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REPUBLIC OF MOLDOVA

The Law on the Security and Intelligence Service

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**on the Security and Intelligence Service
of the Republic of Moldova**

Parliament adopts this organic law.

**Chapter I
GENERAL PROVISIONS**

Article 1. Security and Intelligence Service of the Republic of Moldova

(1) The Security and Intelligence Service of the Republic of Moldova (hereinafter – *the Service*) is an autonomous administrative authority, which has the competence to ensure the security of the Republic of Moldova.

(2) The purpose of the activity of the Service is to ensure the internal and external security of the state, to defend the constitutional order, to contribute to the defence of the national economic system and to ensuring the defence capacity of the state, to combat terrorism and other threats to the security of the state, by using preventive and special means of non-military nature.

(3) The Service shall plan, organise and carry out activities to collect, verify, evaluate, store, keep and capitalise on the information necessary to defend the constitutional order, to guarantee and protect fundamental rights and freedoms, as well as to identify, prevent and counteract vulnerabilities, risk factors and threats that jeopardise or could jeopardise the national security of the Republic of Moldova.

(4) The work of the Service is coordinated by the President of the Republic of Moldova in accordance with the Law on state security no. 618/1995 and is subject to parliamentary oversight.

(5) The Service is a public authority, it has the official and conventional name *S/S*, and other attributes.

Article 2. Principles of the activity of the Service

The Service operates in compliance with the following principles:

- a) legality;
- b) respect for fundamental rights and freedoms;
- c) independence and impartiality;
- d) non-partisanship and political neutrality;
- e) opportunity, continuity, and consistency;
- f) combining methods and means of public and secret activity;
- g) proportionality.

**Chapter II
DUTIES, DIRECTIONS OF ACTIVITY, OBLIGATIONS
AND POWERS OF THE SERVICE**

Article 3. Duties of the Service

In order to ensure national security, detect, reduce or counteract vulnerabilities, risk factors and threats to the security of the Republic of Moldova, the Service shall:

- 1) collect, verify, assess, analyse, store, keep, capitalize on:
 - a) information of importance for the national security of the Republic of Moldova, for the preservation and development of its scientific, human, economic and defence potential, for the promotion of the foreign and domestic policy;
 - b) information necessary to detect, prevent and counteract intelligence or subversive activities of foreign special services, of unconstitutional entities or structures, as well as distinct groups or individuals, whose actions are aimed at undermining state security;

2) develop and implement, within the limit of its competence, a system of measures oriented towards identifying, preventing, and counteracting:

a) the threats indicated in art. 4 para. (2) of the Law on state security no. 618/1995;
b) infiltration into the Service by representatives of foreign special services, unconstitutional entities, organised criminal groups, extremist organisations, natural and legal persons, for illicit purposes;

c) intention to establish or the establishing by the Service employees of contacts with representatives of foreign special services, unconstitutional entities, organised criminal groups, extremist organisations, natural and legal persons, for illicit purposes;

3) carry out activities to prevent, detect and counteract crimes, in accordance with the conditions of the Criminal Procedure Code;

4) detect the contraventions pertaining to the competence of the Service, in accordance with the Contravention Code;

5) carry out activities in accordance with the provisions of Law no. 120/2017 on the prevention and combatting of terrorism;

6) ensure the technical aspect of the wiretapping of the conversations carried out over electronic communication networks, by using programme means and/or special technical means, installed on or connected to the equipment of the provider of electronic communication networks and/or services, if necessary;

7) provide counterintelligence to the authorities of the central public administration and to autonomous administrative authorities, as well as to the institutions subordinated to them;

8) formulate and ensure the carrying out of the state policy related to the creation, administration, functioning and security of special electronic communication systems;

9) formulate and implement the state policy as well as exercise control in the field of cryptographic and technical protection of the information designated as state secret;

10) carry out activities in accordance with the provisions of Law no. 245/2008 on the state secret;

11) carry out activities in accordance with the provisions of Law no. 271/2008 on the checking of holders of and candidates to public offices;

12) carry out activities in accordance with the provisions of Law no. 325/2013 on the evaluation of institutional integrity;

13) carry out activities in accordance with the provisions of Law no. 124/2022 on the electronic identification and trust services;

14) take part in ensuring the security of diplomatic missions and consular offices of the Republic of Moldova, as well as of their personnel;

15) carry out activities related to the protection of the personnel of the Service and of the subordinated entities, both in the country and abroad;

16) ensure the internal security of the Service and the guard over its premises;

17) collaborate, within the remit of its competence, with the State Protection and Guard Service in order to ensure the security of individuals benefitting of state protection and guard and of the assets guarded as well as to prevent the commission of attempts on the life, health and inviolability of persons benefitting of state protection and guard, of the representatives of other states or international organisations, whose protection must be ensured during their stay in the Republic of Moldova;

18) contribute, together with other public authorities, to the carrying out of the state policy in relation to migration and asylum, entry/exit and stay of foreigners and stateless people, award of the refugee status, the settlement of issues regarding the obtainment through naturalisation, acknowledgement, reacquisition or award of citizenship or the withdrawal of the citizenship of the Republic of Moldova;

19) undertakes measures to establish the whereabouts of persons who are wanted at the national, interstate, and international levels for the commission of crimes of terrorist nature against the peace and security of humankind, war crimes, crimes against public authorities and state security, other crimes undermining the security of the Republic of Moldova;

20) ensure diplomatic and special delivery;

21) ensure the security of the electoral process in accordance with the responsibilities laid down in the Electoral Code.

