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(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

OPINION

**ON THE DRAFT CODE
ON THE ORGANISATION AND FUNCTIONING OF THE
PARLIAMENT**

**Adopted by the Venice Commission
at its 148th Plenary Session
(Venice, 9-10 October 2026)**

On the basis of comments by

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I. Introduction

1. By letter of 20 May 2026, the President of the Parliament of the Republic of Moldova requested an Opinion of the Venice Commission of the Council of Europe on the draft Code on the organisation and functioning of the Parliament (hereinafter, “the draft Code”) ([CDL-REF\(2026\)024](#)).

2. Mr Rafael Bustos Gisbert, Ms Etilda Gjonaj, and Mr Vladimir Vardanyan acted as Rapporteurs for this Opinion.

3. On 16 and 17 July 2026, a delegation of the Commission composed of the Rapporteurs, accompanied by Mr Adrià Rodríguez-Pérez from the Secretariat, travelled to Chişinău and held meetings with representatives of the majority and the opposition in Parliament, the Ministry of Justice, the European Integration Office within the State Chancellery, the Constitutional Court, the Superior Council of Magistracy and the Superior Council of Prosecutors, as well as with civil society organisations and international partners present in the Republic of Moldova. The Venice Commission is grateful to the authorities of the Republic of Moldova and the Office of the Council of Europe in Chişinău for the excellent organisation of the visit.

4. On 24 August 2026, the Parliament of the Republic of Moldova adopted the draft Code in second reading. On 17 September 2026, the President of Parliament requested the Commission to consider the main amendments to the draft Code adopted during the second reading ([CDL-REF\(2026\)034](#)) as part of this Opinion.

5. On 17 and 18 September 2026, the Rapporteurs, together with Khagani Guliev and Adrià Rodríguez-Pérez from the Secretariat, held online meetings with Moldovan interlocutors in the context of the preparation of a related Opinion on the draft Law on the Status, Conduct, and Ethics of Members of Parliament (hereinafter, “the draft Law”). The draft Law is subject to a separate Opinion ([CDL-AD\(2026\)032](#)).

6. This Opinion was prepared in reliance on the English translation of the draft Code and its amendments. The translation may not accurately reflect the original version on all points.

7. This Opinion was drafted on the basis of comments by the Rapporteurs and the results of the meetings on 16 and 17 July 2026. The Opinion was examined at the Joint Meeting of the Sub-Commissions on Democratic Institutions, on Constitutional Justice and on the Rule of Law on 8 October 2026. Following an exchange of views with Mr Igor Talmazan, Secretary of the Legal Committee on Appointments and Immunities, Parliament of the Republic of Moldova, and Ms Ana Calinici, Deputy Chair of the Committee for European Integration, Parliament of the Republic of Moldova, it was adopted by the Venice Commission at its 148th Plenary Session (Venice, 9-10 October 2026).

II. Background and scope of the Opinion

A. Legal framework

1. Overview of the draft Code and scope of the Opinion

8. The draft Code is a substantial piece of legislation which has more than 240 articles. It is structured around VI titles and XIX chapters. Title I, on the Organisation and Functioning of Parliament, comprises Chapters I–III: General Provisions; Functioning of the Parliament; and Legislative Procedure. Title II, concerning Special Parliamentary Procedures, comprises Chapters IV–X: Procedure for Amending the Constitution of the Republic of Moldova;

Relations Between the Parliament and the President of the Republic of Moldova; Relations of the Parliament with the Government; Cooperation of the Parliament with Civil Society; Appointment and Removal from Public Office; and Budgetary Autonomy of the Parliament and Other Authorities. Title III, on Parliamentary Oversight, comprises Chapters XI–XVI: General Provisions on Parliamentary Oversight; Notification of the Parliament, Questions, Interpellations, and Petitions; Enforcement of Laws; Hearings and Reports; Special and Inquiry Committees; and Simple Motions and Motions of Censure. Title IV, concerning International Relations of the Parliament of the Republic of Moldova comprises Chapters XVII and XVIII: International Relations of the Parliament of the Republic of Moldova; Parliamentary Delegations. Title V is on the Secretariat of the Parliament and Title VI contains the final and transitional provisions. The amendments adopted in second reading introduced a new Chapter VIII on Relations of the Parliament with the Local Public Administration.

9. According to the Substantiation Note, the draft Code has been developed in the course of several legislatures, beginning in 2016. On 14 March 2022, a formal working group was established by decision of the President of Parliament. It included members of parliamentary committees and officials from the Parliamentary Secretariat, with a mandate to examine existing legislation and international best practices concerning parliamentary law. The development of the Code is aimed at “the need to secure the predictability and transparency of the legislative process, implementation of European standards in legislation substantiation and exercising the parliamentary oversight, strengthening the legislative procedure, eliminating drawbacks and gaps in the legislative practice, as well as the need to regulate the legal relationships between the Parliament and other legal subjects.”¹ At the same time, the draft has been developed to fulfil the recommendations of the European Commission, as provided in the Enlargement Reports.²

10. The draft Code was adopted in first reading on 7 May 2026. As mentioned above, on 24 August, in an extraordinary session of the Parliament, the draft Code was adopted in second reading. The Commission regrets that the Parliament did not wait for its Opinion before introducing further amendments to the draft Code. However, during the online meetings held on 17-18 September and in the written comments submitted on 8 October, the authorities underlined that there exists an effective possibility to take the Commission’s Opinion into account before the final adoption of the Code.

11. Prior to receiving the Opinion request from the President of the Parliament, the Venice Commission received a letter from one of its Vice-Presidents (who represents the parliamentary opposition) raising several concerns about the draft Code. Shortly after, on 6 April, the parliamentary opposition addressed a Joint Statement to the Council of Europe, the European Union, and the Venice Commission, sharing similar and additional concerns and calling for their intervention.

12. The Opinion is requested on the whole draft Code. Rather than undertaking an article-by-article analysis, the Venice Commission has chosen to examine the draft Code from a thematic and structural perspective, focusing on key areas that underpin the functioning of Parliament in a democratic system. This approach allows for a comprehensive assessment of whether

¹ See [CDL-REF\(2026\)024](#), page. 90.

² In its 2025 Report concerning the Republic of Moldova, the European Commission noted that “Parliament can overall exercise its powers in an effective way. Further efforts are needed to increase parliamentary transparency, accountability, integrity and overall effectiveness. This includes enhancing the use of oversight tools and ensuring the timely and comprehensive publication of activities, decisions, draft laws and accompanying documents. Moldova should accelerate the adoption of the Code on the Organisation and Functioning of Parliament and of the Law on the status, conduct and ethics of MPs. Moldova should set up a specialised standing committee on European integration and adopt annual legislative plans. A broader regulation of Parliament’s responsibilities concerning European integration efforts is needed, particularly in relation to its oversight of the government” (p. 4). It also noted that “[t]he efficiency of parliamentary oversight of public funds management needs to improve” (p. 10). See European Commission, [Moldova Report 2025](#), pages 4 and 10.

the Code adequately reflects fundamental principles such as parliamentary autonomy, pluralism, and the protection of minority rights, as well as the appropriate balance between efficiency and meaningful oversight. The absence of comments on certain provisions of the draft Code should therefore not be seen as their tacit approval. Furthermore, and since the relations with local public administrations could not be discussed during the meetings with the Moldovan interlocutors, the new Chapter VIII introduced in second reading falls outside the scope of the current Opinion. Unless otherwise indicated, references to articles of the draft Code in this Opinion are to the numbering of the text adopted in first reading, as transmitted with the request for an Opinion; the numbering of the text adopted in second reading may differ.

13. Furthermore, on 18 August 2026, the President of the Parliament of Moldova also requested the Venice Commission for an Opinion on the draft Law, containing provisions on the termination of a Member of Parliament's mandate, incompatibilities, parliamentary conduct and the available accountability mechanisms. While in Chişinău and during the online meetings held in September, the delegation of the Commission also learned that the Parliament may consider merging the draft Law with the draft Code. Given the related matters of the two Opinions and their potential merger, this Opinion should be read in conjunction with the Opinion on the draft Law ([CDL-AD\(2026\)032](#)).

2. Domestic legal framework

14. Pursuant to the Constitution of the Republic of Moldova, the Parliament is a unicameral legislature. It is the supreme representative body of the people and the sole legislative authority of the State in the Republic of Moldova (Article 60(1) of the Constitution). It has 101 members (Article 60(1)) elected by universal, equal, direct, secret and freely expressed suffrage (Article 61(1)) for a 4-year term of office (Article 63(1)).

15. Article 64 of the Constitution sets that the structure, organisation, and functioning of Parliament is established by internal regulations (para. 1), the election and dismissal of its President (para. 2), and the election of the Vice-presidents (para. 3). Article 66 defines the basic powers of Parliament, which include adopting laws, exercising parliamentary control over the executive power, initiating investigations and hearings, suspending the activity of bodies of local public administration, etc. Article 68 *et seq.* regulate the status of its members, which precludes imperative mandates and regulates termination of mandates, incompatibilities, and immunities. Article 72 *et seq.* regulate the legislative procedures, including legislative initiative (Article 73), adoption of laws (Article 74), as well as their publication (Article 76). Pursuant to Article 63(4), the draft laws or legislative initiatives inserted in the agenda of the previous Parliament shall be dealt upon by the new structure of the Parliament. The powers of the Parliament to confirm the Government are set in Article 98, while the relations between parliament and government are established in Article 104 *et seq.*

16. Currently, the functioning of Parliament of the Republic of Moldova is regulated by the provisions of the Rules of Procedure of Parliament, adopted by Law No. 797 of 2 April 1996 and amended repeatedly. The Rules of Procedure have been supplemented by the Instruction on the circulation of draft normative acts in Parliament, approved by Decision No. 30 of the Permanent Bureau of Parliament of 7 November 2012 (hereinafter, "the Instruction"), which establishes the rules and procedures governing the registration, distribution, examination and preparation of draft normative acts throughout the legislative process. The current Rules of Procedure will be repealed on the date of entry into force of the draft Code. The draft Code does not set whether the Instruction will also be abrogated.

17. The status of the members of Parliament is regulated in a different piece of legislation: Law No. 39 of 7 April 1994, which predates the Rules of Procedure in force. This law regulates the status of members of Parliament, their incompatibilities, parliamentary immunity,

parliamentarians' rights, and other guarantees. Law No. 39 of 7 April 1994 is currently being amended as well, and draft Law No. 448 of 2023 was approved in first reading on 7 December 2023.

18. Provisions on legislative procedures are also found in Law No. 100 of 22 December 2017 on legislative acts. *Inter alia*, Law No. 100/2017 establishes the categories and hierarchy of legislative acts, the stages of the legislative process, and the rules governing their drafting, adoption, promulgation, and publication. It also requires public consultation and various legal, EU-compatibility and anti-corruption assessments during the drafting process, while setting requirements for the structure, content, as well as technical formulation of legislative acts.

19. The Constitutional Court of the Republic of Moldova has declared several laws unconstitutional due to the failure of Parliament to respect the provisions on legislative procedures set in the Constitution. In its case-law, the Court has emphasised, *inter alia*, the need to verify the constitutional conditions for initiating the legislative procedure;³ to ensure parliamentarians' timely and effective access to draft legislation and a genuine opportunity to examine and amend draft legislation, guaranteeing meaningful parliamentary debate, including for opposition members;⁴ to obtain the Government's positive opinion – where constitutionally required – for budgetary measures;⁵ and respect the requirement of two readings for substantive amendments to organic laws.⁶ More recently, the Court has further held that substantive amendments must themselves be registered and follow the constitutional legislative procedure, and that Parliament may not adopt normative solutions lacking a valid legislative initiative.⁷

B. Applicable international standards

20. According to the case-law of the European Court of Human Rights (hereinafter, the ECtHR), "Parliament is a unique forum for debate in a democratic society, which is of fundamental importance. There is a close nexus between an effective political democracy and the effective operation of Parliament. The rules concerning the internal operation of Parliament are the exemplification of the well-established principle of the autonomy of Parliament. In accordance with this principle, Parliament is entitled to the exclusion of other powers and within the limits of the constitutional framework, to regulate its own internal affairs, for example the composition of its bodies. This forms part of 'the jurisdictional autonomy of Parliament'."⁸

21. Despite acknowledging this autonomy, and whereas limitations to the rights in the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter, the ECHR) may derive from parliamentary autonomy, the Court has argued that Parliaments do

³ Judgment No. 17 of 10.06.2021 for the review of the constitutionality of Law No. 193 of 20 December 2019 amending certain legislative acts and the Decision of the Parliament on the appointment of members of the Superior Council of Magistracy No. 53 of 17 March 2020 (modification of the composition of the Superior Council of Magistracy). Available at: <https://constcourt.md/ccdocview.php?tip=hotariri&docid=773&l=ro>

⁴ Judgment No. 21 of 27 July 2021 for the review of the constitutionality of Parliament's Decision No. 219 of 3 December 2020 for the amendment of Parliament's Decision No. 149 of 29 November 2019 regarding the numerical and nominal composition of the Permanent Bureau of Parliament (application No. 200a/2020). Available at: <https://constcourt.md/ccdocview.php?tip=hotariri&docid=777&l=ro>

⁵ Judgment No. 14 of 20 June 2024 on the constitutionality review of Article II of Law No. 116 of 16 May 2024 amending certain normative acts (adoption of organic laws by Parliament) (application No. 131a/2024). Available at: <https://constcourt.md/ccdocview.php?tip=hotariri&docid=856&l=ro>

⁶ *Ibid.*

⁷ Judgment No. 10 of 24 July 2025 on the review of the constitutionality of Articles I, point 4 of Law No. 74 of 31 March 2022, II of Law No. 247 of 29 July 2022 and VII of Law No. 316 of 17 November 2022 (amnesty for life prisoners) (application No. 90a/2025). Available at: <https://constcourt.md/ccdocview.php?l=ro&tip=hotariri&docid=878>

⁸ ECtHR, *case of Mugemangango v. Belgium* [GC], no. 310/15, 10 July 2020, para. 74. See also ECtHR, *case of Ždanoka v. Latvia* [GC], Application no. 58278/00, 16 March 2006, paras 98 and 103; and ECtHR, *case of Karácsony and Others v. Hungary* [GC], Applications nos. 42461/13 and 44357/13, 17 May 2026, para. 141 *et seq.*

not enjoy absolute discretion on this matter.⁹ In particular, the principles of effective political democracy and of the Rule of Law must be taken into account, which are applied differently depending on the different types of disputes arising under Article 6(1), Article 8, and Article 10 of the Convention or Article 3 of its Protocol No. 1.¹⁰

22. Parliamentary autonomy is one of the principles of the separation of powers and, thus, of the Rule of Law. As such, the Updated Rule of Law Checklist of the Venice Commission states that “[u]nlimited powers of the executive are, de jure or de facto, a central feature of absolutist and dictatorial systems. Modern constitutionalism has been developed to safeguard against such systems and therefore ensures supremacy of the constitution, giving the legislature control over the powers of the executive. Democracy requires that regulation of issues deemed societally important should normally be in a statute passed by the representatives of the people, the legislature.”¹¹ At the same time, the Commission has recalled that

“[...] the division of powers is not a mere theoretical concept, but rather a practical device for implementing the premise “power to stop power”, i.e. to achieve checks and balances among the state powers. Therefore, no “autonomy” can be absolute. As with every general principle, its limits are set by logic and common sense in every particular situation, as well as by the specific constitutional documents through which the principle is specified in each particular national context. Parliaments set their rules of procedure autonomously; however, if those rules diverge from constitutional principles, they can certainly be an object of constitutional review, at least indirectly.

[...] Construing parliamentary autonomy as absolute may lead to Parliament to become a “judge in its own case”. That may be detrimental to the rights of the parliamentary minorities. The Venice Commission noted this paradox in an opinion on Romania (2012): “If only the majority can decide on the observance of parliamentary rules, the minority has nowhere to turn for help if these rules are flouted”. ”¹²

23. The Updated Rule of Law Checklist also includes a range of provisions on law-making procedures and states that “[t]he Rule of Law is closely connected with democracy in that it promotes accountability and safeguards the public interest while ensuring the protection of the rights of all persons so necessarily limiting the powers of the majority. The quality of law depends to a large extent on the quality of the legislative process.”¹³ The Updated Rule of Law Checklist then elaborates on the parliament's power to determine the content of laws, sets requirements for adequate time and transparency in legislative debates (including opposition and stakeholder's involvement), safeguards for democratic deliberation (even with technological tools), and calls for public consultations on significant reforms.¹⁴ It also confines expedited procedures to exceptional circumstances with clear exclusions.¹⁵

⁹ ECtHR, [case of Karácsony and Others v. Hungary](#) [GC], Applications nos. 42461/13 and 44357/13, 17 May 2026, para. 147

¹⁰ *Ibid*, para. 147; and ECtHR, [case of Grande Oriente d'Italia v. Italy](#) [GC], Application no. 29550/17, 7 July 2026, para. 165

¹¹ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 33

¹² Venice Commission, [CDL-AD\(2021\)016](#), Republic of Moldova - *Amicus curiae* Brief on three legal questions concerning the constitutional review of the law-making procedures in Parliament, paras 24.25. See also Venice Commission, [CDL-AD\(2012\)026](#), Romania - Opinion on the compatibility with Constitutional principles and the Rule of Law of actions taken by the Government and the Parliament of Romania in respect of other State institutions and on the Government emergency ordinance on amendment to the Law N° 47/1992 regarding the organisation and functioning of the Constitutional Court and on the Government emergency ordinance on amending and completing the Law No, 3/2000 regarding the organisation of a referendum, para. 22.

¹³ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 34.

¹⁴ *Ibid*, paras 33 and 34.

¹⁵ *Ibid*, para. 34 and Benchmark A.7.

