

The Constitution of the Republic of Moldova

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Preamble

WE, the plenipotentiary representatives of the people of the Republic of Moldova, members of Parliament,

STARTING from the age-old aspirations of our people to live in a sovereign country, and fulfilling those aspirations in proclaiming the independence of the Republic of Moldova,

CONSIDERING that while growing into a nation the Moldavian people has given strong evidence of historical and ethnic continuity in its statehood,

STRIVING to satisfy the interests of those of its citizens that, while being of a different ethnic origin, are, together with the Moldovans, forming the Moldovan people,

JUDGING the rule of law, the civic peace, democracy, human dignity, the rights and freedoms of man, the free development of human personality, justice and political pluralism to be supreme political values,

BEING AWARE of our responsibility and duties towards the past, present and future generations,

REASSERTING OUT devotion to overall human values, and our wish to live in peace and harmony with all the peoples of this world, in accordance with the unanimously acknowledged principles and norms of international law, we herewith adopt for our country this Constitution, and proclaim it to be the SUPREME LAW OF OUR SOCIETY AND STATE.

Title I: General Principles

Article 1

The State of the Republic of Moldova

(1) The Republic of Moldova is a sovereign, independent, unitary and indivisible state.

(2) The form of government of the State is the republic.

(3) Governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values that shall be guaranteed.

Article 2

Sovereignty and State Power

(1) National sovereignty resides with the people of the Republic of Moldova, who shall exercise it directly and through its representative bodies in the ways provided for by Constitution.

(2) No private individual, national segment of population, social grouping, political party or public organization may exercise state power (?) in their own behalf. The usurpation of state power constitutes the gravest crime against the people.

Article 3

The Territory

(1) The territory of the Republic of Moldova is inalienable.

(2) The frontiers of the country are sanctioned by an organic Law under the observance of unanimously recognized principles and norms of international law.

Article 4

Human Rights and Freedoms

(1) Constitutional provisions for human rights and freedoms shall be understood and implemented in accordance with the Universal Declaration of Human Rights, and with other conventions and treaties endorsed by the Republic of Moldova.

(2) Wherever disagreements appear between conventions and treaties signed by the Republic of Moldova and her own national laws, priority shall be given to international regulations.

Article 5

Democracy and Political Pluralism

(1) Democracy in the Republic of Moldova is exercised under conditions of political pluralism, which is incompatible with dictatorship or totalitarianism.

(2) No ideology may be pronounced as an official ideology of the State.

Article 6

Separation and Cooperation of Powers

The Legislative, the Executive and the Judicial Powers are separate and cooperate in the exercise of their prerogatives in accordance with the provisions of the Constitution.

Article 7

The Constitution as the Supreme Law

The Constitution of the Republic of Moldova is the supreme law of the country. No laws or other legal acts and regulations in contradiction with the provisions of the Constitution may have any legal power.

Article 8

Observance of International Law and International Treaties

(1) The Republic of Moldova pledges to respect the Charter of the United Nations and the treaties to which she is a party, to observe with her relations to other states the unanimously recognized principles and norms of international law.

(2) The coming into force of an international treaty containing provisions contrary to the Constitution shall be preceded by a revision of the latter.

Article 9

The Fundamental Principles Regarding Property

- (1) Property can be public or private, and it can consist of material and intellectual goods.
- (2) No property may be used to encroach upon or damage the rights, liberty and dignity of people.
- (3) The national economy is based on the interaction of market forces, also on free economic initiative and fair competition.

Article 10

The Unity of the Nation and the Right to National Identity

- (1) The national unity of the Republic of Moldova constitutes the foundation of the State. The Republic of Moldova is the common and indivisible motherland of all her citizens.
- (2) The State recognizes and guarantees all its citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

Article 11

The Republic of Moldova as a Neutral State

- (1) The Republic of Moldova proclaims her permanent neutrality.
- (2) The Republic of Moldova will not admit the stationing of any foreign military troops on its territory.

Article 12

National Symbols

- (1) The Republic of Moldova has her own flag, coat of arms and anthem.
- (2) The State flag of the Republic of Moldova is a tricolour. The colours are arranged vertically in the following order from the flagpole: blue, yellow, red. The coat of arms is printed on the central yellow stripe of the tricolour.

(3) Moldova's coat of arms consists of a shield divided horizontally into two parts: the upper part is red, and the lower part is blue with a superimposed auroch's head showing between its horns an eight-pointed star. On its right the auroch's head is flanked by a five-petalled rose, and on its left by a slightly rotated crescent. All heraldic elements present on the shield are of golden (yellow) colour. The shield is laid on the breast of a natural eagle holding in its beak a golden cross, in its right claw a green olive-tree branch and in its left claw a golden sceptre.

(4) Moldova's State anthem shall be established by organic law.

(5) The flag, the coat of arms and the anthem are State symbols of the Republic of Moldova, and are protected by law as such.

Article 13

The National Language, Use of Other Languages

(1) The national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet.

(2) The Moldovan State acknowledges and protects the right to preserve, develop and use the Russian language and other languages spoken within the national territory of the country .

(3) The State will encourage and promote studies of foreign languages enjoying widespread international usage.

(4) The use of languages in the territory of the Republic of Moldova will be established by organic law.

Article 14

The Capital

The city of Chisinau is the capital of the Republic of Moldova.

Title II: Fundamental Rights, Freedoms and Duties

Chapter I: General Provisions

Article 15

Universality

The Constitution in conjunction with other laws grants the citizens of the Republic of Moldova their rights and freedoms and also lays down their duties upon them.

Article 16

Equality of Rights

(1) It is the foremost duty of the State to respect and protect the human person.

(2) All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin.



Article 17

Citizenship of the Republic of Moldova

(1) The citizenship of the Republic of Moldova shall be acquired, maintained or withdrawn under the conditions provided for by the organic law.

(2) No one may be arbitrarily deprived of his/her citizenship or of the right to change the citizenship.



Article 18

Protection of the Republic of Moldova citizens

(1) Citizens of the Republic of Moldova shall benefit by the State protection both within the country and abroad.

(2) Citizens of the Republic of Moldova may not be extradited or expelled from the country.



Article 19

Legal status of foreign citizens and stateless persons

- (1) Foreign citizens and stateless persons shall enjoy the similar rights and duties as the citizens of the Republic of Moldova, except for the terms under the law.
- (2) Foreign citizens and stateless persons may be extradited only in compliance with an international covenant, in terms of reciprocity or on the ground of a decision delivered by a law court.
- (3) The right to asylum shall be granted and withdrawn under the law and in compliance with the international treaties to which the Republic of Moldova is a party.

Article 20

Free Access to Justice

- (1) Every citizen has the right to obtain effective protection from competent courts of Jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests.
- (2) No law may restrict the access to justice.

Article 21

Presumption of Innocence

Any person accused to have committed an offence shall be presumed innocent until found guilty on legal grounds, brought forward in a public trial in the course of which all guarantees for necessary defence will have been taken.

Article 22

Nonretroactivity of Law

No one may be sentenced for actions or omissions which did not constitute an offense at the time they were committed. Also, no punishment may be given that is harsher than that applicable at the time when the offense was committed.

Article 23

The Right to Know One's Rights and Duties

- (1) Every one has the right to an acknowledged legal status.

(2) The State ensures the right of everybody to know his/her rights and duties. For that purpose the State shall publish all its laws and regulations and make them accessible to everybody.

