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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

OF THE COUNCIL OF EUROPE

(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

PARLIAMENT
LAW NO. 74
OF 10-04-2025
ON THE CONSTITUTIONAL COURT

As the official version into English was not available, a provisional translation has been produced with the assistance of automated tools. This translation is provided for information purposes only. The authoritative version of the applicable legislation remains the original text as published by the competent national authorities

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Parliament adopts this organic law.

Chapter I - GENERAL PROVISIONS

Article 1. Status of the Constitutional Court
(1) The Constitutional Court is the sole authority of constitutional jurisdiction in the Republic of Moldova.
(2) The Constitutional Court is independent of any other public authority and is subject only to the Constitution.
(3) The Constitutional Court guarantees the supremacy of the Constitution, ensures the implementation of the principle of the rule of law and the principle of separation of powers in the state, and guarantees the responsibility of the state towards its citizens and of citizens towards the state.

Article 2. Principles of activity
The Constitutional Court operates on the basis of the principles of constitutionality, legality, independence, collegiality, adversarial proceedings and transparency.

Article 3. Regulatory framework for operation
The organisation, powers and procedure of constitutional jurisdiction are regulated by the Constitution, this law and the regulations approved by the Constitutional Court under the law.

Article 4. Substantive jurisdiction of the Constitutional Court
(1) For the purpose of exercising constitutional jurisdiction, the Constitutional Court shall perform the following functional duties:
a) exercises, upon referral, constitutional review of laws and decisions of Parliament, decrees of the President of the Republic of Moldova, decisions and ordinances of the Government, as well as international treaties to which the Republic of Moldova intends to become a party;
b) interprets the Constitution;
c) rules on initiatives to revise the Constitution;
d) confirms the results of republican referendums;
e) confirms the results of the election of Parliament and the President of the Republic of Moldova, validates the mandates of members of Parliament and the mandate of the President of the Republic of Moldova;
f) establishes the circumstances justifying the dissolution of Parliament, the dismissal of the President of the Republic of Moldova, the interim presidency, and the inability of the President of the Republic of Moldova to exercise his or her powers for more than 60 days;
g) resolves exceptions of unconstitutionality of the normative acts referred to in letter a), upon referral by the courts;
h) decides on matters concerning the constitutionality of a political party.
(2) Constitutional review shall extend to normative acts both after and before their publication in the Official Gazette of the Republic of Moldova.

Article 5. Presumption of constitutionality of normative acts
Any normative act shall be considered constitutional until its unconstitutionality is established in the process of constitutional jurisdiction.

Article 6. Limits of competence
(1) The powers of the Constitutional Court are provided for by the Constitution and this law. In exercising its powers, the Constitutional Court shall determine its own jurisdiction.
(2) The jurisdiction of the Constitutional Court, established in accordance with paragraph (1), cannot be challenged by any public authority. (3) When reviewing the constitutionality of the contested act, the Constitutional Court may also adopt a decision regarding other normative acts whose constitutionality depends entirely or partially on the constitutionality of the contested act.
(3) When reviewing the constitutionality of the contested act, the Constitutional Court may also adopt a decision on other normative acts whose constitutionality depends entirely or partially on the constitutionality of the contested act, after requesting the opinion of the participants in the proceedings.
(4) In exercising its constitutional jurisdiction, the Constitutional Court may request the European Court of Human Rights to issue an advisory opinion on matters of principle concerning the interpretation or application of the fundamental rights and freedoms set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the protocols thereto.

Article 7. Obligation to execute requests of the Constitutional Court
Public authorities, natural persons and legal entities, regardless of the type of ownership and legal form of organisation, are required to communicate information and submit, within 15 days, the documents and records in their possession requested by the Constitutional Court for the purpose of exercising its powers.

Article 8. Symbols
(1) The Constitution, the Coat of Arms and the State Flag, as well as the Flag of the Constitutional Court, shall be displayed in the courtroom of the Constitutional Court.
(2) During public hearings, the judges of the Constitutional Court shall wear robes, the design of which shall be approved by the Constitutional Court.
(3) During their term of office, judges of the Constitutional Court shall hold an official ID card.

Chapter II - ORGANISATION OF THE CONSTITUTIONAL COURT

Article 9. Structure of the Constitutional Court
(1) The Constitutional Court shall consist of six judges, appointed for a term of six years. A judge of the Constitutional Court may hold this office for two terms.
(2) Two judges shall be appointed by Parliament, two by the Government and two by the Superior Council of Magistracy.

Article 10. Plenary Session of the Constitutional Court
(1) The Constitutional Court shall exercise its jurisdiction in plenary sessions.
(2) The quorum in plenary session is two-thirds of the total number of judges of the Constitutional Court.
(3) The Constitutional Court shall be convened in plenary session by its President or at the request of at least two judges.

