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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**REPUBLIC OF MOLDOVA**

**JOINT FOLLOW-UP OPINION  
OF THE VENICE COMMISSION AND THE DIRECTORATE GENERAL  
OF HUMAN RIGHTS AND RULE OF LAW (DGI) OF THE COUNCIL  
OF EUROPE**

**ON THE DRAFT LAW ON THE MECHANISM OF TRYING  
CORRUPTION AND CORRUPTION-RELATED CASES  
(PREVIOUSLY THE DRAFT LAW ON THE ANTI-CORRUPTION  
JUDICIAL SYSTEM)**

**Adopted by the Venice Commission  
at its 143<sup>rd</sup> Plenary Session  
(online, 13-14 June 2025)**

**on the basis of comments by**

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## I. Introduction

1. By letter of 28 February 2025, Mr Igor Grosu, the President of the Parliament of the Republic of Moldova, requested a follow-up opinion to the Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft Law on the anti-corruption judicial system and on amending some normative acts ([CDL-AD\(2023\)032](#)), adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023) (“the 2023 Opinion”). The President of the Parliament provided the revised draft Law, now entitled “Law on the mechanism of trying corruption and corruption-related cases” ([CDL-REF\(2025\)021](#)) (“the revised draft Law”).

2. This follow-up Opinion was prepared jointly with the Directorate General of Human Rights and Rule of Law (DGI). Mr Philip Dimitrov, Ms Angelika Nussberger, Mr Tuomas Ojanen, and Ms Hanna Suchocka acted as rapporteurs on behalf of the Venice Commission. Mr Filipe Marques was appointed as expert for DGI.

3. On 29 and 30 April 2025, a delegation composed of Mr Philip Dimitrov, Mr Tuomas Ojanen, and Mr Filipe Marques, accompanied by Taras Pashuk from the Secretariat of the Venice Commission, travelled to Chişinău and had meetings with Members of Parliament (majority and opposition) the Chairman and members of the Superior Council of Magistracy (SCM), the Minister of Justice, the Acting President of the Supreme Court of Justice and other representatives of the judiciary. Meetings were also held with the Prosecutor General, the Acting Chief Prosecutor of the Anti-Corruption Prosecutor’s Office, the Director of the National Anti-Corruption Center, as well as representatives of the President’s Administration, civil society organisations, judicial associations, and the EU Delegation to the Republic of Moldova. The Venice Commission and DGI are grateful to the authorities of the Republic of Moldova and to the Council of Europe Office in Chişinău for the excellent organisation of this visit.

4. This opinion was prepared in reliance on the English translation of the revised draft Law. The translation may not accurately reflect the original version on all points.

5. This opinion was drafted on the basis of comments by the rapporteurs and the results of the meetings on 29 and 30 April 2025. The draft opinion was examined at the joint meeting of the Sub-Commissions on the Judiciary, on the Rule of Law and on Latin America on 12 June 2025. Following an exchange of views with Mr Mihai Gheorghies, Senior advisor at the Legal Committee on appointments and immunities of the Parliament of the Republic of Moldova, it was adopted by the Venice Commission at its 143<sup>rd</sup> Plenary Session (online, 13-14 June 2025).

## II. Background

6. The first version of the draft Law, developed by the Presidency of the Republic of Moldova, envisaged the establishment of a specialised anti-corruption court at first instance, as well as an anti-corruption chamber within the Chisinau Court of Appeal at second instance. However, the draft Law did not foresee a separate anti-corruption chamber within the Supreme Court of Justice exercising cassation review in such cases at third instance. The rationale for creating the specialised judicial bodies at the first and second levels of jurisdiction stemmed from two main concerns: (i) the lack of judicial independence and integrity within the existing court system, whose members had not yet undergone the vetting process envisaged under the broader judicial

reform implemented in parallel;<sup>1</sup> and (ii) inefficiencies in case processing, particularly delays in the adjudication of corruption-related crimes pending before the ordinary courts.<sup>2</sup>

7. The first version of the draft Law ([CDL-REF\(2023\)030](#)) was assessed in the 2023 Opinion. As a primary consideration, the Opinion invited the authorities to reconsider the overall approach of the draft Law and to conduct a thorough analysis of whether the creation of specialised anti-corruption judicial bodies was a necessary and proportionate measure.<sup>3</sup> As a possible alternative, the Opinion recommended: (i) continuing the judicial vetting process already initiated by the authorities, with the possibility of assigning vetted judges to corruption-related cases without establishing separate judicial institutions; and (ii) strengthening existing courts and other relevant state bodies responsible for dealing with corruption-related cases.<sup>4</sup>