Chapter II: Fundamental Rights and Freedoms



Article 24

The Right to Life and Physical and Mental Integrity

- (1) The State guarantees everybody the right to life, and to physical and mental integrity.
- (2) No one may be subjected to torture or to cruel, inhuman or degrading punishment or treatment.
- (3) Capital punishment is abolished. No one may be sentenced to death or executed, except for acts committed during war or when the threat of war is imminent, and even then only in conformance with the stipulations of the law.



Article 25

Individual Freedom and Personal Security

- (1) Individual freedom and personal security are declared to be inviolable.
- (2) Searching, detaining in custody or arresting a person shall be permitted only if based on the authority of law.
- (3) Retention shall not exceed 72 hours.
- (4) The arrest shall be carried out with a warrant issued by a judge for a period not exceeding 30 days. An appeal may be lodged against the validity of the warrant, in conformance with the stipulations of the law, at the immediately superior court of law. The duration of the arrest may only be extended by the judge or the court of law, within the limits of the law, to a period not exceeding 12 months.
- (5) The person detained in custody or arrested shall be informed without delay of the reasons for his detention or arrest, as well as of the charges made against him/her, which may take

place only in the presence of a lawyer, either chosen by the defendant or appointed ex officio.

(6) If the reasons for detention in custody or arrest have ceased to exist, the release of the person concerned must follow without delay.

Article 26

Right of Defense

(1) The right of defense is guaranteed.

(2) Everybody has the right to respond independently by appropriate legitimate means to an infringement of his/her rights and freedoms.

(3) Throughout the trial the parties have the right to be assisted by a lawyer, either chosen or appointed ex officio.

(4) Any interference with the activity of those carrying out the defense within legally established confines shall be punished by authority of law.

Article 27

The Right to Free Movement

(1) The right to move freely within the boundaries of one's native country is guaranteed.

(2) Every citizen of the Republic of Moldova is guaranteed the right to choose his place of residence anywhere within the national territory, to travel in and out of the country, also to emigrate at will.

Article 28

Private and Family Life

The State shall respect and protect private and family life.

Article 29

Inviolability of Domicile

(1) The domicile is inviolable. No one may enter upon or stay on the premises of a domicile without the owner's consent.

(2) The law shall allow for derogation from the provisions of paragraph (1) under the following circumstances:

For executing an arrest warrant or a decision of a court of law;

For forestalling imminent danger threatening of the life, physical integrity or the property of a person;

For preventing the spread of an epidemic disease.

(3) Searches and questioning in a domicile may be ordered and carried out only in accordance with the rule of law.

(4) Except for cases where an obvious offence has been committed, night searches are forbidden.



Article 30

Privacy of Correspondence

(1) The State shall ensure the privacy of letters, telegrams, other postal dispatches, of telephone conversations and of using other legal means of communication.

(2) The provisions of clause (1) may only be disregarded by law when this becomes necessary in the interest of national security, or of the economic welfare of the country, public order and the prevention of the violation of the law.

Article 31

Freedom of Conscience

(1) The freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect.

(2) The freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes under the rule of law.

(3) In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity.

(4) Religious cults are autonomous vis-a-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages.

Article 32

Freedom of Opinion and Expression

(1) All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible.

(2) The freedom of expression may not harm the honour, dignity or the rights of other people to have and express their own opinions or judgements.

(3) The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the investigations to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order.

Article 33

Freedom to Create

(1) The freedom to create scientific and artistic works is guaranteed. Creative work may not be submitted to censorship.

(2) The law shall protect the rights of citizens to their intellectual property, and to the material and moral interests related to various forms of intellectual creation.

(3) The State shall support the preservation, development and propagation of national and world achievements in culture and science.

Article 34

The Right of Access to Information

(1) Having access to any information of public interest is everybody's right, that may not be curtailed.

(2) According with their established level of competence, public authorities shall ensure that citizens are correctly informed both on public affairs and matters of personal interest.

(3) The right of access to information may not prejudice either the measures taken to protect the citizens or the national security.

(4) The State and private media are obliged to ensure that correct information reaches public opinion.

(5) The public media shall not be submitted to censorship.

Article 35

The Right of Access to Education

(1) The right of access to education is put into effect through the compulsory comprehensive public school system, lyceal (public secondary school) and vocational education, as well as the higher education system, and other forms of instruction and training.

(2) The State will enforce under the law the right of each person to choose his/her language in which teaching will be effected.

(3) In all forms of educational institutions the study of the country's official language will be ensured.

(4) State public education is free.

(5) All educational institutions, including those that are not financed by the state, shall be established and function under the rule of law.

(6) Higher education institutions have the right to be autonomous.

(7) The access to lyceal, vocational and higher education is equally open to all and is based on personal merit.

(8) The State ensures under the law the freedom of religious education. The State ensures a lay education.

(9) The priority right of choosing an appropriate educational background for children lies with the parents.

Article 36

The Right of Health Security

(1) The right of health security is guaranteed.

(2) The State shall provide a minimum health insurance, that is free.

(3) Organic laws will establish the structure of the national health security system and the means necessary for protecting individual physical and mental health.

Article 37

The Right to Live in a Healthy Environment

(1) Every human being has the right to live in an environment that is ecologically safe for life and health, to obtain healthy food products and harmless household appliances.

(2) The State guarantees every citizen the right of free access to truthful information regarding the state of the natural environment, the living and working conditions, and the quality of food products and household appliances.

(3) Non-disclosure or falsification of information regarding factors detrimental to human health constitute offenses punishable by law.

(4) Private individuals and legal entities shall be held responsible before the law for any damages they may cause to personal health and property due to an ecological offense.

Article 38

The Right of Voting and Being Elected

(1) The foundation of State power is the will of the people made known through free elections held at regular intervals and based on universal, equal, direct, and free suffrage.

(2) Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote.

(3) The right of being elected is granted to all citizens of the Republic of Moldova enjoying the right of voting.

Article 39

The Right of Administering

(1) The citizens of the Republic of Moldova have the right of participating in the administration of public affairs, either directly or through their representatives.

(2) The access to a public office or position is guaranteed by law to all citizens of the Republic of Moldova.

Article 40

The Freedom of Assembly

All meetings, demonstrations, rallies, processions or any other assemblies are free, and they may be organized and take place only peacefully and without the use of weapons.

Article 41

The Freedom of Political Association

- (1) All citizens are free to associate in parties and other social and political organizations. These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electing process.
- (2) All parties and other social/political organizations are equal before the law.
- (3) The State shall ensure the protection of the rights and legitimate interests of parties and other social/political organizations.
- (4) Parties and social/political organizations are declared unconstitutional if by their aims or activities they are engaged in fighting against political pluralism, the principles of the rule of law, the sovereignty and independence or territorial integrity of the Republic of Moldova.
- (5) Secret associations are forbidden.
- (6) The activity of parties consisting of foreign nationals is forbidden.
- (7) The organic law shall establish those public offices whose holders may not join political parties.

Article 42

The Right of Establishing and Joining Trades-Unions

- (1) Any employee has the right to establish and join a trades-union in order to defend his/her interests.
- (2) Trades-unions are founded and carry on their activities in accordance with their statutes under the law. They make their contribution to the defense of employees professional, economic and social interests.