Article 11. Election of the President of the Constitutional Court
(1) The President of the Constitutional Court shall be elected by secret ballot for a term of three years, by a majority vote of the judges.
(2) If, in the first round of voting, the candidates do not obtain a majority of votes, a second round of voting shall be held for the first two candidates who obtained the highest number of votes in

the first round. The judge who obtains the highest number of votes shall be elected President of the Constitutional Court.
(3) If, in the second round of voting, the candidates receive the same number of votes, the President of the Constitutional Court shall be elected by drawing lots between the candidates.

Article 12. Powers of the President of the Constitutional Court
(1) The President of the Constitutional Court shall exercise the following powers:
a) coordinates the activity of the Constitutional Court and distributes the referrals for resolution;
b) convene and preside over the meetings of the Constitutional Court;
c) represents the Constitutional Court before public authorities in the country and abroad;
d) exercises general management of the Secretariat of the Constitutional Court, appoints, modifies, suspends and terminates the employment of civil servants and staff within his office, hires and dismisses other staff, in accordance with the law;
e) submits the rules of procedure, the organisational chart and the staffing table to the plenary session of the Constitutional Court for approval;
f) exercises other duties in accordance with the law.
(2) The President of the Constitutional Court shall organise and implement the internal management control system and shall bear managerial responsibility for the administration of the institution's budget and the public assets under its management.
(3) In exercising his or her powers, the President of the Constitutional Court issues orders and instructions.
(4) In the absence of the President of the Constitutional Court or if he is unable to perform his duties, the plenary session of the Constitutional Court shall elect a judge to perform his duties.
(5) In his or her work, the President of the Constitutional Court shall be assisted by his or her own cabinet.

Chapter III - **JUDGES OF THE CONSTITUTIONAL COURT**

Article 13. Eligibility criteria and selection procedure of candidates for the position of judge of the Constitutional Court
(1) A judge of the Constitutional Court shall be a person of impeccable reputation, who is a citizen of the Republic of Moldova, resides in the country, has higher legal education, high professional competence and at least 15 years of experience in legal practice, in higher legal education or scientific activity, and is under 65 years of age upon taking office.
(2) Three months before the expiry of the judge's term of office, the authority that appointed the judge, either ex officio or following written notification by the President of the Constitutional Court, shall initiate the procedure for appointing a new judge. Before the judge's term of office expires, the competent authority shall appoint a new judge, in accordance with the criteria referred to in paragraph (1). (3) The term of office of the judge shall be five years.
(3) The appointment shall be made only with the prior written consent of the candidate. If the candidate holds a position incompatible with that of judge of the Constitutional Court or is a member of a political party, the consent must include the candidate's commitment to resign by the date of taking the oath, from the position they hold, unless the law provides for suspension from office, and to terminate their membership in the political party.
(4) A person who is prohibited from holding public office or public dignity by a final act may not be appointed as a judge of the Constitutional Court.

Article 14. Oath
(1) The judge of the Constitutional Court shall exercise his or her powers from the date of taking the oath.
(2) Judges of the Constitutional Court shall take the following oath before Parliament, the President of the Republic of Moldova and the Superior Council of Magistracy:
"*I swear to fulfil in good faith the duties of a judge of the Constitutional Court, to defend the constitutional order of the Republic of Moldova, to protect the supremacy of the Constitution,*

fundamental human rights and freedoms, and to obey only the Constitution in the exercise of my office."
(3) The new judge shall take the oath within one week of the expiry of his predecessor's term of office. If appointed after the expiry of his predecessor's term of office, the new judge shall take the oath as soon as possible, but no later than two weeks after his appointment.
(4) If it is impossible to take the oath under the conditions of paragraph (2) within the time limit specified in paragraph (3), the judge shall take the oath before the plenary session of the Constitutional Court. Article 15. Guarantees of independence of judges

Article 15. Guarantees of independence of judges
(1) Judges of the Constitutional Court shall be independent in the exercise of their mandate and
(2) Judges of the Constitutional Court may not be compelled to provide explanations or statements on cases examined or under examination.
(2) Judges of the Constitutional Court may not be compelled to give explanations or statements on cases under examination or in the process of examination.

Article 16. Irremovability
(1) Judges of the Constitutional Court shall be irremovable for the duration of their term of office.
(2) The mandate of a judge of the Constitutional Court shall be suspended or terminated only in the cases established by this law.