8. The 2023 Opinion included 6 key recommendations related to the text of the draft Law and its further implementation:<sup>5</sup>

- (1) In order to respect the principle of the unity of the judiciary, an amendment of the title of the draft law as well as all the removal of references in the specific provisions to an “anti-corruption judicial system” are recommended.*
- (2) In light of the purported aim of establishing a “system of specialised courts” with judges having in-depth knowledge in the field of anti-corruption, consideration should be given to the creation, by decision of the Superior Council of Magistracy (SCM), of a specialised anti-corruption chamber also in the Supreme Court of Justice (as is now foreseen for the Chişinău Court of Appeal).*
- (3) A detailed data analysis should be carried out in order to ensure that the envisaged numbers of judges, especially at the Anticorruption Chamber of the Chişinău Court of Appeal, will be adequate in practice in order to adjudicate on corruption-related cases in a reasonable time, in line with Article 6 ECHR and the case-law of the European Court of Human Rights.*
- (4) It is recommended that the SCM, once its Selection and Evaluation Board is operational, be entrusted with the selection procedure, without introducing a preselection procedure to be carried out by an additional body.*
- (5) The regulations to be adopted by the SCM should provide for a minimum number of members who should take part and vote in the selection, the necessary quorum, as well as general and intermediary deadlines in the pre- and selection procedures in order to ensure legal clarity (foreseeability) and efficiency. Also, it is recommended that a cross-reference be made in the draft law to the applicable legislation (Administrative Code) which provides for judicial review of appointment decisions.*
- (6) Monitoring of “the lifestyle of judges” by the SCM is not necessary and should be removed from the draft law since the asset and personal interests verification is in itself an adequate and sufficient means for monitoring judges’ integrity.*

9. The other recommendations can be found in the text of the 2023 Opinion.

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<sup>1</sup> For more details on the reform aimed at vetting of judges and prosecutors in Moldova, see [CDL-AD\(2023\)005](#), Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft Law on the external assessment of Judges and Prosecutors; [CDL-AD\(2023\)023](#), Joint Follow-up opinion to the opinion on the draft Law on the external assessment of Judges and Prosecutors; [CDL-AD\(2023\)035](#), Joint follow-up opinion to the opinion on the draft Law on the external assessment of Judges and Prosecutors.

<sup>2</sup> For more details, see the 2023 Opinion ([CDL-AD\(2023\)032](#)), paras. 6-13.

<sup>3</sup> The 2023 Opinion, para. 80.

<sup>4</sup> The 2023 Opinion, para. 81.

<sup>5</sup> The 2023 Opinion, para. 82.

10. On 30 November 2023, the Parliament adopted the draft Law in the first reading. Subsequently, Members of Parliament developed substantive amendments, resulting in the current version of the draft Law.

11. The current opinion therefore aims at assessing the revised draft Law in the light of the 2023 Opinion and reviewing to which extent the authorities have followed the recommendations of the Venice Commission and DGI. The current opinion further intends to help the authorities identify priorities in that regard and provide additional guidance and assistance on the implementation of recommendations. The absence of comments on certain provisions of the revised draft Law should not be interpreted as tacit approval of those provisions.

### **III. Analysis**

#### **A. New approach in the revised draft Law**

12. In the 2023 Opinion, the Venice Commission and DGI raised questions as to whether the prevailing situation in the country's judicial system provided a sufficient basis to justify the establishment of a specialised anti-corruption court. As a primary consideration, the Commission and DGI recommended a thorough assessment of the model proposed in the draft Law, including an analysis of the root causes of the problems the reform sought to address.

13. The revised draft Law no longer provides for the establishment of a separate first-instance anti-corruption court but instead introduces a specialised anti-corruption college within the existing Chişinău court. At second instance, it foresees the creation of two specialised anti-corruption panels within the Centre Court of Appeal (draft Articles 3 and 7), which are similar to the approach proposed in the first version of the draft Law proposing a specialised chamber in the same Court of Appeal. As regards the cassation instance, the revised draft Law does not contain specific provisions. However, under the Code of Criminal Procedure, the Supreme Court of Justice remains the competent court of cassation in criminal matters, and its jurisdiction will also extend to criminal cases falling within the jurisdiction of the anti-corruption college. Accordingly, the proposed amendments do not entail any changes concerning cassation-level review.