Article 43

The Right of Working and of Access to Work

- (1) Every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment.
- (2) All employees have the right of work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people,

the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions, as well as other specific situations.

(3) The length of the working week shall not exceed 40 hours.

(4) The right of collective bargaining is guaranteed, and so is the legal enforceability of collective agreements.

Article 44

Prohibition of Forced Labour

(1) Forced labour is prohibited.

(2) Not to be regarded as forced labour are the following:

Military-like duty or the activities designed to replace it, carried out by those who under the law are exempted from compulsory military service;

Work done by a convicted person under normal conditions, in custody or on conditional release;

Services such as required to deal with calamities or other dangers or as considered under the law to be a part of normal obligations of civilians.

Article 45

The Right of Striking

(1) The right to strike is acknowledged. Strikes may be started only if aimed at defending the economic, social and professional interests of employees.

(2) The law will establish the conditions requested in the exercise of this right, as well as the responsibility involved in the illegal start of strikes.

Article 46

The Right of Private Property and Its Protection

(1) The right to possess private property and the debts incurred by the State are guaranteed.

(2) No one may be expropriated except for reasons dictated by public necessity, as established by law and against just and appropriate compensation made in advance.

(3) No assets legally acquired may be confiscated. The effective presumption is that of legal acquirement.

(4) Goods destined for, used or resulted from crimes or offenses may be confiscated only as established by law.

(5) The right of private property carries with it the duty to observe the roles regarding the protection of the environment, the maintenance of good neighbourly relations and the observance of all the other duties that have to be fulfilled by owners of private property under the law.

(6) The right to inherit private property is guaranteed.

Article 47

The Right of Receiving Social Assistance and Protection

(1) The State is obliged to take action aimed at ensuring that every person has a decent standard of living, whereby good health and welfare based on available food, clothing, shelter, medical care, and social services are secured for that person and his/her family.

(2) All citizens have the right to be insured against such adversities as: unemployment, disease, disability, widowhood, old age or other situations where, due to causes beyond one's control one loses the source or means of obtaining the necessities of life.

Article 48

Family

(1) The family is the natural and fundamental constituent of society and as such has the right to be protected by the State and by society.

(2) The family is founded on the freely consented marriage of husband and wife, on the spouses equality of rights and on the duty of parents to ensure their children's upbringing and education.

(3) The law shall establish under which conditions a marriage may be concluded, terminated or annulled.

(4) Children have a duty to look after their parents and help them in need.

Article 49

Protection of Family and Orphaned Children

(1) By economic and other actions the State shall support the formation and development of families, and the fulfillment of their duties.

(2) The State shall protect the motherhood, the children and the young and promote the development of the institutions required to put that protection into effect.

(3) All efforts aimed at maintaining, bringing up and educating orphaned children and those children deprived of parental care constitute the responsibility of the State and of society. The state promotes and supports charitable activities for the benefit of these children.

Article 50

Protection of Mothers, Children and Young People

(1) Mothers and children have the right of receiving special protection and care. All children, including those born out of wedlock, shall enjoy the benefits of the same social assistance.

(2) Children and young people enjoy a special form of assistance in the enforcement of their rights.

(3) The State shall grant the required allowances for children and the aid needed for the care of sick or disabled children. The law shall provide for other forms of social assistance for children and the young.

(4) Both the exploitation of minors and their misuse in activities endangering their health, moral conduct, life or normal development are forbidden.

(5) It is the duty of the public authorities to establish the conditions enabling the young people to take part freely in the social, economic, cultural and sporting life of the country.

Article 51

Protection of Disabled Persons

- (1) The disabled persons shall enjoy a special form of protection from the whole of society. The State shall ensure that normal conditions exist for medical treatment and rehabilitation, education, training and social integration of disabled persons.
- (2) Except for those cases that are provided for under the law nobody may be submitted to forced medical treatment.

Article 52

Right of Petitioning

- (1) All citizens have the right to apply to public authority by way of petitions formulated in behalf of the applicants.
- (2) Legally established organizations may petition exclusively in behalf of the associations or bodies they represent.

Article 53

Rights of Persons Aggrieved by Public Authority

- (1) Any person, whose rights have been trespassed upon in any way by public authority through an administrative ruling or lack of timely legal reply to an application, is entitled to obtain acknowledgement of those rights, the cancellation of the ruling and payment of damages.
- (2) The State is under patrimonial liability as foreseen by the law for any prejudice or injury caused in lawsuits through errors of the police or the judiciary.



Article 54

Restrictions to Exercising Certain Rights and Freedoms

- (1) Laws that may suppress or diminish the fundamental human and citizens' rights and freedoms shall not be adopted in the Republic of Moldova.

(2) The exercise of certain rights or freedoms may only be restricted by law, in conformance with the unanimously recognised standards of international law and if required in the interest of national security, territorial integrity, the economic welfare of the country, public order, prevention of mass riots and infringements of the law, protection of the rights, freedoms and dignity of other persons, prevention of divulging confidential information or the safeguarding of the authority and impartiality of justice.

(3) The provisions of clause (2) do not allow the restriction of the rights stipulated in articles 20-24.

(4) The restriction shall be proportionate with the situation that caused it, and it shall not affect the existence of the right or freedom in question.

Chapter III: Fundamental Duties



Article 55

Exercise of Rights and Freedoms

All persons shall exercise their constitutional rights and freedoms in good faith, without the violation of the rights and freedoms of others.

Article 56

Allegiance to the Country

(1) Allegiance and loyalty to the are sacred.

(2) Citizens entrusted with the holding of public office, as well as the military, are under the responsibility to fulfil faithfully their duties towards the state, and in given situations shall also take the oath as requested by law.

Article 57

Defense of Motherland

(1) It is the right and the sacred duty of every citizen to defend one's motherland.

(2) The national armed forces constitute the framework for performing military services, for national defense, guarding the borders, and maintaining public order under the law.

Article 58

Financial Contributions

- (1) All citizens are under obligation to contribute by way of taxes and financial impositions to public expenditure.
- (2) The system of legal taxation must ensure a just distribution of fiscal burdens over the population.
- (3) All taxation other than that established by law is forbidden.

Article 59

Protection of Environment and Public Monuments

It is the duty of every citizen to protect the natural environment, and to preserve and protect the country's historical and cultural sites and monuments.

Title III: Public Authorities

Chapter IV: Parliament

First Section: Structure and Functioning

Article 60

Parliament as the Supreme Representative Body and Legislative Authority

- (1) Parliament is the supreme representative body of the people and the sole legislative authority of the State in the Republic of Moldova.
- (2) Parliament consists of 101 members.

Article 61

Parliament Elections

- (1) The members of Parliament are elected by voting based on universal, equal, direct, secret and freely expressed suffrage.

(2) The organic law shall establish the way of organizing and holding elections.

(3) The election of Parliament members will be started not later than 3 months from the end of the previous mandate or from the dissolution of the previous Parliament.

Article 62

Validation of Members Mandates

On proposal submitted by the Central Electoral Board the Constitutional Court will decide upon the validation or invalidation of a Parliament member's mandate, whenever electoral legislation has been transgressed.

Article 63

Mandate Duration

(1) The members of Parliament are elected for a 4-year term, which may be extended by organic law, and in the event of war or a national disaster.

(2) Parliament shall be convened in session by the President of the Republic of Moldova within at most 30 days from election day.