24. The Venice Commission has worked on a broad range of issues that are relevant for the work and organisation of parliaments, with comparative reports addressing matters such as legislative initiative, the relation between powers in a system of checks and balances, as well as the rights of parliamentarians and the role of opposition, to name just a few examples.¹⁶ In particular, the Venice Commission adopted a report “On the role of the opposition in a democratic Parliament” already in 2010¹⁷ and, a few years later, the Secretary General of the Council of Europe asked the Commission to prepare guidelines on the relation between the majority and opposition, which resulted in the adoption of the Parameters in the form of a checklist.¹⁸ The Commission has also addressed parliamentary committees of inquiry, in the context of two *amicus curiae* briefs for the European Court of Human Rights: *Rywin v. Poland* and *Grande Oriente d'Italia v. Italy*.¹⁹ It has also adopted a handful of Opinions on parliamentary rules of procedure, in particular concerning the Republic of Moldova in 2002²⁰, North Macedonia in 2002 and 2009²¹, and Ukraine in 2017 and 2023²².

25. While the Committee of Ministers of the Council of Europe has not developed standards specifically addressing the functioning and organisation of parliaments as such, a number of its Recommendations contain provisions that are relevant for parliamentary life. These include, in particular, standards concerning the balanced participation of women and men in political and public decision-making, as well as on gender equality standards and mechanisms.²³

26. The Parliamentary Assembly of the Council of Europe (hereinafter, the PACE) has also adopted several international standards which are relevant for the functioning of a parliament. On 23 January 2008, it adopted Resolution 1601 (2008) on “Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament”.²⁴ In Resolution 1601 (2008) the PACE stated that the existence of “a political opposition inside and outside of parliament is an essential component of a well-functioning democracy”.²⁵ In 2024, the PACE

¹⁶ Furthermore, and although they fall outside the scope of the draft Code under examination, the Commission has also adopted reports on democracy, limitation of mandates, and incompatibility of political functions; the scope and lifting of parliamentary immunities; and the exclusion of offenders from Parliament. See Venice Commission, [CDL-AD\(2012\)027](#), Report on Democracy, Limitation of Mandates and Incompatibility of Political Functions; Venice Commission, [CDL-AD\(2014\)011](#), Report on the Scope and Lifting of Parliamentary Immunities; and Venice Commission, [CDL-AD\(2015\)036cor](#), Report on Exclusion of Offenders from Parliament.

¹⁷ Venice Commission, [CDL-AD\(2010\)025](#), Report on the role of the opposition in a democratic Parliament

¹⁸ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist.

¹⁹ Venice Commission, [CDL-AD\(2014\)013](#), *Amicus Curiae* brief in the case of *Rywin v. Poland* (Applications Nos 6091/06, 4047/07, 4070/07) pending before the European Court of Human Rights (on Parliamentary Committees of inquiry) and Venice Commission, [CDL-AD\(2025\)033](#), Urgent *amicus curiae* brief for the European Court of Human Rights in *Grande Oriente d'Italia v. Italy* on procedural guarantees in the exercise of powers by Parliamentary Inquiry Committees.

²⁰ Venice Commission, [CDL-AD\(2002\)025](#), Republic of Moldova - Opinion on the Law on the Status of Members of Parliament.

²¹ See, respectively, Venice Commission, [CDL-AD\(2002\)011](#), North Macedonia - Opinion on the Draft Proposal for Rules of Procedure of the Assembly; and Venice Commission, [CDL-AD\(2009\)025](#), North Macedonia - Opinion of the Rules of Procedures of the Assembly.

²² See, respectively, Venice Commission, [CDL-AD\(2017\)026](#), Ukraine - Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine; and Venice Commission, [CDL-AD\(2023\)026](#), Ukraine - Opinion on the draft law on Amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada on political liability of Members of Parliament of Ukraine associated with political parties whose activities have been suspended.

²³ Committee of Ministers of the Council of Europe, [Recommendation CM/Rec\(2003\)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision-making](#); Committee of Ministers, [Recommendation CM/Rec\(2007\)17 of the Committee of Ministers to member States on gender equality standards and mechanisms](#); and Committee of Ministers, [Recommendation CM/Rec\(2019\)1 of the Committee of Ministers to member States on preventing and combating sexism](#).

²⁴ Parliamentary Assembly of the Council of Europe (PACE), Resolution 1601 (2008) on “Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament

²⁵ *Ibid*, para. 3.

also underwent an update of its initial resolution with a view to endorse the Venice Commission's parameters and urged national parliaments to adopt these guidelines to foster democratic integrity and cooperation.²⁶ More recently, in June 2025, the PACE adopted Resolution 2615 (2025) on “Promoting inclusive participation in parliamentary life: gender equality, accessibility and inclusive policies”, stressing that equal participation and representation in parliamentary life are essential for well-functioning democracies and good governance.²⁷

27. Reference can furthermore be made to the work of the Inter-Parliamentary Union (IPU), in particular its Guide to good practice and self-assessment toolkit as based on the criteria set out in this guide.²⁸

III. Analysis

A. Legal nature of the Code regulating parliamentary procedures and the internal structure of Parliament

28. There are no standards about the form of regulation of parliamentary matters. However, international standards make it clear that Parliament is not simply a body responsible for enacting laws, but the primary seat of representative democracy and, as such, the primary forum for public debate. Parliament is the primary source of democratic legitimacy for legislative decision-making and, through its oversight and accountability functions, constitutes a central and legitimising component of the system of checks and balances. As the Inter-Parliamentary Union underlines, Parliament is “the institution through which the will of the people is expressed, and through which popular self-government is realised in practice” within a representative and accountable system of government.²⁹ Thus, in deciding its organisation and functioning, as the Code under examinations aims at, it is necessary to strike a balance between efficiency (a Parliament must be able to make decisions, and the majority must be able to legislate) and pluralism (the minority must be able to put forward their proposals, criticise the decisions of the democratically elected majority and the other branches of powers, as well as ensure their accountability).

29. For the Commission, efficiency and respect for pluralism, together with the respect of human rights and the Rule of Law, are the bedrocks of the parliamentary position within the system of checks and balances. In its legislative function, parliament must be able to pass laws under the majority rule, but it must disclose the reasons behind the legislative decisions, aggregate different legitimate interests and integrate as far as possible the different political positions represented in the chamber. In its oversight functions, the parliament is responsible for scrutinising other powers, in particular the executive, and the minority or opposition is responsible for the oversight of the parliamentary majority and the executive power, provided these are politically aligned. Last, but not least, in its appointments competences parliaments must not simply mirror the majority of the moment but select candidates under fair procedures to safeguard not only objectivity and impartiality, but also the plural composition of the society it represents. Therefore, the need to balance efficiency and pluralism have both clear implications for the internal work of the Parliament as well as for its contribution to a system of checks and balances that grounds and upholds the Rule of Law in a given country. Pluralistic democracy may exist only in the environment of proper balance of powers and

²⁶ PACE, Resolution 2537 (2024) on “Relationship between the parliamentary majority and the opposition in a democracy”

²⁷ PACE, Resolution 2615 (2025) on “Promoting inclusive participation in parliamentary life: gender equality, accessibility and inclusive policies”

²⁸ IPU, [Parliament and democracy in the twenty-first century: A guide to good practice](#) (2006); IPU, [Evaluating parliament: A self-assessment toolkit for parliaments](#) (2008).

²⁹ See IPU (2006), *Parliament and democracy in the twenty-first century: A guide to good practice*, pp. 5-6.

checks and balances between the parliamentary majority and the opposition: if parliamentary opposition is downplayed across parliamentary procedures, it is unlikely that the Parliament will ensure the proper checks and balances against the other powers.

30. In the Republic of Moldova, pursuant to Article 64 of the Constitution, “the structure, organisation, and functioning of Parliament is established by internal regulations”, while Article 72(3)(c) of the Constitution sets that the organisation and functioning of Parliament is to be regulated by an organic law. The Commission observes that these constitutional provisions call for the regulation of the structure, organisation, and functioning of the Parliament both by internal regulations and by organic law. Pursuant to Article 74 of the Constitution, organic laws are adopted with the majority vote of the elected members of Parliament, after at least two hearings.

31. The Moldovan authorities have decided to adopt the rules on the organisation and functioning of the Parliament in the form of a code. Pursuant to Article 69(1) of Law No. 100/2017 on normative acts, a code is “a legislative act adopted by Parliament by means of an organic law, which brings together, within a unified system, the most important legal rules of a particular branch of law”. According to this Law, a code must possess the following qualitative characteristics: a) precision; b) clarity; c) logic; d) completeness; e) practicality (Article 60(3)).

32. According to the Substantiation Note, the rules on the organisation of Parliament are adopted through a code in order to “systematise [...] the legal norms regarding parliamentary rules and procedures in a unitary system, to facilitate their even use and application. These regulations mainly concern the relations of the Parliament with the Government and the autonomous authorities established by the Parliament, the exercise of the parliamentary oversight function over the execution of laws, the role of the parliamentary opposition, the institution of the responsibility assumption by the Government before the Parliament, as well as other mechanisms aimed at modernising and consolidating the legislative process.”³⁰

33. The Commission recalls that the Rules of Procedure of parliament are generally intended as the body of internal rules which parliament autonomously adopts to regulate its own organisation and proceedings. As such, and to the extent that they govern the internal regulations of parliament, the rules of procedure are an exercise of parliamentary autonomy.³¹ In this respect, the Venice Commission has argued that:

“in the case of the internal regulation of parliament, regulation by a Law in fact limits the autonomy of the Parliament itself. This happens because a law is elaborated with a certain degree of participation of other “legislative actors”, notably the President and the Cabinet of Ministers. In the general framework of the Constitution, Parliament should have an exclusive right to regulate its internal organisation, the role of MP’s [Members of Parliament], its own internal procedure and structure. The law cannot and should not regulate all aspects of the parliamentary activity. If the parliament wishes to be more efficient, flexible and less rigid in the adoption of its internal regulation, the [...] authorities should take into consideration a differentiated system of regulations. Some issues which concern the right of external subjects should be regulated by a law, but the whole internal procedure of the [Parliament] should be regulated by an internal act of Parliament (regulation).”³²

³⁰ See [CDL-REF\(2026\)024](#), page. 91.91.

³¹ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 37.

³² Venice Commission, [CDL-AD\(2017\)026](#), Ukraine - Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, para. 23

34. The Commission therefore made a distinction between the regulation of purely internal matters, in which participation of other constitutional actors is unwarranted – hence the preference for internal Rules of Procedure –, and the regulation of matters which affect the rights of external subjects, which should be regulated with the participation of these other actors, hence by law. The Commission finds at the outset that adopting the rules on the functioning of parliament in the form of a code does not allow to reserve the regulation of purely internal matters to parliament alone (but, importantly, in an inclusive manner).

35. The Commission has also previously stressed that “[i]t is important to ensure the stability of those regulations (laws or the [Rules of Procedure] RoP) [...] The Rules of Procedure should enjoy some stability and not be routinely changed to the detriment of the minority at the beginning of every mandate of the legislature, by the standing orders or otherwise.”³³ In the Commission’s view, “[o]ne of the central elements of the rule of law is the principle of legal certainty. Legal certainty does not exclude that the rules of political process may be changed, but any such change must be done in a transparent and predictable manner, and not on an *ad hoc* basis.”³⁴ The Commission has thus proposed different mechanisms to ensure this stability, such that “a heightened majority for their amendment is required, or [...] an external check by the Constitutional Court on the amendments to those regulations. It is also possible to introduce a delay for the amendments to take effect, so that the incumbent majority cannot be the immediate beneficiary of the measures it proposes. That being said, it is difficult to exclude changes with immediate effect altogether.”³⁵ The Commission also recalls that parliamentary rules of procedure should, as far as possible, be adopted and amended on the basis of the broadest possible cross-party consensus, particularly where they affect the rights of the parliamentary minority.

36. The Commission has also acknowledged that Rules of Procedure “cannot and should not regulate all aspects of the parliamentary activity. If the parliament wishes to be more efficient, flexible and less rigid in the adoption of its internal regulation, the [...] authorities should take into consideration a differentiated system of regulations.”³⁶ However, it has also argued that “[i]t is necessary to ensure that the Rules of Procedure are not changed implicitly on an *ad hoc* basis, even if the qualified majority (necessary for the amendments to the RoP) is in favour of a particular course of action in a particular case. Every change of the Rules should be properly discussed and adopted – preferably by a qualified majority – as a formal amendment to the Rules before a specific action in a particular case is taken.”³⁷ The Commission has thus concluded that “[p]roportional representation will be useless if all important procedural decisions concerning the functioning of Parliament (setting the agenda, establishing the liability of individual MPs, etc.) are taken by the Speaker alone [...], or by a simple majority in Parliament. Therefore, representatives of the opposition should have a say in the collective bodies of Parliament, which should have sufficient powers in such procedural matters.”³⁸ In recent years, the Commission has also observed a worrying trend in member States described by the formula “the winner takes it all”: following this trend, checks and balances restraining the power of the parliamentary majority are dismantled, laws are more frequently adopted in a

³³ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, paras 35 and 38. See also Venice Commission, [CDL-AD\(2010\)025](#), Report on the role of the opposition in a democratic Parliament, para. 87 *et seq.*

³⁴ Venice Commission, [CDL-AD\(2021\)016](#), Republic of Moldova - *Amicus curiae* Brief on three legal questions concerning the constitutional review of the law-making procedures in Parliament, para. 34

³⁵ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 35. See also para. 37.

³⁶ Venice Commission, [CDL-AD\(2017\)026](#), Ukraine - Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, para. 23

³⁷ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 38.

³⁸ *Ibid*, para. 88.

rush and without genuine political debate, while top judges and officials of independent agencies are appointed or dismissed single-handedly by the majority.³⁹

37. The Commission observes that there are already issues which are not sufficiently regulated in the draft Code and may require further amendments, such as the introduction of new technologies in parliamentary procedures.⁴⁰ The Commission is thus concerned that regulating the functioning of a Parliament with a Code may create the risk of excessive rigidity. On the other hand, the draft Code delegates a number of matters to “a decision by Parliament” (paras 60, 61, 67, and 71 below, as well as in para. 75) or, as stressed by Parliament, entrusts them to the Standing Bureau (paras 64 and 65, 105, 128, 130, and 132 below). The Commission also notes that, pursuant to Article 11(1) of the Code, “[t]he Parliament shall adopt its acts, in the presence of a quorum, with the vote of the majority of MPs, pursuant to constitutional requirements and this Code.” In addition, the Venice Commission observes that the current draft does not refer to the sources of parliamentary law other than those relating to the adoption the Code itself.

38. The Commission also notes that the draft Code includes a general provision that “[a]ny topic, which is related to the activity of the Parliament and is not regulated by this Code or other normative acts, shall be dealt with by the Parliament” (Article 3(2)). The Commission observes that during the second reading of the draft Code, Article 3(2) has been supplemented with the following: “[t]he resolution of these issues shall not have the effect of limiting the representative mandate of the Members of Parliament, limiting the right of the Members of Parliament to legislative initiative, to express political opinions, to parliamentary oversight or reducing the rights of the parliamentary opposition.” The Commission welcomes this addition, as the Parliament should not interpret and amend the Code in a way which limits the mandate or the rights of the parliamentarians, in particular those in the opposition. However, the Commission observes that the adoption of the Rules of Procedure, as an organic law, require “the majority vote of the elected members of Parliament” (Article 74 of the Constitution), whereas Article 11(1) of the draft Code sets that “[t]he Parliament shall adopt its acts, in the presence of a quorum, with the vote of the majority of MPs”.

39. The Venice Commission is of the opinion that the adoption of the regulation of the functioning of parliament in the form of a code, coupled with the delegation of decisions to Parliament or to its Standing Bureau, inclusive through Article 3(2), in the absence of explicit requirements of inclusive procedures and qualified majorities, creates a serious risk of granting decision-making power to the majority without the meaningful participation of the opposition. In particular, the Commission is concerned that the provisions delegating matters to a decision by Parliament (including through Article 3(2) of the draft Code) or to the Standing Bureau allow for regulating matters which concern the functioning and organisation of Parliament with a lower majority than the one required by the Constitution, which is already below the qualified majority enshrined in the above-mentioned standards. The Commission therefore recommends that any amendments to the Code or the regulation of any topic or issues related to the activity of the Parliament be adopted, if not by a qualified majority, at least the majority vote of the elected members of Parliament. Furthermore, the Commission considers that respect for the representative mandate of Members of Parliament, the right of Members of Parliament to legislative initiative, their freedom to express political opinions, the right to parliamentary oversight, and the rights of the parliamentary opposition should be established as overarching principles guiding all parliamentary activity (see para. 44 below). Therefore, these principles should be enshrined broadly within the Code and not limited solely to the scope of Article 3(2).

³⁹ *Ibid*, paras. 2-3. See also Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 11.

⁴⁰ See, in particular, Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 35 and benchmark A.9. See also: IPU, [Guidelines for AI in Parliaments](#) (2024).

40. The Commission further recalls, as stressed in the Updated Rule of Law Checklist, that “[t]he principle of constitutionalism requires there to be a hierarchy of legislative acts with the constitution at the top of this hierarchy. [...] The supremacy of the constitution and of ordinary laws implies that lower-order norms are subject to review for their compliance with such higher-order ones.”⁴¹ However, the principle of constitutional supremacy raises important issues when applied to the internal functioning of parliaments. On the one hand, internal rules of procedure have a close link with the constitutional rules. They directly concretise the general provisions on parliament established in the constitution. On the other hand, the constitutional supremacy must be read in conformity with the principle of parliament’s autonomy that encompasses both self-regulating autonomy and self-governing autonomy.

41. The constitutional supremacy principle implies the existence of constitutional review of any infra-constitutional rule or any decision of public authorities. However, there is no common standard in the Venice Commission member states as to how this principle is to be applied to parliamentary internal rules of procedure. While in some member states parliamentary internal rules of procedure might be the object of constitutional review just in the same way as other laws (e.g. Spain), in others the possibility of constitutional review of parliamentary rules of procedure is very limited or even excluded (e.g. Italy). The same can be said in respect of the constitutional review of decisions adopted by parliaments’ governing bodies. In some countries those decisions cannot be challenged before any non-parliamentarian organ, while in others they can be challenged before the constitutional court or even before ordinary courts.

42. The specific link between parliamentary rules of procedure and the constitution implies that they occupy a special position within the general system of sources of law. Although hierarchically subordinate to the constitution, the internal procedural rules of parliaments complement it in that they give practical effect to its provisions in the functioning of parliament. Indeed, in some systems, internal rules of procedure are recognised as a criterion of constitutionality, forming part of the ‘constitutionality block’ that certain constitutional courts are required to apply. However, such a connection does not imply that parliamentary rules of procedure can be used to contradict or introduce new constitutional provisions. A distinction must be drawn between the perfectly acceptable procedural complement to the constitution provided by the rules governing the functioning of parliament (which is, in fact, the basic function of such rules) and the substantial alteration of the constitution through procedural rules, which would be precluded by the principle of the supremacy of the constitution.

