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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

LAW (*)

**ON PREVENTING
AND COMBATING TERRORISM**

(*)Translation provided by the Moldovan authorities

LAW
on prevention and combating terrorism

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Chapter I
GENERAL PROVISIONS

Article 1. Objective and regulatory coverage

This law establishes the legal and organisational framework of the activity on preventing and combating terrorism in the Republic of Moldova, the way of coordinating the activity of subdivisions specialized in the prevention and combating terrorism, the actions undertaken by the central public and local authorities, non-governmental associations and organisations, persons in positions of responsibility, by other persons, as well as rights, obligations and guarantees of persons in relation to carrying out the activity on prevention and combating terrorism.

Article 2. Legal framework of the activity on prevention and combating terrorism

The legal framework of the activity on preventing and combating terrorism is covered by the Constitution of the Republic of Moldova, the European Convention on the Suppression of Terrorism, rules and principles universally recognised by the international law, international treaties, which the Republic of Moldova is a party to, this law as well as other legal acts governing the relationships in the field thereof.

Article 3. Main terms

For the purposes of this Law, the main terms below shall have the following meaning:

terrorist act – offence provided for in art. 278 of the [Criminal Code of the Republic of Moldova](#);

terrorist activity (terrorist activities) – activities, comprising:

- planning, preparing, the attempt to commit and committing a terrorist act or any other act, which constitutes a terrorist offence;
- the formation of an illegal armed group, of a criminal organization, of an organized group for committing one or more terrorist offences;
- recruitment, favouring, arming, training and use of terrorists;
- adherence to terrorist organizations or participation in the work of such organizations;
- financing the training or committing of a terrorist act or any other terrorist offence, financing a terrorist organization, of a terrorist group or a terrorist, as well as providing them with support by other means;
- the provision of information support or of any other type in the process of planning, preparing or committing of a terrorist act or of any other act constituting a terrorist offence;
- instigation for terrorist purposes, public justification of terrorism, the propaganda of the ideas of terrorism, distribution of materials or information aimed at terrorist activities or entitling to carrying out such activities;
- any of the aforementioned actions performed via information systems and electronic communication networks;
- any other acts constituting a terrorist offence;

international terrorist activity – terrorist activities carried out:

- by a terrorist, terrorist group or terrorist organization on the territory of two or more states, damaging the interests of these states and/or of relevant international organizations;
 - by the citizens of a state against citizens of another state or on the territory of another state;
 - where both the terrorist and the victim of terrorism are citizens of the same state or different states, but the offence was committed outside the territories of these states;
- combating terrorism* – offensive measures and actions undertaken by the competent authorities for the purpose of detecting and bringing to an end the terrorist activities and mitigating the circumstances in respect thereof;
- terrorist crisis* – a factual situation created during or following a terrorist act, which constitutes a terrorist offence and creates an imminent threat for the life and security of citizens, for the interests of the society and the state;
- anti-terrorist exercise* – the set of specific, theoretical and practical measures, carried out by the competent authorities specialized in the prevention and combating terrorism for the purpose of training the task-forces, determining the efficiency of the measures on combating and preventing the terrorist activities, the level of preparedness of the Counter Terrorism Command in practical resolving of simulated terrorist crisis situations;
- terrorist group* – two or more persons who have become associates for the purpose of carrying out a terrorist activity;
- terrorist offence* – one of the offences provided for in art.134¹¹ of the [Criminal Code of the Republic of Moldova](#);
- critical infrastructure* – element, system or component thereof, located on the territory of the Republic of Moldova, which is essential for maintaining the vital functions of the society, health, safety, security and the economic and social well-being of persons the disturbance or destruction of which would have a significant impact at national level as a result of an incapacity to keep such functions;
- counter-terrorist intervention* – the set of offensive measures carried out within a anti-terrorist operation, to capture or annihilate terrorists and/or free hostages, where the defensive methods of removing the terrorist threat did not reach the desired result;
- hostage-taking* – taking or custody of a person/persons as hostage/hostages and threaten to kill, to cause bodily injury or cause damage to his/her/their health or threaten to keep further custody of a person/persons in such quality for the purpose of forcing the state, the international organization, legal or natural person or a group of persons to commit or refrain from committing a certain action as condition for the release of the hostage;
- anti-terrorist operation* – the set of measures planned and coordinated, and carried out by the authorities specialized in the prevention and combating terrorism for the purpose of bringing to an end the terrorist activity, release of hostages and guiding the actions with an urgent need to address the occurrence of a terrorist crisis;
- terrorist organization* – organization created with the aim of carrying out terrorist activities or organization which allows the recourse to terrorism in its work. The organization is considered a terrorist one, if at least one of its structural subdivisions carries out a terrorist activity;
- anti-terrorist passport* – a comprehensive document containing information about the condition and the level of protection, potential dangers and threats with terrorist tint to the address of objectives of the critical infrastructure in the event of any terrorist acts or any other terrorist offences on the territory of the Republic of Moldova. The model of the anti-terrorist passport shall be approved by the order of the director of the Security and Intelligence Service of the Republic of Moldova;
- prevention of terrorism* – the set of specific measures of a permanent nature, carried out beforehand by the authorities empowered by law with tasks for the prevention of terrorism, based on informative, educational, organizational, security, protection, information and public relations, optimization of the legislative framework, national and international cooperation actions for the purpose of identifying and removing the risk factors and threats with a terrorist tint;

anti-terrorist protection of the critical infrastructure – the set of legal, organizational, economic and financial, engineering, regime, operative, informative, counterinformative actions etc., carried out by the authorities of public administration, by other organizations and enterprises within the critical infrastructure, as well as by other subdivisions or by persons duly authorized by them, aimed at ensuring the functionality, continuity and integrity of critical infrastructures in order to deter, mitigate and neutralise a threat, risk or vulnerability;

terrorism – phenomenon with a high degree of social threat, characterized by a radical ideology and practice to influence through violence the taking of certain decisions by the public authorities and institutions or international organizations, accompanied by the intimidation of the population and/or by other illegal violent actions;

terrorist – person involved in a terrorist activity in whatever form;

anti-terrorist test – ensemble of measures of a public and/or secret nature, carried out by the Security and Intelligence Service of the Republic of Moldova for the purpose of verifying and assessing the efficiency of the system and mechanism of anti-terrorist protection;

the area of carrying out an anti-terrorist operation – construction, means of transport or geographic territory/geographical area within the limits of which an anti-terrorist operation is carried out and a special legal regime is being introduced;

risk area – vulnerable state or region in terms of security following the armed conflicts carried out in respect thereof or a terrorist activity carried out in this area by organizations or entities recognized as terrorist/paramilitary ones by international or regional organizations which the Republic of Moldova is a party to. States or regions constituting risk areas are to be designated by the decision of the Parliament.

Article 4. The fundamental principles of prevention and combating terrorism

Prevention and combating terrorism in the Republic of Moldova is based on the following principles:

- a) the principle of legality;
- b) the principle of respect for human rights and fundamental freedoms;
- c) the principle of prioritization of measures for prevention of terrorism;
- d) the principle of inevitability of punishment for carrying out terrorist activities;
- e) the principle of combination of public and secret methods on preventing and combating terrorism;
- f) the principle of using in complex the measures for prevention as well as legal, policy, social and economical ones;
- g) the principle of priority for the protection of the rights of the persons that are being jeopardised by the terrorist activity and minimizing losses of human life;
- h) the principle of minimum surrender to a terrorist;
- i) the principle of single channelling of forces and means involved in carrying out anti-terrorist operations;
- j) principle of minimum publicity of technical processes, of the tactics of carrying out the anti-terrorist operations and composition of participants in such operations;
- k) the principle of proportionality of measures to counteract terrorism in relation to the degree of terrorist danger.