(3) The mandate of the current Parliament may be extended until the structure of the new Parliament has been completed and the latter can meet in full session. During this period no amendments may be brought to the Constitution, and no organic law may be adopted, changed or abrogated.

(4) The legislative projects and proposals contained in the agenda of the previous Parliament will be carried over onto the agenda of the new Parliament.

Article 64

Internal Structure

(1) The structure, organization and functioning of Parliament are established by internal regulations. The Parliament approves the national budget and, with it, its own financial resources.

(2) The President of Parliament is elected by secret ballot based on the majority of votes cast by members for a term of office equal to that of Parliament. The Parliament may revoke the President at any time by secret ballot based on a two-thirds majority of votes cast by members.

(3) On consultations with parliamentary factions the President of Parliament calls for the election of Parliament's Vice-Presidents.

Article 65

Public character of settings

(1) Parliament's sessions are public.

(2) The Parliament may decide to hold certain sessions behind closed doors.

Article 66

Basic Powers

The following are Parliament's basic powers:

To pass laws, decisions and motions;

To declare the holding of referendums;

To provide legislative interpretations and ensure the legislative unity of regulations throughout the country;

To approve the main directions of the state's internal and external policy;

To approve the state's military doctrine;

To exercise parliamentary control over executive power in the ways and within the limits provided for by the Constitution;

To ratify, denounce, suspend and abrogate the action of the international treaties concluded by the Republic of Moldova;

To approve and control the national budget;

To supervise and control the allocation of State loans, the aid of an economic or other nature granted to foreign countries, the conclusion of agreements concerning State loans or credits obtained from foreign sources;

To elect and nominate State officials as foreseen by law;

To approve the orders, medals and awards of the Republic of Moldova;

To declare partial or general mobilization of the armed forces;

To declare the states of national emergency, martial law, and war;

To initiate investigations and hearings concerning any matters touching upon the interests of society;

To suspend the activity of local institutions of public administration under the law;

To pass bills of amnesty;

To exercise other powers, as provided for by the Constitution and the Law.

Article 67

Parliament Sessions

(1) Parliament meets in two ordinary sessions per year. The first parliamentary session starts in February and may not go beyond the end of July. The second parliamentary session starts in September and may not go beyond the end of December.

(2) Parliament may also meet in extraordinary or special meetings at the specific request of the President of the Republic of Moldova, of the President of Parliament or of a third of the members.

Second Section: The Status of Parliament Members

Article 68

Representational Mandate

(1) In the exercise of their power the members of Parliament are in the service of the people.

(2) Imperative mandates shall be null and void.

Article 69

Mandate of Parliament members

- (1) The members of Parliament shall enter upon the exercise of their mandate under condition of prior validation.
- (2) The powers ascribed to any member of Parliament cease with the lawful assembly of the newly-elected Parliament, on resignation on the part of that member, on mandate suspension, also in cases of incompatibility or death.



Article 70

Incompatibilities and Immunities

- (1) The office of the Parliament member shall be incompatible with the holding of any other remunerated position, except for didactic and scientific activities.
- (2) Other possible incompatibilities shall be established by organic law.
- (3) The Parliament member may not be apprehended, arrested, searched or sued at law, except for the cases of flagrant misdemeanour, without the prior consent of the Parliament and after hearing of the member in question.

Article 71

Independence of Opinion

Members of Parliament may not be prosecuted or tried by law for their votes or opinions expressed in the exercise of their mandate.

Third Section: Legislation and Acts of Parliament

Article 72

Classification of Laws

- (1) Parliament is endowed with the powers to pass constitutional, organic and ordinary laws.
- (2) Constitutional laws are aimed at revising the Constitution.

(3) The purpose of the organic laws is to direct and control:

the working of the electoral system;

the organization and carrying out of referendums;

the organization and functioning of Parliament;

the organization and functioning of Government;

the organization and functioning of the Constitutional Court, the Higher Magistrates Council, the judiciary and courts of administrative judicature;

the organization of local administration, of the national territory, and the general functioning of local autonomy;

the organization and functioning of political parties;

the manner of selecting exclusive economic zones;

the legal status of private property and inheritance;

the general implementation of the working relations and social protection, and the functioning of trades-unions;

the general organization of the educational system;

the general status of religious worship;

the states of national emergency, martial law and war,

the criminal offenses, the punishments requested, and the ways of executing the latter,

the granting of amnesty and pardon;

other provinces where the Constitution provides for the necessity of passing organic laws;

other provinces where Parliament recommends the passing of organic laws.

(4) Basically, social relations are the province of ordinary law, excepting those for whose regulation constitutional and organic laws have been appointed.



Article 73

Legislative Initiative.

The right to legislative initiate shall belong to the members of Parliament, the President of the Republic of Moldova, the Government and the People's Assembly of the autonomous territorial-unit of Gagauzia.



Article 74

The Passing of Laws and Resolutions

- (1) Organic laws shall be passed by majority vote based on at least two ballots.
- (2) Ordinary laws and resolutions shall be passed by the majority of the votes cast by the members present in session.
- (3) The bills presented by the Government, as well as the legislative proposals presented by the members and accepted by the Government shall be examined by the Parliament in the manner and according to the priorities established by the Government, including the emergency procedures. Other legislative proposals shall be examined in the established manner.

Article 75

The Referendum

- (1) Problems of utmost gravity or urgency confronting the Moldovan society or State shall be resolved by referendum. (2) The decisions passed in consequence of the results produced by the republican referendum have supreme judicial power.

Article 76

The Coming into Force of Laws

Laws shall be published in the "Monitorol Oficial" of the Republic of Moldova and shall come into force either on its publication date or on the date mentioned in its original text. Unless published, the law is nonexistent.

Chapter V: The President of the Republic of Moldova

Article 77

The President of the Republic of Moldova - the Head of the State

- (1) The President of the Republic of Moldova is the head of the State.
- (2) The President of the Republic of Moldova represents the State and is the guarantor of national sovereignty, independence, of the unity and territorial integrity of the nation.



Article 78

The Election of the President

- (1) The President of the Republic of Moldova shall be elected by the Parliament by secret vote.
- (2) Any voting citizen of the Republic of Moldova over 40 years of age who has been living permanently in the country for at least 10 years and speaks the official language of the country may be elected President of the Republic of Moldova.
- (3) The candidate obtaining the votes of three fifths of the elected members shall be elected President. If none of the candidates obtained the necessary number of votes, a second ballot shall be held to choose from the first-placed two candidates, determined in the descending order of the number of votes cast for them in the first ballot.
- (4) If after the second ballot none of the candidates obtained the necessary number of votes, the election shall be repeated as many times as necessary.
- (5) If the President of the Republic of Moldova is not elected even after repeated elections, the current President shall dissolve the Parliament and shall set the date for the election of a new Parliament.
- (6) The procedure for the election of the President of the Republic of Moldova is stipulated by an organic law.

Article 79

Mandate Validation and Taking of the Oath

(1) The Constitutional Court will validate the result of the presidential election.

(2) (2) Within 45 days from the date when elections were completed the successful presidential candidate shall take the following oath before Parliament and the Constitutional Court:

"I solemnly swear to devote all my personal strength and abilities to the advancement and prosperity of the Republic of Moldova, to always abide by the Constitution and the laws of the country, to defend democracy, the fundamental rights and freedoms of the Republic of Moldova if incompatible man, and the sovereignty, independence, unity and territorial integrity of Moldova"



Article 80

Term of Office

(1) The President of the Republic of Moldova takes office on the oath-taking day and his term has a duration of 4 years.