Article 4. Counterintelligence activity and external intelligence activity

In order to carry out duties in the field of state security, the Service shall conduct the counterintelligence and external intelligence activity in accordance with the provisions of the Law on counterintelligence activity and external intelligence activity.

Article 5. Communication of information

(1) The information in the field of national security, obtained as a result of the activity of the Service, shall be communicated to the following beneficiaries:

a) the President of the Republic of Moldova, the President of the Parliament and the Prime Minister – analytic information regarding the strategic problems of the state as well as data important for the decision-making, in accordance with the competences established by the law;

b) the chairs of parliamentary committees, according to the field of competence – analytic information regarding strategic problems of the state that can be remedied by adjusting legislation or information communicated in the context of parliamentary oversight;

c) ministers and other heads of central administrative authorities, including of the autonomous ones – in case such information regards problems linked to the activity fields coordinated by such authorities or of which they are responsible;

d) General Mayor of the Chişinău Municipality, municipality mayors, district presidents and Governor (Başcan) of the Gagauz autonomous territorial unit – in case such information regards problems pertaining to the competence of such authorities;

e) Prosecution office, criminal prosecution bodies – in case such information regards the preparation or commission of a crime.

(2) Information provided for in para. (1) of this article, designated as state secret, is protected in accordance with Law no. 245/2008 on the state secret.

(3) The recipients of information shall inform the Service about the relevant character of the communicated information.

Article 6. Obligations of the Service

In the performance of its duties, the Service must:

a) operate in strict compliance with the national legislation and the international treaties to which the Republic of Moldova is party and respect fundamental rights and freedoms;

b) detect, prevent, and counteract the intelligence and subversive work of foreign special services and organisations, unconstitutional entities or structures, as well as of distinct groups or individuals, whose actions are directed towards jeopardising the national security;

c) take measures to prevent acts that undermine the state security;

d) take measures to ensure the security of the Service and of its subordinated entities;

e) provide public institutions, in the manner established by the Government, with governmental electronic communication systems;

f) formulate cryptographic protection standards and means;

g) detect and counteract radio emissions of transmitting radio equipment, which activity endangers national security;

h) maintain a high degree of mobilisation preparedness of the Service, establish the manpower necessities, and keep a record of the manpower reserves;

i) coordinate, upon declaration of a state of siege or war, within the remit of its competence, with the General Headquarters of the Armed Forces, the measures to maintain the regime of the state of siege or war and take part in ensuring the operations (actions) of defence of the Republic of Moldova;

j) ensure the diplomatic delivery and exercise control over the circuit of information designated as state secret and of work information between the Ministry of Foreign Affairs and European Integration and the diplomatic missions and consular offices of the Republic of Moldova;

k) ensure the operative handover, in accordance with the law, of the parliamentary, presidential, and governmental correspondence and of the mail designated as state secret;

l) carry out the training of the personnel of the institutions of the diplomatic service and of their family members, who are to leave with a diplomatic mission beyond the borders of the Republic of Moldova.

