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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

AMENDMENT
TO THE DRAFT LAW ON THE ANTICORRUPTION JUDICIARY
SYSTEM AND THE AMENDMENT OF CERTAIN NORMATIVE ACTS

AMENDMENT
to the draft law on the anticorruption judiciary system and the
amendment of certain normative acts
(no.275 of 28.07.2023)

In accordance with art. 59 of the Rules of Procedure of the Parliament, approved by Law no. 797/1996, following the examination of the draft law no 275 of 28 July 2023 on the anticorruption judiciary system and the amendment of certain normative acts, we put forth the following amendments:

1. The name and preamble of the draft law will read as follows:

„LAW on the mechanism of trying corruption and corruption-related cases

With a view to consolidating efforts in the fight against the phenomenon of corruption and to ensuring the quality and speed of trying criminal cases of corruption acts and cases related to corruption acts,”.

2. Articles 1–18 will read as follows:

„Article 1. Object of the regulation

(1) This law regulates the role, the establishment, the manner of organising and functioning of a specialised anticorruption framework at the level of legal courts, as a mechanism of speeding up the settlement of justice.

(2) The organising and functioning of a specialised anticorruption framework at the level of legal courts is regulated by the Constitution of the Republic of Moldova, Law no. 514/1995 on the judiciary organisation, Law no. 544/1995 on the status of judges, Law no. 178/2014 on disciplinary liability of judges, Law no. 147/2023 on the selection and evaluation of judges’ performances, the Criminal Procedure Code, the Civil Procedure Code, the Administrative Code and other normative acts.

Article 2. Role of a specialised anticorruption framework at the level of legal courts

The role of establishing a specialised anticorruption framework at the level of legal courts is to enact justice in the cases established by law, which concern high-profile corruption cases and cases related to corruption acts, as well as other cases stipulated by this law, to carry out

the judicial control of the acts of the National Integrity Authority which attest a substantial difference between the obtained income, the incurred expenditures and the acquired wealth, as well as to enact justice in the cases of confiscation of unjustified wealth initiated by the National Integrity Authority.

Chapter II

SPECIALISED ANTICORRUPTION FRAMEWORK AT THE LEVEL OF LEGAL COURTS AND ITS COMPETENCE

Article 3. Establishment of specialised anticorruption framework

The anticorruption specialisation at the level of legal courts includes:

- a) the specialised Anticorruption College of the Chişinău Tribunal (hereinafter *Anticorruption College*);
- b) the specialised anticorruption panels of the Centre Court of Appeal.

Article 4. Competence of the Anticorruption College

(1) The Anticorruption College shall try in the first instance all the criminal cases regarding the offences provided for in art. 324–3351 and art. 3521 para. (2) of the Criminal Code no. 985/2002:

- 1) if the offences have been committed by:
 - a) individuals whose appointment or election manner is regulated by the Constitution of the Republic of Moldova, except local elected officeholders, others than those mentioned in letter b);
 - b) mayors, deputy mayors, local councillors of the Municipalities of Chişinău, Bălţi, Cahul, Comrat and Bender;
 - c) individuals who are invested in office, by appointment or election, by the Parliament, the President of the Republic of Moldova or the Government;
 - d) high-ranking executive civil service officials;
 - e) inspector-judges of the Judicial Inspection or inspectors of Prosecutorial Inspection;
 - f) the secretary of the Supreme Security Council, the head of the Staff of the National Army, other individuals holding executive offices in the General Staff of the Armed Forces, as well as individuals who hold the military grade of general or a special grade corresponding thereto;
 - g) deputy director of the State Fiscal Service;
 - h) deputy director of the Customs Service;
 - i) director and deputy director of the Public Procurement Agency;

j) deputy director of the General Police Inspection, deputy head of the General Border Police Inspection and the deputy head of the General Carabineer Inspection;

k) deputy general director of the National Health Insurance Company;

l) employees of the National Anticorruption Centre in connection to the carrying out of their work duties;

m) intelligence and security officers;

2) regardless of the position of the person, if the amount of money, values of goods, services, privileges, advantages in any form, and other benefits requested, promised, accepted, offered, given or received, exceed 10000 conventional units or if the value of the damage caused by the crime exceeds 100000 conventional units.