14. The main institutional change, therefore, is that the revised draft Law abandons the idea of establishing a separate first-instance anti-corruption court and instead proposes the creation of a specialised college within the existing Chişinău court.

15. During the meetings in Chişinău, Members of Parliament involved in drafting the revised text explained to the delegation of the Venice Commission and DGI that the new approach was based on a thorough analysis of the current state of the judiciary and was developed following consultations with relevant stakeholders. Although judicial associations had not been formally consulted, the SCM and domestic courts were substantively involved in the preparation of the revised draft Law. Other state bodies, as well as civil society organisations, expressed support for the idea of establishing a specialised college within the existing court structure rather than creating a separate anti-corruption court.

16. As regards the lack of judicial integrity, which had been the first root problem underpinning the rationale for establishing a separate anti-corruption court, the rapporteurs were informed that, since the 2023 Opinion, the vetting process within the judiciary had advanced. As a result, the SCM was vetted, and approximately 20% of judges left the judiciary either due to negative evaluations or in anticipation of forthcoming assessments. According to many interlocutors, although the vetting process is still ongoing, it has already contributed to strengthening integrity within the judiciary and has improved public trust in the judicial system.

17. Concerning judicial efficiency and the need to expedite criminal proceedings – the second root problem underpinning the rationale for the model proposed in the first version of the draft Law – the rapporteurs were informed that the SCM had introduced, in February 2024, a system of specialised panels for corruption-related cases within the Chişinău first-instance court. This approach has proved effective in practice. In its October 2024 report, the EU Commission acknowledged an improved track record in the fight against corruption and noted that the establishment of these specialised panels contributed to a 31.09% increase in the number of court hearings related to corruption cases.<sup>6</sup> Many interlocutors pointed out that the revised draft Law seeks to reinforce these positive developments. They further maintained that the revised model is more cost-effective and logistically feasible than the establishment of a separate anti-corruption court.

18. In light of these developments and the information provided to the Commission and DGI, it appears that the authorities have given due consideration to the relevant factors when revising the approach set out in the draft Law, which no longer envisages the establishment of a separate anti-corruption court. In parallel, they advanced the vetting of judges to strengthen judicial integrity and took time to test, in practice, the model of specialised panels. On the basis of the outcomes of these measures, the authorities proceeded to review the concept underlying the draft Law. In this respect, they acted in line with the 2023 Opinion.

## **B. Key recommendations**

### **1. Change of title of the draft Law**

19. The Venice Commission and DGI recommended amending the title of the draft Law and removing all references to an “anti-corruption judicial system” from the specific provisions, in order to uphold the principle of the unity of the judiciary (**key recommendation 1**).

20. The revised draft Law has been given a new title: “Law on the mechanism of trying corruption and corruption-related cases”. The text no longer uses the term “anti-corruption judicial system”. This recommendation has therefore been followed.

21. In the context of the new title, the Venice Commission and DGI also recommended that the jurisdiction of the anti-corruption court be more precisely defined, including by referring to the relevant provisions of the Code of Criminal Procedure – particularly to the proposed new Article 36<sup>1</sup>, which listed the crimes falling under the jurisdiction of the initially proposed anti-corruption court.<sup>7</sup> This recommendation has now been addressed by the revised Article 4 of the draft Law, which sets out detailed rules and references, listing both the categories of persons and the crimes falling within the jurisdiction of the anti-corruption college.

22. However, in addition to corruption-related crimes, draft Article 4 also includes crimes against state security – such as treason, espionage, the establishment of illegal intelligence organisations, conspiracy against the state, separatism, and incitement to violently overthrow or alter the constitutional order (Articles 337–338<sup>2</sup>, 340<sup>1</sup>, and 341 of the Criminal Code). During the meetings, the delegation’s interlocutors explained that the Parliament had adopted a national security strategy which explicitly identified corruption as a threat to national security.<sup>8</sup> They noted

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<sup>6</sup> EU Commission, Staff Working Document “*Republic of Moldova 2024 Report – Accompanying the document – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – 2024 Communication on EU enlargement policy*”, available at [EUR-Lex - 52024SC0698 - EN - EUR-Lex](#).