Article 7. Powers of the Service

- (1) To carry out its duties, the Service shall have the right to:
- 1) participate in the development of state programmes and strategies for ensuring national security;
 - 2) train individuals, consensually, under the conditions laid down in the legislation, openly or covertly, with a view to providing support for ensuring the national security;
 - 3) use goods, except those belonging to diplomatic missions, consular offices, and persons with diplomatic or consular immunities, as follows:
 - a) by contract or verbal agreement, within the limits necessary for the performance of their duties, working premises, other assets of legal entities, military units, as well as premises and other property of natural persons. In accordance with the terms of such contract or at the request of the owners or possessors of such assets, the Service shall compensate, in the manner established by civil legislation, the expenditures and damages;
 - b) in case of extreme need, for work purposes, use the means of communication and transport of the legal entity, irrespective of the type of ownership, as well as those of the natural person. At the request of the owners or possessors of these means, the Service shall compensate, in the manner established by the civil legislation, the expenditures or the damage;
 - c) in exceptional situations, as well as in case of exercises planned at national level or by the Service, use, following a contract or a verbal agreement, the electronic communication networks and services of providers, regardless of the type of ownership. At the request of such providers, the Service shall compensate, in the manner established by the civil legislation, the expenditures or damage;
 - 4) carry out the detention of persons who have committed actions related to the attempt of entering or the entering of premises under special regime or on other premises of the Service and the turning over of such persons, in the established manner, to competent authorities;
 - 5) submit to public authorities, legal entities, regardless of the type of ownership, written notifications about the elimination of the causes and conditions contributing to the appearance/unfolding of the threat to the state security and request information regarding the execution of prescriptions. Such notifications should take into account the factual and legal circumstances justifying the need to eliminate the specified causes and conditions;
 - 6) request and receive, for free, from the public authorities, other legal entities, regardless of the type of ownership, the information needed for the exercise of the duties of the Service. Information with limited accessibility should be submitted in accordance with the legislation regulating such information;
 - 7) summon natural persons, responsible officials and representatives of legal entities to offer explanations about issues regarding the ensuring of the state security;
 - 8) in order to ensure the state security, keep operative records, create data bases in the amount and manner determined by the necessities of carrying out legal duties;
 - 9) exercise control over the compliance with the secret regime upon use of cryptographic protection means and upon operation with encrypted correspondence within public authorities and other legal entities, diplomatic missions of the Republic of Moldova;
 - 10) create, in the manner established by law, legal entities, public or coded, necessary for the performance of the duties assigned to the Service and for the performance of its work;
 - 11) provide, as far as possible, through available capacities and means, including technical and/or programme means, support to the prosecution and other competent authorities in the fight against crime. The possibility of providing such support shall be coordinated in advance with the management of the Service;
 - 12) involve, upon consent of the Ministry of the Interior, its forces and means in actions aimed at ensuring national security;
 - 13) reach technical and scientific and other kinds of findings, as well as conduct research related to the Service's competence;
 - 14) second intelligence and security officers to state and private companies, institutions and organisations with the consent of their managers to hold positions therein, while further performing the special service;
 - 15) establish relations with foreign special services, international organisations, participate in regional meetings/structures, conclude, in compliance with the legislation, cooperation agreements that do not have an international treaty status with other special services, in areas within the remit of the Service;
 - 16) have at its disposal official representatives of the Service abroad, including in the diplomatic service institutions of the Republic of Moldova;

17) fabricate and use, for conspiracy purposes, acts codifying the identity of persons, departmental membership of the subdivisions, organisations, premises and means of transport of the Service, and the identity of the persons collaborating confidentially with the Service;

18) conduct scientific research on national security issues and carry out editorial work;

19) design, produce special technical and/or programme means necessary for the performance of its tasks;

20) set up working groups of intelligence and security officers and guest specialists from other legal entities, to conduct research on important issues pertaining to national security;

21) undertake initial and continuous professional training and retraining of staff of the Service, including abroad, train, in exchange for compensation or free of charge, staff for foreign special services, other public authorities, as well as other legal entities, irrespective of the type of ownership;

22) negotiate and conclude, as provided for by law, for the purpose of performing the duties of the Service, contracts and agreements with public authorities, natural persons and legal entities, irrespective of the type of ownership.

(2) The use of the Service's powers to carry out actions not provided for by the legislation is forbidden.

Article 8. The right to use physical force, the firearm, ammunition and special means

The intelligence and security officer shall have the right to use physical force, the firearm, ammunition, and special means under the terms of Law no. 218/2012 on the use of physical force, special means and firearms and Law no. 170/2007 on the status of the intelligence and security officer.

Article 9. Cooperation of the Service with institutions in the country and abroad

(1) Public authorities, other public law legal entities must grant to the Service, as far as possible, assistance in the performance of its tasks, including the provision of positions for the secondment of intelligence and security officers to carry out tasks in the interest of national security. Private law legal entities may offer the assistance requested by the Service.

(2) Postal service providers, providers of electronic communications networks and/or services, irrespective of the type of ownership, including departmental/institutional services, are obliged, in accordance with the legislation, to create the conditions necessary for the connection of the technical means intended for the performance by the Service of the activities under its remit.

(3) For the purpose of carrying out counterintelligence and external intelligence activities, as well as in order to perform the Service's duty of ensuring the technical side of the special investigation measures, the postal service providers and the providers of electronic communication networks and/or services, irrespective of the type of ownership, shall be obliged:

a) based on a contract, to make available premises and ensure technical conditions necessary for the carrying out by the Service of counterintelligence and external intelligence activities or of special investigation measures technically covered by the Service and to provide to this end the necessary technical data;

b) to undertake actions to ensure the confidentiality of the content, forms, tactics, methods and means of carrying out counterintelligence and external intelligence measures;

c) to ensure the respect for the conditions of general authorisation, the rules of interconnection of networks and rules of access to electronic communication networks and/or services, as well as the requirements established by the National Regulator in the field of Information Technologies and Electronic Communications together with the Service for the networks of electronic communication and associated infrastructure with respect to the carrying out of counterintelligence and external intelligence measures;

d) to ensure the free and efficient access of specialised subunits of the Service to their own electronic communications through dedicated interfaces or in other ways established between the parties for the purpose of connecting special technical means designed for the carrying out of the counterintelligence and external intelligence activities or special investigation measures technically covered by the Service and provide necessary data to this end, in accordance with the delimitation of technical operational responsibilities between the respective provider and the Service, provided for by the international standards or agreed by the parties;

e) to ensure, permanently and continually, the technical conditions necessary for the connection and functioning of the special technical means designed for the carrying out of counterintelligence and external intelligence measures in real time and full amount, especially with respect to:

