations of the SCP and the Commentary of the Code of Ethics for Prosecutors).

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the SCP include full-time position of its prosecutor members; prohibition applicable to all SCP's members, except for *ex officio* members, to exercise other remunerated activities except for educational, creative, scientific, sports activity or an activity within a non-governmental organisation; prohibition to participate in competitions for appointment or promotion to the position of prosecutor, including of the Prosecutor General, during the term in office and 6 months after its termination; suspension of prosecutorial office for the SCP's prosecutor members for the period of their mandate as SCP members; different branches within the SCP (Prosecutor's Inspection, Ethics and Disciplinary Committee, Evaluation Committee, Selection/Recruitment Committee, Training Commission) composed by different members, nominated/elected by different bodies (the Prosecutor General's Office, SCP, General Assembly of Prosecutors). As regards the President of the SCP, s/he is elected from among prosecutors by secret ballot, for a term of two years by a majority vote of the SPC's members and cannot be re-elected.

Accountability measures in place regarding the SCP's activities include publication of the activity reports, publication of decisions which shall be reasoned. Other measures include publication on SCP webpage of activity plans, budget, annual salaries, procurement plans and reports, public consultations of its normative acts, meetings/public sessions agenda, video streaming of its meetings, video archive of meetings, information on study visits abroad, etc.

The SCP is competent in case of a pressure on a prosecutor. In such cases the SCP may start a disciplinary proceeding against the prosecutor in question.

GRECO recommendation xv. GRECO recommended that appropriate measures be taken to ensure that the composition and operation of the SCP 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 SCM.

In [the Evaluation Report on the Republic of Moldova](#), GRECO noted the weak position and lack of independence of the SCP under the current system, which had prevented it from fully exercising its role of safeguarding the autonomy, objectivity and impartiality of the prosecution service. The concerns expressed with respect to the SCM in the Evaluation Report's chapter on judges applied *mutatis mutandis* to the SCP, in particular as regards the *ex officio* membership of the Minister of Justice – all the more since the Constitution provides that the prosecution service forms part of the judicial authority – and the President of the SCM. Consequently, GRECO issued recommendation xv.

In the compliance procedure (see [Compliance Report on the Republic of Moldova](#) (see para. 89-93), [Second Compliance Report on the Republic of Moldova](#) (see para. 90-94), no tangible progress has been made with regard to the *ex officio* membership of the Minister of Justice and the President of the SCM. Other changes with regard to the composition of the SCP included increasing, but then again decreasing the number of other *ex officio* members and adding additional non-prosecutor member. In its responses to GRECO the authorities explained that the number of prosecutors elected by their peers among SCP members remains five. Together with two *ex-officio* prosecutorial members (i.e. Prosecutor General and Head Prosecutor of Autonomous Region of Gagauzia) there are now seven prosecutors and eight non-prosecutors in the composition of the SCP. The authorities referred also to opinion of the CCPE (Consultative Council of European Prosecutors) concerning the independence of prosecutors in the context of legislative changes as regards the prosecution service in the Republic of Moldova (CCPE-BU (2020)2), which points to the desirability for prosecutors elected by their peers to be in majority in prosecutorial councils. They also referred to the Venice Commission Amicus Curiae Brief n°972/2019 (CDL-AD (2019)034), which considers that the new membership balance within the SCP (following the Law n°128/2019 on amending the Law on Prosecutor's Office) is in line with previous VC recommendations and indicates that the presence of the Minister of Justice in the SCP "would not seem objectionable". In the [Interim Compliance Report on the Republic of Moldova](#) (see para. 59-63) the authorities reported on amendments to the Law on Prosecutor's Office adopted in August 2021 which limited the number of SCP's members to 12 by excluding the Prosecutor General, the President of the Bar Association, and the Head Prosecutor of the Autonomous Region of Gagauzia and reducing the age limit to 65 in the SCP. However, the Minister of Justice and the President of the SCM remained *ex officio* members and their positions were reinforced within the SCP as the interim Minister of Justice and interim President of the SCM can participate on a regular basis in the SCP as full members, with all the rights and competences of the other members. However, due to a constitutional review introduced by the Prosecutor General, the amendment that provided for the age ceiling of 65 was rejected. GRECO took note of this information and regretted that the amendments to the relevant legislation have not been used as an opportunity to abolish the *ex officio* membership of the Minister of Justice and the President of the SCM in the SCP, having instead reinforced their position as they can take part, inter alia, in the decisions regarding the career, promotion and disciplinary liability of all categories of prosecutors. GRECO concluded that no sufficient progress had been made. In [the Second Interim Compliance Report on the Republic of Moldova](#) (para. 61-66) the authorities reported on amendments to the Law on the Prosecutor's Office from 2023, according to which the SCP will consist of 10 members (instead of 12), namely one *ex officio* member (the Prosecutor General), five members elected by the General Assembly of Prosecutors and four members elected from among the civil society. Pending the passage and entry into force of the amendments, GRECO concludes that recommendation xv remains partly implemented. When submitting data for the preparation of this report, the authorities of the Republic of Moldova reported on the amendments made to the Law on the Prosecutor's Office in 2023 which reduced the composition of the SCP to 10 members (5 prosecutors elected by the General Assembly of

Prosecutors; 4 representatives of civil society; and the SCM President *ex officio*). As of 1 January 2024, the Ombudsman and the Prosecutor General are no longer members of the SCP, while the Minister of Justice will cease to be *ex officio* member as of 1 January 2026. The SCP's President mandate is two years, without the possibility for re-election.