Article 5. The aims of the activity on preventing and combating terrorism

The activity on preventing and combating terrorism aims at:

- a) the protection of a person, society and state against terrorism;
- b) the prevention, detection, bringing to an end the terrorist activities and cushioning the effects in respect thereof;
- c) the detection and tackling the causes and conditions for carrying out terrorist activities.

Chapter II INSTITUTIONAL FRAMEWORK

Article 6. The authorities with competencies in the field of preventing and combating terrorism

(1) The President of the Parliament of the Republic of Moldova shall coordinate the entire activity on preventing and combating terrorism.

(2) The Government is the main authority responsible for the organization of the activity on preventing and combating terrorism, as well as for ensuring it with forces, means and resources required in respect thereof.

(3) The Security and Intelligence Service of the Republic of Moldova (further herein referred to as the – *Security and Intelligence Service*) shall directly carry out the activity on preventing and combating terrorism. The Anti-Terrorist Center as national authority in the field thereof operates within its structure.

(4) The authorities with competencies in the field of preventing and combating terrorism are the following:

- a) The General Prosecutor's Office;
- b) The Ministry of Internal Affairs;
- c) The Ministry of Defence;
- d) The Ministry of Economy and Infrastructure;
- e) The Ministry of Foreign Affairs and European Integration;
- f) The Ministry of Health, Labor and Social Protection;
- g) State Protection and Security Service;
- h) Customs Service;
- i) Public Services Agency;
- j) National Agency for Regulation of Nuclear and Radiological Activities;
- k) The Department of Penitentiary Institutions of the Ministry of Justice;
- l) Service for prevention and combating of money laundering of the National Anticorruption Centre.

(5) The Authorities of local public administration shall participate at preventing and combating terrorism within the limits of their powers, established by legislative instruments and other normative acts.

(6) Other authorities of public administration may also be involved in the activity on preventing and combating terrorism within the limits of their powers in respect thereof.

(7) In case of reorganisation or re-naming of the authorities mentioned in this law, their attributions on preventing and combating terrorism will be fulfilled by their successors in title.

Article 7. The powers of authorities with competencies in the field of preventing and combating terrorism

(1) The Security and Intelligence Service shall prevent and combat terrorism by:

- a) defining and implementing both legislative and normative instruments, policy documents with a view to preventing and combating terrorism in accordance with international rules and commitments;
- b) strengthening cooperation and coordination of the activity on preventing and combating terrorism carried out by the competent authorities of central public administration and forming cooperative relations with similar institutions of other states;
- c) actions of detection and bringing to an end the terrorist activities, including international ones, carrying out anti-terrorist operations;
- d) ensuring, together with other authorities, the security of institutions of the Republic of Moldova located on the territory of other states, citizens of the Republic of Moldova employed in such institutions as well as members of their families;
- e) executing, through the special purpose unit, the counter-terrorist intervention, independently or in cooperation with other forces, on the entire territory of the country or on

a part thereof on the objectives attacked or taken by terrorists for the purposes of their capture or annihilation, release of hostages and resettlement of legal order;

f) collecting, assessing and harnessing the information about the possible risks and threats to the address of the anti-terrorist security, obtained in the course of informative and counterinformative work;

g) collecting data concerning the international terrorist organizations;

h) undertaking other specific measures on preventing and combating terrorism, entrusted by law within its competence.

(2) The General Prosecutor's Office shall carry out the activity on preventing and combating terrorism by conducting and exercising the criminal prosecution in respect thereof.

(3) The Ministry of Internal Affairs shall prevent and combat terrorism by:

a) bringing to an end the attempts of terrorists to cross the state border of the Republic of Moldova;

b) ensuring the continuation of the regime of the state border, regime of the border area, as well as the public regime and order at the state border crossing points;

c) carrying out civil protection actions, organization of rescue works, undertaking other urgent measures to mitigate the consequences of terrorist activities;

d) exercising the criminal prosecution entrusted by law within its competence in respect of terrorist offences;

e) organizing and carrying out information and analytical activities on terrorist offences falling within its fields of competence;

f) participating at ensuring the legal regime in the area of carrying out the anti-terrorist operation with the involvement of the military officers within the Department of the Carabinier Troops;

g) participation of its special purpose unit in conducting the counter-terrorist intervention, at the request of the Counter Terrorism Command;

h) providing logistical and operational assistance required in respect thereof and making available the special means and techniques at the request of the Counter Terrorism Command.

(4) The Ministry of Defence shall prevent and combat terrorism by:

a) organizing and ensuring, under the conditions laid down by law, the security of staff and wardenship of weapons, munitions, explosive substances and sites ensuring the capacity of defense within its management;

b) organising and executing the measures, rules and processes provided for by law with regard to the prevention and bringing to an end the acts of illicit interference in the work of civil aviation;

c) participating, under the conditions laid down by law, at guarding and protecting the foreign military force provisionally present in the territory of the Republic of Moldova in connection with the participation in joint activities;

d) providing, under the conditions laid down by law, logistical and operational assistance required in respect thereof and making available the military equipment, weapons and munitions within the anti-terrorist operation.

(5) Public Services Agency, together with other public authorities and suppliers of electronic communication networks or services shall provide the authorities carrying out the activity on preventing and combating terrorism with information assistance, placing at their disposal, free of charge, information resources and electronic communication networks, granting specialized technical assistance necessary in order to create data banks and information systems.

(6) The Ministry of Economy and Infrastructure shall participate in the activity on preventing and combating terrorism by:

a) conducting, in cooperation with other authorities involved in these tasks, an ensemble of organizational, technical and training measures at the level of the objectives of strategic importance of the transport network, which form part of the critical infrastructure, for the purposes of ensuring anti-terrorist protection in respect thereof;

b) granting the necessary support for the location and operation of the Counter Terrorism Command during the course of anti-terrorist operations in the transport network.

(7) The Ministry of Foreign Affairs and European Integration:

a) shall participate, along with other specialized central authorities in the achievement of the provisions of this law on the segment of international cooperation;

b) shall participate, along with other specialized central authorities in resolving inter-state issues on the regulation of exceptional circumstances related to terrorist activity;

c) shall work together with the Security and Intelligence Service with a view to ensuring anti-terrorist protection of the diplomatic missions of the Republic of Moldova abroad.

(8) The Ministry of Health, Labor and Social Protection, in the field of preventing and combating terrorism shall ensure:

a) making safe the activities of management of microbial agents under biosafety and biosecurity conditions;

b) the organization of response measures in the event of committing terrorist offences with the use of chemical, biological or radiological agents through evaluation of hazards and risks to public health, the intervention of the mobile team, laboratory technical support to detect the infection/contamination of persons and components of the environment, completion of measures of public health in order to prevent and limiting the spread of hazards for the health of the population.

(9) State Protection and Guard Service shall ensure the security of persons receiving state protection and sites under its guard; it shall also collect, assess and use the information on terrorist activity in order to prevent, detect and bring to an end the terrorist attempts. The Service shall cooperate and coordinate its actions with all the authorities carrying out activities aimed at preventing and combating terrorism, including with the similar services of other states.

(10) Customs Service shall carry out actions on preventing, detecting and bringing to an end the attempts to cross the state border of the Republic of Moldova with weapons, explosive, toxic, radioactive substances and other objects that may be used to commit terrorist offences.

(11) National Agency for Regulation of Nuclear and Radiological Activities is an intrinsic part of the national system of reaction in the event of nuclear or radiological emergency. The authority referred to herein shall provide upon request consultations and recommendations on ensuring nuclear or radiological security, including physical ones, shall carry out regulation activities through authorization, control and state supervision of nuclear and radiological sites in compliance with the law.