<sup>7</sup> See the 2023 Opinion, para. 34.

<sup>8</sup> Parliament of the Republic of Moldova, Resolution № 391 of 15 December 2023 “On approval of the National Security Strategy of the Republic of Moldova”. Available at: [HP391/2023](#).

that, under current circumstances, corruption-related cases frequently involve offences against state security.

23. The Venice Commission underlines that while the notions of “national security” and “state security” are similar and inter-linked concepts, they should nonetheless be distinguished from each other.<sup>9</sup> In practical terms, while corruption crimes may at times coincide with crimes against state security, this is not always the case. Nonetheless, under the proposed regulation, the jurisdiction of the anti-corruption college would extend to crimes against state security even when no corruption element is present.

24. If the intention of the revised draft Law is for the anti-corruption college to have jurisdiction only in cases where both corruption and state security crimes are included, this condition should be explicitly stipulated in the draft Law. Furthermore, the draft Law should foresee a clear procedure for resolving jurisdictional conflicts, assigning final authority to a higher instance according to the general procedural rules of solving disputes on jurisdiction.

25. It remains within the discretion of the national authorities to determine the precise scope of jurisdiction of the specialised panels, based on considerations of efficiency and the nature of criminal trends in the country. However, the title of the new adjudicatory mechanism should fairly reflect the substance of the cases it is intended to adjudicate. It is therefore recommended that the title of the draft Law and the jurisdiction of the specialised adjudicatory bodies it establishes be aligned accordingly.

## 2. Specialisation in the Supreme Court of Justice

26. The Venice Commission and DGI recommended that, in light of the stated aim of establishing a “system of specialised courts” with judges possessing in-depth expertise in anti-corruption matters, consideration be given to the establishment – by decision of the SCM – of a specialised anti-corruption chamber within the Supreme Court of Justice (**key recommendation 2**).

27. It has been noted above that the role of the Supreme Court of Justice as the court of cassation is defined by the Code of Criminal Procedure. The absence of specific reference to this court in the revised draft Law does not affect its jurisdiction to conduct cassation review in cases falling within the competence of the anti-corruption college. As regards the creation of a specialised chamber, it is recalled that this recommendation was issued in the context of the previous model, which envisaged the establishment of a separate anti-corruption court, and in that earlier model, the concept of a parallel anti-corruption judicial structure had not been consistently implemented across all levels of jurisdiction. However, under the current model, where corruption-related cases remain within the generalist court system, the establishment of a dedicated chamber in the Supreme Court of Justice, which has already undergone substantive reform, is no longer of the same relevance.

28. During the meetings held in Chisinau, several interlocutors emphasised that the role of the reformed Supreme Court of Justice in such cases would be limited to the review of questions of law. It was further noted that the current caseload includes a relatively small number of anti-corruption cases, and that a degree of flexibility is needed to ensure an equitable distribution of work within the Court. In that context, issues of Court staffing were indicated. According to the information provided, out of the twenty judicial positions established by law, only ten judges are serving on the Supreme Court of Justice at this moment, including those temporarily assigned.

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<sup>9</sup> “National security” is mentioned in paragraph 2 of Articles 8, 10 and 11 of the ECHR as one of the legitimate aims that may justify the restriction of rights. Instead, the notion of “state security” is not mentioned in the ECHR. Until now, the ECtHR has not defined “national security”, but it has focused on the conditions which justify an interference with rights on grounds of “national security”.

While selection procedures are ongoing, additional time may be needed to fill the remaining vacancies.

29. The Law on the Supreme Court of Justice does not envisage chambers in the internal structure of the Court; instead, the Plenary may decide, upon proposal of the Chairman, about the specialisation of Supreme Court judges.<sup>10</sup> The Venice Commission has earlier observed that allocation of cases should be based to the maximum extent possible on objective and transparent criteria established in advance by the law or by special regulations on the basis of the law; categories of cases and specialisation of judges are among such criteria.<sup>11</sup> It is therefore advisable that the applicable law or by-law clearly determine the objective criteria for the allocation of corruption-related cases in the Supreme Court of Justice, taking due account of the principle of specialisation.