43. As concerns the Republic of Moldova, the Commission observes that the organisation and functioning of Parliament is to be regulated by an organic law (Article 72(3)(c) of the Constitution) and, pursuant to Article 135(1)(a), the Constitutional Court “exercises, upon appeal, the review of constitutionality over laws and decisions of the Parliament.” In this context, the Commission stresses that while the law generally implements and clarifies the Constitution, it should only supplement it if it is approved with the same majority.⁴² In this regard, the Commission also observes that the draft Code, as an organic law, is adopted with the majority vote of the elected members of Parliament (Article 74 of the Constitution), whereas amendments to the Constitution of the Republic of Moldova require two-thirds of the Parliament members (Article 143(1)). Accordingly, the Venice Commission emphasises that this Code, as an organic law, should not contain provisions that substantively alter or override the Constitution, as any such measures properly belong to the domain of constitutional amendment. It welcomes the fact that the Constitutional Court has jurisdiction over the Code to ensure the constitutionality of its provisions. Nevertheless, the Venice Commission still recommends declaring the parliament’s Rules of Procedure as a specific source of law that

⁴¹ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 27.

⁴² ee Venice Commission, [CDL-AD\(2022\)053](#), Montenegro - Urgent Opinion on the Law on amendments to the Law on the President of Montenegro, para. 33.

can only be modified by the specific procedure provided by them, and to establish a clearer framework of sources of parliamentary law securing that supplementary rules to the Code (in particular those implying general and permanent effects as precedents) should be adopted with procedures that secure the participation of the minority and some degree of consensus among all parliamentary factions.

B. Overarching principles and general provisions

44. Article 2 of the draft Code enshrines the principle of legislative authority and Article 7 defines parliamentary authority as both regulatory and financial autonomy. Section 2 of Chapter I defines the activity principles of the Parliament. These include legality and legal certainty (Article 5), democracy and political pluralism (Article 6), protection of legal rights and freedoms, including the stability of legal relationships (Article 8), and the public nature of the activity of parliament, giving rise both to transparency obligations as well as to rights for different stakeholders, including access to the information of public interest (Article 9). The Commission observes that some of these principles are already set in the Constitution, in particular “Democracy and political pluralism” (Article 5) and “Separation and cooperation of powers” (Article 6). In the past, the Commission has argued that, to strengthen the framework of parameters and safeguards regarding the interaction between the majority and the opposition, certain overarching principles should be respected, namely: pluralism; checks and balances; loyal and constructive cooperation among State bodies; shared responsibility of the majority and opposition towards society; possibility of alternation in power; efficient decision-making.⁴³ It has also argued that the principle of proportionate representation in committees and of reasonable opportunity to make legislative proposals should be set out at the level of an organic law, if not in the Constitution.⁴⁴ The Commission also considers that the general principles should expressly reflect gender equality (see para. 70 below), inclusive participation, and accountability as important elements of democratic parliamentary functioning. Therefore, the Commission finds that the list of principles in the current draft is quite limited, as the principle of pluralism is the only one mentioned from the list above. It also observes that this principle is already set in the Constitution. The Commission therefore recommends including a more detailed list with the above-mentioned principles, including gender equality, inclusive participation, and accountability, in the draft Code, in line with the constitutional provisions, and under one single article or Section.

45. Article 5(2) of the draft Code sets, in relation to the quality of normative acts adopted by Parliament Drafters, that such acts “must ensure the security of legal relationships for individuals.” Article 8(2) refers to respect for the stability of legal relationships, which is understood as “the recognised possibility for any individual to evolve in a secure legal environment, avoiding permanent changes to legal norms, thus ensuring the stability of legally regulated social relationships.” In the Commission’s view, the formulation of the principles in Articles 5(2) and 8(2) is unclear and imprecise. The Commission is in particular concerned that the reference to “avoiding permanent changes to legal norms”, while Parliament argues that it aims at protecting the stability and predictability of legal relations and not at preventing necessary and justified modifications of the normative framework, is insufficiently precise and could unduly restrict changes to the legal framework which are necessary and justified, particularly during crisis or exceptional situations. The principles of legal certainty and stability of legal relationships are, however, legitimate and important components of the Rule of Law. In this context, for example, the Venice Commission has already provided a standard definition of “legal certainty” in the Updated Rule of Law Checklist.⁴⁵ Therefore, the Commission

⁴³ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 22 *et seq.* See also PACE, Report Doc. 15946, “Relationship between the parliamentary majority and the opposition in a democracy”, para. 97 *et seq.*

⁴⁴ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 31.

⁴⁵ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, benchmark B.

recommends aligning the formulations in Articles 5(2) and 8(2) with the internationally accepted definition, while preserving the underlying principles.

C. The status and rights of the parliamentarians

1. Members of Parliament (MPs): status, rights, and grounds for losing the mandate

46. The Commission notes at the outset that Section 2 of Chapter I regulates only some rights of the parliamentarians, such as the freedom of opinion (Article 6(2)) and the non-liability for their votes or the opinions they express (Article 6(3)), and some rights of the parliamentary opposition.⁴⁶ The Commission welcomes the inclusion of these provision in the draft Code. However, it notes that the draft does not comprehensively address, the actual status of Members of Parliament (MPs), its loss, its deprivation, nor the obligations of the parliamentarians. As mentioned above, these issues are currently regulated in a separate piece of legislation, which is also being amended, and the Parliament may consider merging it with the draft Code at a later stage. This draft Law has also been examined by the Commission in a separate Opinion ([CDL-AD\(2026\)032](#)).

47. As concerns the immunity of MPs, the Commission notes that while Article 6(3) of the draft Code faithfully reproduces the non-liability for votes and opinions under Article 71 of the Constitution, the draft is entirely silent on inviolability, which is enshrined in Article 70(3) of the Constitution. Furthermore, Article 80(2)(a) of the draft Code prescribes the majority by which a committee adopts a decision on "the withdrawal of the MP's immunity." The Commission stresses that non-liability and inviolability are distinct in nature, scope, and duration: non-liability should be absolute, permanent, limited to opinions expressed and votes cast in the discharge of parliamentary duties and not subject to lifting; while inviolability should be procedural, temporary, subject to the consent of Parliament (whereby, if the request is based on sincere and serious grounds, and there is no reason to suspect that the charges are politically motivated, there is a strong presumption in favour of lifting inviolability).⁴⁷ In the Commission's view, the omission of inviolability in the Code, together with a certain degree of parallel regulation, creates room for uncertainty. The Commission is therefore of the view that it is important for the Code to distinguish between non-liability and inviolability expressly and to provide specific, distinct procedural regulation on how inviolability can be lifted by Parliament. The Venice Commission therefore recommends that, regardless of whether the draft Code and the draft Law are merged, a dedicated chapter should be introduced in the rules of procedure on parliamentary immunity, distinguishing clearly between non-liability and inviolability, and ensuring a sufficiently detailed regulation of the procedural aspects related to the lifting of inviolability. The powers of Parliament under the current Article 80(2)(a) of the draft Code should then be limited to lifting an MP's inviolability, and not to immunity in general.

⁴⁶ In particular, pursuant to Article 30 of the draft Code,

"Article 30. Rights of the parliamentary opposition

(1) The parliamentary opposition shall have the right to:

- a) be represented in the working bodies of the Parliament and in the structures in which MP's majority are present.
- b) discuss issues and inform the public about the shortcomings in the activity of the parliamentary majority;
- c) address actively, constructively and thoughtfully all the problems faced by citizens and, at the same time, offer alternative solutions acceptable from the point of view of the economic and financial capacities of the state;
- d) officially express, from the rostrum of the Parliament, criticism of the government program, draft normative acts examined by the Parliament and present its own point of view on issues related to the domestic and foreign policy of the state."

⁴⁷ See Venice Commission, [CDL-AD\(2014\)011](#), Report on the scope and lifting of parliamentary immunities, para. 8 *et seq.* See also for the criteria for lifting inviolability, para. 189.

48. Articles 18(3) and (4) introduce grounds for losing the parliamentary mandate, namely refusal to take the oath. The withdrawal of a mandate due to the refusal to take the oath, even after the parliamentary mandate has been validated by the Constitutional Court, is discussed in the related Opinion on the draft Law ([CDL-AD\(2026\)032](#), para. 20 *et seq.*), but the issue still requires examination as concerns its procedural safeguards. The Commission understands that, in the current context where two laws exist which regulate similar matters, namely the Code and the Law, some of the relevant grounds for losing parliamentary mandate may be regulated in the latter, such as the catalogue of duties and disciplinary offences, as long as they concern the substantive status of parliamentarians. By contrast, the procedure by which a request is made and examined, the applicable deadlines, the right to be heard, the preparation of the committee report, the method of voting, the duty to give reasons, and the avenue of review should be regulated in the present Code insofar as these are matters of parliamentary procedure, irrespective of where the substantive provisions are located. This is particularly important because the potential merger with the draft Law may not take place. Moreover, the draft Code itself presupposes procedures for decisions concerning the withdrawal of immunity and refers to a decision by a standing committee (Article 80(2)(a)), without establishing the corresponding procedure. The Venice Commission therefore strongly recommends merging the draft Code and the draft Law so that all matters relating to the status, rights, obligations, immunities, procedural safeguards, and grounds for loss of mandate of Members of Parliament are set out comprehensively and coherently in a single legislative instrument. The Commission avails itself to the Moldovan authorities to examine the legislative initiative further after their merger.

49. In Chişinău, the delegation also learned that the Constitutional Court has no jurisdiction over breaches of parliamentarians' rights. Some interlocutors suggested that such breaches could be examined by administrative courts, but it does not seem that this possibility has ever been explored. The Commission recalls that the ECtHR has stressed that restrictions to the rights enshrined in the ECHR in the context of parliamentary autonomy do require certain procedural safeguards, be they based either on *ex-ante* scrutiny or on *ex-post* review.⁴⁸ In the absence of clear judicial review, and as noted in the related Opinion ([CDL-AD\(2026\)032](#), para. 58 *et seq.*), the Venice Commission recommends establishing strong procedural safeguards for the loss of mandate.

2. Political factions and participation in the factions

50. Section 5 of the draft Code regulates the formation of factions. Parliamentary factions are voluntary associations of parliamentarians (Article 20(2)). Article 20 provides that they have to include a minimum of five MPs. The Commission agrees that a minimum threshold of parliamentarians may be justified to form a faction, since its establishment may affect allocation or reallocation of parliamentary positions. In the past, the Commission has found it important to define how many parliamentarians may form such a group, concluding that it is possible to introduce a minimum membership threshold for giving them institutionalised status.⁴⁹ The Commission finds that a threshold of five members in a Parliament of 101 seats corresponds to approximately five per cent and is within the range accepted in European practice. The Commission notes, however, that it is unclear how the rule would apply to a political party that has entered Parliament through an electoral list but obtained fewer than five mandates. In Chişinău, the delegation was informed that a number of five MPs to form a faction is in line with the minimum threshold to obtain representation in parliament for political parties, which pursuant to Article 122(2) of the Electoral Code is set at 5%, meaning that any party

⁴⁸ See, for different kinds of rights concerned, ECtHR, [case of Mugemangango v. Belgium](#) [GC], no. 310/15, 10 July 2020, para. 93; ECtHR, [case of Karácsony and Others v. Hungary](#) [GC], Applications nos. 42461/13 and 44357/13, 17 May 2026, paras. 161-159; ECtHR, [case of Grande Oriente d'Italia v. Italy](#) [GC], Application no. 29550/17, 7 July 2026, para. 185 *et seq.*

⁴⁹ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 46.

obtaining representation above the threshold will have at least five parliamentarians and would thereby be able to form a faction. Notwithstanding the foregoing, and while the Commission does not consider the threshold itself to be problematic, it is concerned about the technique of fixing the number by reference to a fixed figure in the Code. The Commission therefore recommends clarifying the relationship between the two thresholds. If any political party that has secured parliamentary representation should be able to set up a faction, this could be stated as such in the Code, while the minimum threshold of five parliamentarians would apply in other cases, such as electoral blocs or independent and unaffiliated candidates.

51. Articles 21 and 22 regulate, respectively, changes in the structure of parliamentary factions and their cessation. Article 21(3) of the draft Code prohibits parliamentarians to transfer from one parliamentary faction to another, as well as the creation of new parliamentary factions by parties that did not obtain seats in the Parliament following the election. Any parliamentarian who loses their membership in a faction becomes unaffiliated (Article 21(2)). This provision needs to be seen in light of Article 10(2) of the draft Code, which provides that, in order to ensure the implementation of the pre-election programmes of political parties and electoral blocs and to prevent parliamentary political shifts, the political configuration of Parliament may not be changed during its mandate. The grounds for losing membership in a faction are listed in Article 21(1):

“Article 21. Changes in the structure of parliamentary factions

(1) An MP shall lose their membership in a faction in the event of:

- a) submitting a request to leave the faction or announcing this decision in the plenary session of the Parliament;
- b) termination of the quality of an MP;
- c) exclusion from membership based on the faction's decision;
- d) cessation of the parliamentary faction's existence;
- e) declaring unconstitutional or banning the political party they are member of.”

52. In the past, the Venice Commission found that there was no European consensus as to how respond to switching of party affiliation (or “crossing the floor”), namely the practice when elected representatives abandon parties on whose lists they were elected.⁵⁰ It concluded that this practice had not resulted in constitutional or legal mechanisms for controlling it.⁵¹ The Commission however stressed that “[o]nce elected, deputies should be accountable primarily to the voters who elected them, not to their political party. [...] The fact that a deputy has resigned from or has been expelled from the party should therefore not entail their expulsion from parliament.”⁵² It has also expressed a preference for “maintain[ing] party discipline by political, rather than purely legal means.”⁵³

53. While in Chişinău, interlocutors reported that party switching has become a real problem in the Moldovan Parliament and raised concerns about the possibility of parliamentarians 'selling' mandates. While acknowledging that the "sale" of mandates is a serious problem, at odds with democratic principles, and that it is legitimate to prevent it, the Commission welcomes that the consequences of party switching fall short of losing the condition of parliamentarian.⁵⁴

⁵⁰ Venice Commission, [CDL-AD\(2009\)027](#), Report on the Imperative Mandate and Similar Practices, para. 17

⁵¹ *Ibid*, para. 17

⁵² *Ibid*, para. 21. See also Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 51; Venice Commission, [CDL-AD\(2017\)026](#), Ukraine - Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, para. 30

⁵³ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 53.

⁵⁴ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 52. See also Venice Commission, [CDL-AD\(2017\)026](#), Ukraine - Opinion on the amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, para. 33

54. The Commission however notes that, whereas being unaffiliated does not result in the status of parliamentarians being lifted, it has implications for parliamentarians' participation in the governance bodies of the Parliament and in certain procedures, pursuant to Articles 24 and 26 of the draft Code:

"Article 24. Rights of the parliamentary factions

The parliamentary factions shall be entitled to:

- a) submit proposals for the appointment or dismissal of their representatives in the working bodies of the Parliament and in the standing parliamentary delegations, considering their proportional representation in the Parliament;
- b) propose candidates for their election/appointment to public offices, in accordance with the legislation;
- c) propose items for the agenda of the sittings of the Parliament and the Standing Bureau of the Parliament;
- d) submit proposals regarding the activity program of the Parliament;
- e) propose the creation of special committees and inquiry committees of the Parliament;
- f) submit advisory opinions on draft normative acts, including recommend the submission of the drafts to the author or committee, under the terms of this Code;
- g) initiate draft acts of exclusively political nature of the Parliament;
- h) express their political stance on the issues examined by the Parliament;
- i) associate with other parliamentary factions in alliances/coalitions;
- j) delegate a representative of the faction for speeches, statements, announcements and proposals on behalf of the faction;
- k) be consulted by experts and specialists, invite individuals interested in the subject under discussion to the faction sittings;
- l) propose the formation of working groups and experts in various fields of activity;
- m) initiate parliamentary hearings;
- n) initiate motions under the terms of this Code;
- o) other rights provided for by the Constitution of the Republic of Moldova, this Code and other normative acts.

[...] Article 26. Ensuring the activity of parliamentary factions

(1) The Secretariat of the Parliament shall ensure the activity of parliamentary factions by providing them with rooms, office supplies and other services necessary for the conduct of an efficient activity.

(2) The parliamentary faction shall be assisted in its activity by its own cabinet, depending on its numerical representation in Parliament.

(3) The conclusion and termination of individual employment contracts with the staff of the parliamentary faction's cabinet shall be made by the President of the Parliament, upon the proposal of the Chair of the faction.

(4) In order to ensure parliamentary activity, the factions shall have an annual budget, approved by the Parliament depending on their numerical representation in Parliament.

(5) The manner of using the financial means of the factions shall be established by each faction autonomously."

55. Furthermore, pursuant to the amendments introduced during the second reading, "factions can express their political views on the issues debated by Parliament, including in a national minority's language" (Article 24(h)).

56. The Commission observes, based on Articles 24 and 26, that becoming unaffiliated has substantive consequences for the parliamentarian, including for their capacity to be involved in legislative procedures and oversight mechanisms by the Parliament, as well as to express their views in a national minority's language, and that pursuant to Article 21 these consequences take place regardless of whether the parliamentarian became unaffiliated voluntarily or not (i.e., being unaffiliated may also result from exclusion from membership based on the faction's decision, cessation of the parliamentary faction's existence, and declaring unconstitutional or banning the political party they are member of).

57. In the view of the Commission, the automatic consequences for parliamentarians whose party is banned or declared unconstitutional raise additional concerns. In the past, the Commission has stressed that a clear distinction has to be drawn between the political parties that have been prohibited and dissolved and the rights of individuals who militate or have militated within that political party, and that the prohibition of the party should not directly affect the rights of all these individuals.⁵⁵ In particular, any consequences for the individuals should be based on an individualised decision following a procedure with sufficient safeguards. It has even called for these safeguards to be observed when parliamentarians linked to prohibited political parties keep their mandate, but their rights are somehow curtailed, particularly if such deprivation of the right to participate in certain activities of Parliament would amount to a *de facto* stripping of the mandate.⁵⁶ Therefore, and in the absence of an individualised decision that results in an MP losing their membership in a faction in the event of declaring unconstitutional or banning the political party they are member of, these grounds should be reconsidered.