(12) The Department of Penitentiary Institutions of the Ministry of Justice shall provide the support necessary to bring to an end the terrorist activity, putting at the disposal of competent authorities the special purpose subdivision under its authority.

(13) Service for prevention and combating of money laundering of the National Anticorruption Centre shall ensure prevention and combating financing of terrorism within the scope of its competences established under law, especially by:

a) carrying out financial investigation measures on the activities and operations suspected of financing of terrorism under the conditions laid down by the Law no.190/2007 on prevention and combating of money laundering and financing of terrorism;

b) notifying the Security and Intelligence Service on the activities and operations suspected of financing of terrorism, as well as on risks associated to these hazards under the conditions laid down by the Law no.190/2007 on prevention and combating of money laundering and financing of terrorism;

c) participation of the employees of the Service thereof, as experts, upon the request of the Security and Intelligence Service, in anti-terrorist operations by presenting the results of the assessment of the activities and operations suspected of financing of terrorism, as well as by applying, as necessary, the protective measures in accordance with the provisions of the Law no.190/2007 on prevention and combating of money laundering and financing of terrorism;

d) putting at the disposal of the Security and Intelligence Service any other data and information arising from the verification activity in respect of preventing and combating financing of terrorism.

Article 8. Anti-Terrorist Center of the Security and Intelligence Service

(1) Anti-Terrorist Center of the Security and Intelligence Service (further herein referred to as the – *Anti-Terrorist Center*) has the status of specialized sub-unit within the Security and Intelligence Service and is empowered to perform activities on prevention and combating terrorism. The Regulation of the Anti-Terrorist Center shall be approved by the director of the Security and Intelligence Service.

(2) The Anti-Terrorist Center shall perform the main following tasks:

- a) coordination of measures for preventing and combating terrorism carried out by authorities with competencies in the field thereof;
- b) analysis of the completion of anti-terrorist measures by public authorities carrying out activities on preventing and combating terrorism, assessment of forces involved in the performance of the national anti-terrorist policy and putting forward proposals on adjusting them to the real conditions;
- c) combating terrorism through actions for prevention, detection and bringing to an end the terrorist activities, including international ones;
- d) collection, analysis and putting to use the information on possible risks and threats of extremist-terrorist nature, obtained as a result of the activities carried out in respect thereof;
- e) assessment of the risk factors and terrorist threats to the address of national security of the Republic of Moldova, accumulation and analysis of information about the status, dynamics and trends of the extent of the phenomenon of terrorism;
- f) analysis of the information from multiple sources concerning the processes and events related to terrorism and informing the authorities with competencies in the field thereof on the operative situation in the area of preventing and combating terrorism;
- g) carrying out the forecast of evolution of the operative situation in the area of preventing and combating terrorism at national, regional and international levels;
- h) checking the status and assessing the level of anti-terrorist protection at the sites of critical infrastructure and putting forward recommendations on improving the level of security thereof;
- i) creation and management of a specialized databank on the status, dynamics and trends of the extent of the international terrorism, terrorists, terrorist organizations, including international ones, its leaders, persons involved in the work of such organizations, natural and legal persons providing terrorists with support including financial one;
- j) dissemination of national and international practices on preventing and combating terrorism, putting forward proposals on implementing them into the work of authorities with competencies in the field thereof;
- k) ensuring the exchange of information with the authorities carrying out activities on preventing and combating terrorism, with similar anti-terrorist structures of other states, as well as with international ones, performing other forms of cooperation;
- l) working together with persons in charge of completing the measures of national anti-terrorist policy within the authorities with competencies in the field thereof for the purpose of an efficient coordination of such measures;
- m) assisting the authorities with competencies in the field thereof in the completion of measures on preventing terrorism, cooperating with the media and civil society with a view to promoting anti-terrorist measures, cultivating an attitude of rejection of both terrorist and extremist ideology;
- n) providing assistance to the preparation and conduct of special command and operative and tactical applications organized at local, national and regional levels;
- o) participating in preparing and carrying out scientific and practical conferences and seminars, as well as sharing of experiences on the anti-terrorist topic;

p) ensuring operational support when convening the Counter Terrorism Command as well as during the course of the anti-terrorist operation.

(3) The Anti-Terrorist Center shall have the following powers:

a) to issue, within the scope of its competences, compulsory prescriptions and recommendations for public authorities, natural and legal persons on completion of measures on preventing and combating terrorism, put forward proposals on addressing the causes and conditions preventing the realization of the national anti-terrorist policy;

b) to test confidentially the persons, the machines, the processes, the sites (premises) as well as other facilities under art.18 thereof;

c) to collect and to process the data, which could affect the anti-terrorist security.

(4) During the course of the anti-terrorist operation, the employees of the Anti-Terrorist Center shall receive training within the operational compartments according to their specialty field in the Counter Terrorism Command.

Article 9. The main attributions of the authorities with competencies in the area of preventing and combating terrorism

(1) The authorities of central and local public administration provided for in art. 6 shall participate, in the manner set out herein, at preventing terrorism by:

a) educational and informative activities with a view to cultivating the feeling of rejection of both terrorist and extremist ideas among population;

b) non-admitting the entry of the territory of the Republic of Moldova of foreign citizens or stateless persons who have been involved in terrorist activities;

c) identifying the actions and funding sources of terrorism;

d) ensuring anti-terrorist protection of the critical infrastructure;

e) discontinuation of the activity of legal persons preventing the proper conduct of measures on preventing and combating terrorism;

f) training of persons exclusively in charge of the field thereof;

g) exercising other tasks in respect of the requirements of the activity on preventing terrorism.

(2) The authorities of central and local public administration provided for in art. 6 shall participate, in the manner set out herein, at combating terrorism by:

a) creating mechanisms of interaction in order to counterbalance the terrorist offences and maintaining the status of preparedness of such mechanisms;

b) making available the information, physical, technical and financial resources, means of transport, electronic communication means, information systems, medical equipment and medicines;

c) preparing and implementing action plans in the event of situations of terrorist crisis;

d) exercising other tasks in respect of the requirements of the activity on combating terrorism.

Article 10. Obligations of the authorities with competencies in the field of preventing and combating terrorism

(1) The authorities with competencies in the field of preventing and combating terrorism shall have the following obligations:

a) to coordinate with the Security and Intelligence Service all the activities on preventing and combating terrorism, with the exception of the activity on carrying out and holding the criminal prosecution;

b) to designate the persons in charge of the anti-terrorist protection of the sites of critical infrastructure;

c) to timely inform the authorities of central public administration on the offences identified in respect thereof that may cause unjustified exposure of the population to radiation;

d) to communicate without delay to the Security and Intelligence Service the information on the attempts of persons involved in terrorist activities to entry, transit or leave the country.

The list of persons, groups and entities involved in terrorist activities shall be drawn up, updated by the Security and Intelligence Service and published in the Official journal of the Republic of Moldova);

e) to place at the disposal of the Counter Terrorism Command available forces and resources, including technical ones, necessary for the conduct of the anti-terrorist operation;

f) to communicate without delay to the Anti-Terrorist Center any information related to activities concerning persons, groups or entities involved in terrorist activities;

g) to ensure access to the officers of the Security and Intelligence Service (Anti-Terrorist Center) within the locations and special sites thereof, recorded in the national nomenclature of critical infrastructure to check the information and/or conduct special activity on preventing and combating terrorism;

h) to inform immediately the Security and Intelligence Service on natural and legal persons suspected of being affiliated or affiliated to terrorist organizations, suspected of having committed, financed or favored in any way the terrorist activity, with a view to undertaking promptly measures on preventing the terrorist actions;

i) to submit to the Anti-Terrorist Center, upon request, reports on the measures undertaken on the legal, training, practical, specialty investigation, academic and scientific segments etc.