– the compliance of the specification of the provider's equipment with the format accepted by the special technical means, in accordance with the applicable international standards or those agreed by the parties;

– the provider's willingness to connect special technical means via fixed connections or through a switch;

f) to offer technical support to the Service with a view to carry out the duties pertaining to it in this field and to cooperate with it in order to apply the criteria of security and audit of the national wiretapping system;

g) to place at the disposal of the Service the servers managing the wiretapping and their administration and operation panels with a view to ensuring the function of legal wiretapping of communications;

h) to ensure the protection of special technical means installed on the providers' premises against the theft of information or unauthorised access, under the conditions established for the protection of the provider's equipment. On behalf of the Service, access to such premises shall be allowed exclusively to responsible intelligence and security officers appointed for this purpose by the Director of the Service;

i) to ensure the permanent and direct access of the Service to the technical identifiers (international identifier of mobile users (IMSI), telephone number, series number of the SIM card, static address of Internet protocol (IP), physical address for the provision of the fixed service) and to the identification data of the subscribers (name, surname, Personal Identification Number, address), if these are known, through the methods agreed, with a view to carrying out counterintelligence and external intelligence measures. The Service shall ensure the detailed record of the views, and the records shall be protected against modification, destruction, falsification, unauthorised access and unauthorised issue;

j) to inform beforehand the Service about any modification in the network which could affect the continuity of the carrying out of the counterintelligence or external intelligence measures in the electronic communication networks;

k) to inform the Service, at least 6 months in advance, about any planned modernisation or extension of the electronic communication networks, which could affect the continuity of the carrying out of the counterintelligence or external intelligence measures and of the special investigation measures technically covered by the Service, in the electronic communication networks, ensuring the technical conditions and the data necessary for connecting special technical means designed for the conduct of such measures, in accordance with the delimitation of operational technical responsibilities of the provider and of the Service, provided for by applicable international standards or the standards agreed by the parties.

Article 10. Respect for human rights and freedoms in the Service activity

(1) In its activity, the Service shall ensure respect for human rights and freedoms. Limitations on human rights and freedoms shall not be permitted except when provided for in the legislation.

(2) Individuals whose rights and freedoms have been violated by the employees of the Service shall have the right to report their actions, in accordance with the legislation.

Article 11. Right to information on the activity of the Service

The society shall be informed on the activity of the Service through the official webpage of the Service, mass-media and other means provided for by the legislation.

Article 12. Protection of information related to the activity of the Service

(1) Individuals employed in the Service, as well as those who have access to information related to the activity of the Service, shall be subject to the procedure for access to information designated as state secret, unless otherwise provided for by the legislation.

(2) Documents and materials containing information on the staff of the Service, individuals who collaborate or have collaborated confidentially with the Service, as well as information on the organisation, forms, tactics, methods and means of carrying out counterintelligence and external intelligence activities shall be designated as state secret and shall be kept in the Service's archive. The declassified documents and materials of historical and scientific value from the Service's archive shall be stored at the National Archive of the Republic of Moldova as provided for by the legislation.

Chapter III
ORGANISATION OF THE ACTIVITY, LEADERSHIP
AND STAFF OF THE SERVICE

Article 13. Organisation of the activity of the Service

(1) The Service is an autonomous administrative authority consisting of the central apparatus and territorial subunits.

(2) The territorial subunits are directly subordinated to the leadership of the Service. Their location and organisation may not correspond to the administrative and territorial organisation of the Republic of Moldova.

(3) The structure of the Service shall be approved by the College of the Service, upon proposal of the Director of the Service.

(4) The manpower of the Service shall be determined and approved by the Parliament at the proposal of the Director of the Service. During periods of siege and war, the staff of the Service, shall be approved by the President of the Republic of Moldova, at the proposal of the Director of the Service and shall be designated as state secret.

Article 14. Director of the Service

(1) The Service shall be headed by a Director, appointed by the Parliament, with the votes of the majority of the elected MPs, at the proposal of the President of the Republic of Moldova.

(2) The candidate proposed for the position of Director shall be heard beforehand by the Committee on National Security, Defence and Public Order, which will report back to Parliament's plenary.

(3) The position of Director shall be incompatible with any other paid activity, including entrepreneurial activity, except for creative, teaching and scientific work.