58. The Commission is of the view that ensuring the stability of the political configuration of Parliament for the whole legislature, which prohibits creating new factions and makes the status of unaffiliated parliamentarians permanent, combined with the absence of any distinction between voluntary departure and expulsion, and the consequences of being an unaffiliated parliamentarian, raise concerns. Despite pursuing a legitimate aim, the proposed solution creates real tension with the free representative mandate and, because exclusion from membership is decided by the faction, may be even used to silence internal dissent. The Commission recommends that the draft Code should therefore distinguish between voluntary departure and expulsion. The Commission welcomes the willingness of Parliament to distinguish the cases of expulsion and voluntary departure, so as to exclude the possibility of using the mechanism as a means of sanctioning internal political dissent. Additional measures, such as a cooling-off period before being allowed to join another group or the automatic creation of a group for those who do not meet the minimum thresholds (the so-called "mixed group"), could also be considered.⁵⁷ In all circumstances, the rights of individual

⁵⁵ See Venice Commission and ODIHR, [CDL-AD\(2023\)025](#), Ukraine - Joint opinion on the draft law amending certain legislative acts of Ukraine which restrict the participation in the state power of persons associated with political parties whose activities are prohibited by law, para. 40; Venice Commission and ODIHR, [CDL-AD\(2023\)031](#), Republic of Moldova - Joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional, para. 44; Venice Commission and ODIHR, [CDL-AD\(2023\)048](#), Republic of Moldova - Joint Follow-up Opinion to the Joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional, para. 36; Venice Commission and ODIHR, [CDL-AD\(2023\)048](#), Republic of Moldova - Joint *amicus curiae* brief on the ineligibility of persons connected to political parties declared unconstitutional, para. 29.

⁵⁶ Venice Commission, [CDL-AD\(2023\)026](#), Ukraine - Opinion on the draft law on Amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada on political liability of Members of Parliament of Ukraine associated with political parties whose activities have been suspended, paras 31-33.

⁵⁷ In the past, the Commission has found that "[a] 'mixed' group composed of non-affiliated MPs may be a solution for those MPs who do not belong to any major party but who wish to accede to the additional collective rights enjoyed by the groups [...] The law (or other regulation) should not prevent alliances between non-affiliated MPs or MPs belonging to small political parties, and should also allow MPs to continue their work as independents." Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the

parliamentarians should be protected, including to express their views in a national minority's language. Furthermore, there should be individualised decisions concerning the rights of a parliamentarian whose party is banned or declared unconstitutional.

D. The internal organisation of the Parliament and its functioning

1. The internal organisation of the Parliament

59. Article 33(1) of the draft Code states that “[n]ominations for the position of President of the Parliament may be submitted by parliamentary factions or by at least 1/3 of the elected MPs.” The President is then elected by the vote of a majority of the members of Parliament (Articles 33(7) and (8)). The commission notes that the draft Code allows a parliamentary faction to be formed by as few as five parliamentarians and considers that requiring approximately 34 parliamentarians to nominate a candidate outside the factions appears disproportionate. Therefore, the Commission recommends lowering the threshold of elected parliamentarians who can nominate a candidate for the position of President.

60. Pursuant to Article 35(1), “[t]he office of the President of the Parliament shall become vacant in the event of: a) resignation; b) dismissal; c) permanent inability to exercise their powers for a period of four months; d) withdrawal of the mandate of a Member of Parliament; e) death.” Article 35(2) provides that: “[t]he vacancy of the office of the President of the Parliament shall be established by Parliament’s decision.” The Commission finds that, with the exception of permanent inability to exercise their powers, which requires an assessment, the vacancy should arise from an objective legal or factual event, and it is therefore not clear why it requires the approval by Parliament. The Commission is concerned that this requirement may prevent the election of a new President, pursuant to Article 35(3) of the draft Code, and therefore recommends that it be limited to the circumstance of inability to exercise their powers.

61. Pursuant to Article 38(3), “[o]ne of the Vice-Presidents shall represent the opposition. If no candidacy is submitted by the opposition, the position shall remain vacant.” At the same time, Article 38(2) provides that “[t]he number of Vice-Presidents of the Parliament shall be determined by Parliament.” The Commission finds that the requirement of having a Vice-President representing the opposition is a significant democratic safeguard and should be regarded as a positive feature of the draft Code. At the same time, the Commission notes that, whereas determining that number of Vice-Presidents properly falls within Parliament’s autonomy, if only one of them is to represent the opposition, it could well be that the parliamentary majority has a disproportionate number of Vice-Presidents. Therefore, the Commission recommends establishing either a maximum number or a permissible range of Vice-Presidents, which would enhance institutional stability and reduce legal uncertainty. Likewise, it recommends that Article 38(3) sets that Vice-Presidents should proportionally come from the majority and the opposition, or from the parliamentary factions.

62. The Commission finds that the provisions in Article 38(3), which set that “[i]f no candidacy is submitted by the opposition, the position [of the Vice-President representing the opposition] shall remain vacant”, may be understood as requiring that all the opposition should support a single candidate. If the opposition is fragmented, it is unlikely that they will propose a unique candidate to Vice-President, which would leave them without this important representation. Therefore, the Venice Commission recommends clarifying this provision, expressly empowering the opposition factions, and not the opposition as a whole, to submit candidates.

Opposition in a Democracy: a checklist, para. 47. See also Venice Commission, [CDL-AD\(2009\)027](#), Report on the Imperative Mandate and Similar Practices, para. 44.

63. Pursuant to Article 40,

“Article 40. Standing Bureau of the Parliament

(1) The Standing Bureau of the Parliament (hereinafter – *the Standing Bureau*) is the working body that contributes to the performance of the functions of the Parliament and to ensuring the organisation of its activity, within the limits of the powers established by this Code and other normative acts.

(2) The Standing Bureau is a collegial, deliberative body, without legal personality, which operates permanently for the exercise of its functions.

(3) The Standing Bureau shall operate on the basis of this Code, its own rules of procedure and shall be guided in its activity by the constitutional provisions and other normative acts.

(4) The Standing Bureau is formed considering the proportional representation of the factions in the Parliament and ensuring its functionality. The Standing Bureau is made up of the President of the Parliament and the Vice-Presidents of the Parliament ex officio.

(5) The numerical and nominal membership of the Standing Bureau shall be established by decision of the Parliament, upon the proposal of parliamentary factions.

[...]

(11) The sittings of the Standing Bureau are deliberative if more than half of its members participate in them.

(12) The sittings of the Standing Bureau shall be chaired by the President of the Parliament or one of the Vice-Presidents of the Parliament and recorded in minutes, signed by the President of the sitting and published on the official website of the Parliament.

(13) The minutes shall contain the list of persons present at the sitting of the Standing Bureau, the speakers, the topics examined, the results of voting and the decisions taken.

(14) If the parliamentary factions do not reach an agreement on any issue related to the formation of the working bodies of the Parliament, other collegial structures and parliamentary delegations, the Standing Bureau shall make proposals, and the Parliament shall decide on the issue, by a majority vote of present MPs, taking into account the personal option of the MP.

(15) The acts of the Standing Bureau shall be adopted in the form of resolutions by a majority vote of the present members.

(16) The resolutions of the Standing Bureau shall be published on the official website of the Parliament.”

64. The Commission notes that the composition of the Standing Bureau is not provided in the draft Code but entrusted to a decision of the Parliament (Article 40(5)), “considering the propositional representation of the faction in the Parliament and ensuring its functionality” (Article 40(4)). The Commission stresses that while the principle of proportional representation is already relevant as concerns the Vice-Presidents, it gains importance when it comes to the composition of the Bureau.⁵⁸ The Commission is concerned that the relevant provision in the draft Code does not impose a binding obligation on Parliament to observe the principle of proportional representation in the composition of the Standing Bureau, but merely requires Parliament to take it into consideration, and further allows the principle to be balanced against an undefined notion of “functionality.” While in Chişinău, the delegation was informed by different interlocutors that the current composition of the Bureau ensures the distribution of positions of responsibility as a result of political agreements. However, the Commission

⁵⁸ Venice Commission, [CDL-AD\(2010\)026](#), Report on the role of the opposition in a democratic Parliament, paras 63 and 113. See also Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 41.

considers that this rule should be set out in the Code itself.⁵⁹ The Venice Commission therefore recommends that the Code provide for the composition of the Bureau, e.g., either with a proportional number of representatives from each faction, or with the participation of one representative from each factions whose voting weight would be proportional to the overall proportionality of that faction in Parliament.

65. According to the draft Code, the acts of the Standing Bureau shall be adopted in the form of resolutions by a majority of the votes of the members present (Article 40(15)), with a quorum of more than half of its members (Article 40(11)). This means that the Bureau may make decisions without a single member of the opposition factions voting in favour of the decision, or even without any of them being present at the meeting. The Commission finds that proportional representation can become useless if all important procedural decisions concerning the functioning of the Parliament are taken by a simple majority of those present.⁶⁰ This is particularly relevant in view of the important powers of the Bureau, which are listed in Article 41:

“Article 41. Powers of the Standing Bureau

The Standing Bureau shall have the following main powers:

- a) to decide on the activity of the Parliament and its working bodies, as well as propose to the Parliament the duration of the sessions;
- b) to submit to the Parliament for approval the numerical and nominal membership of the standing committees of the Parliament and the standing parliamentary delegations to international organisations;
- c) to prepare and ensure, with the support of the Secretariat of the Parliament, the conduct of the work of the Parliament;
- d) to supervise and coordinate the activity of the parliamentary committees and the Secretariat of the Parliament;
- e) to set out, in agreement with the chairs of the parliamentary factions and the standing committees, the draft agenda, the time of the beginning of the sittings of the Parliament, the time of the vote, as well as the framework of debates for certain topics on the agenda and submit it to the Parliament for approval;
- f) to draw up, at the beginning of the spring session, in agreement with the chairs of the parliamentary factions and standing committees, the annual legislative program and submit it to the Parliament for approval;
- g) to propose holding hearings in the plenary session of the Parliament and establish the manner of public debate of draft normative acts;
- h) to propose the creation of inquiry or special committees;
- i) to approve the methodology for conducting the ex-post evaluation of laws, as well as the annual plans for parliamentary control;
- j) to adopt regulations, instructions, other administrative acts to ensure the organisation and functioning of the Parliament and the Secretariat of the Parliament;
- k) to establish the functions and responsibilities of its members;
- l) to approve the structure and the maximum number of staff of the Secretariat of the Parliament, as well as the specific conditions for remuneration and compensation of expenses related to the performance of duties for civil servants and other staff of the Secretariat;
- m) to approve the draft budget of the Secretariat of the Parliament and present it to the Government for inclusion in the draft state budget to be presented to the Parliament for adoption;

⁵⁹ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, paras 84 and 86.

⁶⁰ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 88.

- n) to regulate any other issue related to the proper functioning of the Parliament, the Secretariat of the Parliament and the MPs of the Parliament;
- o) to perform other duties provided for by this Code, other acts or assignments of the Parliament.”

66. In particular, the Bureau has the power to set out, in agreement with the chairs of the parliamentary factions and the standing committees, the draft agenda, the time of the beginning of the sittings of the Parliament, the time of the vote, as well as the framework of debates for certain topics on the agenda, which is then submitted to the Parliament for approval (paragraph (e)).⁶¹ In the past, the Commission has argued that “[s]trong presence of the opposition is a *fortiori* more important in those structures of Parliament which have the competence to set internal procedures and rules or to resolve disputes – like the Bureau, the Ethics Commission etc. – and which, consequently, may affect the rights and the privileges of the opposition itself. Here the proportional representation principle may be supplemented by additional mechanisms, such as a qualified majority voting, or giving the opposition a blocking power in respect of certain most important procedural decisions. In addition, in some countries decisions made by such bodies should receive cross-party support (i.e. support from a certain number of members representing the opposition). If a consensus-based decision is impossible, the representatives of the opposition on the committee should be able to table a minority report.”⁶² The Commission has therefore recommended “that the minority should have a say in setting the agenda – deciding which cases should be debated, the dates of the debate, the timeframe, and etcetera. It is not conducive to effective and legitimate parliamentary democracy if the majority is able to decide the agenda alone, allowing only those debates with which they are comfortable and delaying or blocking others.”⁶³ One way to do this is to give the opposition the opportunity to influence the agenda by allowing for the inclusion of items at the request of a qualified minority.⁶⁴ According to the Commission, this power may help counter the decision-making mechanisms within the Bureau, which could then still adopt an act with a simple majority of those present, but not reject the inclusion of the items requested by a qualified minority of the opposition.

67. The numerical and nominal membership of the standing committees is also decided by Parliament, as well as the distribution and appointment of their Chair, Deputy Chair, Secretary, members, and alternate members (Article 42(2)). At least two standing committees should be chaired by the opposition, and this number may increase in proportion to the number of mandates they have in Parliament (Article 42(3)). The law details the powers of the standing committees (Article 43), their chairs (Article 44), and those of their deputy chairs and secretaries (Article 45). The draft Code states that the membership of the Committees is to be decided taking into account the proposal of the parliamentary factions, according to their proportional representation in Parliament (Article 42(2)), and that the opposition shall lead standing committees in proportion to the number of mandates obtained, but not less than two of them (Article 42(3)). Pursuant to the amendments introduced in second reading, “change in nominal membership of the standing committees can be operated in cases foreseen by this Code, in compliance with the principle of proportional representation of parliamentary factions” (Article 42(7)). The Venice Commission recalls the importance of the principle of proportional representation in the governing bodies of Parliament, including standing committees.⁶⁵ In the

⁶¹ Other powers of the Bureau will be discussed in other sections of the Opinion.

⁶² Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 89.

⁶³ Venice Commission, [CDL-AD\(2010\)025](#), Report on the role of the opposition in a democratic Parliament, para. 108.

⁶⁴ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 20.

⁶⁵ Venice Commission, [CDL-AD\(2010\)025](#), Report on the role of the opposition in a democratic Parliament, paras 63, 65, and 113. See also Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 41. See also PACE, Resolution 1601 (2008), 2.5.1 and 2.5.2.

past, the Commission has even argued that in most important committees (for example, those responsible for the budget or for the oversight of the security services) certain seats should be reserved for the opposition even going beyond its actual representation in Parliament, or even giving the opposition the chair.⁶⁶ However, the Commission finds that the absence of a clear provision on the possible number of committees, or a range, may render the implementation of this principle difficult in practice. As in the case of Vice-Presidents, the Commission recommends establishing either a maximum number or a permissible range of committees, or possibly a minimum number of specific committees, which would enhance institutional stability and reduce legal uncertainty. Moreover, the Commission notes that the Code does not specify which committees the opposition is to chair.

68. The Commission also observes that, despite the limited provisions on the overall number and composition of committees, the draft Code now includes provisions on the set up and duties of the standing committee in the field of European integration (Article 229). The Commission considers this as a positive development. However, it finds that in the absence of any more detailed provisions on the additional committees, this may create some imbalance, particularly as the draft Code also regulates the relations of the standing committee on European integration with other parliamentary committees (Article 230). Therefore, the Venice Commission recommends using the provisions on the standing committee on European integration as a model for the design of the other standing committees, namely: determining their number and names, specifying how many are to be chaired by the opposition, establishing procedures for the appointment of chairpersons, etc. which would be considered as a minimum and would not preclude the possibility of creating additional standing committees if the Parliament so decides.

69. The Vice-President representing the opposition (Articles 38(5)) and committee chairs appointed by the opposition (Article 80(2)) may be revoked by a simple majority, including at the request of the parliamentary majority, respectively of the Parliament or the relevant committee. The Commission considers that these provisions create a risk of eroding the very guarantees that the draft Code introduces to ensure the proportional representation of all forces in parliament, since a post held at the majority's pleasure is not a genuine opposition entitlement.⁶⁷ The Venice Commission also observes that, in the case of member of the Standing Bureau, they may be revoked by decision of the faction that appointed them, adopted by the vote of the majority of its members (Article 40(9) of the draft Code). To avoid that the Vice-President representing the opposition and the committee Chairs appointed by opposition factions are discretionally dismissed by the governing majority, equivalent provisions could be introduced for these positions, so that their revocation can be initiated only by the opposition faction or other opposition subject that proposed the appointment, except in cases of clearly defined and serious disciplinary breaches, subject to appropriate procedural safeguards. At any rate, revocation should not affect the allocation of the post and the opposition faction entitled to it should retain the right to nominate a replacement.

70. Furthermore, the Commission observes that the draft Code does include an obligation for the factions to ensure a balanced representation of women and men in management bodies, working bodies, and other structures (Article 20(14)); however, this obligation does not seem to apply to the actual composition of the governing bodies of parliament or to parliamentary delegations. The Committee of Ministers' Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making provides relevant guidance on this matter, including the objective that the representation of either women or

⁶⁶ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 86. See also PACE, Resolution 1601(2008) on "Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, 2.5.1.

⁶⁷ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 89.

men in any decision-making body in political or public life should not fall below 40%.⁶⁸ The PACE has in particular called States to ensure the balanced participation of women and men in all areas of parliamentary life, especially in decision-making roles.⁶⁹ In the past, the Commission has concluded that “the under-representation of women in many [...] national Parliaments in Europe must still be considered as problematic from a democratic and human rights perspective.”⁷⁰ It considers this finding relevant not only as concerns the representation of women in Parliaments, but also in its governing bodies. The Commission thus considers that binding requirements of balanced representation of women and men should aim at an adequate representation of parliamentarians of all genders and in all their diversity in their different governing bodies of Parliament. The Commission therefore recommends setting gender-balanced requirements in the composition of the Parliament’s governing bodies and parliamentary delegations. It further recommends that the general principles of the Code expressly include gender equality and inclusive participation, alongside accountability, as principles governing parliamentary activity (see para. 44 above). As implementing these principles may prove difficult, the Code should provide effective and practicable mechanisms that take account of the manner in which different factions propose their members. One solution could be to strengthen the already-existing obligation in Article 20(4) when the same faction proposes several members to the same body or to equivalent positions (e.g., as members of the Standing Bureau, or as Chairs of the Standing Committees).