(2) The President of the Republic of Moldova exercises his mandate until the next President is sworn in.

(3) By organic law the mandate of the President of the Republic of Moldova may be prolonged in the event of war or catastrophe.

(4) No person shall exercise the function of President of the Republic of Moldova for more than two consecutive mandates.

Article 81

Incompatibilities and Immunities

(1) The office of the President of the Republic of Moldova is incompatible with holding another remunerated position.

(2) The President of the Republic of Moldova will enjoy immunity from civil action for any personal opinions expressed while in the execution of his mandate.

(3) Based on the majority of at least two thirds of the votes cast by its members, Parliament may decide to indict the President of the Republic of Moldova if the latter commits an offense. In such a case it is the Supreme Court of Justice which has the competence to sue under the rule of law, and the President will be removed from office on the very day that the court sentence convicting him has been passed as definitive.



Article 82

(Repealed)



Article 83

(Repealed)

Article 84

Messages

(1) The President of the Republic of Moldova can take part in Parliament's proceedings and debates.

(2) The President of the Republic of Moldova will address Parliament messages concerning the main issues of national interest.



Article 85

Dissolution of Parliament

(1) In cases where an impossibility has been reached to form the Government or a situation has been encountered whereby the passing of new legislation has been deadlocked for 3 consecutive months, the President of the Republic of Moldova, on consultations with parliamentary groups, may dissolve Parliament.

(2) If within 45 days from a first presidential request for a vote of confidence to form a new government a second such request been aim rejected by Parliament, the President may dissolve the Parliament.

(3) The Parliament may be dissolved only once in the course of a year.

(4) The Parliament may not be dissolved during the last six months of the mandate of the President of the Republic of Moldova, with the exception of the situation provided in clause (5), article 78, or during a state of emergency, martial law or war.

Article 86

Powers Regarding Foreign Policy

(1) The President of the Republic of Moldova is empowered to enter official discussions, take part in negotiations, conclude in the name of the Republic of Moldova the international treaties resulting therefrom, and submit those treaties to Parliament for ratification.

(2) On specific proposals submitted to him by Government, the President of the Republic of Moldova can accredit and revoke the Republic of Moldova's diplomatic representatives, as well as approve the establishment, disestablishment, and ranking of diplomatic missions abroad.

(3) The President of the Republic of Moldova receives letters of accreditation or revocation of foreign diplomatic envoys to Moldova.

Article 87

Powers Regarding National Defense

(1) The President of the Republic of Moldova is the Commander-in- Chief of the armed forces.

(2) On prior approval from Parliament the President of the Republic of Moldova can declare partial or general mobilization armed forces.

(3) In the event of armed aggression against the country, the President of the Republic of Moldova takes the steps required to repel aggression, and to declare a state of war, and informs Parliament without delay on the situation. If Parliament is not in session, the

President convenes by right the Parliament within 24 hours from the time when the aggression was launched.

(4) In order to ensure national security and public order the President of the Republic of Moldova can under the rule of law also take other steps.

Article 88

Other Powers

The President of the Republic of Moldova is also empowered to:

Award medals and titles of honour;

Award such supreme military ranks as provided for by the law;

Find solutions to problems concerning the rights of citizenship of the Republic of Moldova and grant political asylum;

Appoint public officials under the law;

Grant individual pardon or amnesty;

Request the citizens of the Republic of Moldova to express their will by way of referendum on matters of national interest;

Award diplomatic ranks;

Award higher ranks to officials holding positions with Magistrates' Courts and Civil Courts, and to other civil servants the law;

suspend those Acts of Government that run against existing legislation until a final decision has been passed by the Constitutional Court;

Exercise other powers as foreseen by the law.



Article 89

Suspension from Office

(1) In the event that the President of the Republic of Moldova commits acts infringing upon the provisions of the Constitution, he may be suspended from office by the Parliament if the decision is supported by the vote of two thirds of the elected members.

(2) The motion requesting the suspension from office must be initiated by at least one third of the members, and it must be communicated to the President of the Republic of Moldova without delay. The President may offer explanations to the Parliament and the Constitutional Court in respect of the alleged acts.



Article 90

Vacancy of Office

(1) The office of the President of the Republic of Moldova may become vacant in consequence of expiry of the presidential mandate of resignation from office, removal from office, definite impossibility of executing his duties, or death.

(2) The request to remove the President of the Republic of Moldova from office will be brought forward in Parliament, which will pass a decision on that request.

(3) The inability of the President of the Republic of Moldova to discharge his duties for a period in excess of 60 days shall be confirmed by the Constitutional Court within 30 days of notification.

(4) In conformance with the stipulations of the law, the elections for a new President shall be organized within 2 months from the date when the presidential office of the Republic of Moldova becomes vacant.



Article 91

Interim Office

In the event the office of the President of the Republic of Moldova becomes vacant or the President has been dismissed, or finds himself/herself in temporary impossibility to discharge

his/her duties, the interim office shall be devolved on the Parliament Speaker or the Prime Minister in the order of priority.

Article 92

Responsibility of Interim President

Should the person acting as interim President of the Republic of Moldova commit grave offenses infringing upon constitutional provisions article 89 paragraph (1) and article 91 will apply.

Article 93

Promulgation of Laws

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

(2) The President of the Republic of Moldova has the right, whenever he objects against a given law, to submit it within at most two weeks to Parliament for reexamination. Should Parliament stick to its previously passed decision, then the President must promulgate the law.

Article 94

Presidential Acts

(1) In the exercise of his powers the President of the Republic of Moldova issues decrees whose execution is compulsory throughout the entire territory of the state. These decrees shall be published in the "Monitorul Oficial" of the Republic of Moldova.

(2) Those decrees issued by the President that fall under the provisions of article 86 paragraph (2) and article 87 paragraph (?) (2), (3) and (4) must be countersigned by the Prime-Minister also.

Article 95

Budget of Presidential Institution. Compensation and Other Rights

(1) The budget of the presidential institution shall be submitted to Parliament for approval and shall be included in the budget.

(2) The law will determine the level of compensation and the other rights the President is entitled to.

Chapter VI: The Government

Article 96

The Role of Government

(1) It is the role of Government to carry out the domestic and foreign policy of the State and to apply general control over the work of public administration.

(2) A specific programme of activities approved by Parliament will constitute the guidelines which Government will use in the exercise of its powers.

Article 97

Structure of Government

The Government consists of a prime-minister, a first vice-prime-minister, vice- prime-ministers of ministers and other members, as determined by organic law.



Article 98

Investiture

(1) The President of the Republic of Moldova shall designate a candidate for the office of Prime Minister after hearing of the parliamentary fractions.

(2) The candidate for the office of Prime Minister shall request, within 15 days following the designation, the vote of confidence of the Parliament over the programme of activity and the entire list of the Government members.

(3) The Parliament shall debate in session upon both the programme of activity and the list of Government members and shall grant confidence to the Government with the vote of majority of the elected Parliament members.

(4) On the basis of the vote of confidence granted by the Parliament, the President of the Republic of Moldova shall appoint the Government.

(5) The Government shall enter into the exercise of its powers on the very day of taking the oath by its members before the President Republic of Moldova.