Article 17. Inviolability of judges of the Constitutional Court
(1) A judge of the Constitutional Court may not be held legally liable for votes or opinions expressed during the exercise of his or her mandate.
(2) A judge of the Constitutional Court may not be detained, subjected to coercive measures, arrested or searched without the prior consent of the plenary session of the Constitutional Court, except in cases of flagrante delicto.
(3) Criminal proceedings against a judge of the Constitutional Court may be initiated only by the Prosecutor General, and in his absence, by a deputy prosecutor, on the basis of an order issued by the Prosecutor General, with the prior consent of the plenary session of the Constitutional Court. In the case of offences specified in Articles 243, 324, 326 and 330($^{2)}$of the Criminal Code No. 985/2002, as well as in the case of flagrant offences, the consent of the plenary session of the Constitutional Court for the initiation of criminal proceedings is not required.
(4) A judge of the Constitutional Court whose identity was not known at the time of arrest shall be released immediately after his identity has been established.
(5) The detention of a judge of the Constitutional Court caught in flagrante delicto shall be immediately communicated to the Constitutional Court, which shall express its agreement or disagreement within 24 hours. In case of disagreement, the detained judge of the Constitutional Court shall be released immediately.
(6) The inviolability of the judge of the Constitutional Court shall extend to his home and office, the vehicles and means of telecommunication used by him, his correspondence, personal property and documents.
(7) A judge of the Constitutional Court may be suspended from office by a decision of the plenary session if criminal proceedings have been initiated against him or her, until the decision in the case becomes final.

Article 18. Incompatibilities and restrictions in the exercise of office
(1) The office of judge of the Constitutional Court is incompatible with any other public or private office, with the exception of teaching and scientific activities.
(2) A judge of the Constitutional Court shall not be entitled to engage in political activity and may not be a member of any political party.

Article 19. Obligations
The judge of the Constitutional Court is obliged:
a) to perform their duties independently, impartially and in accordance with the Constitution;

b) keep the deliberations and votes secret;
c) to cast an affirmative or negative vote when adopting acts of the Constitutional Court;
d) to refrain from any action contrary to the status of a judge;
e) submit, in accordance with the law, a declaration of assets and personal interests;
f) not to publicly express their opinion on cases pending before the Constitutional Court until their final resolution.

Article 20. Social guarantees
(1) The President and judges of the Constitutional Court shall be remunerated in the manner, under the conditions and at the rates provided for in the regulatory framework governing the unified remuneration system in the public sector, from the budget of the Constitutional Court.
(2) A judge of the Constitutional Court who has reached the age of 50 and has at least 20 calendar years of service, including as a judge of the Constitutional Court for a full term, is entitled to a seniority pension equal to 55% of his average monthly salary, and for each full year of service beyond 20 years, the pension shall be increased by 3%, but may not exceed 80% of his average monthly salary.
(3) The pension for length of service shall be paid in full to the judge in office.
(4) After retirement, judges shall be entitled to take up employment and receive both their pension and their full salary.
(5) A judge of the Constitutional Court who has honourably left the system shall be paid a one-off severance allowance equal to 50% of the product of multiplying his average monthly salary by the number of years worked in full as a judge. In calculating the one-off severance payment for a judge who has resigned and returned to office, the time spent working as a judge from the date of the last resignation shall be taken into account.
(6) A judge of the Constitutional Court who has withdrawn from its membership due to the inability to perform his or her duties for a period exceeding four consecutive months for health reasons shall be entitled to severance pay equal to one year's salary for the position. The Constitutional Court shall be entitled to grant a judge who resigns severance pay equal to a maximum of three monthly salaries for the position.
(7) Seniority pensions and allowances for judges of the Constitutional Court shall be determined and paid by the social security authorities.
(8) Expenses for the payment of pensions and allowances to judges of the Constitutional Court shall be covered as follows: 50% of the established amount – from the state social insurance budget and 50% – from the state budget.
(9) The duration of a judge's term of office shall be included in the total and uninterrupted length of service in the previous speciality.
(10) Judges shall be entitled to paid annual leave of 42 calendar days, as well as to unpaid leave, under the conditions provided by law.
(11) The calculation of the pensions of judges of the Constitutional Court shall include the periods of general length of service provided for by the legislation on the public pension system.
(12) Pensions established in accordance with this law shall be indexed under the conditions of the legislation on the public pension system.

Article 21. Termination of office
(1) The term of office of a judge of the Constitutional Court shall terminate in the event of:
a) expiry of the term of office;
b) resignation;
c) removal from office;
d) death.
(2) In the case provided for in paragraph (1)(a), the position shall be filled in accordance with the procedure provided for in Article 13(2). (3) In the cases provided for in paragraph (1)(b) to (d), the termination of the mandate of a judge of the Constitutional Court shall be established and the vacancy of the position shall be declared by a decision of the plenary session of the Constitutional Court

(3) In the cases provided for in paragraph (1) letters b) to d), the termination of the mandate of a judge of the Constitutional Court shall be established and the vacancy of the position shall be declared by a decision of the plenary session of the Constitutional Court.
(4) A judge of the Constitutional Court whose term of office has expired shall continue to serve, with his or her consent, until the newly appointed judge takes the oath of office.
(5) In the event of the termination of the term of office of a judge of the Constitutional Court pursuant to paragraph (1)(b) to (d), within three days of the date on which the vacancy is declared, the President of the Constitutional Court shall notify the authority that appointed the judge, requesting the initiation of the procedure for the appointment of a new judge. The competent authority shall appoint the judge within 45 days of the date of notification.