2. Legislative procedures

a. Overview of the procedures

71. Chapters II and III regulate the legislative procedures. Article 46 introduces the concept of annual legislative programme, which concerns the organisation of parliamentary hearing, parliamentary control, as well as other activities of the Parliament. The Commission welcomes this development, as it ensures an efficient management of the activity of the Parliament. The draft Code entrusts this programme to the Parliament (without requiring any majority), at the proposal of the Standing Bureau (Articles 46(1) and 41(f)). The Commission observes that pursuant to Article 161(1) of the draft Code, “the Government shall submit to the Parliament its activity programme regarding the harmonisation of the legislation of the Republic of Moldova with the legislation of the European Union for the following year, which shall be included in the legislative programme of the Parliament.” The Commission also observes that, pursuant to Article 74(3) of the Constitution, “[t]he draft laws submitted by the Government, as well as legislative initiatives brought forward by the Members of Parliament and accepted by the Government are examined by the Parliament in the manner and according to the priorities established by the Government, including in the emergency procedure. Other legislative initiatives shall be examined in the established manner.” It is the Commission’s view that “Parliament generally is the master of its order of business.”⁷¹ In the past, it has found that “[i]n some countries the Government-sponsored bills have precedence over the bills introduced by the individual MPs. Where there is such a domination of the governing majority on the Parliament’s agenda, this may lead to a weakening of the legislative initiative of Parliament.”⁷² The Commission therefore considers that the legislative programme of Parliament must remain a decision of Parliament and must not operate as an admissibility filter, and is thus concerned that the current provisions create a risk that the Parliament has to prioritise the

⁶⁸ Committee of Ministers of the Council of Europe, [Recommendation CM/Rec\(2003\)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision-making](#).

⁶⁹ PACE, Resolution 2615 (2025) on “Promoting inclusive participation in parliamentary life: gender equality, accessibility and inclusive policies”, 10.1.1.

⁷⁰ See Venice Commission, [CDL-AD\(2024\)023](#), Georgia - Opinion on amendments to the Election Code which abolish gender quotas, para. 30.

⁷¹ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 94.

⁷² *Ibid*, para. 96.

programme of the government, leaving little or no space for the legislature to decide on its own. Therefore, the Commission recommends amending Article 161(1) to ensure that the legislative programme of the Parliament remains a decision of the Parliament.

72. Pursuant to Article 57(5) of the draft Code, “[d]raft normative acts involving an increase or decrease in budget revenues or loans, as well as an increase or decrease in budget expenditures missing the positive opinion of the Government, may not be included in the draft agenda of the sittings of the Parliament.” This provision stems from Article 131(4) of the Constitution, which states that “[a]ny legislative initiative or amendment, which entails the increase or diminishing of the budgetary revenues or loans, as well as the increase or curtail of the budgetary expenditures shall be adopted following the Government approval.” In the past, the Commission has acknowledged that parliamentary amendments which increase public expenditure or decrease public incomes are subject to prior governmental approval in some western constitutions, but expressed reserves, since “examining and amending the proposed Budget should be one of the main prerogatives of Parliament.”⁷³ The Commission has also been informed that Articles 57(5), 90(7) and (8), as well as 104(8) of the draft Code have been amended and no longer require a positive opinion of the Government, but the Commission has not been able to examine the amended provisions. The Venice Commission finds that a veto of the government on legislative initiatives impacts negatively the deliberative function of Parliament and, in practice, falls disproportionately on the opposition. It also finds it unclear who verifies the claimed budgetary impact and whether that classification can be contested.

73. The Commission therefore recommends that Parliament should retain the right to include all draft normative acts and amendments on its agenda and to debate them in plenary. The requirement for government approval, as provided by the Constitution, should apply only at the final stage before adoption (i.e., at the vote on the law's adoption), rather than as a procedural barrier to discussion. Additionally, a clear procedure should be established for verifying and, where appropriate, contesting the Government's assessment of budgetary impact. The initial classification should be made by the leading standing committee based on objective and transparent criteria and should be open to challenge in plenary, with meaningful participation of opposition members in this verification process. This safeguard would uphold the autonomy and deliberative function of Parliament, in particular protecting the rights of the opposition to propose and discuss legislative initiatives that have budgetary implications. In order that this requirement does not operate as a veto on the final wording of a text after the debate has closed, the Government's assessment should be made known at the moment the initiative or amendment is tabled, and should be capable of being relied upon at the stage of adoption only where it was raised at that earlier stage. The Commission also observes that Article 131(4) of the Constitution refers to any legislative initiative or amendment, whereas the operative provisions of the draft Code are framed in terms of draft normative acts; the position of amendments entailing budgetary consequences should accordingly be clarified.

74. Article 100 sets the procedure for the examination of the draft normative acts per readings:

“Article 100. Examination of the draft normative act per readings

(1) The draft normative acts registered on the orders of the day of the plenary sitting of the Parliament shall be examined, as a rule, in two readings.

(2) The draft organic laws shall be adopted only after their examination in two readings.

(3) The draft ordinary laws, upon decision of the Parliament, may be adopted in one single reading, with the vote of the majority of the attending MPs.

(4) The draft constitutional laws, the complex draft organic laws, those regarding budget, finance and economy issues, that need considerable financial expenses,

⁷³ *Ibid*, para. 109. See also para. 99.

as well as draft laws regarding other important issues, upon decision of the Parliament, may be subjected to examination in the third reading as well.

(5) The draft normative act, the synthesis of amendments and connected materials shall be annexed to the report of the lead standing committee and presented before the plenum of the Parliament.”

75. The Commission finds that, from the perspective of legal certainty, Article 100 of the draft Code does not make sufficiently clear how draft normative acts are to be examined in successive readings. In particular, normative acts are to be examined “as a rule” in two readings (Article 100(1)). The Commission considers that this formulation may lead to unequal treatment, divergent interpretation, and misunderstanding, as it is not clear whether the parliament may have a discretion to reduce number of readings to only one, upon its decision in the case of ordinary legislation (Article 100(3)), or to increase it up to the three readings when it dealt with draft constitutional laws, the complex draft organic laws, those regarding budget, finance and economy issues, that need considerable financial expenses, as well as draft laws regarding other important issues (Article 100(4)). Furthermore, Article 111(1) states that “[t]he draft normative acts shall be considered approved definitively if they have been voted on in the final reading.” In the view of the Commission, greater certainty and narrower parliamentary discretion in this matter would be appropriate. The possibility of adopting ordinary laws in a single reading may be retained for clearly defined cases, but laws affecting fundamental rights should be expressly excluded from adoption in a single reading. The Commission therefore recommends that these provisions (such as Article 100) be amended accordingly.

76. As concerns voting, Articles 117, 120, 122, and 123 foresee different methods. Pursuant to Article 117(4), “[t]he secret vote shall be expressed by means of ballot papers. The vote is secret if the Constitution of the Republic of Moldova stipulates thus or in case it concerns the interests of national security, territorial integrity, economic welfare of the country, public order, in order to prevent popular unrest and crimes, to protect the rights, liberties and dignity of the individual, to impede the divulgation of confidential information to guarantee the authority and impartiality of the justice system.”⁷⁴ The Commission finds that this list of grounds is considerably long and abstract and would allow for secret vote on almost any matter to be decided by Parliament. In the Commission's view, this raises an issue of the accountability of the Parliament and its members, as it may become virtually impossible to know what they have voted for if this provision is misused. For these reasons, the Venice Commission recommends confining secret voting to the cases expressly provided for by the Constitution (as already provided by Article 117(4) of the draft Code), to votes on personal acts (i.e., elections, appointments, revocations), and to a narrowly defined set of subject-matters or circumstances.

77. Furthermore, the Commission observes that none of these methods seem to allow MPs in particular justified circumstances (e.g., those hospitalised, ill, breastfeeding or taking care of children or the elderly, etc.) to benefit from special procedures or to be able to delegate their vote. In its view, such restrictive provisions may unduly disenfranchise their participation and may sometimes have a more negative impact on those parliamentarians who are already at risk of discrimination.⁷⁵ Therefore, the Commission recommends that alternative options are considered to ensure that all Parliamentarians can cast their vote. The Commission observes that the draft Code already provides that voting is fixed at a specific time (Article 118), which is welcome. However, this option may not suffice in all cases, so an additional option could be

⁷⁴ Pursuant to Article 64(2) of the Constitution of Moldova, “[t]he Speaker of the Parliament shall be elected by secret ballot based on the majority vote of members elected for the tenure of the Parliament mandate. The Speaker may be revoked any time by secret vote by the Parliament based on a majority vote of at least two-thirds of all its members.”

⁷⁵ PACE, Resolution 2615 (2025) on “Promoting inclusive participation in parliamentary life: gender equality, accessibility and inclusive policies”, para. 10.3.3.

that the Code includes a list of limited and justified cases in which Parliamentarians can be entitled to resort to alternative voting methods, provided that these methods comply with the Moldovan legal framework, the case-law of the Constitutional Court, and safeguard the principles of voting in Parliament. In particular, when voting is secret (see para above), any alternative arrangement must preserve such secrecy.

78. Legislative delegation is regulated in Article 157 *et seq* of the draft Code,

“Article 157. General provisions

(1) The legislative delegation is the institution through which the Parliament, during the period between sittings, can empower the Government with the right to issue ordinances with legal force.

(2) With a view to implementing the Government's activity programme, the Parliament may adopt, upon its proposal, a special organic law empowering the Government to issue ordinances in areas not subject to organic laws.

(3) The ordinances can be issued for a specific period of time and in a specific field, expressly established in the enabling law.

(4) The enabling law shall establish, in a mandatory manner, the scope and the date by which ordinances may be issued.

(5) By means of the enabling law, the Parliament may condition the issuance of ordinances, with their subsequent approval by the Parliament, establishing the deadline for their submission.

(6) Failure to submit the draft law for the approval of the ordinance within the deadline established by law shall bring about the ceasing of the effects of the ordinance.

(7) If the Parliament does not examine the draft law for the approval of the ordinance submitted by the Government, within the deadline established in the enabling law, the effects of the ordinance shall not cease.

(8) If the Parliament rejects the draft law on the approval of the ordinances, they shall be deemed repealed.

(9) The approval or the rejection of the ordinances shall be made through ordinary law.”

79. The Venice Commission stresses that international standards allow for the delegation or the establishment of norm-giving power for the government, executive agencies or local and regional authorities, as long as that the primary role of the legislature as lawmaker is ensured. In this regard, it recalls that “[s]uch delegation would however need to be explicit and specific, in order to avoid in particular that overly wide law-making powers are delegated to the government and other executive or legislative bodies.”⁷⁶ In the past, the Commission has stressed that any legislative power being given to the executive should be limited in time and in scope, may only be used for good reasons, such as state of emergency, and should be phased out as quickly as possible.⁷⁷ Therefore, the Venice Commission welcomes that legislative delegation pursuant to Article 157 *et seq.* remains limited to areas not subject to organic laws, that it is based on an explicit organic law of the Parliament, and limited for a specific period of time and to a specific field, expressly established in the enabling law (paras (2), (3), and (4), respectively).

80. The Venice Commission observes that, whereas the Parliament must subsequently approve the ordinances issued by the Government (para (5)), failure of Parliament to do so does not end their effects (para (7)). This provision stems from Article 106²(4) of the

⁷⁶ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 33. See, in general, benchmark A.5.

⁷⁷ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 119. See also para. 120 stating that “Parliament should be able to revoke the delegated power and revoke/amend specific decrees.”

Constitution, which states that “[i]f the enabling law so require, ordinances are submitted to Parliament for approval. The draft law on the approval of ordinances shall be presented within the term established in the enabling law. Non-compliance with the term entails the discontinuation of the effects of the ordinance. If the Parliament does not decline the draft law on the approval of ordinances, the latter shall remain in force.” In the Commission’s opinion, the fact that an ordinance remains in force if this is not examined by the Parliament is at odds with the fact that legislative power delegates to the executive should be time-bound and phased out as quickly as possible. The Commission is also concerned that this provision may be misused by the parliamentary majority to wilfully fail to examine the approval of the ordinance, thus precluding the opposition from debating the ordinances. The Commission also observes that the draft Code contains several provisions which impose upon the Parliament an obligation to examine a law as a matter of priority (e.g., draft laws submitted by the Government to implement the judgments of the Constitutional Court, pursuant to Article 168; as well as those draft laws for which the Government requires their examination under priority procedure, according to Article 74 of the Constitution, pursuant to Article 71(1)). The Commission therefore recommends that the Parliament should examine the draft laws for the approval of the ordinance submitted by the Government as a matter of priority.

81. The Venice Commission observes that Article 106¹ of the Constitution of the Republic of Moldova contains a mechanism of “commitment of the government” – a parliamentary ‘guillotine’ which allows parliamentary debates to be summarily brought to an end at the initiative of the executive to close part of the parliamentary process and proceed with the draft law:⁷⁸

“Article 106¹. Commitment of responsibility by the Government

(1) The Government may commit its responsibility before the Parliament upon a programme of activity, a general policy statement, or a draft law.

(2) The Government shall be dismissed if a motion of censure, tabled within 3 days following the date of submission of the programme, general policy statement, or the draft law, has been passed in terms under Article 106.

(3) In the event that the Government has not been dismissed pursuant to paragraph (2), the lodged draft law shall be considered adopted, and the programme or the general policy statement shall become mandatory upon the Government.”

82. The Constitutional Court of Moldova has observed that the commitment of responsibility by the Government on a draft law in a discretionary way, at any time and under any conditions, would amount to its transformation into a legislative public authority, competing with the Parliament; the Court has outlined the criteria that need to be applied: the commitment of responsibility by the Government upon a draft law should be an in-extremis measure only, in an important field, when there is a need to adopt the law as soon as possible and to apply it immediately. In addition, the Court has prescribed that the draft law for which the Government commits its responsibility before the Parliament should clearly refer to only one regulatory area.⁷⁹

83. The procedure to be followed is currently detailed in Article 119 of the Rules of Procedure of Parliament, which set out that the commitment of responsibility is possible only for organic or ordinary laws and is activated through adoption of a Government decision communicated in writing to the Parliament.⁸⁰

⁷⁸ Venice Commission, [CDL-AD\(2024\)016](#), Report on the relations between Parliament and the Government: confidence and responsibility, para. 45. See also Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 30.

⁷⁹ Venice Commission, [CDL-AD\(2024\)016](#), Report on the relations between Parliament and the Government: confidence and responsibility, paras 48-50.

⁸⁰ Pursuant to the provisions in the current Rules of Procedure:

84. Article 148 of the draft Code address the commitment of responsibility of the government:

“Article 148. Mechanism of commitment of responsibility by the Government
 (1) Pursuant to Article 106¹ of the Constitution, the Government may commit its responsibility before the Parliament, in plenary sitting, with respect to a programme, a statement of general policy or draft laws.
 (2) The Government may commit its responsibility before the Parliament only for draft organic or ordinary laws.
 (3) The Government may assume its responsibility for a draft law or for multiple draft laws at the same time.
 (4) The draft law for which the Government commits its responsibility before the Parliament shall not follow the stages of legislative procedure provided for in this Code.”

85. Pursuant to Article 149 of the draft Code, in application of the case-law of the Constitutional Court, the government can only commit responsibility under the following cumulative conditions:

- a) the existence of an urgent need to adopt the measures contained in the law for which the Government has committed its responsibility;
- b) the need for the legislation to be adopted as expeditiously as possible;
- c) the importance of the regulated field;
- d) the immediate application of the law;
- e) the limitation of the laws to a single regulatory field.

86. The resort to this mechanism prevents parliamentarians from submitting amendments (Article 153(1)) and Parliament from holding a debate (Article 153(2)).

87. The Commission has previously examined Article 49.3 of the French Constitution, which allows for the commitment of responsibility by the Government.⁸¹ It concluded that “the use of Article 49.3 is not *per se* contrary to the principles of a democratic state, in particular the principle of the supremacy of the legislature, provided that it is only exercised in defined areas and is supported by effective safeguards. These limitations are necessary to preserve the legislative function of parliament.” The Commission recommended: excluding the possibility to activate this Article for organic laws, introducing the explicit requirement that the Article may only be activated after a thorough discussion in the Parliament, and limiting the frequency of activation, including through extraordinary sessions.⁸² The Commission also concluded that “the control by the Constitutional Council may be a sufficient safeguard only to the extent that it goes beyond strict compliance with the procedure for activating Article 49.3.”⁸³

88. The Commission first notes that, pursuant to the current rules of procedure as well as the provisions in the draft Code, the Government may commit responsibility for not only for

“Article 119. The mechanism for the Government to assume responsibility

(1) The Government may assume political responsibility before Parliament for a programme, a general policy statement or a draft organic or ordinary law.

(2) The assumption of political responsibility before Parliament shall be declared by a Government decision, which shall be submitted to Parliament on the same day, together with the text of the programme, the general policy statement or the draft law. The Speaker of Parliament shall immediately arrange for the decision and the accompanying materials to be distributed to Members of Parliament.

⁸¹ See Venice Commission, [CDL-AD\(2023\)024](#), France - Interim opinion on the Article 49.3 of the Constitution and Venice Commission, [CDL-AD\(2025\)025](#), France - Final Opinion on Article 49.3 of the Constitution.

⁸² *Ibid*, para. 56. It also recommended “excluding the possibility to combine it with other tools of so-called rationalised parliamentarism such as Article 47 of the Constitution”, but there is no such tool in the Constitution of the Republic of Moldova.

⁸³ *Ibid*, para. 57.

ordinary laws, but also for organic ones. In their written comments, the Parliament also argues that Article 106¹ of the Constitution refers to a "draft law", without expressly limiting the scope of the mechanism to ordinary laws, and that the establishment by the Code of an absolute prohibition on the use of the mechanism for organic laws must, therefore, be analysed in the light of the limits within which the organic law may restrict the exercise of a constitutional competence. In the past, the Commission noted Article 49.3 of the Constitution gives the Prime Minister the discretion to use it in relation to any kind of law, but warned that "the executive should not have the final say on higher-ranking texts such as organic laws."⁸⁴ Therefore, the Commission recommends limiting the commitment of responsibility to ordinary laws.