(2) The Anticorruption College shall try in the first instance all the criminal cases related to offences stipulated in art. 325 and art. 326 of the Criminal Code no. 985/2002 if they have been committed with respect to the individuals specified in para. (1) point 1) of this article.

(3) The Anticorruption College shall try in the first instance all the criminal case in relation to the offences stipulated in art. 181₁, 181₂, art.181₃, art.337-338₂, art.340₁ and art.341 of the Criminal Code no. 985/2002.

(4) The Anticorruption College shall try in the first instance all criminal cases regarding offences stipulated in art. 191 of the Criminal Code no. 985/2002 if these have been committed by the individuals specified in para. (1) point 1 by using their official position.

(5) The Anticorruption College shall try in the first instance all the criminal cases regarding offences stipulated in art. 243 of the Criminal Code no. 985/2002 if the goods originate from corruption offences or offences related to corruption acts committed by the individuals specified in para. (1) point. 1) of this article.

(6) The judicial control of the pre-judicial procedure in cases related to the competence of the Anticorruption College is carried out by the examining magistrate of the respective college, appointed under the conditions of art. 11.

(7) The examination of matters regarding the execution of judiciary decisions issued by the Anticorruption College shall be carried out by the

examining magistrate of the respective college appointed under the conditions of art.11 or, as appropriate, by the judge of the respective college who has examined the case.

(8) The specialised Anticorruption College of the Chişinău Tribunal shall examine, under the conditions established in the Administrative Code, the legality of the attesting acts issued by the National Integrity Authority finding substantial differences between the obtained incomes and the incurred expenditures, on the one hand, and the acquired wealth, on the other hand, as well as the requests of the National Integrity Authority regarding the confiscation of the unjustified wealth and the requests to ensure the action.

Article 5. Competence of the specialised anticorruption panels of the Centre Court of Appeal

In the Centre Court of Appeal, specialised anticorruption panels shall be established to try first and second appeals against the rulings pronounced in the first instance by the Anticorruption College and by the examining magistrates of the respective college, as well as other cases falling, pursuant to law, under the competence of these panels.

Chapter III

ORGANISATION AND FUNCTIONING OF THE ANTICORRUPTION COLLEGE AND OF THE SPECIALISED ANTICORRUPTION PANELS OF THE CENTRE COURT OF APPEAL

Article 6. Composition and organisation of the Anticorruption College

(1) Fifteen judge positions shall be established within the Anticorruption College. The Anticorruption College shall be headquartered in a separate office in the Municipality of Chişinău.

(2) The specialised Anticorruption College of the Chişinău Tribunal shall be headed by the Vice President of the Chişinău Tribunal, appointed from among the judges who are part of the respective college.

Article 7. Composition and organisation of the specialised anticorruption panels of the Centre Court of Appeal

Within the Centre Court of Appeal, two specialised anticorruption panels of 3 judges each shall be instituted.

Article 8. Criteria for the selection of the judges of the anticorruption college and of the specialised anticorruption panels of the Centre Court of Appeal

(1) A candidate to the position of judge of the Anticorruption College may be the person who meets the following three conditions altogether:

- a) They have a length of service as a judge of at least 3 years;
- b) They have an irreproachable reputation in accordance with the provisions of art.6 para. (4) letters a)-d) of Law no. 544/1995 on the status of judges and meet the criteria of financial and ethical integrity;
- c) They have professional qualities and abilities necessary to exercise the function of judge of the respective college;
- d) They meet the conditions set in art. 6 para. (1) letters a), b) and d)-f) of Law no. 544/1995 on the status of judges.

(2) The professional qualities and abilities necessary to take on the position of judge of the Anticorruption College concern:

- a) the capacity to understand and analyse the judicial situations falling under the competence of the anticorruption judiciary framework;
- b) clarity of written and oral expression;
- c) experience relevant to their function and other professional aptitudes established in the Rules on the organising and carrying out of the contest for occupying the position of judge of the Anticorruption College and the position of judge of the specialised anticorruption panel of the Centre Court of Appeal approved by the Superior Council of Magistrates.