(6) In the event of the governmental reshuffle or the vacancy of office, the President of the Republic of Moldova shall revoke and appoint, upon the proposal of the Prime Minister, some Government members.

Article 99

Incompatibilities

(1) The office of government member is incompatible with the holding of another remunerated position.

(2) Other incompatibilities will be specified by organic law.



Article 100

Termination of Government Membership

The office of a member of the Government ceases in the event of resignation, revocation from office, incompatibility or death.



Article 101

The Prime-Minister

(1) The Prime Minister shall exercise the leadership of the Government and shall coordinate the activity of its members, abiding by the powers delegated to them.

(2) In case of impossibility of the Prime Minister to discharge his/her functional duties or in case of his/her demise, the President of the Republic of Moldova shall designate another Government member to fulfil the interim office of Prime Minister until the formation of the new Government. The interim office, during the period of impossibility to perform the functional duties, shall cease whether the Prime Minister resumes his/her activity within the Government.

(3) In the event of the Prime Minister resignation, the whole Cabinet shall leave the office.



Article 102

Acts of Government

- (1) The Government shall adopt decisions, ordinances and regulations.
- (2) The decisions shall be adopted for laws enforcement.
- (3) The ordinances shall be issued under the terms of Article 106/2.
- (4) The decisions and ordinances adopted by the Government shall be signed by the Prime Minister, countersigned by the ministers bearing the responsibility to put them into effect and shall be published in "Monitorul Oficial" of the Republic of Moldova. Non-publication entails the null and void character of the decision and ordinance.
- (5) The regulations shall be issued by the Prime Minister for the organisation of the internal activity of the Government.

Article 103

Termination of Mandate

- (1) The Government is empowered to exercise its mandate up to the date that has been officially sanctioned for the holding parliamentary elections.
- (2) In cases where Parliament has passed a vote of no confidence in the current Government, or the Primer Minister has been removed from office, or as provided for by paragraph (1) above, the Government shall only control the administration of the public affaire until the new Government has been sworn in.

Chapter VII: The Parliament - Government Interrelationship

Article 104

Reporting to Parliament

- (1) The Government is responsible before Parliament, its committees and its individual members for supplying them with all information and documents that may be requested.
- (2) The access of Government members to parliamentary proceedings is ensured, and their presence may be obligatory if so requested.

Article 105

Questioning and Interpellating

1) Both the Government as a whole and each one of its members are obliged to reply to the questions and interpellations raised by Parliament members.

(2) Parliament may pass a motion to substantiate its position vis-a-vis the issue that has caused an interpellation.

Article 106

Motion of No Confidence

(1) If initiated by at least a quarter of the members present in session and based on their majority vote) Parliament may carry a motion of no confidence in the Government.

(2) The initiative to carry a motion of no confidence in the Government will be examined within 3 days from the date when it was brought before Parliament.



Article 106/1

Commitment of the Government

(1) The Government may commit itself in front of the Parliament to a program, a general policy statement or a bill.

(2) The Government is dismissed if the motion of censorship, submitted within 3 days of the presentation of the program, general policy statement or bill was initiated by vote as stipulated in article 106.

(3) If the Government was not dismissed according to the stipulations of clause (2), the bill presented by the Government shall be considered as having been adopted, and the program or general policy statement shall become obligatory for the Government.



Article 106/2

Legislative delegation

(1) In order to implement the program of the Government, the Parliament may adopt, following a proposal, a special law to enable the Government to issue orders in areas that are not covered by organic laws.

(2) The enabling law shall compulsorily determine the area in question and the deadline by which the orders may be issued.

(3) The orders shall come into force on the date they are published, without being promulgated.

(4) If requested by the enabling law, the orders shall be submitted to the Parliament for approval. The bill on the approval of orders shall be presented within the timeframe stipulated by the enabling law. Non-observance of this timeframe shall terminate the order. If the Parliament does not reject the bill on the approval of the orders, these shall remain in force.

(5) Following the expiry of the timeframe stipulated for the issue of orders, the orders may only be annulled, suspended or amended by law.

Chapter VIII: Public Administration

Article 107

Specialized Central Public Administration

(1) Ministries constitute the state's specialized agencies. They put into practice under the law the Government's policy, decisions and orders, exercise control over their areas of competence and are answerable for their activities.

(2) In order to manage, coordinate and control the national economy, as well as other areas outside the direct responsibility of ministries, other administrative authorities may be set up in accordance with the law.

Article 108

The Armed Forces

(1) The armed forces are subordinated solely to the will of the nation, and their purpose is to safeguard the sovereignty, independence, unity and territorial integrity of the country, as well as the constitutional democracy.

(2) The structure of the national defense system will be determined by organic law.

Article 109

Basic Principles of Local Public Administration

(1) Public administration as manifested in the administrative/territorial units is based on the principles of local autonomy, of decentralization of public services, of the eligibility of local public administration authorities and of consulting the citizenry on local problems of special interest.

(2) The concept of autonomy encompasses both the organization and functioning of local public administration, as well as the management of the communities represented by that administration.

(3) The enforcement of the principles described above may not detract from the unitary character of the State.



Article 110

Administrative-Territorial Organization

(1) The territory of the Republic of Moldova shall be divided, as regarding the administrative organisations, into villages, towns, districts and the autonomous territorial-unit of Gagauzia. Certain towns may be declared municipalities under the law.

(2) Places on the left bank of the Dniester river may be assigned special forms and conditions of autonomy according to the special statutory provisions adopted by organic law.

(3) The status of the capital of the Republic of Moldova, the city of Chisinau, shall be regulated by organic law.



Article 111

Special Autonomy Statutes of Gagauzia

(1) Gagauzia is an autonomous territorial-unit having a special statute and representing a form of self-determination of the Gagauzian people, shall constitute an integrant and inalienable part of the Republic of Moldova and shall independently solve, within the limits of its competence, pursuant to the provisions of the Republic of Moldova Constitution, in the interest of the whole of society, the political, economic and cultural issues.

(2) On the territory of the autonomous territorial-unit of Gagauzia all the rights and liberties foreseen by the Constitution and the legislation of the Republic of Moldova shall be guaranteed.

(3) Within the autonomous territorial-unit of Gagauzia shall operate representative and executive bodies according to the law.

(4) The soil, subsoil, waters, flora and fauna, as well as other natural resources on the territory of the autonomous territorial-unit of Gagauzia shall belong to the people of the Republic of Moldova and shall simultaneously constitute the economic basis of Gagauzia.

(5) The budget of the autonomous territorial-unit of Gagauzia shall be formed in conformity with the terms established by the law, which governs the special statute of Gagauzia.

(6) The control over the observance of the Republic of Moldova legislation within the autonomous territorial-unit of Gagauzia shall be performed by the Government under the terms of the law.

(7) Organic laws that govern the special statute of the autonomous territorial-unit of Gagauzia may be amended based on the vote of three fifths of the elected Parliament members.

Article 112

Village and Town Authorities

(1) At village and town level the public administration authorities through which local autonomy is executed are represented by the elected local councils and mayors.

(2) The local councils and the mayors operate under the law as autonomous administrative authorities and are assigned the task of solving public affairs in villages and towns.

(3) The ways of electing local councils and mayors, as well as their powers and competence's shall be established by law.

Article 113

District Councils

(1) The district council coordinates the activity of the village and town councils to achieve public service at district level.

(2) The district council will be elected and will work in accordance with the law.