89. As concerns the procedure, Article 151 of the draft Code provides that Article 148 is activated after the President convenes the sitting of the Standing Bureau, which in turn sets the date of the plenary sitting:

"Article 151. Plenary sitting convening

(1) The President of the Parliament shall immediately order the circulation of the Government's decision and additional materials to the MPs and shall convene the sitting of the Standing Bureau in which:

a) the Government's letter of transmittal and materials regarding the commitment of responsibility are presented;

b) the date of the plenary sitting in which the Government commits its responsibility for the programme, the general policy statement, or the draft law is set.

(2) The plenary sitting shall be convened not later than 3 days from the date on which the request regarding the responsibility commitment by the Government is submitted to the Parliament.

(3) If the Parliament is not in a regular session, the Parliament shall be convened in a special session, under the terms of this Code.

(4) Failure to convene the Parliament in a plenary sitting to examine the responsibility commitment by the Government shall equal the rejection of the request.

(5) The special session shall conclude by right following the debate on the motion of no confidence, if such a motion has been submitted."

90. Furthermore, as a result of the responsibility commitment by Government under the draft Code, "the Parliament shall not follow the stages of legislative procedure provided for in this Code" (Article 148(4)).

91. As mentioned above, the Commission recommended that Article 49.3 of the French Constitution may only be activated after a thorough discussion in the National Assembly. In examining Article 49.3, the Commission concluded that "Article 49.3, which freezes the text of the bill preventing any further discussion or amendment, may be activated at any moment after the opening of the debate in the plenary, not before, so it does not affect the discussions in the committee [...] It follows that even when Article 49.3 has been invoked already in the first reading, the National Assembly has necessarily had the possibility to discuss and amend the text in a sitting of a standing committee; if it is invoked during the second reading only, it has had the possibility to discuss it in the previous phase of the procedure and has this possibility again in the sitting of the standing committee which precedes the new debates in the plenary."⁸⁵

92. By contrast, the commitment of responsibility by the Government under the draft Code of the Republic of Moldova is possible at any time and, pursuant to Article 148(4) "does not follow

⁸⁴ *Ibid*, para. 50

⁸⁵ *Ibid*, paras 38 and 40. Furthermore, in the French case, "Article 49.3 may only be invoked before the National Assembly, not before the Senate. The Senate has the power to discuss, amend, approve or reject the text when it receives it subsequent to the activation of Article 49.3." *Ibid*, para. 41.

the stages of legislative procedure.” Therefore, the Commission understands that the Government can also preclude a discussion of the draft normative act within the respective committee(s).

93. The Commission underlines in this context that Article 49.3 of the French Constitution only applies to the proceedings before one of the two chambers of the National Assembly, while the parliament of the Republic of Moldova is unicameral.

94. The Venice Commission is of the view that Article 148(4) of the draft Code, by providing that the ordinary stages of legislative procedure do not apply to the adoption of the law on which the government has committed responsibility, significantly and excessively undermines the parliament's control over the content of the draft law. Therefore, the Venice Commission recommends ensuring that the Parliament retains some degree of control over the laws submitted pursuant to the mechanism of responsibility commitment by the Government, by at least allowing their discussion within the relevant committees, and to provide that Article 148 may only be activated after a thorough discussion in the Parliament (and not just by the Standing Bureau).

95. The Commission notes that the draft Code also allows the Government to commit its responsibility for multiple draft laws at the same time (Article 148(3)). In its Opinion on the French Constitution, the Commission recommended limiting the frequency of activation of Article 49.3. It considered this provision “a more significant interference by the executive in the powers and role of the legislature [which] calls for necessary limitations in order to preserve the essential legislative function of parliament.”⁸⁶ The Commission also noted that the resort to this mechanism was limited to “one other Government or Private Members' bill per session”, and that the Government could only invoke it on additional occasions by convening extraordinary sessions during the months of July to September.⁸⁷ The Commission has been informed that, by Decision No. 5 of 2 March 2016, the Constitutional Court established that the Government may assume liability for several draft laws simultaneously, provided that resorting to this procedure constitutes a measure of last resort, determined by the urgency of adopting the measures, the need for their adoption with maximum speed, immediate application and the circumscription of the drafts to a single regulatory area. Against this background, the Venice Commission is of the view that the possibility for the Government to commit its responsibility not only more than once, but also for multiple draft laws at the same time, raises concerns, even though the cumulative conditions in Article 149 of the draft Code and those set out by the Constitutional Court can mitigate this risk. Given the exceptional nature of this mechanism, the Commission calls for restraint in its use, and strict respect of the conditions set out by the Constitutional Court.

96. Lastly, and in view of the above-mentioned case-law, the Commission is aware that the Constitutional Court has jurisdiction over the Government's resort to this mechanism. Nevertheless, it avails itself the opportunity to recall that, for the control by the Constitutional Court to be a sufficient safeguard, it should go beyond strict procedural compliance.

97. The draft Code also allows for the examination of draft normative acts under urgency (Articles 71 and 72) and priority procedures (Articles 71 and 73), whereas simplified procedures are foreseen for decisions of individual nature (Article 74). The Venice Commission recalls that, in an emergency situation, there should be a possibility to speed up the procedure and to reduce the time allocated for the general debate.⁸⁸ The Venice Commission has stressed that expedited or urgent procedures should be confined to

⁸⁶ *Ibid*, para. 48.

⁸⁷ *Ibid*, para. 50.

⁸⁸ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 75

exceptional situations or circumstances; that these procedures, or the introduction of exceptions, qualifications or late amendments should only be resorted to a limited extent and in a transparent manner; that there should be guarantees against circumvention of normal lawmaking rules; and that major reforms and constitutional amendments should clearly be excluded from expedited procedures.⁸⁹ The Commission has previously criticised the practice of using an accelerated procedure for adoption of legislation regulating important aspects of the legal or political order, including in the Republic of Moldova.⁹⁰ The Commission observes that, in the draft Code, the urgency procedure is decided by a resolution of the President of the Parliament (Article 71(4)) and that there is neither a requirement for mandatory justification nor limits. The Commission therefore recommends that the provisions be amended to ensure that urgent procedures are confined to exceptional situations, specifying the conditions under which they can be launched; that they require a reasoned justification; that their scope of application be limited (thus excluding some areas); as well as that a requirement to periodically report on their use be introduced.

98. The Commission also notes that, under the current draft as amended in second reading, the possibility to examine draft normative texts in two readings at a single sitting is limited to cases when parliamentary factions so consent (Article 72(4)). The Commission welcomes the requirement that such a procedure may only occur with the consent of parliamentary factions, as this can safeguard against unilateral majority imposition. However, the Commission is concerned that this provision also grants veto power to a single faction, which could block the use of the urgency procedure even in situations where it may be genuinely necessary. To address the potential for both misuse and deadlock, the Commission considers that authorisation for two readings in a single sitting could be decided by a qualified majority of the elected members of Parliament, thereby ensuring both broad consensus and procedural flexibility. Alternatively, the Code could permit a qualified majority of members of Parliament (e.g., 1/3 or 1/5) to override the veto of an individual faction, again provided that all relevant safeguards for urgent procedures mentioned above are observed. In any case, the Commission considers that the risk of a deadlock would be addressed more proportionately by introducing a minimum interval between readings, save in a genuine state of emergency, than by providing for the objection of a faction to be overridden.

99. Article 114(2) of the draft Code addresses the matter of President's right to veto a law and return it to parliament for reconsideration. This power of the President is provided under Article 93 of the Constitution:

“Article 93. Promulgation of Laws

(1) The President of the Republic of Moldova promulgates the laws.

(2) The President of the Republic of Moldova is entitled, whenever he has certain objections regarding a law, to submit it within two weeks at the most to the Parliament for reconsideration. Should the Parliament abide by its previously adopted decision, the President promulgates the law.”

100. Pursuant to Article 114(2) of the draft Code,

“[t]he President of the Republic of Moldova is entitled, in case they have objections to the law, to send it to the Parliament for re-examination within two weeks from its receipt.”

⁸⁹ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, benchmark A.6.iv.

⁹⁰ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 16. In the case of the Republic of Moldova, see, for example, Venice Commission an DGI, [CDL-AD\(2026\)014](#), Republic of Moldova - Joint Opinion on Amendments to Laws no. 65/2023 and 252/2023 regarding appointments to judicial and prosecutorial evaluation commissions, para. 22..

101. Pursuant to Article 115 of the draft Code,

“Article 115. Re-examination of the law

(1) The re-examination of the law by the Parliament, following the request submitted by the President of the Republic of Moldova, shall be carried out within 3 months. If the law is not examined during this period, it shall be considered rejected by right.

(2) The objections of the President of the Republic of Moldova shall be subjected to examination in accordance with the procedure specified in this code for the examination of amendments, based on the report of the standing committee in charge of the re-examined law and, as the case may be, with the opinion of the Legal Directorate-General of the Secretariat of the Parliament.”

102. The Commission welcomes that the ordinary majority is required for parliament to overcome the suspensive veto of the President.⁹¹

103. The Commission further observes that Article 115(1) provides that if parliament does not vote the law again within three months, the law is considered as repealed. This provision thus converts a suspensive veto – combined with parliamentary inaction – into an absolute veto without a vote. While the Commission acknowledges the rationale for imposing a time limit, so that the re-examination cannot be postponed indefinitely, it is concerned by the rigidity of this consequence: if Parliament fails to re-examine the law within the established deadline, parliamentarians will be prevented from debating the reasons that, according to the President, make the law as a whole or partially unacceptable. The Commission notes that this deadline does not find any support in the Constitution. Furthermore, the Commission is concerned that this provision may affect the system of checks and balance in the veto powers of the President foreseen in the Constitution and recalls its previous conclusion that the Code should not amend the constitutional provisions (see paras 43 above). Since this consequence supplements the Constitution substantively rather than giving procedural effect to it, the Commission recommends that Article 115(1) be reconsidered and replaced by an obligation of automatic scheduling of the re-examination within a reasonable period.

104. As noted above, the draft Code contains several provisions which impose upon the Parliament an obligation to examine a law as a matter of priority. Another option would be that the re-examination of any law vetoed by the President is considered as an additional priority matter.

105. The draft Code imposes an obligation to take minutes of meetings and publish the transcripts of both Parliament sittings (Article 54(2)) and those of standing committees (Article 81). The sittings of Parliament and of standing committees are public and broadcasted live (Articles 52 and 79(5), respectively). Pursuant to Articles 53 and 79(6), sittings can be held *in camera*.⁹² In the past, the Commission has argued that “[t]here should be a possibility to conduct debates, exceptionally, in camera, where secret matters are discussed (defence, foreign policy negotiations, etc.). The decision to close the debate may be taken by plenary

⁹¹ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 76. See also Venice Commission, [CDL-INF\(1996\)006](#), Opinion on the draft Constitution of Ukraine, page 12.

⁹² In second reading, Article 53(2) has also been supplemented as follows:

“Closed sessions may also be ordered in the case of examining subjects related to national defence, military security, defence planning, mobilisation and readiness for defence, special procurement and endowment, and international military cooperation, if the disclosure thereof is likely to harm the defence capacity, military security or security interests of the state.

The initiation of the procedure for declaring a session to be held in camera may also be requested, upon justification, by the Government or by the heads of specialised central public authorities, if the subjects under examination contain information whose disclosure is likely to harm national security or state defence.”

Parliament, preferably by a qualified majority, provided that the decisions taken at the session in camera are published afterwards.”⁹³ The provisions in the draft Code do not specify whether a qualified majority is needed, and leave the decision to publish the transcript of the closed sittings to the Standing Bureau (Article 53(8)). The Commission recommends that the decision to hold the debate in camera should be taken by a qualified majority, and that the decisions taken at such session be subsequently published.

b. Substantiation of legislation and advisory opinions

106. Article 66 of the draft Code foresees the substantiation of the draft normative acts as the author’s instrument to present and substantiate the proposed legislation, and Article 83(3) requires compulsory public consultation sittings for draft decisions that could have a significant impact on the public interest, the rights and obligation of the persons or the economic and social environment (conditions that are later on specified by the same provision). In its Updated Rule of Law Checklist, the Venice Commission stresses that “[t]he text of [a] draft legal act needs to be accessible and when appropriate accompanied by robust explanatory material and impact assessments.”⁹⁴ In Chişinău, the delegation learned that Law No. 100/2017 sets a series of requirements for the substantiation of the draft laws, but that individual parliamentarians are exempted from complying with them. In the past, the Venice Commission has not been against the fact that bills introduced by individual parliamentarians had different requirements than those introduced by the Government. However, it has warned that “the Government should not use the accelerated procedure provided for private bills (i.e. bills introduced by individual MPs of the majority rather than by the Government itself) in order to avoid meaningful public consultations which would otherwise be required for a Government-sponsored bill.”⁹⁵ In view of the requirements under Law No. 100/2017, the Commission considers that having different obligations for the legislative initiatives submitted by individual parliamentarians and for those submitted by the government is reasonable, particularly as individual parliamentarians (and even more so those in opposition) do not usually have the same means than a government to sustain the initiatives they propose. However, the Venice Commission considers that the current provisions may be misused, as the Government could ask a parliamentarian of the majority to introduce a bill on their behalf. The Venice Commission therefore recommends introducing safeguards to mitigate the possible risks of misuse while respecting the right of all MPs (including those in the majority) to table legislative initiatives.

107. Article 201 empowers the committees to issue advisory opinions on the uniformity of regulations and the uniform application of the laws at the request of public administration authorities when factual situations create ambiguities in the application of the legal provisions (Article 201(1)-(3)), and the committee can even “initiate the procedure for the official interpretation of the law” (paragraph (7)) following these requests. Pursuant to Article 201(10), “[t]he advisory opinion may not be used as evidence in court proceedings”. While in Chişinău, the delegation discussed about the implications of these provisions with different interlocutors, including with representatives of the judiciary, who saw a benefit in entrusting this power to the standing committees and shared no concern about any potential risk of misuse. Yet, in order to prevent interinstitutional conflicts, the Commission recommends foreseeing limitations in the conditions in which these advisory opinions can be, respectively, requested by public authorities and issued by the Parliament.

⁹³ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 64

⁹⁴ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 32

⁶⁷ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 75.

c. The participation of civil society

108. Chapter VIII is devoted to the Parliament's relations with civil society (Article 172 *et seq.*). Different forms of cooperation are envisaged, including hearings, roundtables, seminars, conferences, etc. but a careful examination of these provisions shows that they mainly revolve around the legislative activity of the Parliament (Articles 173(1) and 174 *et seq.*). The Venice Commission considers that devoting a Chapter to relations with civil society is a welcome development, particularly as civil society plays an instrumental role in a country's system of checks and balances.⁹⁶ The Venice Commission welcomes particularly the involvement of civil society in legislative procedures, the more so as "legislative procedures should [...] allow for targeted and transparent consultations of stakeholders affected by the draft legislation as well as the civil society, think tanks and the general public, when appropriate."⁹⁷

109. While in Chişinău, the delegation of the Commission heard from civil society and other stakeholders that, while on paper the participation of different stakeholders in legislative procedures is properly regulated, in practice these stakeholders struggle to actively participate in the procedures due to the lack of information provided by Parliament and the increased use of urgency procedures. The Venice Commission observes in this regard that the current draft sets a minimum deadline of 10 days for submitting recommendations, which can be reduced to three in case of expedite procedure (Article 175(8) of the draft Code). The Commission finds this deadline rather short, but is aware that it is based on the existing legal framework on public participation in decision-making processes. The Commission also considers that any reduction of this period should be exceptional and based on published reasons. Moreover, where consultation is mandatory, failure to carry it out within the prescribed period should have a clear procedural consequence, such as requiring the proposal to be returned for completion before further consideration, subject to narrowly defined exceptions. The deadline is set from the moment of the publication of the complete draft legislative act on the Parliament's official website, with the corresponding obligation to the Secretariat of Parliament to ensure the publication of the necessary information on the Parliament's activity (Article 176).⁹⁸ Therefore, the Venice Commission recalls its previous recommendation on urgency procedures (see para. 96 above) and stresses that sufficient time should be allocated for civil society and other stakeholders so they have a meaningful opportunity to submit recommendations pursuant to these provisions, even when the draft Code allows for two readings to be organised on the same sitting.

E. The role of Parliament in the broader context of checks and balances

1. Relation of the Parliament with other powers

a. Relations with the executive: the Presidency and the government

110. The draft Code envisages different forms of parliamentary oversight: notification of the Parliament, questions, interpellations, and petitions (Article 191 *et seq.*); monitoring the enforcement of laws (Article 199 *et seq.*); hearings and reports (Article 205 *et seq.*); committees of inquiry and special committees (Article 213 *et seq.*); and simple motions and motions of censure (Article 219, *et seq.*).

⁹⁶ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, Benchmark D.2.

⁹⁷ *Ibid*, para. 32

⁹⁸ As stated in the Updated Rule of Law Checklist, "[p]roposals for draft laws should be available to the public in advance of, or at the very least at the time of, presentation to the legislature to allow for public debate and input." *Ibid*, para. 34.

111. As concerns motions, Article 224 of the draft Code provides:

“Article 224. Effects of the decision on the motion

(1) If the motion on the activity of the Government is rejected, the MPs who signed it may not initiate, during the same session, a new motion on the same subject.

(2) During a session, the Parliament may not examine more than one motion of censure, except in the case where the Government commits its responsibility according to Art. 106 of the Constitution of the Republic of Moldova.”

112. The Commission is of the view that the limitation in Article 224(2), providing that Parliament may not examine more than one motion of censure during a session, may be redundant in view of para. 1, that already prevents a parliamentarian from submitting more than one motion. A blanket ceiling of one motion of censure per session may unduly restrict the opposition's oversight function and should either be removed or replaced by a narrower limitation tied, for example, to the same subject if such a motion has been already rejected during the same session. The Commission therefore recommends reconsidering para 2.