30. During the meetings, some interlocutors pointed out that the effectiveness of cassation review by the Supreme Court of Justice may be hindered by the fact that the Court remains understaffed. This observation is pertinent, as it relates directly to one of the root issues underlying the present reform – namely, the efficiency of judicial proceedings. It is therefore recommended to accelerate appointments to the Supreme Court of Justice.

### 3. Number of specialised judges

31. The Venice Commission and DGI recommended that a detailed data analysis should be carried out in order to ensure that the envisaged numbers of judges, especially at the level of appeal, will be adequate in practice in order to adjudicate on corruption-related cases in a reasonable time (**key recommendation 3**).

32. According to the revised draft Law (Articles 6 and 7), the anti-corruption college within the Chişinău first-instance court will comprise 15 judges, while the two anti-corruption appeal panels within the Centre Court of Appeal will consist of three judges each, amounting to six judges in total. During the meetings, the authorities explained that statistical data on corruption-related cases had been collected and indicated that the proposed number of judges should be adequate to address the expected workload.

33. The Venice Commission and DGI note, however, that beyond concerns related to the reasonable time of proceedings, a limited number of judges – especially at the appellate level – carries a risk of procedural deadlocks. Such deadlocks could arise in situations requiring the withdrawal of anti-corruption judges due to conflicts of interest or other impediments.

34. It should be recalled that, under the revised draft Law, anti-corruption judges will hold a special status: they will be appointed through a special procedure, for a six-year term, and will be exclusively competent to adjudicate cases within the jurisdiction of the anti-corruption college. Replacing such judges may prove difficult in practice, and the reassignment of cases to generalist judges may raise concerns regarding compliance with the requirement of a “tribunal established by law” under Article 6 of the European Convention on Human Rights.

35. To mitigate the risk of procedural impasses, it is recommended that the draft Law envisage a procedure for creating a list of possible reserve judges to be invited on an *ad hoc* basis to substitute regular anti-corruption judges when necessary.

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<sup>10</sup> See Article 8 § 4 (c) of the Law on Supreme Court of Justice of the Republic of Moldova.

<sup>11</sup> Venice Commission, [CDL-AD\(2010\)004](#), Report on the Independence of the Judicial System Part I: The Independence of Judges, § 80-81.

#### 4. Powers of the Superior Council of Magistracy

36. The Venice Commission and DGI recommended that the SCM selects anti-corruption judges, without a preselection procedure carried out by an additional body (**key recommendation 4**).

37. The revised draft Law abandons the previous model under which an *ad hoc* commission was to pre-select candidates for anti-corruption judgeships. Pursuant to the new draft Article 9, the exclusive competence to select candidates now lies with the SCM. This recommendation has therefore been followed.

#### 5. Procedural framework on selecting anti-corruption judges

38. The Venice Commission and DGI recommended that the SCM provide for a minimum number of members who should take part and vote in the selection, the necessary quorum, as well as general and intermediary deadlines in the pre- and selection procedures in order to ensure legal clarity (foreseeability) and efficiency. Also, it was recommended that a cross-reference be made in the draft Law to the applicable legislation (Administrative Code) which provides for judicial review of appointment decisions (**key recommendation 5**).

39. As noted above, the pre-selection procedure involving an additional body has been removed, and the power of selection has been entrusted exclusively to the SCM. However, the revised draft Law still lacks clear provisions concerning the quorum, the required majority for decision-making within the SCM, and the availability of judicial review of appointment decisions. Accordingly, this recommendation has been only partially implemented. If the same rules apply as to other selection procedures, this should also be clearly stated.

#### 6. Monitoring of the “lifestyle of judges”

40. The Venice Commission and DGI recommended that the procedure for monitoring of “the lifestyle of judges” should be removed from the draft Law since there are other sufficient means in the domestic law for monitoring the integrity of judges (**key recommendation 6**).

41. The revised draft Law has removed provisions relating to the monitoring of “the lifestyle of judges”. The recommendation has thus been followed.

#### C. Other issues

42. **ECHR-compatibility report.** The 2023 Opinion recommended that the authorities carry out an ECHR-compatibility verification before the adoption of the draft Law and make public the relevant verification.<sup>12</sup> No reference has been made to any verification of the compatibility of the revised draft law with the standards set out in the ECHR. The authorities are invited to undertake such verification in the course of further work on the draft.