(4) The Director shall be appointed for a 7-year term and may not hold two consecutive mandates.

(5) On the date of appointment, the Director of the Service shall take the oath before the Parliament, in the presence of the President of the Republic of Moldova, as follows: „I swear to devote my full power and expertise to the prosperity of the Republic of Moldova, to respect the Constitution and the laws of the country, to defend democracy, human rights and fundamental freedoms, the sovereignty, independence, unity and territorial integrity of Moldova”.

(6) The Director of the Service shall be independent in the exercise of their mandate and shall be irremovable during their term of office.

(7) The Director of the Service shall have the right to attend the sittings of the Government.

Article 15. Conditions for appointment, termination and suspension of the term of office of the Director of the Service

(1) The candidate for the position of Director of the Service shall be the person who cumulatively meets the following conditions:

- a) holds the citizenship of the Republic of Moldova and does not hold the citizenship of any other State, with the exception of the Member States of the European Union;
- b) has permanent residence on the territory of the Republic of Moldova;
- c) is not subject to a judicial protection measure;
- d) has a higher education degree, professional qualification and work experience of at least 10 years in the fields of law, national defence, state security, public order or diplomatic service;
- e) enjoys an irreproachable reputation;
- f) has not reached the retirement age for the age limit in the public social insurance system;
- g) is not and has not been a member of any political party for the previous 3 years;
- h) has no criminal record, including extinguished or invalidated by the court, with the exception of criminal antecedents for committing crimes due to imprudence;
- i) speaks the Romanian language;

(2) The term of office of the Director shall be terminated in cases of:

- a) the expiry of the term of appointment;
- b) resignation on their own initiative;
- c) loss of citizenship of the Republic of Moldova or obtaining of the citizenship of another State non-member of the European Union;
- d) declaration of disappearance without a trace, pursuant to the law;
- e) pronouncement of a final sentence of conviction, or deprivation, by final court decision, of the right to hold a public office or a position of high responsibility;
- f) election to an elective position;
- g) death;
- h) dismissal.

(3) The Director shall be dismissed from office in the following cases:

- a) if a state of incompatibility is established by a statement of finding, which has remained final;
- b) the impossibility of performing for more than 4 consecutive months of the duties assigned to them due to the state of health established through a medical examination;
- c) failure to comply with the conditions for appointment, except for the condition under para. (1) (f) of this Article;
- d) establishment, by means of a statement of finding, of the fact of issuing/adopting by the Director of the Service of an administrative act, concluded directly or through a third party, adopting or participating in the adoption of a decision without solving the actual conflict of interest in accordance with the provisions of the legislation regulating the conflict of interest;
- e) failure to submit the declaration of assets and personal interests or refusal to submit it pursuant to Article 27 (11) of Law no.132/2016 on the National Integrity Authority;
- f) the order by the court, through an irrevocable decision, for the confiscation of unjustified assets.

(4) The activity of the Director of the Service shall be suspended:

- a) from the time of the indictment and until the court decision has become final;
- b) in the case of registration as a candidate for an elective position.

(5) The grounds referred to in paras (2)-(4) shall be established in the Parliament's plenary sitting, based on the report of the parliamentary Committee on National Security, Defence and Public Order, by adopting a Parliament's decision taking note of the occurrence of the situation giving rise to the termination, dismissal, or suspension of the term of office. The termination, dismissal, or suspension of the Director's term of office shall be adopted by the Parliament with the majority of the elected Members.

Article 16. Duties of the Director of the Service

The Director of the Service shall:

- a) organise and lead the activity of the Service and shall be responsible for exercising the duties and fulfilling the obligations of the Service;
- b) represent the Service at the national and international level;

- c) submit to the President of the Republic of Moldova proposals for candidates for the positions of Deputy Directors of the Service and propose their dismissal;
- d) assign and delegate powers and approve the functional obligations of the deputy directors of the Service, and monitor the performance thereof;
- e) issue orders, pursuant to and for the purpose of the law enforcement, as well as make enforceable orders within the Service, approve instructions, regulations and other normative acts, including jointly with other public authorities;
- f) approve the Staff of the central apparatus and of the territorial subunits in accordance with the structure and within the limits of the approved number;
- g) participate in the development and promotion of documents of state security policies and submit proposals, in the established manner, to be examined by the Parliament, the President of the Republic of Moldova and the Government on further development of legislation in the field of state security;
- h) determine the tasks and priority activity directions of the subunits of the central apparatus and of territorial subunits, exercise control over the activities thereof;
- i) authorise, in accordance with the Law on Counterintelligence and External Intelligence Activity, the conduct of external intelligence measures;
- j) manage public finances and administer the public patrimony of the Service, in accordance with the good governance principles;
- k) exercise powers, stipulated under Law no.170/2007 on the status of the intelligence and security officer.