(2) As a basis for including a person, a group or an entity on the list referred to in para. (1) letter d) may serve:

a) the lists drawn up by the international organizations which the Republic of Moldova is a party to and bodies of the European Union on persons, groups or entities involved in terrorist activities;

b) the final judgement of a court in the Republic of Moldova under which an organization of the Republic of Moldova or of other state is declared as being a terrorist one;

c) final court judgement on the termination or discontinuation of the activity of an organization involved in terrorist activities;

d) final court judgement on conviction of a person for committing a terrorist offence;

e) final judgement of a foreign court approved in the manner set out herein by national courts in respect of persons, groups or entities involved in terrorist activities.

(3) For the identification of persons, groups and entities included on the list referred to in para. (1) letter d), the competent authorities of the Republic of Moldova shall act in compliance with the Agreements relating to mutual legal assistance in criminal matters entered into in respect thereof or shall apply the provisions of the national law regulating the legal regime of foreign citizens.

(4) In the case where a citizen of the Republic of Moldova, included on the list referred to in para. (1) letter d) is identified by the authorities of the Republic of Moldova, the latter shall notify immediately the Security and Intelligence Service and General Police Inspectorate under the Ministry of Internal Affairs.

Article 11. Other institutions providing support in preventing and combating terrorism

(1) The Ministry of Justice shall notify the Security and Intelligence Service and provide the latter with information available on the initiation of the procedure for registration of non-commercial organizations by citizens of countries from risk areas, as well as on the amendments to the instruments of incorporation thereof within 5 calendar days from the date of the submission of an application in this respect.

(2) The territorial structures of the Public Services Agency shall notify the Security and Intelligence Service and provide the latter with information available on the initiation of the procedure for registration of trading companies by citizens of countries from risk areas, as well as on the amendments to the instruments of incorporation thereof within 5 calendar days from the date of the submission of an application in this respect.

Article 12. Cooperation between national authorities carrying out activities on preventing and combating terrorism

(1) The authorities and institutions shall cooperate in the area of preventing and combating terrorism at national level via the Anti-Terrorist Center.

(2) The national authorities carrying out activities on preventing and combating terrorism may cooperate with both foreign authorities and services in the field thereof and international organizations in compliance with national legislation and international treaties which the Republic of Moldova is a party to.

Article 13. Assisting the authorities with competencies in the field of preventing and combating terrorism

(1) The authorities of central and local public administration, including the persons in positions of responsibility, legal persons, regardless of the type of ownership and legal form of organization undertake to assist the authorities carrying out activities on preventing and combating terrorism.

(2) It is the duty of every citizen of the Republic of Moldova to make available to the bodies for the protection of the rules of law the information held by them in respect of the terrorist activity and circumstances thereof, information that can contribute to preventing, detecting and bringing to an end the terrorist activity, as well as to mitigating the consequences thereof.

(3) Persons assisting the authorities carrying out the activity on preventing and combating terrorism shall be entitled to an allowance. The method and the amount of the allowance shall be determined by the decision taken by the Government. For the purposes of protection of the life, health, honor, dignity and property of the aforementioned persons, their identity shall not be disclosed.

Article 14. Professional training and advanced courses for the employees of the authorities responsible for the monitoring, coordination and completion of the measures on preventing and combating terrorism

(1) The authorities of central public administration with competencies in the field thereof must organize meetings, trainings and anti-terrorist exercises for the employees of special purpose units under its authority whenever this is found necessary in order to exchange experience, competencies and general, technical and practical information in the area of resolving the situations of terrorist crisis.

(2) Professional training and advanced courses for the employees of the authorities responsible for the monitoring, coordination and completion of the measures on preventing and combating terrorism shall be carried out both in educational institutions and national training centers, and also within international ones in compliance with the bilateral and multilateral agreements.

(3) The financing of the activities on professional training and advanced courses for the employees of the authorities responsible for the monitoring, coordination and completion of the measures on preventing and combating terrorism shall be made from the state budget. The financing of training can also be made from other sources not prohibited by law.

Chapter III PREVENTION OF TERRORISM

Article 15. Prevention of the terrorist activity

(1) The prevention of terrorist activity consists of a set of informative, counterinformative, social and economic, legislative, security and protection, educational and other measures undertaken by the authorities carrying out activities on preventing and combating terrorism.

(2) In its activity on preventing terrorism, the authorities with competencies in the field thereof may attract to cooperation non-commercial organizations, private institutions and independent experts carrying out activities in the area of security research and analysis.

Article 16. Identification of the terrorist activity

(1) For the identification of the terrorist activity, the authorities referred to in art. 6 shall use all the forces, resources and methods available to them.

(2) Natural and legal persons, regardless of the type of ownership and legal form of organization, are required, under the conditions laid down by the law in force, to provide assistance to the authorities with competencies in the field thereof, and also to put at their disposal without delay both the movable and immovable property, other objects and documents, as well as the information held by them on acts, events, circumstances or persons of interest, necessary for undertaking the special measures of investigation thereof.

(3) Refusal to provide assistance to competent authorities entails disciplinary, civil, criminal or non-criminal liability.

Article 17. Anti-terrorist exercise

(1) Anti-terrorist exercises shall be organized and carried out by the Anti-Terrorist Center.

(2) The purpose of the anti-terrorist exercises is to assess the level of interaction and training of the authorities of central and local public administration, of legal persons, regardless of the type of ownership and legal form of organization, as well as of persons in positions of responsibility for the situations of terrorist crisis.

(3) For the pursuit of the anti-terrorist exercises, the Anti-Terrorist Center shall be entitled to attract, free of charge, forces and resources of the authorities with competencies for preventing and combating terrorism, as well as of other public authorities, enterprises, institutions and organizations, as well as of other legal persons, regardless of the type of ownership and legal form of organization. These authorities shall put at the disposal of the Center human resources, premises, weapons, special means, means of transport, information systems, networks of electronic communication means and services, other technical and material resources for carrying out the anti-terrorist exercise.

(4) In the case where a public authority, other than that referred to in para. (1), is planning to carry out an anti-terrorist exercise for the purpose of verifying the capability to react and intervene in the event of a terrorist crisis, the organization and completion thereof shall be performed with prior cooperation of the Anti-Terrorist Center.

Article 18. Anti-Terrorist tests

(1) For assessing the effectiveness of the anti-terrorist security measures and identifying possible non-conformities or deficiencies of the system for ensuring anti-terrorist security, the Anti-Terrorist Center shall perform anti-terrorist tests.

(2) To anti-terrorist tests may be subject persons, machines, procedures, facilities (premises) and other sites showing weaknesses within the possible terrorist actions.

(3) Following the performance of anti-terrorist tests, qualified certificates attesting the degree of effectiveness and training of the anti-terrorist security measures shall be issued.

(4) The conditions and procedure for the performance of the anti-terrorist tests is to be regulated by the decision taken by the Government.

Article 19. Anti-terrorist protection of the critical infrastructure

(1) The Security and Intelligence Service shall draw up and present to the Government for approval national programs designed to ensure security of the critical infrastructure.

(2) The Security and Intelligence Service, on the basis of proposals drawn up by the public authorities, shall prepare and approve the national nomenclature of the critical infrastructure.

(3) The objects included in the national nomenclature of the critical infrastructure shall compulsorily hold an anti-terrorist passport.

(4) The Anti-Terrorist Center shall carry out periodical informative and training measures for the staff in charge of the anti-terrorist security of the objects of critical infrastructure.

(5) The Anti-Terrorist Center shall be responsible for monitoring the process of granting anti-terrorist passports, as well as for implementing other measures designed to ensure anti-terrorist protection of the objects of critical infrastructure.