Article 22. Termination of mandate
(1) The mandate of a judge of the Constitutional Court shall be terminated in the following cases:
a) inability to perform the duties of a judge for health reasons for a period exceeding four consecutive months;
b) loss of Moldovan citizenship;
c) application of the disciplinary sanction provided for in Article 23(7)(c); d) pronouncement of a final conviction;
e) incompatibility, established by a final decision;
e) incompatibility, established by a final act;
f) failure to submit a declaration of assets and personal interests or refusal to submit it after receiving a request from the integrity inspector;
g) order by the court, by final decision, to confiscate unjustified assets.
(2) The revocation of the mandate on the grounds provided for in paragraph (1) letters a), c) and f) shall be decided by a decision of the plenary session of the Constitutional Court, adopted by a two-thirds vote of the judges of the Constitutional Court.
(3) The decision of the plenary session of the Constitutional Court on the removal of the mandate of a judge of the Constitutional Court shall not be subject to any appeal.

Article 23. Disciplinary liability
(1) A judge of the Constitutional Court shall be held disciplinarily liable for committing a disciplinary offence following a fair procedure, in accordance with the principle of adversarial proceedings and the principle of proportionality between the disciplinary offence committed and the sanction imposed, and only after the judge has been heard.
(2) Any culpable conduct by a judge that damages the image of the Constitutional Court and the mandate of a judge of the Constitutional Court or undermines confidence in the independent and impartial decision-making process of the Constitutional Court, as well as any other serious violation of the provisions of this law, the regulations of the Constitutional Court, the decisions of the plenary session of the Constitutional Court or, where applicable, the orders and instructions of the President of the Constitutional Court.
(3) Disciplinary proceedings shall be initiated on the basis of a written complaint filed by the authority competent to appoint judges to the Constitutional Court. Complaints concerning acts of a judge of the Constitutional Court that may constitute disciplinary offences may be filed within a maximum of one year from the date on which the acts were committed.
(4) The disciplinary investigation shall be conducted by two judges appointed by the President of the Constitutional Court in accordance with the rules of procedure of the Constitutional Court. If the complaint concerns the President of the Constitutional Court, the disciplinary panel shall b ely appointed by the judge who exercises the functions of the President of the Constitutional Court in his absence. The determination of disciplinary offences shall be the responsibility of the plenary session of the Constitutional Court.
(5) If the disciplinary panel finds that the complaint is unfounded, the case shall be closed by a decision of the President of the Constitutional Court or of the judge acting as President of the Constitutional Court in his absence. If the disciplinary panel finds the complaint to be well-founded, it shall draw up a report, which shall be submitted to the plenary session of the Constitutional Court for examination.

(6) The judge under disciplinary investigation shall have the right to provide explanations he or she deems necessary, to present evidence and to be assisted by a lawyer.
(7) The Constitutional Court may apply the following disciplinary sanctions to judges, depending on the seriousness of the offence:
a) warning;
b) reprimand;
c) removal from office as a judge of the Constitutional Court.
(8) The warning consists of drawing the judge's attention to the disciplinary offence committed, with a recommendation to comply with the legal provisions in the future, warning him that a more severe sanction may be applied in the event of a similar disciplinary offence. The warning shall be issued in writing. The term of action of the warning is 1 year.
(9) A reprimand is a written criticism of the judge's actions. The reprimand is valid for two years.
(10) Disciplinary sanctions shall be imposed by a decision of the plenary session of the Constitutional Court, adopted by a two-thirds majority vote of the judges of the Constitutional Court.
(11) For the judge who holds the office of President of the Constitutional Court, in addition to the sanctions indicated in paragraph (7), the disciplinary sanction of dismissal from that office may also be applied.

Chapter IV - JURISDICTIONAL ACTIVITY

Article 24. Referral to the Constitutional Court
(1) The Constitutional Court shall exercise its jurisdiction upon referral by persons entitled to do so.
(2) The referral must comply with the substantive and formal requirements established by the rules of procedure of the Constitutional Court.