Article 17. Deputy Directors of the Service

- (1) In the performance of duties, the Director of the Service shall be assisted by two Deputy Directors.
- (2) The Deputy Directors shall be career officers of the Service with at least 10 year-seniority as intelligence and security officers, appointed to and dismissed from office by the President of the Republic of Moldova, at the proposal of the Director of the Service.
- (3) The provisions of Article 15 (1) - (4) shall also apply to Deputy Directors accordingly.
- (4) The Deputy Directors shall perform the duties assigned or delegated by the Director in accordance with the approved functional obligations.
- (5) During the temporary absence of the Director, the replacing Deputy Director may issue orders and other acts only within the limits of the powers assigned by the Director of the Service.

Article 18. Board of the Service

- (1) The Board of the Service shall act as an advisory body under the Director of the Service for the debate of issues related to the activity and policies promoted by the Service. The Board of the Service shall have decision-making powers in cases established by law.
- (2) The Board of the Service shall approve: the structure and the rules of procedure on the activity of the Service; the structure and the rules of procedure on the activity of the Special Couriers Bureau; the annual progress report of the Service; the rules of procedure on the activity of the subunits of the Service, of the Board of the Service; annual activity priorities.
- (3) The Board of the Service shall be made up of nine members: the Director of the Service (Chair), Deputy Directors, the heads of counterintelligence, external intelligence and integrated analysis subunits and other individuals in leadership positions within the Service. The nominal membership of the Board of the Service shall be approved by the President of the Republic of Moldova at the proposal of the Director of the Service.
- (4) The Board of the Service shall be convened by the Director of the Service, when necessary, but not less than once a quarter.

(5) The decisions formulated following the debates at the meetings of the Board of the Service shall be approved by the simple majority of votes of the members attending the meeting.

Article 19. Public authorities and institutions under the Service

(1) The Special Couriers Bureau is a central administrative authority under the Service, performing through the Service the duties relating to diplomatic courier and special courier service.

(2) The Service may also have under its authority other public authorities or institutions for the purpose of carrying out the tasks laid down by law.

Article 20. National Intelligence and Security Centre

(1) The National Intelligence and Security Centre 'Bogdan, the Founder of Moldova' (hereinafter – the *Centre*) is a subunit within the central apparatus of the Service, conducting specialised training in the field of state security for initial and continuous professional training and retraining of the Service staff, as well as the scientific research in the given field.

(2) The Centre may carry out, on an agreement/contract basis, initial and continuous training of specialists of other institutions with competence in the field of national security, as well as the training of staff within public authorities and other legal entities, in charge of the protection of information falling under state secrecy and anti-terrorist protection.

(3) The Centre shall not be part of the national education system, shall not be subject to the provisions of the legislation on provisional operating licensing and accreditation of education institutions and science and innovation institutes.

(4) The Centre shall operate on the basis of this Law and the regulations approved by the Board of the Service.

Article 21. Staff of the Service

(1) The staff of the Service consists of intelligence and security officers and civilian employees (hereinafter – *employees*), who work under contract. Depending on their duties, intelligence and security officers shall be part of the budgeted staff or cryptic staff.

(2) The legal status, the way in which the special service is performed by contract, the disciplinary regime, the prohibitions and the liability of the intelligence and security officer shall be governed by Law no.170/2007 on the status of the intelligence and security officer.

(3) The employment, work, rest conditions, pay and regulation of the work of civilian employees shall be governed by labour legislation, and other normative acts, taking into account the specificities laid down in this Law.

(4) An individual who meets the general conditions of employment, has the professional training, qualification and state of health required for the position and meets safety criteria may be hired as a civilian employee.

(5) The staff of the Service shall not be members of political parties and may not be members of other social and political organisations. Civilian employees may set up and join trade unions.

(6) Upon employment in service and every year thereafter, intelligence and security officers shall be required to submit a declaration of assets and personal interests under the conditions laid down in the Law on the Declaration of Assets and Personal Interests.

(7) Employees of the Service shall be subject to compulsory state fingerprint registration in accordance with the legislation.

(8) The employees of the Service shall be required to strictly preserve the state secret, other official information of limited accessibility, including after dismissal from the Service for whatever reason. The disclosure of the respective information, except where it is provided for by law, shall be prohibited and punishable by law.

Article 22. Social and legal protection of the Service staff

(1) The social and legal protection of the staff of the Service and their family members shall be provided by the State.

(2) The social and legal protection of the intelligence and security officers and their family members shall be governed by Law no.170/2007 on the Status of the Intelligence and Security Officer.

(3) The social and legal protection of civilian employees shall be governed by the Labour Code and other relevant normative acts.

(4) Information concerning the staff of the Service who perform or have performed special tasks relating to ensuring national security within national public authorities or legal entities of the Republic of Moldova, within special services, foreign authorities or organisations, criminal groups or organisations shall constitute state secret and may be made public only in cases provided for by law and only with the consent of the respective staff member.