(3) A candidate to the position of judge of the specialised anticorruption panel of the Centre Court of Appeal must have a length of service as a judge of at least 4 years. The provisions in para. (1) letters b), c) and d), as well as in para. (2) shall be applied correspondingly also to the candidates to the position of judge of the specialized anticorruption panel of the Centre Court of Appeal.

Article 9. The contest for occupying the position of judge of the Anticorruption College and the position of judge of the specialised anticorruption panel of the Centre Court of Appeal

(1) The judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal shall be selected by public contest, by the Superior Council of Magistrates.

(2) The information regarding the holding of the contest stipulated in para. (1) shall be published on the official web page of the Superior Council of Magistrates at least 20 days before the application deadline.

(3) The application for the contest stipulated in para. (1) shall be filed with the Superior Council of Magistrates on paper or in electronic form and shall be registered in the manner established in the rules indicated in art. 8 para. (2) letter c). Incomplete application files or those submitted after the expiry of the deadline shall not be examined.

(4) The Superior Council of Magistrates shall organise and carry out the contest of the candidates indicated in para. (1), which shall comprise the following stages:

a) checking whether the candidates meet the criteria provided for in art. 8 para. (1) letters a), b) and d) or, as the case may be, in art. 8 para. (3);

b) evaluation of performances by the College for the selection and evaluation of judges pursuant to Law no. 147/2023 on the selection and evaluation of performances of judges, with respect to the candidates to the position of judge of the Anticorruption College;

c) carrying out the interview and the evaluation of the admitted candidates with respect to their professional qualities and abilities.

(5) Following the stages provided for in para. (4) letters a) and b), the Superior Council of Magistrates shall issue a justified decision on the admission or non-admission of the candidate to the next stage of the contest indicated in para. (1).

(6) Following the stage provided for in para. (4) letter c), each member of the Superior Council of Magistrates shall fill in an evaluation form for each candidate admitted to the respective stage, awarding a score for each criterion specified in art. 8 para. (2). The final score obtained by the candidates, representing the average of the scores awarded by each member of the Superior Council of Magistrates, shall be recorded on a totalisation sheet. The list of candidates who have passed the contest, together with their evaluation forms and the totalisation sheet, shall be published on the official webpage of the Superior Council of Magistrates.

(7) Other aspects regarding the manner of organising and conducting each stage of the contest, as well as the manner of testing the required professional qualities and abilities, shall be established through the rules specified in art. 8 para. (2) letter c).

(8) In relation to the candidates to the position of judge in the Anticorruption College, the Superior Council of Magistrates shall decide with respect to the winners of the contest based on the obtained score and shall transfer them to the respective college in accordance with Law no. 947/1996 on the Superior Council of Magistrates. The position held by the candidate on the day of the transfer shall become temporarily vacant, and art. 21 para. (5) letter c) of Law no. 514/1995 on the judiciary organisation shall be applied correspondingly.

(9) In relation to the candidates to the position of judge in the specialised anticorruption panel of the Centre Court of Appeal, the Superior Council of Magistrates shall put forward at least two candidates to a vacant post put up for contest, in order to conduct checks pursuant to Law no. 252/2023 on the external evaluation of judges and prosecutors and the amendment of certain normative acts. The Superior Council of Magistrates shall decide on the contest winners based on the evaluation report, issued pursuant to the mentioned law.

(10) The following persons shall not be subjected to evaluation in accordance with this law:

a) persons who have passed the integrity evaluation in accordance with Law no. 26/2022 on certain measures concerning the selection of candidates to the position of member of the self-administration bodies of the judges and prosecutors;

b) persons who have passed the external evaluation in accordance with Law no. 65/2023 on the external evaluation of judges and of candidates to the position of judge of the Supreme Court of Justice;

c) persons who have passed the external evaluation in accordance with Law no. 252/2023 on the external evaluation of judges and prosecutors and the amendment of certain normative acts;

d) candidates mentioned in para. (9) and who, within 7 days from the expiry of the deadline for filing the application have withdrawn their candidacy through a request.