Article 25. Persons entitled to lodge complaints
(1) The following persons have the right to file complaints:
a) the President of the Republic of Moldova;
b) the Government;
c) the Minister of Justice;
d) the Superior Council of Magistracy;
e) Judges/judicial panels within the Supreme Court of Justice, courts of appeal and district courts;
f) the Superior Council of Prosecutors;
g) Members of Parliament;
h) the Ombudsman, the Ombudsman for Children's Rights;
i) councils of first or second level administrative-territorial units, the People's Assembly of Gagauzia (Gagauz-Yeri) – in cases of constitutional review of laws and decisions of Parliament, decrees of the President of the Republic of Moldova, decisions and ordinances of the Government, as well as international treaties prior to their entry into force for the Republic of Moldova, which do not comply with Article 109 and Article 111 of the Constitution, respectively.
(2) The subjects referred to in paragraph (1) may submit complaints on matters within their competence, except for complaints concerning:
a) the revision of the Constitution, which may be submitted by the subjects indicated in Article 141 of the Constitution;
b) establishing the circumstances justifying the dissolution of Parliament, which may be submitted by the President of the Republic of Moldova;
c) establishing the circumstances justifying the dismissal of the President of the Republic of Moldova or the interim presidency of the Republic of Moldova, which may be submitted on the basis of a decision of Parliament, signed by the Speaker of Parliament;
d) the constitutionality of a party, which may be submitted by Parliament, the President of the Republic of Moldova, the Government, the Minister of Justice or the Prosecutor General;

e) raising the exception of unconstitutionality, which may be submitted by the subjects indicated in paragraph (1) letter e).
(3) The results of the republican referendum, the election of Parliament and the election of the President of the Republic of Moldova shall be confirmed following the examination of the report of the Central Electoral Commission.
(4) The materials concerning the declaration of the substitute candidate as a member of Parliament shall be submitted by the Central Electoral Commission.

Article 26. Action of the contested act
(1) The contested act affecting or relating to the areas specified in paragraph (2) may be suspended until the case is resolved on its merits, by issuing a decision. (2) In order to avoid imminent and irreparable damage and negative consequences of significant gravity, the action may be suspended:
(2) In order to avoid imminent and irreparable damage and negative consequences of significant gravity, the suspension of the action may be ordered:
a) state sovereignty and power;
a) state sovereignty and power;
b) fundamental human rights and freedoms;
c) democracy and political pluralism;
d) separation and cooperation of powers;
e) the unity of the people and the right to identity;
f) the economic or financial security of the state;
g) other areas for which the Constitutional Court considers it necessary to suspend the contested act;
2) individual acts issued by Parliament, the President of the Republic of Moldova or the Government, which refer to official state persons representing a particular public and/or political interest.
(3) The Constitutional Court shall examine the request for suspension of the contested normative act no later than the second working day after the registration of the referral.
(4) The decision to suspend the contested act shall be adopted by the plenary session of the Constitutional Court by a majority vote of the judges present. If it is impossible to convene the plenary session of the Constitutional Court, the decision to suspend shall be issued by order of the President of the Constitutional Court, with subsequent mandatory confirmation by the plenary session of the Constitutional Court.
(5) The decision to suspend the contested normative act shall enter into force on the date of its adoption and shall be published in the Official Gazette of the Republic of Moldova.
(6) In the event of suspension of the contested normative act, the Constitutional Court shall examine the referral on its merits, as a matter of priority, within the shortest possible time.

Article 27. Stages of examining referrals
(1) The stages of examining the referral are:
a) examination of the admissibility of the referral;
b) examination of the merits of the referral declared admissible.
(2) The admissibility of referrals shall be examined by the plenary session of the Constitutional Court without the participation of the parties, in accordance with the provisions of the Rules of Procedure of the Constitutional Court.
(3) The complaint shall be declared inadmissible if:
a) its resolution does not fall within the competence of the Constitutional Court;
b) there is a ruling/decision of the Constitutional Court concerning the contested provisions from the perspective of the same criticisms of unconstitutionality, and the referral cannot change case law practices;
c) the contested rules have been amended or repealed, unless they continue to have an effect on the author of the exception of unconstitutionality;
d) the author raises a question of interpretation and application of organic and ordinary laws;
e) the subject matter of the referral exceeds the competence of the subject of the referral;

f) it is manifestly unfounded.
(4) The referral regarding the exception of unconstitutionality shall be declared inadmissible pursuant to paragraph (3) and in the following cases:
a) the subject matter of the exception of unconstitutionality does not fall within the category of acts listed in Article 135(1)(a) of the Constitution; b) the exception of unconstitutionality is raised by a third party who is not a party to the proceedings, or by their representative;
c) the contested provisions are not to be applied in the resolution of the case;
c) the contested provisions are not to be applied in the resolution of the case;
d) no fundamental right has been found to be affected.
(5) Referrals declared admissible shall be examined in a public hearing of the Constitutional Court, in accordance with the provisions of its rules of procedure.

Article 28. Language of proceedings
The Constitutional Court's judicial proceedings and secretarial work shall be conducted in Romanian.

Article 29. Time limit for resolving the referral
The Constitutional Court shall examine the referral within six months of its registration. At the request of the reporting judge or the participants in the proceedings, the plenary session of the Constitutional Court may extend the time limit for resolving the referral.