Article 20. Monitoring the application of anti-terrorist protection of the critical infrastructure

(1) Monitoring the application of anti-terrorist protection of the critical infrastructure aims at:

- a) verifying the level of training of the staff in respect of ensuring anti-terrorist protection;
- b) determining the capability of security and protection of the objects of critical infrastructure;
- c) identifying vulnerabilities and risk factors in respect of the critical infrastructure.

(2) Monitoring of compliance with the provisions of the normative acts on the anti-terrorist protection of the critical infrastructure shall be performed as planned, unannounced and repeatedly by the representatives of the Anti-Terrorist Center, either separately, or together with the representatives of other authorities within the legal limits.

(3) The monitoring shall be performed in accordance with the provisions of the law in force and annual plans approved by the director of the Security and Intelligence Service.

(4) The priorities and the frequency of checks at the objects of the critical infrastructure shall be determined by the Security and Intelligence Service.

(5) The results of each check shall be recorded in the anti-terrorist passport of the object and made available to the manager of the object thereof.

Article 21. Checking airline passengers

(1) With a view to the completion of measures for ensuring anti-terrorist security, the carriers (airlines) engaged on voyages to and from the territory of the Republic of Moldova are obliged to submit to the Security and Intelligence Service information on passengers within 48 hours, but not later than 24 hours before the time for the flight, as well as right away after boarding of passengers in the aircraft preparing for take-off, where no passenger can be boarded or unboarded, so they can be checked before passing through customs control in the state of destination. The checking aims to identify any persons included on the list referred to in art.10 para. (1) letter d).

(2) Information relating to the passengers, to be submitted to the Security and Intelligence Service, shall contain the following data:

- a) a list of passengers stating their first and last names;
- b) date/dates foreseen for the departure;
- c) all information concerning the form of payment, including the billing address;
- d) all travel itinerary of each passenger;
- e) the information in the profile of "frequent flyer", if the person is registered with a Frequent Flyer Programme hosted by a carrier company;
- f) passenger's travel status, including acknowledgments, status of registration for the flight, no show history or show history in the last moment of the passenger without any prior booking;
- g) information on the split file of the passenger (any alteration to the initial booking);
- h) date of ticket issuance and ticket number;
- i) number of the seat and other information in respect thereof;
- j) information on shared codes, where a flight is operated by 2 or more carriers jointly;
- k) all baggage information;
- l) data collected on the type, number, issuing country and date of expiry of the ID documents of passengers, as well as data on their nationality, first name, last name, sex and date of birth.

(3) The processing of information, revealing race or ethnic origin of the passenger, his/her political opinions, religion or beliefs, trade-union membership, and the processing of his/her genetic data or data concerning health or sex life shall be prohibited. Where the Security and Intelligence Service receives such information, the latter will not be processed but subject to immediate destruction.

(4) Passenger information and the outcome of processing thereof by the Security and Intelligence Service may be subject to further processing by the competent authorities only for the purpose of specific prevention, detection, criminal investigation or prosecution of terrorist offences.

(5) The Security and Intelligence Service shall implement all technical and organizational measures required for the protection of personal data against destruction, alteration, blocking, copying, distribution thereof as well as other illicit actions, measures designed to ensure a level of security appropriate to the risks represented by the processing and the nature of the data processed.

(6) In the course of personal data processing operations carried out in compliance with the article hereof is ensured the respect for the rights of passengers of access to their personal data, of intervention on these data, of opposition in respect of these data and access to justice, in accordance with the provisions of the chapter III of the [Law no.133/2011](#) on personal data protection. While also, where realization of the aforementioned rights could be prejudicial to the action or objective pursued in exercising the legal competencies of the public authority (as well as the one related to national defense, ensurance of public security, maintenance of public order, prevention and investigation of offences), is allowed for temporary discontinuation (for a period of up to 6 months) of the realization of such rights in relation to personal data subjects thereof.

(7) The data provided by the air carriers to the Security and Intelligence Service shall be kept in a record-keeping system in the form of a special report drawn up and managed by the authority thereof for a period of 5 years, complying with all the provisions of the law on personal data protection:

a) on the expiry of the period of 6 months from the date of transfer of the passenger information, all these data shall be depersonalized by masking the following elements which could serve for the direct identification of passengers:

- of their first name, last name, home address and other contact information;
- of all forms of payment information, including billing address (to the extent in which such information could serve for the direct identification of the passenger);
- of the information in the profile of “frequent flyer”;

b) after expiry of the period of 6 months, disclosure of the passenger information shall be allowed only if:

- it is reasonably considered that this is necessary in order to respond to a duly justified request, based on sufficient grounds, by the competent authorities aimed at providing and processing the passenger information in specific cases, for the purposes of preventing, detecting, investigating and criminal prosecution of terrorist offences as well as for the purposes of communicating the results of such processing to the national and international competent authorities;
- it is approved by the court or another national authority enabled to verify whether the conditions for the disclosure thereof are met, subject to notification of the person in charge of the data protection within the Security and Intelligence Service and his/her subsequent review in respect thereof;

c) after expiry of the period of 5 years there shall be ensured the permanent deletion of the passenger information, except in the case of transfer of the data to the competent authorities to use them in the context of specific cases for the purposes of preventing, detecting, investigating and criminal prosecution of terrorist offences.

(8) The Security and Intelligence Service shall ensure the keeping of the records of audit at least for data processing, collection, consultation, disclosure and deletion operations covering the passengers. The records of audit of the operations:

- a) must indicate the purpose, date and time of such operations, the identity of the person who got familiarized with the passenger information, as well as the recipient thereof being used exclusively for the purpose of verifying and self-monitoring, for ensuring the integrity and security of data or for the purposes of the audit thereof;
 - b) shall be made available, upon request, to the National Center for Personal Data Protection;
 - c) shall be kept for a period of 5 years.
- (9) Cross-border transmission of personal data can only take place under the conditions and within the limits laid down in the art. 32 of the [Law no.133/2011](#) on personal data protection.
- (10) This Article shall be without prejudice to the provisions of the [Law no.133/2011](#) on personal data protection with regard to the processing of personal data by the air carriers, in particular their duty to take appropriate technical and organizational measures in order to protect the security and keep confidentiality of the personal data.
- (11) Monitoring the compliance of personal data processing shall be carried out by the National Center for Personal Data Protection.

Chapter IV COMBATING TERRORISM

Article 22. Detection of the terrorist activity

The detection of the terrorist activity shall be ensured by intelligence and counterintelligence actions, by the collection, assessment and processing of the data concerning the factors, which would endanger the anti-terrorist security.

Article 23. Territorial Anti-Terrorist Council

- (1) In the event of a terrorist crisis on the territory of a territorial administrative unit (with the exception of Chisinau municipality), until the initiation of the anti-terrorist operation there shall be formed a territorial anti-terrorist council the duty of which will be to react immediately, to manage the situation created, to liquidate the consequences and to ensure protection of the population and the territory thereof.
- (2) The Territorial Anti-Terrorist Council shall provide the Counter Terrorism Command with an establishment in which the latter will carry out its activity during the anti-terrorist operation. In Chisinau municipality, the establishment shall be determined by the Security and Intelligence Service by mutual agreement with the authorities of public administration.
- (3) The Territorial Anti-Terrorist Council is composed of:
- a) the head of the territorial body of the Security and Intelligence Service in the territorial administrative unit of second level – as chairperson of the Territorial Anti-Terrorist Council thereof;
 - b) the chairperson of the district, mayor of Balti municipality or governor of Gagauzia Autonomous Territorial Administrative Unit – as deputy chairperson of the Territorial Anti-Terrorist Council thereof;
 - c) the deputy chairperson of the district, deputy mayor of Balti municipality or chairman of the representative authority of Gagauzia Autonomous Territorial Administrative Unit;
 - d) the head of the territorial subdivision of the General Police Inspectorate under the Ministry of Internal Affairs;
 - e) the head of the territorial subdivision of the Civil Protection and Exceptional Situations Service under the Ministry of Internal Affairs;
 - f) other persons designated under the decision of the chairman of the territorial anti-terrorist council.