(3) The interrelationships of public authorities are based on the principles of autonomy, legality and cooperation in solving common problems.

Chapter IX: Judicial Authority

First Section: Courts of Law

Article 114

Administration of Justice

Justice shall be administered in the name of the law by courts of law only.



Article 115

Courts of Law

(1) Justice shall be administered by the Supreme Court, Courts of Appeal and other tribunals.

(2) To hear certain categories of cases special courts may be set up under the law.

(3) It is forbidden to set up courts of exception.

(4) The structure of the courts of law, their areas of competence and the corresponding judicial procedures shall be established by organic law.



Article 116

Status of Judges

(1) Judges sitting in the courts of law shall be independent, impartial and irremovable under the law.

(2) Judges sitting in the courts of law shall be appointed, under the law, by the President of the Republic of Moldova upon proposal submitted by the Superior Council of Magistrates. Judges who successfully passed the contest shall be firstly appointed for a 5-year term of office. After the expiration of the 5-year term of office, the judges shall be appointed to this position until reaching the age limit fixed under the law.

(3) The Presidents, Vice-Presidents and judges of the Supreme Court of Justice shall be appointed by Parliament following a proposal submitted by the Superior Council of Magistrates. They must have a working tenure as judge of at least 10 years.

(4) Judges shall be promoted and transferred only at their own consent.

(5) Sanctioning of the judges shall be carried out pursuant to the law.

(6) The office of judge shall be incompatible with the exercise of any other public or private remunerated position, except for the didactic and scientific activity.

Article 117

Public Character of Legal Proceedings

Legal hearings in all courts of law are public. Cases may be heard behind closed doors only as stipulated by law under compliance with all established legal procedures.

Article 118

Language Used in Hearings and Right to Use an Interpreter

(1) Legal cases will be heard in the Moldovan language.

(2) Those persons who do not know or are unable to speak Moldovan have the right to take knowledge of all documents and items on file and to talk to the court through an interpreter.

(3) In accordance with the law legal hearings may also be conducted in a language that is found to be acceptable by the majority of the persons participating in the hearing.

Article 119

Appealing

The parties involved in a case and the state authorities may appeal against sentences pronounced in courts of law in accordance with the law.

Article 120

Compulsory Character of Sentences and of Other Final Legal Rulings

It is compulsory to abide by the sentences and the other final legal rulings pronounced in courts of law and to cooperate with the latter at their specific request during trials, the execution of sentences and other final rulings of justice.

Article 121

The Budget of the Courts of Law, Compensation and Other Rights

(1) The budget of the courts of law is approved by Parliament and is included in the national budget.

(2) The compensations and other rights of judges are established by law.

(3) The courts of law have control over the police forces placed at their disposal.

Second Section: The Higher Magistrates' Council



Article 122

Composition

(1) The Superior Council of Magistrates shall consist of judges and university lecturers elected for tenure of 4 years.

(2) The President of the Supreme Court of Justice, the Minister of Justice and the Prosecutor General shall de jure belong to the Superior Council of Magistrates.



Article 123

Powers

(1) The Superior Council of Magistrates shall ensure the appointment, transfer, removal from office, upgrading and imposing of the disciplinary sentences against judges.

(2) The manner of organisation and functioning of the Superior Council of Magistrates shall be laid down by organic law.

Third Section: The Public Prosecution Office



Article 124

Powers and Structure

(1) The Office of the Prosecutor General represents the general interests of society and defends legal order, as well as the rights and freedoms of citizens; it also conducts and implements the enforcement of justice and represents the prosecution in courts of law, in conformance with the stipulations of the law.

(2) The public prosecution system is composed of the General Prosecution Office, territorial prosecution offices and specialized prosecution offices.

(3) The structure, powers and activities of the prosecution offices are established by law.

Article 125

Mandate of Public Prosecutors

(1) The Prosecutor General is appointed by Parliament following a proposal submitted to the latter by its President.

(2) The other public prosecutors are subordinated to the Prosecutor General, and appointed by him.

- (3) The public prosecutors receive their mandate for a period of 5 years.
- (4) The office of public prosecutor is incompatible with holding any other remunerated position, be it public or private, except in teaching or scientific research.
- (5) In exercising their powers public prosecutors may submit before the law only.

Title IV: National Economy and Public Finance

Article 126

The Economy

(1) The economy of the Republic of Moldova is a socially-orientated market economy based on the coexistence of freely competing private and public properties.

(2) The State must ensure:

the regulation of economic activity, and the administration of the public property belonging to the State under the law;

the freedom of trading and of entrepreneurial activity, the protection of loyal competition, the setting up of an appropriate framework for developing all factors capable of stimulating production;

the protection of the national interests involved in economic, financial and currency exchange activities;

the promotion of national scientific research;

the national exploitation of the soil and of other natural resources, in harmony with the national interests;

the restoration and protection of the environment, and the maintenance of ecological balance;

the increase in the number of the people employed, the establishment of conditions adequate for improving the quality of life;

the inviolability of investments made by physical and juridical entities, including those from abroad.

Article 127

Property

- (1) The State protects property.
- (2) The State guarantees everybody the right to possess property in any such form as requested by the owner, as long as that form of property does not conflict with the interests of society.
- (3) Public property belongs to the State or to the administrative/territorial units.
- (4) All underground resources, the air space, the waters and forests used for the benefit of the public at large, the natural resources of given economic regions and of the continental shelf, the communication ways, as well as other assets stipulated by law, constitute the exclusive province of public property.

Article 128

Property of Aliens and Stateless Persons

- (1) In the Republic of Moldova the property of other states, of international organizations, of foreign citizens and of stateless persons is protected by law.
- (2) The law determines the manner and conditions under which the right of property can be exercised by physical and juridical entities of foreign extraction, and by stateless persons throughout the territory of the Republic of Moldova.

Article 129

External Economic Activities

- (1) Parliament approves the main directions of external economic activities, the principles guiding the utilization of foreign loans and credits.
- (2) The Government ensures the protection of national interests involved in external economic activities, and depending on the demands of national interest ensures either a free-trade policy or a protectionist one.

Article 130

Financial System and Crediting

- (1) The law specifies the formation, administration, utilization and control of the State's financial resources, of the administrative/territorial units, and of public institutions.
- (2) The national currency of the Republic of Moldova is the Moldovan leu (pl. lei).
- (3) The National Bank of the Republic of Moldova has the exclusive right of mintage. The minting of a money issue can be effected by act of Parliament only.



Article 131

National Public Budget

- (1) The national public budget shall enshrine the state budget, the state social insurance budget, as well as the districts, towns and villages budgets.
- (2) The Government shall work out an annual draft of the state budget, and the state social insurance budget, which shall be separately tabled to the Parliament for approval. In the event of formation of the fund outside the budget, it shall be also submitted to the Parliament for approval.
- (3) If the state budget and the state social insurance budget have not been legally approved with at least 3 days before the expiration of the current budget exercise, there shall be further on applied the state and the state social insurance budgets of the previous year, until the adoption of the new budgets.
- (4) Any 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.
- (5) The district, town and village budgets shall be drafted, approved and carried out in accordance with the law.
- (6) No budget expenditure may be approved without prior specification of the funding source.

Article 132

Fiscal System

- (1) All taxes, duties, and other revenue of the national budget, including the national social security budget, also the district, town and village budgets shall be established under the law by the representative agencies, as required.
- (2) Any other types of taxation are forbidden.