Article 30. Parties to the constitutional jurisdiction process constitutional
(1) The parties to the constitutional jurisdiction proceedings are:
a) the author of the complaint;
b) the officials or public authorities whose acts are being challenged.
(2) In the case of challenges to legislative acts, the Government is also a party to the constitutional jurisdiction proceedings.
(3) When resolving exceptions of unconstitutionality, the judge who raised the exception of unconstitutionality when resolving a case under examination or the party to the proceedings (its representative) is a party to the constitutional jurisdiction proceedings, if the exception was raised by the latter. If the exception of unconstitutionality is raised by a panel of judges, the referral shall be supported in the public hearing of the Constitutional Court by a judge delegated from within the panel.
(4) The parties may exercise their procedural rights in person or through a representative. The personal participation of a party in the proceedings does not prevent the participation of representatives.
(5) The absence of a party who has been notified of the date, time and place of the hearing shall not prevent the examination of the case.

Article 31. Rights of the parties
(1) The parties to constitutional proceedings shall enjoy equal procedural rights.
(2) The parties shall have access to the case materials, may present arguments and participate in their examination, ask questions of other participants in the proceedings, present verbal and written explanations and , and object to the arguments and considerations of other participants in the proceedings. During the Constitutional Court hearing, the parties shall present the facts and legal aspects of the case.
(3) The parties have the right to make closing statements. The Constitutional Court may, upon request, grant the parties the time necessary to prepare their closing statements, for which purpose the hearing shall be adjourned.
(4) The parties may not use their right to speak in the Constitutional Court hearing for political statements.
(5) Participants in the proceedings shall have the right to examine the case materials under the conditions established by the Constitutional Court.

Article 32. Liability for violation of the constitutional jurisdiction procedure

(1) In the exercise of constitutional jurisdiction, the Constitutional Court may apply the following sanctions to participants in the hearing:
a) warning;
b) removal from the courtroom.
(2) The warning shall be issued by the chair of the hearing to the person who disturbs public order during the examination of the case in open court.
(3) Removal from the courtroom may be applied by the Constitutional Court if the person who has been warned in accordance with paragraph (2) repeatedly disturbs public order during the hearing, threatens the safety of participants in the proceedings, shows disrespect for the Constitutional Court by failing to comply with the provisions of paragraph (2), or repeatedly disturbs public order during the hearing, threatens the safety of participants in the proceedings, shows disrespect for the Constitutional Court by failing Article 33.

Article 33. Meetings of the Constitutional Court
(1) The Constitutional Court shall examine the referrals on its docket in public hearings, except in cases where the law provides for the examination of referrals in closed hearings.
(2) Referrals concerning the interpretation of the Constitution, as well as initiatives to revise the Constitution, shall be examined in closed sessions, without the participation of the parties, unless the Constitutional Court decides otherwise. The operative part of decisions concerning the interpretation of the Constitution and opinions on initiatives to revise the Constitution shall be pronounced publicly. The parties shall be informed of the date, time and place of the public pronouncement of the operative part.
(3) Information about the date, time and agenda of the Constitutional Court's meetings shall be announced on the official website of the Constitutional Court.
(4) If the publicity of the meetings may harm state security and public order, the plenary session of the Constitutional Court may order the meeting to be held in closed session. When examining the case in closed session, the procedure of constitutional jurisdiction shall be followed.
(5) The session of the Constitutional Court shall be chaired by the President of the Constitutional Court or, where appropriate, by the chair of the session, in accordance with the rules of procedure of the Constitutional Court.
(6) The instructions of the chair of the hearing are binding on all those present at the hearing.
(7) In public hearings, after the parties have made their closing statements, the chair of the hearing shall announce that the Constitutional Court will retire to the council chamber for deliberation.

Article 34. Recusal of judges
A judge of the Constitutional Court shall abstain from examining the case or may be recused if:
a) he or she is a close person, within the meaning of Law No. 133/2016 on the declaration of assets and personal interests, to the participants in the hearing or their representatives;
b) was previously involved in the decision-making process in the case under review, participated in the adoption of the contested act, with the exception of the drafting and adoption of the Constitution;
c) has publicly expressed his opinion on the constitutionality of the contested act;
d) there are other circumstances that cast reasonable doubt on the impartiality of the judge.

Article 35. Procedure for examining requestsfor recusal
(1) The parties may submit a request for recusal until the start of the proceedings, and in the case of closed hearings, until the date on which the closed hearing examining the case is to take place. The request must state the reasons for the recusal of the judge.
(2) The judge against whom the recusal request has been filed has the right to rule on the grounds for recusal.
(3) The request for recusal of the judge shall be examined by the plenary session of the Constitutional Court. The decision shall be adopted by a majority vote of the judges of the Constitutional Court. In the event of a tie, the recusal shall be granted.
(4) The request for abstention shall be examined in accordance with the provisions of this Article.