Article 24. Conditions for carrying out the anti-terrorist operation

- (1) The anti-terrorist operation shall be carried out with the purpose of removing the terrorist crisis where bringing it to an end is not possible through other forces or resources.
- (2) The anti-terrorist operation is deemed to be triggered once a decision to form the Counter Terrorism Command has been taken.
- (3) The normative act governing the conduct of the anti-terrorist operation shall be approved by the Government.

Article 25. The Counter Terrorism Command

- (1) The Counter Terrorism Command shall be formed for the purpose of managing and carrying out the anti-terrorist operation. The Command hereof shall be managed by a representative of the Security and Intelligence Service, and, it also shall be composed of persons working within the authorities referred to in art. 6, depending on the seriousness of the terrorist crisis.
- (2) The decision to form the Counter Terrorism Command shall be taken by the President of Parliament, on the proposal of the director of the Security and Intelligence Service and it should contain data on the head and composition of the command thereof.
- (3) The Counter Terrorism Command shall exercise the following powers:
 - a) collect, generalise and assess the information on the situation created, determine the risks, character and scale of the terrorist crisis;
 - b) prepare the calculation of the required forces and resources;
 - c) draw up and approve the plan for carrying out the anti-terrorist operation;
 - d) issue battle orders, other documents determining the order of preparing and carrying out the anti-terrorist operation, as well as the legal regime thereof;
 - e) organize the interaction between forces and resources involved in the anti-terrorist operation;
 - f) undertake other measures aimed at removing the terrorist danger and mitigating the consequences of the terrorist crisis.
- (4) The employees of public authorities with competencies in the field thereof, specialists and military officers engaged in the anti-terrorist operation since the start thereof shall be subject to the head of the Counter Terrorism Command.
- (5) The head of the Counter Terrorism Command shall determine the perimeter of the area of carrying out the anti-terrorist operation and shall also decide on the use of forces and resources involved for the purposes thereof.
- (6) The intervention of any other person in managing the anti-terrorist operation, regardless of the position held by them is not allowed.
- (7) The Regulation of the Counter Terrorism Command shall be approved by the decision of the Government.

Article 26. Forces and resources involved in the anti-terrorist operation

- (1) With a view to ensuring the conduct of the anti-terrorist operation, the Counter Terrorism Command is entitled to attract, in the manner set out by the Government, the forces and resources of the authorities of public administration. These authorities shall provide the Command with human resources, establishments, weapons, special means, electronic communication means, information systems, means of transport, other technical and material resources required for carrying out the anti-terrorist operation.
- (2) Technical resources of the authorities of public administration may be used upon the direct request of the head of the Counter Terrorism Command, whilst the refusal in granting the support requested in respect thereof serves as the basis for bringing to responsibility of persons who have shirked or procrastinated granting the support thereof.

Article 27. Special legal regime of the anti-terrorist operation

(1) For the purpose of detecting and counteracting the acts determining the terrorist crisis, minimizing the consequences thereof, defending the life and health of citizens, as well as the interests of the state, based on the decision of the head of the Counter Terrorism Command, a special legal regime shall be approved in the area of carrying out the anti-terrorist operation.

(2) The decision on placing the special legal regime of the anti-terrorist operation in the area of carrying out the operation thereof, the list of rights and restrictions applied to this area, as well as the decision on cancelling the special legal regime thereof shall be subject to publicity via the media.

(3) With a view to ensuring the special legal regime of the anti-terrorist operation in the area of carrying out the operation thereof, the head of the Counter Terrorism Command may, if appropriate, decide to:

a) to take measures restricting or temporarily prohibiting the circulation of transport and pedestrians (including the transport of diplomatic missions) or evacuating them of the area thereof;

b) to suspend the activities of dangerous industries and organizations using explosive substances, radioactive, chemical or biological substances;

c) to suspend the provision of electronic communication services for natural and legal persons or limit the use of electronic communication networks (GSM, Internet etc.);

d) to introduce quarantine in the area, where appropriate, to undertake sanitary, epidemiological and veterinary measures etc.;

e) to prohibit or to limit the conduct of meetings, public events, strikes or any other mass actions;

f) to order, whenever necessary, temporary cessation of gas, electricity, water supply;

g) to lay down a special regime on limiting or prohibiting the marketing of substances from the compounds of which dangerous chemical or biological mixtures, explosive, toxic materials, poisonous substances, medicines or medical preparations containing narcotic drugs or psychotropic substances, substances with high somatic effect, products containing alcohol, petroleum products, weapons and munitions may be produced;

h) to lay down a special regime for using the airspace;

i) to order the limitation of the right to keep and bear arms of natural persons;

j) to order security or complement the security at the sites of vital importance, at ammunition and weapons depot, at the headquarters of the public authorities, at public television and radio broadcasting companies;

k) to order evacuation of material or cultural values in safe places if there is a real threat of destruction, removal or deterioration thereof.

(4) In the area of carrying out the anti-terrorist operation, the persons designated by the head of the Counter Terrorism Command, in accordance with the legislation in force, shall be entitled:

a) to check the ID documents as well as other documents of the persons thereof (including persons in positions of responsibility), whilst in the absence of such documents, to detain the persons thereof for the purposes of ascertaining their identity and other circumstances;

b) to detain and bring to the headquarters of the competent bodies the persons who have committed or commit offences or resist the legitimate requirements of the persons participating in the anti-terrorist operation, as well as persons who have committed or commit actions of unauthorized breaks-in or attempts of unauthorized breaks-in the area of carrying out the anti-terrorist operation;

c) to enter/to break-in freely in homes, other premises, on lands belonging to natural persons, as well as on the territories and premises of legal persons, regardless of the type of ownership and legal form of organization, to use the means of transport belonging to natural and legal persons, except those belonging to diplomatic missions, for the purposes of bringing to an end the terrorist activity, prosecution of persons suspected of being involved in

terrorist activities, if procrastination of the aforementioned actions would create a real danger for the life and health of people;

d) to run, upon entry and exit to/from the area of carrying out the anti-terrorist operation, a check of the means of transport, persons and belongings thereof, using also the technical means, regardless of the position held and belongings of persons;

e) to use, for work purposes, the electronic communication means belonging to natural and legal persons, regardless of the type of ownership and legal form of organization, except those belonging to diplomatic missions;

f) to evacuate temporarily, in safe areas, natural persons residing or present in the area of carrying out the anti-terrorist operation, providing them with accommodation;

g) to carry out the monitoring of telephone conversations, of other types of information submitted via the electronic communication networks, via other communication channels, including postal ones, for the purpose of obtaining information on the circumstances of carrying out the terrorist activity, persons involved and preventing the commission of other acts constituting terrorist offences;

h) to use, under conditions laid down by law, weapons and special means against terrorists.

Article 28. Negotiating with Terrorists

(1) Negotiating with terrorists shall be allowed in the course of anti-terrorist operation for saving the life and health of people, material values, for assessing the possibility of bringing to an end the terrorist activity without using physical force.

(2) Only duly empowered persons by the head of the Counter Terrorism Command for the purpose thereof shall be allowed to negotiation.

(3) Extradition of persons, transmission of weapons and resources the use of which might pose a risk to life and health of people or satisfaction of political claims submitted by terrorists does not constitute a subject matter of the negotiation.

(4) Negotiating with terrorists cannot serve as a basis or condition for their exemption from liability for the offences committed by them.

Article 29. Counter-terrorist intervention

(1) In the case where the defensive methods for removing the danger generated by the terrorist crisis did not produce the desired result, a counter-terrorist intervention is to be carried out within the anti-terrorist operation.