(5) The period of performance by the staff of the Service of special tasks related to ensuring national security, as well as performance of their service duties under other conditions endangering their life and health, shall be included in the period of general service length, of special service length, and the contribution period.

Chapter IV
INDIVIDUALS COLLABORATING CONFIDENTIALLY
WITH THE SERVICE

Article 23. Individuals collaborating confidentially with the Service

(1) Individuals collaborating confidentially with the Service shall be those who, by a written consent or verbal understanding, have agreed to offer information to the Service confidentially, participate confidentially in the preparation and carrying out of the intelligence/counterintelligence activity, as well as contribute, in any other way, unprohibited by law, to the performance of the tasks of the Service.

(2) The written agreement/verbal understanding shall be concluded/established between the information and security officer, on behalf of the Service, and the individual.

(3) The collaboration with the Service can be free or remunerated.

(4) The activity of the individuals collaborating confidentially with the Service shall be coordinated by the head of the specialised subunit and shall be subject to internal control.

Article 24. Rights and obligations of individuals collaborating confidentially with the Service

(1) Individuals collaborating confidentially with the Service shall be entitled to:

a) conclude with the Service, in cases provided for in the Service's regulatory acts, written agreements of confidential collaboration;

b) receive explanations related to their tasks, rights and obligations from intelligence and security officers;

c) use, for conspiracy purposes, codified identity cards and other necessary documents;

d) be remunerated;

e) be compensated for damage to their health or assets in connection with the collaboration with the Service.

(2) Individuals collaborating confidentially with the Service shall be required:

a) to observe the clauses of the written agreement or verbal understanding of confidential collaboration with the Service;

b) to carry out special missions assigned by the Service for the fulfilment of assumed obligations;

c) not to admit deliberate submission of incomplete, subjective or defamatory information;

d) not to disclose information classified as state secret, as well as other data known to them in connection with the confidential collaboration or resulting from the process of confidential collaboration with the Service;

e) to respect the fundamental rights and freedoms, the limitations and the restrictions provided by the normative acts and inform the Service on any activity, indication or task contravening the legal framework.

(3) The Service shall ensure the respect for the clauses of the written confidential collaboration agreement and of the official verbal understanding. The information regarding the individuals collaborating or having collaborated confidentially with the Service represents a state secret and cannot be disclosed publicly, except with the written consent of the respective individuals and only in cases provided by the law.

(4) The types of confidential collaboration with the Service shall be regulated through the regulatory acts of the Service.

Article 25. Social and legal guarantees of individuals collaborating confidentially with the Service

(1) Individuals collaborating or having collaborated confidentially with the Service shall benefit from social and legal guarantees.

(2) In the event of the initiation of proceedings against the individual collaborating or having collaborated confidentially with the Service, in connection with the fact of collaboration, the Service shall grant/provide free legal assistance in accordance with the regulatory acts of the Service, unless the legal action was initiated at the request thereof.

(3) If the life, personal or property security of individuals collaborating or having collaborated confidentially with the Service or their family members are in danger, the Service shall provide/ensure free legal assistance, other support and protection in order to eliminate the danger.

(4) Life and health of individuals collaborating confidentially with the Service, detached outside the Republic of Moldova, shall be subject to compulsory state insurance, in accordance with the regulatory acts of the Service.

(5) In the event of the death of the individual who collaborated confidentially with the Service or of a member of their family, occurred in connection with the special missions carried out in the process of confidential collaboration with the Service, the Government shall bear the costs of preparing and transporting the body to the burial place specified in the will or indicated by the close relatives (in the event of their absence – by the leadership of the Service), as well as the funeral expenses.

(6) The State shall be requested, in any circumstances, to contribute to the release of individuals collaborating or having collaborated confidentially with the Service and their family members who are detained, arrested or convicted beyond the borders of the Republic of Moldova in connection with the performance of special missions assigned thereto by the Service.

(7) Persons collaborating or having collaborated confidentially with the Service may be nominated to be awarded with state distinctions of the Republic of Moldova, as provided by the law.

(8) In the event of the death of the individual who consented by written agreement to collaborate confidentially with the Service, occurring in direct connection with that collaboration, the family members of the deceased individual, as well as the dependents thereof shall be paid, in equal shares, from the state budget means, a single allowance in the amount of 120 average monthly salaries per economy, established by the Government decision in force at the time of death.

(9) In the event that the individual who consented by written agreement to collaborate confidentially with the Service suffered mutilations (injuries, trauma, contusions) in direct connection with that collaboration, which led to their classification as severe, accentuated or medium disability and which deprived them of the possibility to further collaborate with the Service, the respective individual shall be paid, from the state budget means, in compliance with the assigned disability degree, a single allowance in an amount of 60, 50 or 40 monthly average salaries per economy, established by the Government decision in force at the time of disability occurrence.