Article 36. Deliberation and voting
(1) The judges of the Constitutional Court shall deliberate in the council chamber. Deliberation shall be secret.
(2) After the deliberations are concluded, the chair of the session shall put the proposals of the reporting judge and the other judges to a vote. Judges are prohibited from abstaining from voting.
(3) The acts of the Constitutional Court shall be adopted by a majority vote of the judges.
(4) The acts of the Constitutional Court shall be adopted by open vote. By decision of the plenary, some acts may be voted on by secret ballot.
(5) A judge of the Constitutional Court who disagrees with the decision adopted or the opinion issued may express his or her separate opinion in writing. The separate opinion of the judge is an integral part of the adopted act and shall be attached thereto.
(6) If there is a tie in the vote during deliberations, the chair of the session shall decide to resume the examination of the case in order to analyse new arguments or circumstances that are essential for the resolution of the case. In such cases, the chair of the session shall announce the interruption of the session or postpone the examination of the case.
(7) If there is a tie vote when adopting the decision on the constitutionality of the normative act, the normative act shall be presumed constitutional and the case shall be discontinued. In other cases of a tie, the ruling, decision or opinion shall be deemed not to have been adopted, and the examination of the case shall be discontinued, except in the cases provided for in Article 4(1)(d) to (f) and (h), when the examination of the case shall be postponed.

Chapter V - ACTIONS OF THE CONSTITUTIONAL COURT

Article 37. Acts of the Constitutional Court
(1) The Constitutional Court shall adopt judgments, decisions and issue opinions.
(2) In the case of a decision on the merits of the referral, the Constitutional Court shall adopt a ruling or issue an opinion. Rulings and opinions shall be adopted in the name of the Republic of Moldova. If the referral is not decided on its merits, the Constitutional Court shall adopt a decision.
(3) The acts of the Constitutional Court shall be pronounced publicly, signed by the President of the Constitutional Court and published on the official website of the Constitutional Court and in the Official Gazette of the Republic of Moldova.
(4) The acts of the Constitutional Court shall not be subject to any appeal, shall be final and shall enter into force on the date of pronouncement of the operative part.

Article 38. Decisions of the Constitutional Court
(1) By its decisions, the Constitutional Court:
a) rules on the constitutionality of laws and decisions of Parliament, decrees of the President of the Republic of Moldova, decisions and ordinances of the Government, as well as international treaties to which the Republic of Moldova intends to become a party;
b) interprets the Constitution;
c) confirms the results of republican referendums;
d) confirms the results of the election of Parliament and the President of the Republic of Moldova;
e) resolves exceptions of unconstitutionality of normative acts, referred by the courts;
f) rules on the constitutionality of a political party;
g) approves the annual report on the exercise of constitutional jurisdiction.
(2) The Constitutional Court shall adopt its reasoned decision within 45 calendar days of the date of the public hearing.

Article 39. Opinions of the Constitutional Court
Through its opinions, the Constitutional Court shall rule on:
a) initiatives to revise the Constitution;

b) circumstances justifying the dissolution of Parliament;
c) circumstances justifying the dismissal of the President of the Republic of Moldova;
d) circumstances justifying the interim office of the President of the Republic of Moldova;
e) other cases within its competence for which opinions are required.

Article 40. Decisions of the Constitutional Court
Decisions shall be adopted by the plenary session of the Constitutional Court in all cases where it is not necessary to adopt judgments or issue opinions.

Article 41. Addresses of the Constitutional Court
If, upon examination of the case, the Constitutional Court finds that there are gaps in the legislation due to the failure to implement certain provisions of the Constitution, it shall draw the attention of the relevant public authorities to the need to eliminate these gaps by means of a letter.

Article 42. Review of decisions and opinions
(1) The review of the decision and opinion shall be carried out only on the initiative of the Constitutional Court, by a majority vote of its judges, if:
a) new circumstances have arisen that were unknown at the time the decision was adopted or the opinion was issued, if these circumstances are such as to substantially alter the decision or opinion;
b) the European Court of Human Rights has found, in a decision, a violation of fundamental rights or freedoms, and the Constitutional Court has contributed to this violation.
(2) The review of the decision and opinion shall be carried out in accordance with the constitutional jurisdiction procedure.

Article 43. Action of the Constitutional Court
(1) The acts of the Constitutional Court are official and enforceable throughout the country, for all public authorities and for all legal and natural persons.
(2) Normative acts or parts thereof declared unconstitutional shall become null and void and shall not be applied from the moment of adoption of the respective decision of the Constitutional Court.
(3) The legal consequences of the normative act or parts thereof declared unconstitutional shall be removed in accordance with the legislation in force.

Article 44. Obligation of public authorities regarding enforcement of the acts of the Constitutional Court
(1) Within six months of the date of publication of the Constitutional Court's decision, the Government shall submit to Parliament a draft law amending the normative act or parts thereof that have been declared unconstitutional. The draft law shall be examined by Parliament as a matter of priority.
(2) The President of the Republic of Moldova or the Government shall, within three months of the date of publication of the Constitutional Court's decision, amend the act or parts thereof declared unconstitutional and, where appropriate, issue or adopt a new act.
(3) The findings of the Constitutional Court regarding gaps in normative regulations due to the failure to implement certain constitutional provisions, as indicated in the letter, shall be examined by the relevant authority, which shall inform the Constitutional Court of the results of the examination within three months.