43. **Specialised staff and experts.** The 2023 Opinion highlighted the importance of the specialised staff and experts to ensure efficiency of the specialised courts.<sup>13</sup> In line with that earlier observation, the Venice Commission and DGI encourage the authorities to pay special attention to the need to hire specialised staff and experts, to ensure the effectiveness of the new anti-corruption judicial mechanism.

44. **Remuneration.** The revised draft Law introduces a new rule on remuneration, providing that anti-corruption judges shall be entitled to a one-off severance payment if they have served in that

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<sup>12</sup> See 2023 Opinion, para. 22.

<sup>13</sup> See 2023 Opinion, para. 30.

capacity for at least five years. This severance payment shall amount to 65% of the product of their average monthly salary multiplied by the number of full years served as a judge.

45. In the 2023 Opinion, the Venice Commission and DGI stated that anti-corruption judges should receive higher salaries, given the complexity and sensitivity of their work and the increased risk of external pressure.<sup>14</sup> The proposed severance scheme is one possible solution. However, during the meetings, members of the judiciary expressed a preference for a monthly salary supplement, considering it a more effective incentive for potential candidates. Indeed, deferred lump-sum compensation appears to be a less suitable method compared to regular monthly supplements or, at a minimum, annual lump-sum payments linked to each year of service. The authorities are encouraged to take these views into account and to ensure that, upon completion of the mandate, the salary of a returning anti-corruption judge is not disproportionately reduced in their new capacity as a generalist judge.<sup>15</sup>

46. **Disciplinary regime.** It is commendable that, unlike the previous version of the draft Law, the revised draft now clearly stipulates in Article 1, paragraph 2, that the general rules on judicial disciplinary liability shall apply equally to anti-corruption judges, as recommended in the 2023 Opinion.<sup>16</sup>

47. **Competence of investigating anti-corruption judges.** The 2023 Opinion recommended clarifying the scope of competence of investigating anti-corruption judges.<sup>17</sup> Article 4, paragraphs 6 and 7 of the revised draft Law do not address this issue. This recommendation remains to be implemented in a further revision of the draft Law.

48. **Eligibility criteria for becoming an anti-corruption judge.** The 2023 Opinion noted that the criteria relating to financial and ethical integrity lacked clarity,<sup>18</sup> and that the criterion referring to “professional qualities and skills necessary to exercise the function of a judge” was overly general and superfluous.<sup>19</sup> These concerns have not been addressed in Article 8(1)(b) and (c) of the revised draft Law, which still requires further refinement in line with the recommendation.<sup>20</sup>

49. **President’s decision on appointment.** The 2023 Opinion recommended clarifying the circumstances in which the deadline for the President of the Republic to decide on the SCM’s proposal to appoint an anti-corruption judge may be extended.<sup>21</sup> The initial draft Law provided a broad formulation: “if further examination of the candidate’s file or information held by a public authority about the candidate is necessary, this deadline may be extended by 15 days.” This wording has been retained in the revised draft (Article 10, paragraph 3), and still requires clarification to limit potential ambiguity.

50. **Staggered rotation.** The 2023 Opinion recommended that the draft Law introduce a staggered rotation mechanism, in order to prevent the simultaneous replacement of all anti-

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<sup>14</sup> See 2023 Opinion, para. 28.

<sup>15</sup> See 2023 Opinion, para. 29.

<sup>16</sup> See 2023 Opinion, para. 31.

<sup>17</sup> See 2023 Opinion, para. 35.

<sup>18</sup> See 2023 Opinion, para. 46.

<sup>19</sup> See 2023 Opinion, para. 47.

<sup>20</sup> In this regard, the Commission on the External Evaluation of Judges and Candidates for the position of Judge of the Supreme Court of Justice (the Judicial Vetting Commission), established by Law No.65/2023 “On the on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice, in its [2025 Annual Report](#), highlighted the problem of “lack of harmonization of evaluation criteria”. The Judicial Vetting Commission specified that “[e]ach law has its own criteria for ethical and financial integrity. The lack of consistent standards may lead to seemingly inconsistent results” (para. 58).

<sup>21</sup> See 2023 Opinion, para. 60.

corruption judges, which could severely disrupt judicial continuity and effectiveness.<sup>22</sup> The revised draft Law does not address this recommendation.