Chapter V
INFORMATION, FINANCIAL, TECHNICAL AND MATERIAL PROVISION OF THE
SERVICE

Article 26. Information provision of the Service

(1) In order to carry out its tasks, the Service may establish and operate information systems, electronic communications networks, information resources and databases on its own technological platforms, as well as means of information protection, including cryptographic and technical protection.

(2) In exercising its duties, the Service shall, in compliance with the law, have free of charge access to electronic communications networks, information from information systems, databases and registers created by the State.

(3) The Service shall request and receive, from individuals or legal entities under public or private law, data and information necessary to carry out the duties provided for by the law.

Article 27. Means of arming and equipping the Service

(1) The Service shall develop, create, procure and use weapons and equipment, including special technical and other means, procure and use weapons entered into the Service, as well as other weapons and ammunition intended for carrying out its tasks pursuant to the classification approved by the Government.

(2) Procurement, sale, transmission, removal from and introduction into the territory of the Republic of Moldova of means of arming and equipment, including special technical equipment, as well as other means, of firearms and ammunition thereto, for the use in the Service activity, shall be carried out as stipulated by the legislation.

Article 28. Financial, technical and material provision of the Service

(1) The financing, and the technical and material provision of the Service shall be carried out from the State budget in accordance with the conditions laid down in the legislation. The Service may receive donations and grants, through the Government, insofar as the independence of the Service is not affected.

(2) The assets of the Service, created or to be created, purchased or to be purchased from the State budget resources as well as other means, shall represent public ownership of the State.

(3) The Service may own service housing facilities to be used under the conditions laid down by the legislation.

Chapter VI

CONTROL OVER THE ACTIVITY OF THE SERVICE

Article 29. Control over the activity of the Service

(1) The control over the activity of the Service shall be exercised by the Parliament, the General Prosecutor's Office and the courts, within the limits of their competence.

(2) The Service shall submit, in the established manner, at the request of the Parliament or the President of the Republic of Moldova, progress reports on an annual basis, by 1 June.

(3) The annual progress report of the Service shall be made public on the official web pages of the Service and the Parliament, excluding the information classified as State secrecy.

(4) The external public audit of the financial statements of the Service shall be carried out by the Court of Accounts.

Article 30. Parliamentary control

(1) The parliamentary control of the Service activity shall be carried out, pursuant to the Rules of procedure approved by Parliament decision, by the parliamentary Subcommittee for Parliamentary Control over the Service activity.

(2) Members of the Subcommittee, mentioned under para. (1) of this Article, may have access to information classified as state secret under the terms of Law no.245/2008 on State Secret, with the exception of special files, information on ongoing operations, the identity of individuals who collaborate or have collaborated confidentially with the Service, individuals working undercover, who are part of the cryptic staff or have special missions requiring non-disclosure of the identity.

(3) Members of Parliament shall be liable, under the law, for the disclosure of information classified as state secret, including the information received from the Service pursuant to MPs inquiries.

Article 31. Judicial control

The judicial control over the Service activity shall be carried out in the context of authorising counterintelligence measures and examining the legality of the acts and actions of the Service.

Article 32. Control by the public prosecutor

(1) The public prosecutor's control shall be carried out by prosecutors from the Prosecutor General's Office, empowered to do so by the Prosecutor General.

(2) Information on the organisation, forms, tactics, methods and means of operation of the Service shall not be subject to control by the public prosecutor, except in cases where the violation of the rules regarding the performance of the indicated activities constitutes a crime.

Article 33. Internal control

(1) The internal control over the activity of the Service staff shall be carried out by the Director of the Service, the Deputy Director of the Service duly empowered thereto, control subunits and the heads of the specialised subunits.

(2) Individuals who are not directly involved in working with individuals collaborating confidentially with the Service, including the Director and Deputy Directors of the Service, shall not be entitled to request information about the real identity of individuals collaborating confidentially with the Service, unless it is required by an urgent need at work.

**Chapter VII
FINAL AND TRANSITIONAL PROVISIONS**

Article 34.

(1) The Director and the Deputy Director of the Security and Intelligence Service of the Republic of Moldova shall continue to perform their duties until the end of their term of office, in accordance with the provisions of this Law.

(2) Law no.753/1999 on the Security and Intelligence Service of the Republic of Moldova shall be repealed on the date of this Law enforcement.

(3) Providers of electronic communications networks and/or services shall, by 1 January 2024, fulfil the obligation stipulated under Art. 9 para. (3) i).

Article 35.

(1) Within 6 months from the entry into force of this Law, the Government shall:

- a) submit proposals to the Parliament to bring the enforced legislation in line with this law;
- b) develop the normative acts necessary for the implementation of this Law;
- c) bring its normative acts in line with this Law.

(2) Within 6 months from the entry into force of this Law, the Service shall bring its internal acts in line with this Law.

PRESIDENT OF THE PARLIAMENT

IGOR GROSU

**Chişinău, 8 June 2023.
No.136.**