Article 10. Appointment of judges of the Anticorruption College and of the judges of the specialised anticorruption panels of the Centre Court of Appeal

(1) The judges of the Anticorruption College and the judges of the specialised anticorruption panels of the Centre Court of Appeal shall exercise the respective competences for a 6-year term. Upon expiry of this term, they shall remain active in the same court, or, with their consent,

they shall be appointed to another position of judge in a court of law of the same level/rank.

(2) The Superior Council of Magistrates, through a justified ruling, shall decide with respect to the transfer of the judges to the Anticorruption College.

(3) In case of promotion of the candidate to a higher-ranking court, the President of the Republic of Moldova shall issue the decree of appointment of the candidate to the position of judge of the specialised anticorruption panel of the Centre Court of Appeal within 30 days from the day of the submission of the proposal from the Superior Council of Magistrates. If additional examination of the candidate's application file or of the information held by a public authority concerning this candidate is needed, this deadline may be extended for another 15 days.

(4) The President of the Republic of Moldova shall reject with a justification the appointment of the candidate to the position of judge of the specialised anticorruption panel of the Centre Court of Appeal pursuant to art.11 para. (3) of Law no. 544/1995 on the status of judges and shall inform the Superior Council of Magistrates. Upon repeated proposal from the Superior Council of Magistrates, voted by at least 2/3 of its members, the President of the Republic of Moldova shall issue the decree regarding the appointment of the candidate to the position of judge of the specialized anticorruption panel of the Centre Court of Appeal. The position occupied by the candidate on the day of their appointment to the position of judge of the specialised anticorruption panel of the Centre Court of Appeal shall become temporarily vacant, and art. 21 para. (5) letter c) of Law no. 514/1995 on judiciary organisation shall be applied correspondingly.

(5) The Judges of the specialised Anticorruption College and the judges of the specialised anticorruption panels of the Centre Court of Appeal shall start their activity from the date indicated in the appointment decree or in the respective ruling of the Superior Council of Magistrates, as the case may be.

(6) If, on the day of the transfer/appointment to the position of judge of the Anticorruption College or to the position of judge of the specialised anticorruption panel of the Centre Court of Appeal, the respective judge holds an administrative office, its holding shall cease by right.

(7) Upon expiry of the 6-year term indicated in para. (1), the powers of the judge shall be maintained, based on a justified ruling of the Superior Council of Magistrates issued in accordance with art.26¹ of Law no. 544/1995 on the status of judges, if at that date, they are handling criminal cases in final stages.

Article 11. The examining magistrate of the Anticorruption College

(1) Three examining magistrates shall be appointed from among the judges of the Anticorruption College, in accordance with Law no. 514/1995 on judiciary organisation, for a 3-year mandate and they may not hold two consecutive mandates. Notwithstanding the appointment as examining magistrate, the 6-year term of the mandate of judge in the Anticorruption College may not be exceeded.

(2) The examining magistrates specified in this article shall examine the cases provided for in art. 4.

(3) The examining magistrates specified in this article shall conduct their work in the headquarters of the Anticorruption College.

Article 12. The President of the Anticorruption College

The President of the Anticorruption College shall be one of the Vice Presidents of the Chişinău Tribunal, selected from among the specialised judges, in the established manner, exercising the competences provided for in Law no. 514/1995 on the judiciary organisation.

Article 13. Secretariat of the Anticorruption College

The organising and administrative activity of the Anticorruption College shall be ensured by the secretariat of the Chisinau Tribunal, comprising the judicial registry and the administrative service. The structure, organisation and competences of the secretariat shall be established in accordance with the Law no. 514/1995 on judiciary organisation.

Chapter IV

SPECIAL PROVISIONS

Article 14. Development of professional competences

(1) The judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal, in addition to the trainings provided for in Law no. 544/1995 on the status of judges, shall

benefit of trainings dedicated to the growth of professional qualities and abilities and to the study of good practices in the field of fighting corruption, pursuant to the new international anticorruption standards. Training activities shall be systematic, being carried out at least once a year.