113. Furthermore, pursuant to Article 211, executive agencies and other public authorities must submit annual progress reports and reports on other specific areas of activity to Parliament. The Commission observes that this list is particularly detailed, both in the number of agencies and authorities listed, as well as on the dates when the reports must be submitted. This may create problems, both because some agencies may have their own regulations, as well as because new agencies and authorities may be created. The Commission therefore recommends replacing the list in Article 211 with a more general provision addressing this obligation and allowing for more flexibility and sustainability of the provision.

b. The Constitutional Court and the authorities in the field of justice

114. Chapter VII regulates the relations of the Parliament with the Constitutional Court and the public authorities in the field of Justice. As concerns the relations with the Constitutional Court, the Commission stresses from the outset that the latter are regulated in Title V of the Constitution, in the 2025 Law on the Constitutional Court, and in the regulations approved by the Court under the law.⁹⁹ The Commission therefore recalls its previous conclusions that the provisions in the Code should only regulate the parliament's internal procedures and that it should not contain provisions that substantively amend the constitution (see paras 43 and 102 above).

115. Pursuant to Article 165 of the draft Code,

“Article 165. Selection of candidates for the position of judge at the Constitutional Court

(1) According to Article 136 of the Constitution of the Republic of Moldova, the Parliament appoints two judges at the Constitutional Court.

(2) The procedures for organising and conducting the competition to select candidates for the position of judge at the Constitutional Court shall be governed by the provisions of this Code.”

⁹⁹ Pursuant to Article 3 of the Law on the Constitutional Court, “[t]he organization, powers, and procedures of constitutional jurisdiction are regulated by the Constitution, by this law, and by the regulations approved by the Constitutional Court under the law.” The Commission had the opportunity to examine a draft of the Law on the Constitutional Court and to adopt an Opinion: Venice Commission, [CDL-AD\(2025\)005](#), Republic of Moldova - Opinion on the draft law on the Constitutional Court.

116. The composition of the Constitutional Court is set in Article 136 of the Constitution and Article 138 lists the qualifications of appointments of its judges:

“Article 136. Structure

(1) The Constitutional Court consists of 6 judges appointed for a 6-year term of office.

(2) Two judges shall be appointed by the Parliament, two – by the Government and two - by the Superior Council of Magistracy.

(3) The judges of the Constitutional Court elect its President by secret ballot.

[...] Article 138. Qualifications for Appointment

The judges of the Constitutional Court must possess outstanding judicial knowledge, high professional competence and a length of service of at least 15 years in legal field, legal education or scientific activity.”

117. Articles 9 of the Law of the Constitutional Court details the composition of the Court and Article 13 sets the eligibility criteria and the selection process of the judges.

118. Provisions on appointment and removal from public office by parliament are detailed in Chapter IX of the draft Code. Pursuant to Article 177(4), the appointment of persons to public office by Parliament is done by resolution. Article 178 then sets that the selection of candidates for appointment shall be generally conducted through a public competition, based on the principles of open competition, merit, transparency, equal and non-discriminatory treatment. Pursuant to Article 180(2), the competition to select candidates shall consist in the submission of an application as well as an interview before the standing committee. At the same time, the Commission observes that pursuant to para. 1 of this Article, the procedures shall be established by the relevant standing committee, unless otherwise provided by special law. The nomination is detailed in Article 181, Article 182 mandates the relevant standing committee to prepare a report, and Article 183 sets the procedure for Parliament to review the appointments, questions by the MPs and the factions, and the vote to appoint or remove persons to or from public office.

119. The Venice Commission has consistently stressed that “[t]he composition of the Constitutional Court and the method for selecting its judges are of critical importance for safeguarding the Court’s independence and authority.”¹⁰⁰ It is the Commission’s established position that “[t]he selection of constitutional judges must be guided by objective criteria established by law. These criteria should prioritise merit, with a focus on legal expertise, independence, and integrity. Comparative practice indicates that constitutional courts are generally composed of legal professionals - judges, lawyers, or university professors - with significant experience or seniority in the legal field. In addition to professional qualifications, candidates for constitutional courts are required to demonstrate integrity and high moral standing.”¹⁰¹ The Commission has furthermore emphasised that “[w]here judges are elected by Parliament, the requirement of a qualified majority (e.g. two-thirds or three-fifths) serves as an institutional safeguard against politicisation. An anti-deadlock mechanism (for example, nomination of candidates by other neutral bodies after several unsuccessful votes in Parliament) should be envisaged in order to avoid such stalemate, while not creating a disincentive to reaching agreement on the basis of a qualified majority in the first instance. There is no single model for designing an anti-deadlock mechanism. In order to guarantee the uninterrupted functioning of the Constitutional Court, the Venice Commission recommends that the members of the court should continue their functions until their successor is appointed.”¹⁰²

¹⁰⁰ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 136.

¹⁰¹ *Ibid*, para. 138.

¹⁰² *Ibid*, para. 140.

120. In the opinion of the Commission, the current provisions in the draft Code do not sufficiently prescribe the necessary safeguards to appoint the judges to the Constitutional Court. The Venice Commission notes that Article 136(2) of the Constitution does not specify the majority by which Parliament is to appoint judges to the Constitutional Court and also observes that Article 183(5) of the draft Code sets the default threshold for appointments to independent institutions at a majority of those present. The Venice Commission reiterates its previous recommendation, also from previous Opinions on the Republic of Moldova, that appointments by Parliament should be made by a qualified majority, with an adequate anti-deadlock mechanism.¹⁰³ It recalls that appointments by a simple majority create a risk of politicisation.¹⁰⁴ The Venice Commission therefore recommends revising this provision with a view to ensure that Constitutional Court judges are elected by parliament based on objective criteria, which should be established by law in application of Article 138 of the Constitution and Article 13 of the law on the Constitutional Court. The Commission also reiterates its established position that all appointments by Parliament should be based on a qualified majority of the elected Members of Parliament combined with anti-deadlock mechanisms.

121. The Commission also observes that the provisions on appointments in Article 177 include a reference to removal from public office, which is understood as the dismissal, removal, or revocation of persons, without any additional provision developing these powers nor the grounds for removal. As concerns judges of the Constitutional Court, and pursuant to Article 137 of the Constitution, “[f]or the tenure of their mandate the judges of the Constitutional Court are irremovable, independent, and abide only by the Constitution.” This safeguard is also enshrined in Article 16 of the Law on the Constitutional Court:

“Article 16. Immutability

(1) The judge of the Constitutional Court is immovable for the entire duration of their mandate.

(2) The mandate of a judge of the Constitutional Court is suspended or revoked only in cases established by this law.”

122. As the Commission has stressed on several occasions, most recently in the Updated Rule of Law Checklist, “[t]he *irremovability* of constitutional judges is a fundamental safeguard of judicial independence. The cases of termination of a judge’s mandate must be narrowly defined and must be laid down in clear, detailed, and precise legal provisions, and be subject to strict procedural guarantees.”¹⁰⁵ Irremovability should also safeguard the mandate of other independent bodies and positions appointed by the Parliament, as the Commission has

¹⁰³ See, in particular, Venice Commission an DGI, [CDL-AD\(2026\)014](#), Republic of Moldova - Joint Opinion on Amendments to Laws no. 65/2023 and 252/2023 regarding appointments to judicial and prosecutorial evaluation commissions, para 47; Venice Commission, [CDL-AD\(2025\)027](#), Republic of Moldova - Opinion on the legislative reforms on mass media regulation: the draft law on mass media, the draft law amending the audiovisual media services code, and the draft law amending the law on advertising, para. 81; Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe, [CDL-AD\(2020\)007](#), Republic of Moldova, Joint Opinion on the revised draft provisions on amending and supplementing the Constitution, with respect to the Superior Council of Magistracy, paras 26-28; Venice Commission, [CDL-AD\(2022\)019](#), Republic of Moldova - Opinion on the draft law on amending some normative acts (Judiciary), paras 26-28 .

¹⁰⁴ See, e.g., Venice Commission an DGI, [CDL-AD\(2026\)014](#), Republic of Moldova - Joint Opinion on Amendments to Laws no. 65/2023 and 252/2023 regarding appointments to judicial and prosecutorial evaluation commissions, paras 37-38; Venice Commission, [CDL-AD\(2022\)054](#), Ukraine - Opinion on the draft law “on amending some legislative acts of Ukraine regarding improving procedure for selecting candidate judges of the Constitutional Court of Ukraine on a competitive basis”, para. 67, and Venice Commission, [CDL-AD\(2013\)028](#), Montenegro - Opinion on the draft amendments to three constitutional provisions relating to the Constitutional Court, the Supreme State Prosecutor and the Judicial Council of Montenegro; paras 6-8.

¹⁰⁵ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, para. 34

already stressed in previous Opinions on the Republic of Moldova.¹⁰⁶ The provisions in Article 177(1), (3), and (4) of the draft Code appear together with those of appointments, and Article 181(4) sets that “[t]he procedure of the removal from office of persons appointed by the Parliament shall be conducted in accordance with the procedure established by law. If the law does not provide for a clear procedure for removal from office, procedures similar to those for appointment to office shall apply.” The Commission is thus concerned that these provisions may create the impression that Parliament has the power to remove from public office any person it has appointed. In the Commission’s opinion, this would constitute a serious breach of the security of tenure of the appointments to independent institutions, such as Constitutional Court members. The Commission would therefore recommend that provisions on appointment and dismissal are kept separate. To safeguard the security of tenure and independence of members of the Constitutional Court and other independent institutions, removal or dismissal should only be possible under narrowly defined and detailed grounds, as set out in the respective governing laws. The draft Code should restrict itself to internal parliamentary procedures for removal, ensuring these are fully consistent with the Constitution and with each body’s organic law.

123. Lastly, the Commission observes that, pursuant to Article 167(1) of the draft Code, “[i]ndividuals eligible to nominate candidates for the position of judge at the Constitutional Court may file a complaint with the Constitutional Court regarding a conflict of interest, a breach of the oath of office, or a violation of official duties by a judge of the Constitutional Court.” The Commission observes that the Law on the Constitutional Court already sets the grounds for terminating the mandate of Constitutional Court judges (Article 21), the removal of their mandate (Article 22), and their disciplinary responsibility (Article 23), and *inter alia* provides that “[t]he disciplinary procedure is initiated based on a written application submitted by the authority competent to appoint judges to the Constitutional Court”, empowering the competent authority, not an individual member of that authority, to file a complaint. In view of these provisions, the Commission recommends that Article 167 of the draft Code be narrowed to only regulate parliament’s internal procedures, including how it is to handle a potential complaint internally before it submits them to the Constitutional Court.

124. The Commission also observes that the grounds in the draft Code for filing a disciplinary complaint by the Parliament include “a conflict of interest, a breach of the oath of office, or a violation of official duties by a judge of the Constitutional Court.” As concerns the disciplinary framework applicable to judges of the Constitutional Court, the Commission already outlined the principles in its Opinion on the draft Law on the Constitutional Court.¹⁰⁷ In the Opinion, the Commission also expressed reservations about the concept of “violation of the oath”, which found potentially too broad and imprecise, and recommended replacing it with the more specific formulation “commission of an offence incompatible with the discharge of judicial duties,” while cross-referencing the offences listed in Article 23(1).¹⁰⁸ The Commission observes that the Law on the Constitutional Court no longer includes such wording, and that the list of offences listed in Article 23 is now cross-referenced as a ground for dismissal. It is therefore concerned that the draft Code is now reintroducing again too broad and imprecise grounds for disciplinary liability. The Commission stresses that this also highlights the unique position of the Rules of Procedure within the system of sources of law: while the Rules of Procedure complement the Constitution in a procedural sense, they must remain subordinate to sectoral legislation with respect to substantive matters. In the case of disciplinary liability, the substantive legal grounds are governed by the Law on the Constitutional Court, not by the Rules of Procedure or the Code. Accordingly, the draft Code should not alter or expand those

¹⁰⁶ See, for example, Venice Commission, [CDL-AD\(2025\)027](#), Republic of Moldova - Opinion on the legislative reforms on mass media regulation: the draft law on mass media, the draft law amending the audiovisual media services code, and the draft law amending the law on advertising, paras 28 and 98 *et seq.*

¹⁰⁷ Venice Commission, [CDL-AD\(2025\)005](#), Republic of Moldova - Opinion on the draft law on the Constitutional Court, para. 79.

¹⁰⁸ *Ibid*, para. 87.

substantive criteria. The Commission thus concludes that the possibility for the Parliament to file a complaint against a Constitutional Court judge should be in line with the provisions in the Law on the Constitutional Court and therefore recommends cross-referencing the grounds for filing such a complaint by Parliament with those in the Law on the Constitutional Court.

125. Pursuant to Article 168(1), “[t]he Parliament shall give priority to reviewing draft laws submitted by the Government to implement the judgments of the Constitutional Court.” Article 168(2) then states that “[t]he duty for overseeing the enforcement of the Constitutional Court’s judgments and addresses shall be exercised by the relevant Vice-President of the Parliament, in accordance with the decision of the Standing Bureau”. The Commission notes that the same provisions seem to entrust the enforcement of Constitutional Court judgements to the Government and to the Parliament’s Vice-President. While the allocation of responsibilities within Parliament is an internal matter of the Parliament, the Commission considers that the arrangements taken in relation to the enforcement of Constitutional Court judgments should preferably not fall on a Vice-President but either on its President or more broadly engage a representative section of the Parliament (i.e. its Standing Bureau) to ensure that all necessary means are available to ensure the enforcement of judgments of the Constitutional Court.

126. The same Chapter of the draft Code includes a provision on the Parliament’s cooperation with public authorities in the field of justice (Article 165 *et seq.*). Article 171(4) imposes an obligation on public authorities in the field of justice to submit an annual report on the functioning of the justice system and the assurance of the supremacy of the law. While in Chişinău, the delegation of the Commission heard concerns from several interlocutors on the scope of these provisions. In its Opinion No. 18 on the position of the judiciary and its relation with the other powers of state in a modern democracy, the Consultative Council of European Judges (CCJE) acknowledged that annual reports that are available to the general public as a way in which “the judiciary can be made to account for its work and – if applicable – for its stewardship of the system for the administration of justice.”¹⁰⁹ However, it also warned that such measures must never be misused by the other powers or state to interfere with the work of the judiciary.¹¹⁰ The Consultative Council of European Prosecutors (CCPE) states in its Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance that “[t]o reinforce public confidence in the justice system, Councils of Prosecutors should act transparently and be accountable for their activities, through periodical reports or other appropriate means. In such reports, measures already taken or to be taken could be highlighted in order to improve the functioning of the justice system.”¹¹¹ Likewise, the Commission considers that an obligation imposed on judicial authorities to submit an annual

¹⁰⁹ CCJE, [Opinion No. 18 \(2015\) on the position of the judiciary and its relation with the other powers of state in a modern democracy](#), para. 29. The CCJE goes as far as to claim that “[t]here are further reasons why the judicial power should be accountable to the other powers of the state in the sense discussed above. First, it is the legislature which creates the legislative framework which the judiciary applies. Therefore, the legislature is entitled to have an account, in properly formulated reasons in decisions, of how the laws it has enacted are being interpreted and applied by the judiciary. Secondly, for the fulfilment of its duties towards society, the judiciary receives financial resources through decisions of the legislature [...], whatever way the budgetary and administrative stewardship of the judiciary is organised in a particular state, a judiciary’s resources are allocated by parliament and come, ultimately, from tax paying citizens. Thus, just as the legislature and the executive are accountable for how they allocate resources, so also must the judiciary account to society for how the financial resources allocated to it are spent in the fulfilment of its duties towards society”, para. 22. See also CCJE, [Opinion No. 24 \(2021\) on the evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems](#), where the CCJE states that “Council for the Judiciary should play a role in ensuring that the judiciary works in a transparent and accountable way. Moreover, the accountability of a Council for the Judiciary is itself an important source of functional legitimacy. The more powers and responsibilities a Council has, the more important it is that it should be accountable for the use of those powers.”, para. 13.

¹¹⁰ CCJE, [Opinion No. 18 \(2015\) on the position of the judiciary and its relation with the other powers of state in a modern democracy](#), para. 29. See also CCJE, [Opinion No. 7 \(2005\) on justice and society](#), para 7.

¹¹¹ CCPE, [Opinion No. 18 \(2023\) on Councils of Prosecutors as key bodies of prosecutorial self-governance](#), para. 84 and recommendation 13.

report to the Parliament on the functioning of the justice system and the assurance of the supremacy of the law is not, in itself, problematic.

127. Article 171(5) then empowers Parliament to request other information pertaining to the field of justice. The Commission notes that this provision is very broad and may be misused to unduly interfere in the operation of the public authorities concerned by requesting information on ongoing cases and investigations or simply by subjecting them to a high number of requests. The Venice Commission has previously expressed reservations concerning the powers of the executive to request court decisions from a judicial body as there are alternative means to achieve the same aim. It has also concluded that the collection of prosecutorial decisions can give rise to significant proportionality issues.¹¹² The same conclusions could be applied, *mutatis mutandis*, to the provisions under examination, particularly as they are broad enough to accommodate any kind of request to the public authorities in the field of justice. Whereas paragraph (3) of this Article enshrines that “[t]he Parliament may not interfere in the operational activities of the administration of justice and/or investigations conducted by public authorities in the field of justice”, the Commission is still concerned that the provisions in paragraph (5) could be misused. The Commission therefore recommends reconsidering this provision, with a view to substantially narrowing it – at the very least – by introducing a list with the kind of information that may be requested and specifying the conditions under which this power may be exercised, that under no circumstances may refer to ongoing investigative or judicial proceedings.

2. Parliamentary oversight

128. Under Article 30(2) of the draft Code, “[f]or the first plenary session of each sixth week of the parliamentary session, the Standing Bureau of the Parliament shall draw up the draft agenda, including the topics proposed by the opposition parliamentary factions, by the independent or unaffiliated opposition MPs.” In the view of the Commission, this provision is similar to the so-called opposition days, even if it imposes an obligation upon the Standing Bureau to include the topics proposed by the opposition in the agenda, rather than genuinely granting the opposition the power to set the agenda of the that day. The Commission recalls that opposition days are a good practice insofar as they allow the opposition to counterbalance the powers of the governing majority to set the agenda of the Parliament.¹¹³ The Venice Commission therefore welcomes that such practice is considered in the draft Code, as long as this provision refers not only legislative proposals but any other issues related to the control of government actions and evaluation of public policies and spending.¹¹⁴ The Commission however expresses its reservations that the agenda of the opposition day is in the hands of the Standing Bureau, despite this body being under the control of the parliamentary majority (see paras 64 and 65, as well as 105 above). The Commission therefore recommends that opposition factions should define the agenda of the opposition days. As concerns the frequency of opposition days, in the past the Venice Commission has rather considered specific-time periods which spanned from once every week to once every month.¹¹⁵ The Commission considers that a periodicity of six weeks falls too short of the previous practices it has examined. Therefore, the Commission recommends that opposition days should be scheduled more often.