(2) The counter-terrorist intervention shall be performed by the Security and Intelligence Service, through its special purpose unit, independently or in cooperation with other forces on the entire territory of the country or on a part thereof, in respect of the sites attacked or occupied by terrorists for the purposes of capturing or annihilating them, releasing hostages and resettlement of legal order.

(3) The counter-terrorist intervention can be initiated upon the decision of the head of the Counter Terrorism Command, at any stage of the anti-terrorist operation, depending on the circumstances of the situation created.

Article 30. Completion of the anti-terrorist operation

(1) The anti-terrorist operation shall be considered completed since the removal or termination of the situation of terrorist crisis and liquidation of the danger for the life and health of persons present in the area of carrying out the anti-terrorist operation.

(2) The anti-terrorist operation shall be declared completed by the President of Parliament on the proposal of the head of the Counter Terrorism Command.

Article 31. Mitigation of consequences of the terrorist activity

Mitigation of consequences of the terrorist activity shall be ensured through the resettlement of legal order, compensation for the damage caused by the terrorist crisis, social rehabilitation of persons who have been victims of the terrorist activity, including through carrying out actions on enhancing public awareness and promoting the culture of security.

Article 32. Burial of corpses of terrorists deceased in the course of the anti-terrorist operation

Burial of corpses of terrorists deceased in the course of the anti-terrorist operation shall take place in accordance with the provisions of the law in force of the Republic of Moldova. The corpses thereof shall not be sent to their relatives or third persons, whilst the place of burial shall remain undisclosed.

Chapter V

INFORMING THE GENERAL PUBLIC ON THE TERRORIST ACTIVITY

Article 33. Participation of the media in measures for the prevention of terrorism

(1) The authorities carrying out activities on preventing and combating terrorism shall encourage participation of the media in performing measures for the prevention of the terrorist activities and other extremism events.

(2) The leaders of the media shall be obliged to take the appropriate measures so as the materials prepared in the institutions managed by them may not help to justify the terrorist activity or other extremism events, not to call, not to cause, nor allow spreading ideas which would lead to inter-confessional, inter-ethnic or racial conflicts.

Article 34. Informing the general public on the situation of terrorist crisis

(1) The activity of the representatives of the media in the area of carrying out the anti-terrorist operation shall be managed by the head of the Counter Terrorism Command.

(2) In the course of the anti-terrorist operation, regardless of where the representatives of the media are present, informing the general public on the situation of terrorist crisis shall take place in the manner and extent determined by the head of the Counter Terrorism Command or his/her representative in charge of the relations with the public.

(3) Compliance with the legal provisions on the state secrecy as well as adequate protection of the secret sources of information shall be ensured within the course of the activity on informing the general public.

Article 35. Restrictions imposed to the representatives of the media

The representatives of the media are subject to the following restrictions:

a) making interviews at their own initiative, in particular during the anti-terrorist operation, surveying the terrorists, the released persons, without the consent of the head of the Counter Terrorism Command;

b) granting aid to terrorists or offenders in making statements, spreading ideas or opinions via the media;

c) providing assistance as mediator, intermediate, interposed in negotiating with terrorists shall be allowed only based on a reasoned decision of the head of the Counter Terrorism Command;

d) disseminating information on forces and resources involved in the anti-terrorist operation, on the displacement and handling thereof;

- e) disseminating, without the consent of the Counter Terrorism Command of the data on carrying out the anti-terrorist operation that became known to them;
- f) stating to terrorists, hostages or employees of the authorities with competencies in the field of preventing and combating terrorism any recommendations and suggestions, in particular during the anti-terrorist operations;
- g) insulting/intimidating the terrorists in order to avoid the cases of worsening the situation.

Chapter VI

COMPENSATION FOR DAMAGES AND SOCIAL REHABILITATION OF PERSONS WHO HAVE BEEN VICTIMS OF THE TERRORIST ACTIVITY

Article 36. Compensation for damages caused by the terrorist activity

(1) The damages caused by the terrorist activity shall be compensated from the budgets of the territorial administrative units where the terrorist act or another terrorist offence have been committed, subsequently the amounts thereof being charged from persons that have caused such damages in accordance with the legislation in force.

(2) If the amount of damage caused by the terrorist act or another terrorist offence committed on the territory of one or more territorial administrative units exceeds the possibilities for compensation of the budgets of the territorial administrative units thereof, compensation shall be made from the state budget, subsequently the amounts thereof being charged from persons that have caused such damages in accordance with the legislation in force.

(3) The damage caused to foreign citizens following a terrorist act or other terrorist offence committed on the territory of the Republic of Moldova shall be compensated from the state budget, subsequently the amounts thereof being charged from persons that have caused such damages.

Article 37. Social rehabilitation of persons who have been victims of the terrorist activity

(1) Social rehabilitation of persons who have been victims of the terrorist activity aims to their return to normal life and provides for the grant of legal advice, their psychological, medical and professional rehabilitation (including restoring the working capacity), their recruitment, grant of temporary housing space in case of damage or destruction of their home, until his/her restoring or compensation for damages in accordance with art. 36.

(2) Social rehabilitation of persons who have been victims of the terrorist activity, as well as persons referred to in art. 38, shall be made within the resources available in the state budget.

(3) Terms for rehabilitation of persons who have been victims of the terrorist activity shall be determined by the Government.

Chapter VII

LEGAL AND SOCIAL PROTECTION OF PERSONS PARTICIPATING IN PREVENTING AND COMBATING TERRORISM

Article 38. Legal and social protection of persons participating in activities on preventing and combating terrorism

(1) Persons participating in activities on preventing and combating terrorism shall be protected by the state. The following categories of persons shall benefit from legal and social protection:

- a) security and intelligence officers, prosecutors, military officers, employees of other authorities of public administration participating (who have participated) in activities on preventing and combating terrorism;

b) persons granting permanent or temporary support to authorities engaged in preventing, detecting and bringing to an end the terrorist activities, as well as in mitigating the consequences thereof;

c) family members of persons referred to in letters a) and b), concerning their participation in the activities on combating terrorism.

(2) Legal and social protection of persons participating in activities on preventing and combating terrorism shall be ensured in accordance with the legislation in force.

Article 39. Compensation for damages caused to persons participating in activities on preventing and combating terrorism

(1) Damages caused to health and belongings of persons referred to in art. 38 concerning their participation in activities on preventing and combating terrorism shall be compensated in accordance with the law governing the status of the category thereof.

(2) Where, during the course of the anti-terrorist operation, the person participating in activities on preventing and combating terrorism loses his/her life, his/her family or persons supported by him/her shall be granted a single aid amounting to the sum of money intended for support for a period of 10 years of the deceased person in the last position held by him/her. Furthermore, for 5 years since the day of death of the aforementioned person, his/her family members or persons supported by him/her shall be granted monthly allowance amounting to the sum of the monthly wage of the deceased person in the last position held by him/her, with the adjustment of the wage thereof. Upon expiry of the period of 5 years, family members of the deceased person or persons supported by him/her shall be granted with survivors' pension in the manner established by the law governing the status of the category of persons thereof, including the aid which the deceased person have benefited from.

(3) The person who have participated in activities on preventing and combating terrorism and who, during the course of the anti-terrorist operation, has been mutilated, where invalidity occurred as a result thereof, shall be granted under the law governing the status of such persons' category with a single aid from the state budget, depending on the legal status of the aforementioned person, being determined the adequate pension in his/her favour.

(4) The person who have participated in activities on preventing and combating terrorism and who, during the course of the anti-terrorist operation, has been injured, but the injury thereof did not result in any invalidity, shall be granted under the law governing the status of such persons' category with a single aid from the state budget.