(2) The National Justice Institute shall organise periodically professional training courses for the judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal with a view to consolidating their professional knowledge, qualities and abilities, shall organise workshops for the study of international practices of the judiciary activity in the field of combatting corruption, including with the involvement of representatives of international organisations and of institutions from other countries.

Article 15. Additional security guarantees for the judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal

(1) In addition to the guarantees provided for by the Constitution of the Republic of Moldova and Law no. 544/1955 on the status of judges, the judges of the Anticorruption College and of the special anticorruption panels of the Centre Court of Appeal shall benefit of additional guarantees to ensure their security, their own safety and the safety of their families and possessed goods.

(2) The judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal, as well as, if necessary, the members of their family may be granted, upon request and under the conditions of the law, state guard.

(3) The headquarters of the Anticorruption College and the headquarters of the specialised anticorruption panels of the Centre Court of Appeal shall be provided with security systems, facilities and equipment ensuring the personal security of judges, the storage of documents and the prevention of illegal access on their premises.

Article 16. Additional social guarantees

The judges of the Anticorruption College and of the specialised anticorruption panels of the Centre Court of Appeal who do not have lodging in the Municipality of Chişinău, shall be granted official lodging for the duration of their activity in the respective college or in the specialised anticorruption panels of the Centre Court of Appeal. In case of failure to grant official lodging, these judges shall be paid a non-taxable monthly

allowance for rent and transport in accordance with Law no. 544/1995 on the status of the judges.

Chapter V

FINAL AND TRANSITORY PROVISIONS

Article 17. Final provisions

(1) This law shall enter into force upon expiry of the one-month term from the date of publication in the Official Journal of the Republic of Moldova, except for the provisions which establish the competences of the Anticorruption College and the competences of specialised anticorruption panel of the Centre Court of Appeal, which shall enter into force on the day of the beginning of their activity.

(2) The Anticorruption College shall start its activity, in accordance with the provisions of this law, on the day when, at the proposal of the Superior Council of Magistrates, at least 3 judges are transferred to the respective college.

(3) The specialised anticorruption panel of the Centre Court of Appeal shall start its activity, in accordance with the provisions of this law, on the day of the appointment by the President of the Republic of Moldova or, as the case may be, of the transfer by the Superior Council of Magistrates of at least 3 judges to the respective panel.

(4) From the day of the beginning of the activity of the Anticorruption College, the cases assigned to the respective college, which used to be under the competence of ordinary courts, shall be redistributed randomly to the judges of the College, with the following exceptions:

a) judges of the Chişinău Tribunal, specialised in the examination of corruption and corruption-related cases, approved by the Directive of the Interim President of the Chişinău Tribunal, who will pass the contest stipulated in art. 9, shall continue to examine the cases that have been assigned to them before the entering into force of this law;

b) the cases assigned to the Anticorruption College in which the ordinary court has started the judicial inquiry with the hearing of the defendant or of the witnesses or finalised the examination of the merits, shall continue to be examined and settled by the ordinary court.

(5) The provisions of para. (4) shall be applied, correspondingly, also to first and second appeals that are to be examined by the specialised anticorruption panel of the Centre Court of Appeal.

(6) The judges of the Anticorruption College shall be evaluated, as a priority, by the college for the selection and evaluation of judges, in accordance with the provisions of Law no. 147/2023 on the selection and evaluation of judges' competences.

(7) On the day of the entering into force of this law, certain normative acts shall be amended, pursuant to the annex hereto.

Article 18. Transitory provisions

(1) Within one month from the entering into force of this law, the Superior Council of Magistrates shall ensure:

a) the approval of the Rules on the organising and carrying out of the contest for occupying the position of judge in the Specialised Anticorruption College of the Chişinău Tribunal and the position of judge in the specialised anticorruption panel of the Centre Court of Appeal, including the manner of testing the professional qualities and abilities required for the position of judge in the Anticorruption College and the position of judge in the specialised anticorruption panel of the Centre Court of Appeal;

b) the launching of contests for the selection of candidates to the position of judge in the Anticorruption College and to the position of judge in the specialised anticorruption panel of the Centre Court of Appeal;

c) adoption and amendment of normative acts necessary to enforce this law;

d) instituting an additional position of Vice President of the Chişinău Tribunal.