Article 45. Reports of the Constitutional Court
(1) The Constitutional Court shall draw up an annual report on the exercise of constitutional jurisdiction.
(2) The report on the exercise of constitutional jurisdiction shall be posted on the official website of the Constitutional Court and forwarded to the authorities responsible for appointing judges to the Constitutional Court.

Chapter VI - **ENSURING THE ACTIVITY OF THE CONSTITUTIONAL COURT**

Article 46. Judicial advisers
(1) The judges of the Constitutional Court are assisted in their work by six judicial advisers, who form the body of judicial advisers, under the terms of this law and the regulations of the Constitutional Court.
(2) Judicial advisers shall be remunerated under the conditions and in the manner established by the legislation on the remuneration system in the public sector.
(3) The body of judicial advisers shall carry out its activities under the leadership of the President of the Constitutional Court.
(4) Judicial advisers shall be appointed by the President of the Constitutional Court following a public competition. The rules governing the competition committee and the procedure for conducting the competition for the position of judicial adviser shall be approved by the plenary session of the Constitutional Court.
(5) Candidates for the position of judicial adviser must be citizens of the Republic of Moldova, have an impeccable reputation, superior legal training and at least eight years' experience in legal practice or higher legal education, be proficient in Romanian and meet the medical requirements for the position.
(6) A person who is prohibited from holding public office or public dignity by a final act may not be appointed to the position of judicial adviser to the Constitutional Court.
(7) Judicial advisers shall have the obligations set out in Article 19(a) and (d) to (f).
(8) The professional evaluation of judicial advisers shall be carried out once every three years by the evaluation committee, which shall be formed of judges of the Constitutional Court, at the proposal of the President of the Constitutional Court. The professional evaluation of judicial advisers aims to establish their level of professional competence with a view to improving their professional performance and increasing the efficiency of the Constitutional Court's activity. The evaluation methodology shall be established by a regulation approved by the plenary session of the Constitutional Court.
(9) Judicial advisers may be held disciplinarily liable under the conditions set out in Article 23.
(10) The dismissal of a judicial adviser shall take place in the cases provided for in Article 22(1) or as a result of a negative professional evaluation and shall be ordered by the President of the Constitutional Court, who shall notify the judicial adviser within five working days of the date of issue.

Article 47. Secretariat of the Constitutional Court
(1) The Secretariat of the Constitutional Court shall provide the judges of the Constitutional Court with informational, organisational, scientific and other assistance.
(2) The Secretariat of the Constitutional Court shall be headed by the Secretary General, who shall be assisted by a Deputy Secretary General.
(3) The rules of procedure of the Secretariat of the Constitutional Court, the organisational chart and the staffing table shall be approved by the Constitutional Court.
(4) The Secretariat of the Constitutional Court shall consist of civil servants, to whom the provisions of Law No. 158/2008 on public service and the status of civil servants shall apply, and of contractual staff, to whom the provisions of labour legislation shall apply.

Article 48. Financing of the Constitutional Court's activities
(1) The Constitutional Court shall have its own budget, which shall form an integral part of the state budget.
(2) The budget of the Constitutional Court shall be drafted, approved and administered in accordance with the principles, rules and procedures laid down in the legislation on public finances and budgetary and fiscal responsibility.

Article 49. Seal
The Constitutional Court shall have a seal bearing the image of the State Coat of Arms and its name.

Article 50. Headquarters
(1) The seat of the Constitutional Court shall be in the municipality of Chișinău.
(2) Plenary sessions of the Constitutional Court shall be held at its headquarters.

Article 51. Security and protection
The security of the Constitutional Court's premises and the protection of the President and judges of the Constitutional Court shall be ensured in accordance with the law.

Chapter VII - FINAL AND TRANSITIONAL PROVISIONS

Article 52. Final and transitional provisions
(1) This law shall enter into force on the date of its publication in the Official Gazette of the Republic of Moldova.
(2) Within three months of the date of entry into force of this law:
a) the Constitutional Court shall adopt the normative acts necessary for its implementation;
b) the Government shall submit to Parliament proposals for bringing the legislation into line with this law.
(3) On the date of entry into force of this law, Law No. 317/1994 on the Constitutional Court (Official Gazette of the Republic of Moldova, 1995, No. 8, Art. 86), as amended, and the Code of Constitutional Jurisdiction No. 502/1995 (Official Gazette of the Republic of Moldova, 1995, No. 53–54, Art. 597), as amended, shall be repealed.

PRESIDENT OF PARLIAMENT **Igor GROSU**