Article 133

Court of Audit

- (1) The Court of Audit controls the ways of creating, administering and utilizing public financial resources.
- (2) The Court of Audit is composed of 7 members.
- (3) The President of the Court of Audit is appointed for a 5-year term by Parliament on proposal submitted by the President of Parliament.
- (4) The Court of Audit submits annually to Parliament a report on the administration and utilization of public financial resources.
- (5) The Court of Audits other powers, as well as its structure and functioning, will be established by organic law.

Title V: Constitutional Court

Article 134

Statute

- (1) The Constitutional court is the sole authority of constitutional judicature in the Republic of Moldova.
- (2) The Constitutional Court is independent of any other public authority and obeys only the Constitution.
- (3) The Constitutional Court guarantees the supremacy of the Constitution, enforces the practical implementation of the principle residing the separation of the State powers into the

legislative, executive and judicial powers, and guarantees the responsibility of State towards the citizen, and also of the citizen towards the state.



Article 135

Powers

(1) The Constitutional Court shall:

a) exercise, upon appeal, the constitutionality review over laws and decisions of the Parliament, Presidential decrees, decisions and ordinances of the Government, as well as the international treaties to which the Republic of Moldova is a party;

b) give the interpretation of the Constitution;

c) formulate its position on initiatives aimed at revising the Constitution;

d) confirm the results of republican referenda;

e) confirm the results of parliamentary and presidential elections in the Republic of Moldova;

f) ascertain the circumstances justifying the dissolution of the Parliament, the suspension from office of the President of the Republic of Moldova or the interim office of the President, as well as the impossibility of the President of the Republic of Moldova to fully exercise his/her functional duties for more than 60 days;

g) solve the pleas of unconstitutionality of legal acts, as claimed by the Supreme Court of Justice;

h) decide over matters dealing with the constitutionality of a party.

(2) The Constitutional Court shall carry out its activity on the initiative brought forward by the subjects provided for by the Law on the Constitutional Court.



Article 136

Structure

(1) The Constitutional Court is composed of 6 judges, who are appointed for a 6-year mandate.

(2) Two judges are appointed by the Parliament, two by the Government and two by the Higher Council of Magistrates.

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

Article 137

Independence

For the duration of their mandate the judges of the Constitutional Court are irremovable, independent, and obey only the Constitution.

Article 138

Appointment Qualifications

The judges of the Constitutional Court must possess outstanding judicial knowledge, high professional competence and long time (at least 15 years) experience in judicature positions, in law education or scientific research.

Article 139

Incompatibilities

The office of Constitutional Court judge is incompatible with holding any other remunerated public or private position, except in education and research.

Article 140

Decisions of the Constitutional Court

(1) Laws and other regulations or parts thereof become null and void from the moment that the Constitutional Court passes the appropriate decisions to that effect.

(2) The decisions of the Constitutional Court are final and cannot be appealed against.

Title VI: Revising the Constitution



Article 141

Initiatives for Constitutional Revision

(1) The revision of the Constitution may be initiated by:

a) at least 200,000 voting citizens of the Republic of Moldova. The citizens initiating the revision of the Constitution must come from at least half of the nation's level 2 administrative and territorial districts, and in each of these districts at least 20,000 signatures must have been registered in support of this initiative;

b) no less than a third of the members of Parliament;

c) the Government.

(2) Constitutional law projects shall be submitted to Parliament on condition that the Constitutional Court issues the appropriate recommendation supported by at least 4 judges.

Article 142

Limits of Revision

(1) The provisions regarding the sovereignty, independence and unity of the state, as well as those regarding the permanent neutrality of the State may be revised only by referendum based on a majority vote of registered voting citizens.

(2) No revision shall be allowed if it results in the suppression of the fundamental rights and freedoms of citizens, or of the guarantees of those rights and freedoms.

(3) The Constitution may not be revised under a state of national emergency, martial law or war.

Article 143

The Law on Constitutional Revision

(1) Parliament has the right to pass a law for revising the Constitution after no less than 6 months from the date when the revising initiative was submitted. This law has to be passed on a two-thirds majority.

(2) If within one year from the date when the revising initiative was submitted Parliament has not passed the appropriate constitutional law, the initiative shall be considered null and void.

Title VII: Final and Transitory Provisions

Article I

(1) This Constitution shall be endorsed by Parliament and the President of the Republic of Moldova shall promulgate it within 3 days from that endorsement.

(2) The Constitution of the Republic of Moldova comes into force on 27th August 1994. On that same date the Constitution of the Republic of Moldova of 15th April 1978, including all its subsequent revisions and amendments, shall be abrogated in its entirety.

Article II

(1) The laws and other regulations retain their force only to the extent to which they do not transgress on the Constitution.

(2) Within one year from the coming into force of the present Constitution the permanent parliamentary committees, and the Government shall examine the compliance of legislation with the Constitution, and submit adequate proposals in that respect to Parliament.



Article III

(1) All state institutions in existence as of the date marking the coming into force of this Constitution retain their functionality until new institutions will be established.

(2) Parliament is made up of 104 members elected by freely expressed, universal, equal, direct and secret suffrage within the framework of political and party pluralism in accordance with the law passed on 14th October 1993. As such, Parliament remains in operation until its mandate expires, except in those cases provided for by this Constitution.

(3) The President of the Republic of Moldova is elected by freely expressed, universal, equal, direct and secret suffrage within the framework of political and party pluralism for a 5-year term, as provided for by the law of the 18th September 1991 concerning presidential elections in the Republic of Moldova. As such, the President remains in office until his mandate expires, except in those cases provided for by this Constitution.

(4) Government is invested by Parliament, and retains its powers until the expiry of its mandate, except in those cases provided for by the Constitution.

(5) Local authorities of state power and national administration remain in operation until the expiration of their mandate, except in those cases provided for by this Constitution.

(6) Judges who have been serving in courts of law for at least 5 years prior to the date of this Constitution coming into force shall be protected by the principle of irremovability, in conformance with article 116, clause (1), by the decree of the President of Moldova, at the proposal of the Minister of Justice and of the President of the Supreme Court of Justice.

(7) Within 2 years from the coming into force of this Constitution, the system of the courts of jurisdiction will be reorganized by law in accordance with article 115.

Article IV

The provisions of article 25 paragraph (4) regarding the terms of detention in custody, will have no bearing until 1st January 1995 on those persons who have committed major offenses under article 7 paragraph (1) of Criminal Law.

Article V

(1) Within 6 months from the coming into force of this Constitution a Constitutional Court and a Court of Audit shall be established.

(2) For the first formation of the Constitutional Court the judges representing the Higher Magistrates' Council are appointed by the general assembly of the people's judges and the members of the Supreme Court of Justice.

Article VI

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Until the establishment of the Constitutional court all cases stipulated under article 135 of this Constitution may be solved on Parliament's initiative by the Supreme Court of Justice.

Article VII

(1) The law of 1st September 1989 regarding the use of languages spoken throughout the territory of the Republic of Moldova stays in force to the extent that it does not trespass on this Constitution.

(2) The above-named law may be amended over the 7 years ensuing from the date when this Constitution has come into force, if it has been passed by a two-thirds majority.

Article VIII

Title VII, Final and Transitory Provisions is considered to be an integral part of this Constitution and has the purpose of solving those problems that are linked with its coming into force.