(2) The Government, together with the Superior Council of Magistrates, upon expiry of the one-month term from the entering into force of this law, shall provide the Anticorruption College with headquarters and headquarters equipment, as well as ensure the interoperability of information systems.

(3) Until the appointment of the Vice President of the Anticorruption College, the Superior Council of Magistrates shall designate a judge from

the College to discharge the interim function of the Vice President of the respective College.

(4) Upon expiry of the 3-month term from the entering into force of this law, the Government shall bring its normative acts in conformity with this law.”

3. The annex has the following content:

„Annex

Amendment of certain normative acts

1. In Art. 7 of Law no. 64/2023 on the Supreme Court of Justice (Official Journal of the Republic of Moldova, 2023, no. 117-118 Art. 190), with subsequent amendments, paragraph (1) will be amended as follows:

in letter a), the number „11” is substituted with the number „13”;

in letter b), the number „9” is substituted with the number „7”.

2. In Art. 21 of Law no. 514/1995 on judiciary organisation (republished in the Official Journal of the Republic of Moldova, 2013, nos. 15–17, Art. 62), with subsequent amendments, paragraphs (2) and (8) will read as follows:

„(2) A number of 528 judge positions is established for all courts in the Republic of Moldova. The total number of judge positions also includes the number of judge positions for courts located on the left bank of the Nistru River (Transnistria).”

„(8) In order to ensure the necessary judge positions upon the cessation of the situations specified in para. (5), a reserve fund of 30 judge positions is established.”

3. Law no. 544/1995 on the status of judges (republished in the Official Journal of the Republic of Moldova, 2013, nos. 15–17, Art. 63), with subsequent amendments, shall be amended as follows:

3.1. Article 6 shall be supplemented with paragraph (7) reading as follows:

„(7) The appointment of a judge to the Specialised Anticorruption College of the Chisinau Tribunal or to the specialised anticorruption panel

of the Centre Court of Appeal shall be regulated by the Law on the mechanism for trying corruption and corruption-related cases.”

3.2. Article 26 is completed with paragraph (3₁) reading as follows:

„(3₁) The single severance pay for the judge referred to in para. (3), who has worked for at least five years within the specialised Anticorruption College of the Chisinau Tribunal or within the specialised anticorruption panel of the Chisinau Court of Appeal, shall be equal to 65% of the product of multiplying their average monthly salary by the number of full years worked as a judge.”

4. The Criminal Procedure Code of the Republic of Moldova no. 122/2003 (republished in the Official Journal of the Republic of Moldova, 2013, nos. 248–251, Art. 699), with subsequent amendments, shall be amended as follows:

4.1. Article 36 will read as follows:

„Article 36. Jurisdiction of the Court

The ordinary court shall try in the first instance criminal cases concerning the offenses provided for in the Special Part of the Criminal Code, except for those provided for in Art. 36₁ and Art. 39 (2), as well as the proceedings and complaints against the decisions and actions of the prosecutor, of the criminal investigation body and of the body exercising special investigative activity, and shall examine issues related to the execution of the sentence and other issues given by law within its competence.”

4.2. The Code is completed with article 36₁ reading as follows:

„Article 36₁. Jurisdiction of the specialised Anticorruption College of the Chisinau Tribunal

The specialised Anticorruption College of the Chisinau Tribunal shall try in the first instance cases concerning the offences provided for in Art. 181₁ - 181₂, 181₃, Art.337-338₂, Art.340 and Art.341 of Criminal Code no. 985/2002, as well as those provided for in Art. 270₁ of this Code.”

4.3. In article 38:

the single paragraph becomes paragraph (1);

the article is completed with paragraph (2) reading as follows:

„(2) The first and second appeals against decisions rendered in the first instance by the specialised Anticorruption College of the Chisinau Tribunal shall be heard by the specialised anticorruption panel of the Centre Court of Appeal.”

