

Law on Declaration and Control of the Income and Ownership of the State Dignitaries, Judges, Prosecutors, Public Functionaries and Certain Persons Vested With Managerial Functions

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(Adopted on 5 September 2002)

Article 1. Scope of the law

The present law establishes compulsoriness, mode of declaring and controlling income and ownership of the state dignitaries, judges, prosecutors, public functionaries and certain persons vested with themanagerial functions.

Article 2. Notions

For the purpose of the present law herewith defined are the following notions:

- state dignitary shall be interpreted as a person taking publicfunction with public authority, with public administration;
- person vested with managerial functions shall be interpreted as the manager and his deputy with the public institution, state ormunicipal enterprise, commercial company with the majority state stake, financial institution with total or majority state stake;
- public institution shall be interpreted as organization foundedby the central or local public authorities with the scope of displaying social-cultural, educational or other similar non-profit functions and financed integrally at the expense of budget resources;
- ownership shall be interpreted as proceeds, movable and immovable assets, bank deposits and securities, financial liabilities, including holdings abroad

Article 3. Subjects of income and ownership declaration

The following are the subjects of income and ownership declaration:

- a) President of the Republic of Moldova, Parliament deputies, members of the Cabinet, judges of the Constitutional Court, Supreme Court of Justice, Court of Appeals, members of the Superior Council of Magistrate, judges, General Prosecutor, prosecutors and their deputies, members of the Court of Auditors, members of the Administrative Board of the National Bank of Moldova, members of the national Commission of Securities, Parliament lawyers, Chairman of the Central Election Commission and his deputies (permanent), managers of local public administration bodies;
- b) deputy ministers, directors of departments and their deputies, heads of state services and their deputies, heads of customs offices and their deputies, directors of state and independent agencies and their deputies, director of the Chamber of licensing and his deputies;
- c) managers and their deputies with public institution, state or municipal enterprise, commercial

company with the majority state stake, financial institution with total or majority state stake;
d) state functionaries other than specified under items a),b)and c).

Article 4. Object of declaration

(1) Persons stipulated under Art. 3 shall declare as follows:

- a) income as at the date of filing declaration;
- b) movable and immovable assets of all types;
- c) financial liabilities, including such by family members;
- d)shareholding, including family members, in the statutory capital of companies/enterprises.

(2) According to legislation evaluation of ownership shall be done by specifying the value (cost) mentioned in the document confirming provenience of the property (alienation, swap, donation, heritage, privatization, etc.).

(3) The present article envisages declaration of income and ownership found both in the territory of the Republic of Moldova and abroad.

Article 5. Compulsoriness of declaration

In compliance with the law, the subjects of declaration, mentioned in Art. 3 are obliged to declare their income and ownership.

Article 6. Income and ownership declaration

(1) Income and ownership declaration (hereinafter referred to as the declaration) shall be deemed as personal and irrevocable deed.

(2) Declaration is a confidential deed and can not be made publicly known unless otherwise specified by the law.

Article 7. Declaration procedure

(1) Declaration shall be made out in writing based on complete responsibility of a declarant and shall contain information and data on his personal assets, common assets, including such owned by the spouse, as well as such owned by minor children and dependent persons.

(2) Declaration shall contain information on the deeds of property alienation with any title (against payment or free), made out during the effective term of mandate or while executing service attributions.

(3) Declaration shall be made out according to provisions set out under the present law (see herewith attached standard form of declaration) and filed with the authority vested with the competency of collecting such within the terms as stipulated under Art. 8 par. (1).

(4) Control over income and ownership declaration is done in compliance with the procedure set out under the present law.

(1) Declaration shall be filed within 20 days from the date of being appointed or elected with the office. In case of eligible functions that imply validation of mandate, declaration shall be filed prior to validation of the latter.

(2) Income and ownership declaration shall be updated on annual basis before January 30 of the year following the reported

(3) Upon expiry of mandate or discontinuing activity, persons specified under Art. 3 are obliged to file a new income and ownership declaration held as at this date.

(4) Failure to file declaration, due to imputable motives, within 20 days from termination of activities leads to launching control procedure from the office.

(5) The subjects of income and ownership declaration are obliged to file declaration after expiry of one year from termination of activities before January 30 of the year that follows.

Article 9. Authorities vested with the competence of collecting declarations

(1) The subjects of income and ownership declaration specified under Art. 3 item a) shall file their declarations with the central Commission for controlling income and ownership declarations (hereinafter referred to as the central control Commission).