**51. Transfer of pending cases.** The 2023 Opinion recommended introducing objective criteria to determine which pending cases should be transferred from generalist courts to the anti-corruption court.<sup>23</sup> The revised draft Law now provides that all cases falling within the jurisdiction of the anti-corruption college shall be transferred to it once it becomes operational (Article 17(4)). The same Article provides limited exceptions, under which generalist courts shall continue adjudicating such cases: (a) where the cases are being examined by judges of the Chisinau first-instance court who are participating in the competition for the position of anti-corruption judge; and (b) where the generalist court has already begun hearing a defendant or a witness, or has completed the examination of the merits. These new provisions introduce objective criteria intended to remove the ambiguity found in the previous version of the draft Law.

**52. Coordination with reform of the prosecution service.** During the meetings held in Chisinau, interlocutors expressed the view that the establishment of the specialised anti-corruption judicial mechanism should be coordinated with the specialised bodies in charge of investigating corruption-related crimes. The Venice Commission and DGI invite the authorities to take these observations into account, to ensure the overall effectiveness of the system.

#### IV. Conclusion

53. The President of the Parliament of the Republic of Moldova, Mr Igor Grosu, requested a follow-up opinion to the Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft Law on the anti-corruption judicial system and on amending some normative acts ([CDL-AD\(2023\)032](#)) (“the 2023 Opinion”). The President of the Parliament provided the revised draft Law, now entitled “Law on the mechanism of trying corruption and corruption-related cases” (“the revised draft Law”).

54. The Venice Commission and DGI express their satisfaction with the constructive approach demonstrated by the Moldovan authorities. It is welcome that the authorities have followed the major recommendation of the 2023 Opinion and undertaken a thorough and genuine assessment of the underlying causes that prompted the proposed reform. Between the two versions of the draft Law, the authorities have made progress with the vetting of judges, thereby enhancing overall public trust in the judiciary. In addition, they have tested the system of specialised anti-corruption panels within the existing court structure. This comprehensive analysis and the practical measures undertaken by the authorities have led to a review of the initially proposed model: the revised draft Law abandons the establishment of a separate anti-corruption court and instead provides for the creation of an anti-corruption college within the existing Chisinau first-instance court.

55. Furthermore, it is commendable that the majority of key recommendations have been addressed. Notably, the title of the draft Law and the terminology used therein have been amended to reflect the principle of unity of the judiciary; the proposed number of anti-corruption judges has been verified on the basis of statistical analysis; the pre-selection procedure involving an additional body has been eliminated; and the provision concerning the monitoring of “the lifestyle of judges” as a tool for verification of judicial integrity has been removed.

56. At the same time, as some recommendations have been only partially addressed, the revised draft Law prompts the Venice Commission and the DGI to reiterate certain prior recommendations and to provide further ones.

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<sup>22</sup> See 2023 Opinion, para. 61.

<sup>23</sup> See 2023 Opinion, para. 76.

57. The *key recommendations* for the improvement of the revised draft Law are:

- (1) Introducing clear provisions (or references to such provisions in the other laws) on the quorum, the required majority for decision-making within the Superior Council of Magistracy (SCM), and the possibility of judicial review of appointment decisions.
- (2) Establishing a procedure for creating a list of possible reserve judges to be invited on an *ad hoc* basis.
- (3) Providing, in the applicable law or by-law, objective criteria for the allocation of cases within the Supreme Court of Justice, taking due account of the principle of specialisation.

58. As additional recommendations, the authorities are encouraged to:

- (1) clarify the conditions under which the jurisdiction of the anti-corruption college includes state security crimes and establish a procedure for resolving jurisdictional conflicts;
- (2) clarify the eligibility criteria concerning financial and ethical integrity;
- (3) specify the circumstances under which the deadline may be extended for the President of the Republic to decide on the SCM's proposal regarding the appointment of an anti-corruption judge;
- (4) consider replacing the end-of-mandate severance payment for anti-corruption judge with monthly supplements or, at least, annual lump-sum payments based on years of service;
- (5) provide a safeguard for staggered rotation of anti-corruption judges, to avoid simultaneous replacement of all judges;
- (6) specify the competence of investigating anti-corruption judges.

59. The Venice Commission remains at the disposal of the Moldovan authorities for further assistance in this matter.