4.4. In article 41:

the single paragraph becomes paragraph (1);

the article is completed with paragraph (2) reading as follows:

„(2) The examining magistrate of the specialised Anticorruption College of the Chisinau Tribunal shall ensure the judicial control during the criminal investigation of criminal cases under the jurisdiction of the respective college.”

4.5. In Art. 300 para. (4), after the phrase “of the special investigative measure” the text “or, as the case may be, by the examining magistrate of the specialised Anticorruption College of the Chisinau Tribunal” will be added.

4.6. In Art. 470 paras. (1) and (2) will be supplemented with the text “or, as the case may be, by the specialised Anticorruption College of the Chisinau Tribunal”.

4.7. In article 471, paragraph (1) will read as follows:

„(1) The issues specified in Art.469 para. (1) pts. 5), 11) and 14) of this Code shall be resolved by the judges of the ordinary court, as the case may be, by the examining magistrate of the specialised Anticorruption College of the Chisinau Tribunal, and the issues provided for in the other points of Art.469 para. (1) shall be resolved by the examining magistrate, as the case may be, by the specialised Anticorruption College of the Chisinau Tribunal, at the request of the institution executing the sentence, at the request of the convicted person or their defence attorney or, as the case may be, at the request of the prosecutor exercising supervision over the body or the institution executing the sentence. The resolution by the court of the issues provided for in Art.469 para. (1) pts. 1) and 2) of this Code shall be carried out under

the conditions provided for in Art.266 and 267 of the Enforcement Code of the Republic of Moldova no. 443/2004 and only after compliance with the established extrajudicial procedure. In the case of resolving the issues provided for in Art. 469 para. (1) pts. 1), 2), 4), 7)–9) of this Code, the institution enforcing the sentence shall be obliged to submit the evaluation report on the behaviour of the convicted person, and in the case of resolving the issue provided for in Art.469 para. (1) pt. 3) of this code, the respective health report, as well. The author of the request regarding the resolution of the requested issue shall be summoned to the court hearing.”

5. In Art. 278¹ of the Civil Procedure Code of the Republic of Moldova no. 225/2003 (republished in the Official Journal of the Republic of Moldova, 2018, nos. 285–294, Art. 436), with subsequent amendments, paragraph (1) will read as follows:

„(1) The request for the confiscation of unjustified assets shall be examined by the specialised Anticorruption College of the Chisinau Tribunal.”

6. Art. 201 of the Administrative Code of the Republic of Moldova no. 116/2018 (Official Journal of the Republic of Moldova, 2018, nos. 309–320, Art. 466), with subsequent amendments, is completed with paragraph (1¹) reading as follows:

„(1¹) The requests for the confiscation of unjustified assets to the benefit of the state, as well as the claims on cases of impugning the acts of the National Integrity Authority, establishing the substantial difference between the income obtained, the expenses incurred and the acquired wealth of the person subject to control, shall be inseparable and shall be examined in a single procedure together, with the examination of the case in administrative proceedings.”

7. Law no. 132/2016 on the National Integrity Authority (Official Journal of the Republic of Moldova, 2016, nos. 245–246, Art. 511), with subsequent amendments, is amended as follows:

7.1. In Article 34, paragraph (5) will read as follows:

„(5) In the situation provided for under para. (3), the Authority shall apply any necessary ensuring measures and shall address the specialised Anticorruption College of the Chisinau Tribunal in order to confiscate the unjustified wealth. This action shall be filed at the premises of the specialised Anticorruption College of the Chisinau Tribunal within

30 days from the day on which the attesting act is brought to their attention.”

7.2. In article 36:

paragraph (1) will read as follows:

„(1) The attesting acts under Art. 34 paras. (1) and (2), except for the acts attesting the substantial difference between the income obtained, expenses incurred and the acquired wealth, may be challenged with the Centre Court of Appeal, within 30 days from their issuance, by the person subject to control, by the author of the complaint or by persons mentioned under Art. 33 paras. (4) and (5), directly affected by these acts.”

the article is completed with paragraph (1₁) reading as follows:

„(1₁) The acts of finding of the substantial difference between the income obtained, expenses incurred and the acquired wealth shall be challenged with the specialised Anticorruption College of the Chisinau Tribunal.”