Article 40. Facilities when calculating the length of Service

Security and intelligence officers, prosecutors, military officers, police officers, other employees doing (or who have done) their service within the special purpose subunits for the purposes of combating terrorism, the length of service for determining the pension in respect of them shall be calculated in accordance with the [Law on ensuring pensions for military service men and body control and troops of the internal affairs body no.1544/1993](#), using the following formula: a day and a half for a working day; 3 days for a working day in the course of participation in the anti-terrorist operations.

Article 41. Exemption from liability for causing of damages

(1) Forced harm to the health and belongings of terrorists (including killing thereof) shall be allowed during the course of the anti-terrorist operation, under the terms and within the limits laid down by the law in force.

(2) Persons participating in activities on combating terrorism shall be exempted from liability for the damages caused during the course of the anti-terrorist operation, if their actions were within the limits established by the law in force.

Chapter VIII LIABILITY

Article 42. Liability for carrying out terrorist activity

Persons guilty of carrying out any terrorist activity shall bear responsibility under the legislation in force.

Article 43. Liability of legal persons for carrying out terrorist activity

(1) Creating and carrying out activity of legal persons aimed at or pursuing propagation, justification, financing or supporting terrorism or commission of any terrorist offences is prohibited in the Republic of Moldova.

(2) It is considered that the legal person carries out a terrorist activity and is subject to liquidation, and his/her activity is prohibited under an irrevocable decision of the court following the written application submitted by the Security and Intelligence Service, General Prosecutor or Prosecutors under his/her authority, where, in the name or on behalf of the legal person thereof is being organized, prepared, financed or committed a terrorist offence, as well as where such actions have been allowed, authorized, approved or used by the body or person empowered with leading roles within the legal entity thereof. In cases where it is found that the activity carried out by the legal person is a terrorist one, the assets belonging to the latter shall be subject to special confiscation under the Criminal Code of the Republic of Moldova.

(3) The provisions thereof also extend to foreign legal persons and international organizations, as well as to its offices, branches and representations in the Republic of Moldova.

Article 44. Liability of non-governmental organizations or religious associations, other institutions for carrying out terrorist activities

(1) Creating or carrying out activity of non-governmental organizations or religious associations, as well as of other institutions aimed at or pursuing terrorist activities shall be prohibited in the Republic of Moldova.

(2) Where in the activity of a non-governmental organization or religious association or any other institution, including of a territorial subdivision or any other subdivisions thereof, are being detected acts denoting instigation for terrorist purposes, public justification of terrorism, the propaganda of the ideas of terrorism, the spread of materials or information which call for carrying out terrorist activities or supporting them, following the written application submitted by the Security and Intelligence Service, General Prosecutor or Prosecutors under his/her authority, depending on the nature of the acts detected therein and the possibility for removing the deficiencies, the activity of such organization shall be terminated or discontinued under a court decision issued in respect thereof.

Article 45. Liability of the media for the dissemination of information materials which call for carrying out terrorist activities or support them

(1) Dissemination via the media of information materials which call for carrying out terrorist activities or support them shall be prohibited in the Republic of Moldova.

(2) In the case where a media institution disseminates information materials, which call for carrying out terrorist activities or support them, upon the written request of the Security and Intelligence Service, General Prosecutor or Prosecutors under his/her authority, the court shall deliver a decision on termination or discontinuation of the activity of the institution thereof.

(3) In order not to allow continuation of the dissemination of information materials, which call for carrying out terrorist activities or support them, the court may suspend the trade and/or dissemination of the number of periodicals thereof or the audio or video recordings of the TV

programme thereof or launching the audiovisual TV programme concerned, in accordance with the law governing the ensurance of the action.

(4) The decision delivered by the court serves as a basis for the forfeiture of the unsold part of the circulation figures containing information materials, which call for carrying out terrorist activities or support them from the storage houses of the wholesale and retail trade units.

Article 46. Inadmissibility of the use of electronic communication networks for carrying out the terrorist activity

(1) The use of electronic communication networks for carrying out the terrorist activity is prohibited.

(2) In the case where the electronic communication networks are being used for carrying out any terrorist activities, the measures provided for thereof shall be applied, taking into account the particularities of legal relationships in the area of electronic communication governed by the law in force.

(3) Where in an information system (on a web page, portal, forum, social networking site, blog etc.) an information material, which calls for carrying out terrorist activities or supports them is being placed, the Security and Intelligence Service shall issue an order to the suppliers of electronic communication networks and/or services requesting them to block provisionally and immediately the access to such information material on the territory of the Republic of Moldova.

(4) Provisional blocking of the access to the information material provided for in para. (3) is determined for a period of up to 30 days. Within 5 working days of the issuance of the order on provisional blocking of the access to the information material, which calls for carrying out terrorist activities or supports them, the Security and Intelligence Service undertakes to seise the court for the purpose of determining the terrorist nature of the information material thereof for undertaking other actions provided for by the legislation in force.

(5) Where 2 or more information materials, which call for carrying out terrorist activities or support them are being placed in an information system, based on the request of the Security and Intelligence Service or General Prosecutor or Prosecutors under his/her authority, the court shall deliver a decision on definitive blocking or for a period of up to 1 year of the access on the territory of the Republic of Moldova to the information system thereof or certain components thereof.

Chapter IX THE CONTROL OVER THE ACTIVITY ON PREVENTING AND COMBATING TERRORISM. INTERNATIONAL COOPERATION AND ASSISTANCE

Article 47. The control over the activity on preventing and combating terrorism

The control over the activity on preventing and combating terrorism shall be exercised by the Parliament, the President of the Republic of Moldova, the Government, the General Prosecutor's Office and courts in accordance with the legislation in force and within the framework of their competences.

Article 48. International Cooperation and Assistance

(1) In the field of preventing and combating terrorism, the Republic of Moldova, under international treaties to which it is a party, cooperates with the bodies for the protection of the rules of law and special services of other states, as well as with international organizations carrying out its activity in the field thereof.

(2) In order to ensure security of the person, society and the state, the Republic of Moldova pursues in its territory the persons involved in terrorist activities, including where these

activities have been planned or committed outside its territory, but which caused damages to it, as well as in other cases provided for by the international treaties which the Republic of Moldova is a party to.

(3) The legal protection of foreigners providing assistance in carrying out the actions for the release of hostages is granted in accordance with the rights and obligations provided for by the legislation of the Republic of Moldova.

(4) Where it is necessary, the Republic of Moldova may request, under international treaties to which it is a party, in the manner determined for the purposes thereof, the assistance it needs from other states in carrying out the actions for the release of hostages, and it also may participate in carrying out such actions on the territory of other states.

(5) The Security and Intelligence Service, as authority carrying out exclusively the activity on preventing and combating terrorism can be granted with technical, material, financial and logistics support based on partnership or from other sources allowed by the legislation of the Republic of Moldova for the purposes of execution of the attributions stipulated in this law.

Chapter X

FINAL AND TRANSITIONAL PROVISIONS

Article 49. Compatibility with Community law

This law creates the necessary legal framework for the implementation of the Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, published in the Official Journal of the European Union L 119 as of 4 May 2016, including the the principles highlighted in the recent relevant case-law of the Court of Justice of the European Union.

Article 50.

(1) On the date of entry into force of the law hereof to abrogate the [Law no. 539/2001](#) on combating terrorism (Official journal of the Republic of Moldova, 2001, no. 147–149, art.1163), including subsequent amendments and additions.

(2) The Government, within 6 months from the date of entry into force of the law hereof:

- shall present to the Parliament proposals for harmonizing the legislation in force with the provision of this law;
- shall harmonize its normative acts with the provision of this law;
- shall ensure the revision or abrogation by ministers and other central administrative authorities of their normative acts that contravene this law.