(2) The subjects of income and ownership declaration specified under Art. 3 item b) shall file their declarations with the departmental commission for controlling income and ownership declarations concerning income and ownership of the State Chancellery; the ones specified under items c) and d) shall file declarations with the departmental commission constituted by the public authority, which, in compliance with the Constitution or other laws, has issued deed of appointing the declarant with the office, while the councilors of local councils shall file their declarations with the departmental commission constituted by the chairmen of these councils (hereinafter referred to as the departmental control commission).

(3) Commissions vested with the competency to receive and safe keep declarations shall issue proof documents in care of the declarants.

Article 10. Declarations control procedure

(1) Central control Commission as well as departmental control commissions entitled, by virtue of Art. 9, to collect declarations shall carry out preliminary control of such.

(2) Preliminary control implies verification of correct filling in of declarations, completeness and accuracy of information and data included in such. At the request of central or departmental control commissions the public authorities shall render assistance in verifying information and data entered in declarations and to submit required documents.

(3) Preliminary control of income and ownership declarations shall be done within 15 working days from the date of its filing. Upon decision taken by the central or departmental control Commissions the term of filing can be extended up to 30 working days.

(4) The central or departmental control Commissions, in case to of disclosing component elements of any violation, including offense shall proceed to submitting respective materials to the Center for Combating Economic Crimes and Corruption.

(5) Center for Combating Economic Crimes and Corruption shall carry out de facto control of declarations, which implies collation of information and data exposed in declaration with information and documents available with competent public authorities. The fact of initiating de facto control shall be made known to the person whose declaration is subject to control and to public authority employing this person or to hierarchically superior body. Interference of public

authority in which the declarant is taking the office into the controlling procedure is inadmissible.

(6) De facto control shall be accomplished prior to date of filing new declaration.

Article 11. Authorities vested with the competency of controlling declarations

(1) The function of preliminary control is referred to the competencies of the central and departmental control commissions.

(2) The Central control Commission is composed of 9 members appointed on the basis of parity, by 3 representatives on behalf of the Parliament, President of the Republic of Moldova and Government.

(3) Departmental control commissions are constituted by public authorities, acting in compliance with the Constitution or other laws, which have issued the deed for appointing the declarant to the office.

(4) Central and departmental control commissions are autonomous and have the right to train specialists for the purpose of carrying out control procedures.

(5) Central and departmental control commissions are being guided by the regulations approved by the Parliament.

(6) The function of de facto control of declarations is referred to the competencies of the Center for Combating Economic Crimes and Corruption, which acts on the basis of the effective law.

Article 12. Information confidentiality

(1) Persons who in the process of exercising service duties became aware of information concerning income and ownership declaration or the ones involved in declaration data verification are obliged to keep this information confidential.

(2) Persons failing to observe the mode of safe keeping and use of information specified under paragraph (1) with except of such stipulated under Art. 13, shall bear responsibility in compliance with the effective legislation.

Article 13. Transparency of declarations

(1) Declarations filed by the President of the Republic of Moldova, Parliament deputies, members of the Cabinet, Chairman of the Constitutional Court, Chairman of the Supreme Court of Justice, General Prosecutor, Chairman of the Court of Auditors, Governor of the National Bank of Moldova, Director of Information and Security Service, mayors from towns, villages (communities) and chairmen of district councils shall be published annually in the republican or local mass media. Declarations filed by mayors can be made public by posting announcements.

(2) The following data and information contained in declarations shall be made public and shall not be deemed as confidential:

Article 8. Term of filing declaration

a) the total value of declared ownership;

b) list of all the estate that constitutes ownership of the declarant showing whether it belongs to

him with the title of ownership or use, including such found abroad.

(3) Declarations of subjects other than those mentioned under par.

(1) can be made publicly known at their own initiative with due respect of the provisions set out under par. (2).

Article 14. Responsibility for violating provisions set out under the present law

Bearing administrative or penal responsibility and can be dismissed persons who:

- a) are dodging from filing declaration although obliged to do so;
- b) have failed to file their declaration within the specified term or at all;
- c) have entered incorrect data in their declaration.

Article 15. Final and transitory provisions

(1) Subjects of declaration specified under Art. 3 shall file their income and ownership declarations on January 30 of the year following effectiveness of the present law.

(2) Within 3 month time the Government should:

- draft and circulate to the Parliament for approval regulations for the activity displayed by the central and by the departmental income and ownership control Commissions;
- draft and circulate to the Parliament proposals on bringing legislation in conformity with the present law;
- bring its regulatory acts in conformity with the provisions set out under the present law;
- take all necessary measures to ensure activities on setting up and functioning of the central and the departmental income and ownership control commissions.