¹¹² See Venice Commission, [CDL-AD\(2025\)023](#), Hungary - Opinion on certain provisions of Act XVII of 2024 concerning the power of the Minister of Justice to have access to judicial and prosecutorial decisions as well as related documents.

¹¹³ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 97. See also Venice Commission, [CDL-AD\(2009\)025](#), Opinion of the Rules of Procedures of the Assembly of “the former Yugoslav Republic of Macedonia”, para. 34.

¹¹⁴ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 97. PACE Resolution 1601 (2008) on “Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, 2.2.6.

¹¹⁵ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para. 100.

129. The draft Code also envisages notification of the Parliament, questions, interpellations, and petitions as a form of parliamentary oversight (Article 191 *et seq.*). Pursuant to Article 197, the draft Code introduces the mechanisms of the Government hour:

“Article 197. Government hour

(1) During regular sessions, generally once a month, the Standing Bureau shall designate a day for political debates on specific domestic or foreign policy issues of major public interest, with the participation of the Prime Minister or certain ministers.

(2) Political debates shall be organised at the request of opposition parliamentary factions or the parliamentary majority.

(3) The request shall be submitted to the Standing Bureau in writing by one or more parliamentary factions, specifying the proposed topic of debate.

(4) The Prime Minister and invited ministers shall be required to participate in person in the requested debate.

(5) For the conduct of the political debates referred to in para. (1), the Parliament shall approve the debate framework, upon the proposal of the Standing Bureau.”

130. The Commission finds that this is another suitable mechanism for the government's accountability. In the past, the Commission has argued that “[t]he scheduled of parliamentary debates should give the opposition a reasonable opportunity to hear Government, ministers and other officials of the executive and specific agencies (such as the security service) at regular intervals, and to put questions to them, orally or in writing [...] The strongest political tool in the hand of the opposition members is the right of interpellation (accompanied by a debate).”¹¹⁶ It has also concluded that “[t]he opposition should have the right to open question time and to ask more questions to the Government than members of the majority.”¹¹⁷ However, the Commission observes that in the draft Code the government hour is only foreseen once a month, and that these debates shall be organised either at the request of the parliamentary opposition factions or the parliamentary majority. The Commission also observes that it is the Standing Bureau who decides on this mechanism, despite the shortcoming notes above (see also paras 64 and 65, 105, and 128 above). The Venice Commission therefore reiterates its above-mentioned recommendations on the opposition day. The Commission also recommends that these sessions take place more often

131. Inquiry committees are regulated under Article 214 *et seq.* of the draft Code as a mechanism to investigate events or actions that have negative effects on society or extraordinary situations involving abuses and violations of the law by public or high-ranking state officials:

“Article 214. Inquiry committees

(1) Inquiry committees shall be established by the Parliament when it is necessary to investigate events or actions that have negative effects on society.

(2) The subject of an inquiry may also be an extraordinary situation involving abuses and violations of the law in which public officials or high-ranking state officials are involved, as well as cases in which damage has been caused to the state.

(3) The purpose of a parliamentary inquiry is to establish the existence or non-existence of the facts, without determining the administrative, material, disciplinary, or criminal liability of any person.

¹¹⁶ *Ibid*, para. 122 and 127.

¹¹⁷ *Ibid*, para. 123.

(4) Based on the results of the inquiry, the Parliament may hold public officials and dignitaries accountable and may request that the competent authorities take measures in accordance with the law.

(5) If, following the examination of the inquiry committee's report, the Parliament finds violations of the law committed by certain public officials elected or appointed by the Parliament, it may, in accordance with the law, decide/propose to remove/revoke them from office."

132. The establishment of the inquiry committees is decided by the Parliament taking into account the proportional representation of the factions (Article 215(1)). However, the Commission observes that the draft Code envisages two ways in which an inquiry committee may be set up: pursuant to Article 41(h), at the proposal of the Standing Bureau; while, under Article 43(8), at the request of 1/3 of the members of a Standing Committee, as long as they have the consent of the Standing Bureau. In the past, the Venice Commission noted that "qualified minority rights may be found in the general parliamentary procedures, or in special procedures for particular issues, most commonly in procedures for *parliamentary oversight and scrutiny* of the executive. Here there are examples to be found that a certain minority percentage of the MPs have the competence to actually adopt decisions – for example to call a hearing or establish a committee of inquiry."¹¹⁸ However, the Commission considers that the provisions of the draft Code does not seem to provide for such qualified minority to launch an inquiry committee, at least as long as their establishment also requires the approval of the Standing Bureau, a body structurally controlled by the majority (see paras 64 and 65, 105, 128, and 130 above). The establishment of inquiry committees in the draft Code seems to depend entirely on the parliamentary majority, which the Commission considers that substantially diminishes its effectiveness as a tool of the opposition for the oversight of the majority in Parliament and in other powers. Therefore, the Venice Commission recommends recognising the right of a qualified minority to establish an inquiry committee, such as 1/3 as in the current provisions in Article 43(8), or even by a 1/4 of the parliamentarians. An alternative way to do so would be framing the Bureau's consent to set up committee inquiries into a *mere* formal verification, subject to a clear deadline, and to a duty to give reasons. The minority's rights as concerns inquiry committees should be safeguarded not only with regard to the creation of the committee, but also with regard to its functioning: it should be ensured that the majority cannot block the committee's work in terms of its meetings, the hearings requested, and the documents required.

133. The Commission also observes that the powers of inquiry committees in the draft Code are considerably broad:

"Article 216. Powers of the inquiry committees

(1) The inquiry committee shall summon as witness any person who possesses information regarding any act or circumstance relevant to the investigation of the case.

(2) Persons who have been summoned shall be required to appear before the inquiry committee. Hearings before the committee of summoned persons shall take place only in the presence of a majority of the committee's members.

(3) At the request of the inquiry committee, any natural or legal person who is aware of any evidence or possesses any means of evidence shall be required to present them to the committee.

(4) The unjustified failure of a summoned person to appear, as well as the failure to provide the requested information or documents, or the submission of false information or documents, shall be punished in accordance with the law.

¹¹⁸ Venice Commission, [CDL-AD\(2010\)025](#), Report on the role of the opposition in a democratic Parliament, para. 73.

(5) If, in order to clarify certain facts or circumstances and establish the truth, it is necessary to engage experts, the inquiry committee shall order the conduct of expert examinations.

(6) The chair of the committee conducting an inquiry shall inform the persons being heard that they are required by law to tell the truth, not to withhold any information they know, and that they may be held liable for false statements.

(7) During the committee sitting, the persons being heard shall make a statement regarding their obligation to tell the truth and that they will not withhold anything they know, which shall be recorded in the minutes of the inquiry committee sitting.

(8) During the course of its inquiries, the committee may request access to classified information, in accordance with the enforced legislation.

(9) The costs for conducting expert assessments and undertaking other procedural activities related to the committee's work shall be approved by the Standing Bureau, at the request of the chair of the inquiry committee.

(10) The inquiry committee may not investigate actions or activities that are the subject of a criminal investigation under the law or are listed among the cases currently pending the courts. If the inquiry committee identifies elements of a crime as a result of its investigations, the relevant materials shall be immediately forwarded to the competent authorities for the initiation of a criminal investigation."

134. The Commission notes that inquiry committees have the power to summon as witness any person who possesses information regarding any act or circumstance relevant to the investigation of the case, the obligation to present any evidence or possesses any means of evidence, as well as the conduct of expert examinations (see Article 216(1), (3), and (5)). It also notes that failure to appear or to provide the requested information, or the submission of false information of documents, is punishable by law, without any particular reference to the kind of penalties, their proportionality, nor the procedural safeguards in place. By contrast, it finds that the only limitations in the draft Code concern the prohibition to investigate actions or activities that are subject to a criminal investigation under the law or are listed among the cases currently pending the courts (Article 216(10)), as well as limitations to summon judicial operators, to issue directives to the prosecutor's office, and the conclusions may not affect the presumption of innocence (Article 217). The Commission recalls its above-mentioned finding (see para 49 above) that the ECtHR has recently stressed that restrictions to the rights enshrined in the Convention in the context of parliamentary autonomy do require certain procedural safeguards, be them based on *ex-ante* scrutiny or on *ex-post* review.¹¹⁹ The Commission has also stressed some procedural safeguards that should be observed in the work of inquiry committees.¹²⁰ In particular, the Venice Commission recommends that the draft Code makes an explicit reference to certain procedural guarantees for persons heard, such as the right to be informed about one's rights, the right to legal advice, specific grounds to refuse to give evidence - such as the right not to incriminate oneself - and prohibitions on certain interrogation methods and exclusion of improperly obtained evidence.

IV. Conclusion

135. By letter of 20 May 2026, the President of the Parliament of the Republic of Moldova requested an Opinion of the Venice Commission on the draft Code concerning the organisation and functioning of the Parliament.

¹¹⁹ See, for different kinds of rights concerned, ECtHR, [case of Mugemangango v. Belgium](#) [GC], no. 310/15, 10 July 2020, para. 93; ECtHR, [case of Karácsony and Others v. Hungary](#) [GC], Applications nos. 42461/13 and 44357/13, 17 May 2026, paras. 161-159; ECtHR, [case of Grande Oriente d'Italia v. Italy](#) [GC], Application no. 29550/17, 7 July 2026, para. 185 *et seq.*

¹²⁰ Venice Commission, [CDL-AD\(2025\)033](#), Urgent *amicus curiae* brief for the European Court of Human Rights in *Grande Oriente d'Italia v. Italy* on procedural guarantees in the exercise of powers by Parliamentary Inquiry Committees, para. 87.

136. The draft Code is a substantial piece of legislation which has more than 240 articles. According to the Substantiation Note, the development of the Code is aimed at “the need to secure the predictability and transparency of the legislative process, implementation of European standards in legislation substantiation and exercising the parliamentary oversight, strengthening the legislative procedure, eliminating drawbacks and gaps in the legislative practice, as well as the need to regulate the legal relationships between the Parliament and other legal subjects.”

137. The Venice Commission has assessed the draft Code against established international standards, particularly the principles set out in the ECHR and its interpretation by the ECtHR, the soft-law standards by the PACE and the Committee of Ministers, and the Venice Commission’s own work. The examination has focused on whether the draft Code properly balances parliamentary efficiency with pluralism and minority rights, ensures meaningful participation of the opposition, and upholds transparency, legal certainty, and the Rule of Law, in line with democratic principles.

138. The Commission is concerned that the approach to regulating the organisation and functioning of Parliament in the form of a code may compromise the necessary balance between parliamentary autonomy and constitutional hierarchy. In the Republic of Moldova, the internal rules of Parliament are codified by organic law subject to constitutional review by the Constitutional Court (Articles 72(3)(c) and 135(1)(a) of the Constitution).

139. The Commission has also observed that various provisions in the draft Code, ranging from vague delegations of decision-making authority and insufficiently regulated amendment processes, to overbroad powers of the majority and Standing Bureau, create a risk that the minority and opposition can be systematically disadvantaged or excluded, with key aspects of parliamentary functioning left to the shifting will of the majority, and where the existing safeguards may be eroded. It is the Commission’s view that a Code on the organisation and functioning of a Parliament should have sufficient safeguards to ensure a genuine participation of the opposition in parliamentary procedures, whether legislative or on oversight, balanced against the needs to ensure its efficiency.

140. The Commission’s main recommendation is that the structure, organisation, and functioning of Parliament should not be regulated through a code but established by internal regulations. It is the Commission’s view that a Parliament’s Rules of Procedure should be declared as a specific source of law that can only be modified by the specific procedure provided by them, and that a clearer framework of sources of parliamentary law should be established ensuring that supplementary rules are adopted with procedures that secure the participation of the minority and some degree of consensus among all parliamentary factions. It is not for the Commission to interpret the provisions of the Constitution of the Republic of Moldova, but if these are understood as requiring that the structure, organisation and functioning of Parliament should be regulated by an organic law, this should be done in an inclusive manner. The Commission thus recommends that the rules of procedure and any amendments, or the regulation of any topic or issues related to the activity of the Parliament, be adopted, if not by a qualified majority, at least by the majority vote of the elected members of Parliament. A delay for any amendments to take effect could also be introduced, so that the incumbent majority cannot be the immediate beneficiary of the measures it proposes. Furthermore, the Commission emphasises that, although the rules of procedure can clarify and implement constitutional provisions, they should not be used to introduce or effectively amend substantive constitutional norms, as such changes must be made via the higher threshold and procedures provided for constitutional amendments.

141. Based on this examination of the draft Code, the Venice Commission makes the following key recommendations:

- Reconsider adopting the rules on the organisation and functioning of the Parliament in the form of a code and declare the rules of procedure as a specific source of law. Establish a clear framework of sources of parliamentary law for amending these rules and for regulating any topic or issues related to the activity of the Parliament. To adopt or amend such rules, this framework should require, if not a qualified majority, at least the majority vote of the elected members of Parliament. Consider introducing a delay for the entry into force of any amendments, so that the incumbent majority cannot be the immediate beneficiary of the measures it proposes.
- Merging the draft Code and the draft Law so that all matters relating to the status, rights, obligations, immunities, procedural safeguards, and grounds for loss of mandate of Members of Parliament are set out comprehensively and coherently in the rules on the organisation and functioning of the Parliament. At any rate, a distinction should be made between the substantive status of parliamentarians and the procedural rules governing the exercise and protection of their rights, with the procedural safeguards recommended in the related Opinion ([CDL-AD\(2026\)032](#)).
- The rules on the organisation and functioning of the Parliament should include a comprehensive and precise list of guiding principles for functioning of Parliament, reflecting standards such as checks and balances; loyal and constructive cooperation among State bodies; shared responsibility of the majority and opposition towards society; possibility of alternation in power; efficient decision-making; proportionate representation in committees; of reasonable opportunity to make legislative proposals; gender equality; inclusive participation; and accountability. Some of the current formulations should be aligned with internationally accepted definitions.
- The rights of unaffiliated and independent parliamentarians should be protected, *inter alia* distinguishing between voluntary and involuntary changes in their affiliation to factions, and ensuring that those expelled or affected by party bans retain sufficient rights, including the right to express their political views in a national minority's language.
- As concerns the governance of the Parliament
 - o Guarantee proportional and effective representation of opposition factions in all key governing bodies. In case of revocation of the Vice-President representing the opposition and committee chairs appointed by the opposition, opposition factions should retain the right to nominate a replacement.
 - o Establishing either a maximum number or a permissible range of Vice-Presidents as well as of Standing Committees, which would enhance institutional stability and reduce legal uncertainty. Opposition factions, (separately or jointly), and not the opposition as a whole, should be allowed to submit candidates for the position of Vice-President representing the opposition.
 - o Set a clear composition for the Standing Bureau.
 - o Balanced representation of women and men should extend to governing bodies and parliamentary delegations.
 - o Confining secret voting to the cases expressly provided for by the Constitution, to votes on personal acts, and to a narrowly defined set of subject-matters or

circumstances, and considering alternative voting options to ensure that all Parliamentarians can cast their vote.

- As concerns legislative procedures:
 - o Ensure that the legislative programme of the Parliament remains a decision of the Parliament.
 - o Ensure that the government's role in budgetary matters does not result in an absolute prior veto, and that Parliament retains the right to set its agenda, debate any draft normative acts and amendments, including the aspects related to budget and loans, ideally with a significant participation of the opposition in these processes. Budgetary impact should be classified on objective criteria by the lead committee and be contestable in plenary, and initiating members should have a right to reformulate an initiative with financial coverage.
 - o The rules on readings should provide greater certainty; laws affecting fundamental rights should be expressly excluded from adoption in a single reading.
 - o Expedited and urgent procedures should be confined to exceptional situations, and the conditions under which they can be launched should be clearly specified, they should require a reasoned justification, their scope of application should be limited (thus excluding some areas), and a requirement to periodically report on their use should be introduced. Each faction should be guaranteed a minimum speaking time at every reading, which may not be reduced by a vote of the majority, and no closure of the debate should be decided before every faction that has requested the floor has been able to speak.
 - o Any legislative power being given to the executive should be limited in time and in scope, may only be used for good reasons, such as state of emergency, and should be phased out as quickly as possible. The Parliament should examine as a matter of priority the ordinances adopted by the Government pursuant to the Parliament's legislative delegation.
 - o Ensure that procedures for government responsibility under Article 106¹ of the Constitution are limited to organic laws, that Article 148 of the draft Code may only be activated after a thorough discussion in the Parliament (and not just by the Standing Bureau), and that this mechanism, with due regard to the exceptions foreseen in the case-law the Constitutional Court, can only be invoked for one draft ordinary law at a time.
 - o The President's constitutional right to return laws for re-examination should be preserved.
 - o Require robust impact assessments, explanatory materials, and meaningful public consultation for significant legislative drafts, particularly those proposed by the Government and parliamentarians from the majority.

- As concerns the Role of Parliament within a system of checks and balances:
 - o Enable qualified minorities to include items in the agenda of parliament, to set up inquiry committees, and to initiate debates, independently of consent from majority-controlled bodies.
 - o Establish effective opposition days and government hours where opposition factions set the agenda, and with more frequency, so the opposition to influence the Parliament's agenda and the relevant measures for parliamentary oversight.
 - o Ensuring that inquiry committees can conduct their work while safeguarding due process safeguards for persons affected, including mechanisms for *ex-ante* scrutiny or *ex-post* review.
 - o Ensuring that parliamentary oversight is not misused to interfere in the independence of public authorities in the field of justice.
 - o Ensuring that rules on removal and dismissal are kept separate from appointments, allowing dismissal only on narrow, statutory grounds set out in the respective governing laws.
 - o Applying qualified majority requirements and transparent, merit-based procedures for appointments of members of the independent institutions, including the Constitutional Court, with adequate anti-deadlock mechanisms.

142. Other recommendations may be found in the body of the Opinion.

143. The Venice Commission remains at the disposal of the authorities of the Republic of Moldova for further assistance in this matter.