

**PARLIAMENT OF THE REPUBLIC OF MOLDOVA**  
**LAW ON THE SUPERIOR COUNCIL OF MAGISTRACY\***

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*AMENDED BY:*

*LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77*

*LP229-XVI dated 06.11.08, OM208-209/21.11.08 art.768*

*LP65-XVI dated 27.03.08, OM86-87/16.05.08 art.302*

*LP257-XVI dated 29.11.07, OM14-15/22.01.08 art.46, in force as of 01.07.08*

*LP185-XVI dated 26.07.07, OM136-140/31.08.07 art.579, in force as of 01.01.08*

*LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796*

*LP154-XVI dated 21.07.05, OM126-128/23.09.05 art.611*

*LP174-XVI dated 22.07.05, OM107-109/12.08.05 art.533*

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Amended by Laws:

- 1) No. 1414-XIII dated 17.12.97 – Official Monitor, 1998, No. 24-25, art. 152;
- 2) No. 772-XIV dated 02.02.00 – Official Monitor, 2000, No. 29-30, art. 179;
- 3) No. 373-XV dated 19.07.01 – Official Monitor, 2001, No. 129, art. 926;
- 4) No. 191-XV dated 08.05.03 – Official Monitor, 2003, No. 97-98, art. 432.

The Parliament adopts this organic law.

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Superior Council of Magistracy - Judicial Self-Administration Body**

(1) The Superior Council of Magistracy is an independent body created in view of organizing and functioning of the judicial system, and is the guarantor of the judicial authority's independence.

(2) The Superior Council of Magistracy shall perform judicial self-administration.

**Article 2. Legal Framework**

The manner of organization and operation of the Superior Council of Magistracy shall be regulated by the Constitution, by laws on the organization of the judiciary, on the status of judge, by this law, and by other normative acts.

### **Article 3. Membership**

- (1) The Superior Council of Magistracy shall be composed of 12 members.
- (2) The Superior Council of Magistracy shall be composed of judges and law professors, and of the President of the Supreme Court of Justice, Minister of Justice, Prosecutor General, who are ex officio members.

*[Art.3 par.(2) in version of LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

*[Art.3 par.(3) excluded by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

- (4) Five member-judges shall be elected by secret vote by the General Assembly of Judges of the Republic of Moldova. Four members shall be elected by the Parliament from among law professors by the majority vote of the elected deputies and upon the proposal of at least 20 deputies in the Parliament.

*[Art.3 par.(4) in version of LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

- (5) The General Assembly of Judges shall secure the practical application of the principle of self-administration of the judicial power. The General Assembly of Judges shall have the exclusive competence to elect the five members of the Superior Council of Magistracy and may not make any other decisions on the organization of the judicial power.

In order to organize the procedure of election of judges to the Superior Council of Magistracy, the General Assembly of Judges shall elect by the majority votes a special commission of five judges. The judges who collected more than a half of the votes of the total number of the persons present at the assembly shall be considered elected as members of the Superior Council of Magistracy.

The General Assembly of Judges shall be convened, as a rule, once in 4 years. Should the position of the member of the Superior Council of Magistracy whose election is of the competence of the General Assembly of Judges be vacant, the latter shall be convened in an extraordinary manner. The General Assembly of Judges shall be legally qualified to pass decisions if at least two thirds of the total number of judges is present and there is evidence that the absent judges were announced in advance of the assembly convening. The Ministry of Justice shall announce the date of convening the General Assembly of Judges at least 15 days in advance.

In order to ensure the activity of the Superior Council of Magistracy the judges elected by the General Assembly of Judges shall be detached for the duration of their mandate of the members of the Council.

*[Art.3 par.(5) in version of LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77] [Art.3 par.(5) amended by LP65-XVI dated 27.03.08, OM86-87/16.05.08 art.302]*

*[Art.3 amended by LP174-XVI dated 22.07.05, OM107-109/12.08.05 art.533]*

- (6) The members of the Superior Council of Magistracy, except for ex officio members, may not practice any remunerated activity other than the didactic and scientific activity.

- (7) Upon being elected as members of the Superior Council of Magistracy the persons holding administrative positions shall be removed from office.

*[Art.3 par.(6)-(7) introduced by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

### **Article 4. Competence of the Superior Council of Magistracy**

By performing its functions, the Superior Council of Magistracy shall have the following competencies related to the carrier of judges:

- a) submits proposals on appointment, promotion, transfer, or dismissal of judges, presidents and deputy presidents of the courts to the President of the Republic of Moldova or to the Parliament;
- b) takes the oath of judges;
- c) verifies the authenticity of the documents submitted by the candidates to the position of the judge and verifies the documents submitted for the appointment of the judge until reaching the age limit or if a judge is promoted;
- d) decides on announcement, in line with the law and the regulation, of the vacancy for judge, court president and deputy president, and selects candidates for the judge, court president or deputy president vacancies;
- e) decides on temporary fill of the position of the president or deputy president of the district court or court of appeal, if the position is vacant or they are suspended from office, until the vacancy is filled in the manner set by law, or the suspension is cancelled;
- f) applies other incentive measures to the judges.

(2) By performing its functions, the Superior Council of Magistracy shall have the following competencies related to the initial and continuing training of judges:

- a) appoints judges to the Council of the National Institute of Justice;
- b) approves the strategy on the initial and continuing training of judges, expresses its opinion on the action plan on its implementation;
- c) examines and expresses its opinion on the Regulation on Organizing the Competition for Admission to the National Institute of Justice, on the didactic programs and curricula for the initial and continuing training of judges at the Institute, on the Regulation on Announcing Vacancies for Professors, and on the composition of the National Institute of Justice admission and graduation examination commissions;
- d) expresses its opinion on the number of persons to be admitted to the initial training of judges at the National Institute of Justice;
- e) examines the appeals against the decisions (findings) issued by the Qualification Board.

(3) By performing its functions the Superior Council of Magistracy shall have the following competencies related to the discipline and ethics of judges:

- a) examines the petitions of the citizens on the issues related to the ethics of judges;
- b) examines the appeals against the decisions issued by the Disciplinary Board;
- c) applies disciplinary sanctions to the judges;

- d) validates the decisions (findings) issued by the Qualification Board and the Disciplinary Board;
- e) requests from the competent authorities information on the declarations on income and property of judges;
- f) requests the tax authorities to control the authenticity of the income declarations of the judges' family members;
- g) places on its website the declarations on income and property of the judges and keeps them for the entire year.  
*[Art.4 par.(3), letter g) introduced by LP257-XVI dated 29.11.07, OM14-15/22.01.08 art.46, in force as of 01.07.08]*

(4) By performing its functions, the Superior Council of Magistracy shall have the following competencies related to the administration of courts:

- a) examines the information provided by the Ministry of Justice on securing the organizational, material, and financial needs of the courts;
- b) approves the Regulation on the Assignment of Cases to Be Heard in the Courts that ensures transparency, objectiveness, and impartiality of this process;
- c) examines, confirms and proposes, in the manner set by the legislation currently in force, the draft budgets of the courts;
- d) submits on the annual basis, however, not later than April 1, to the Parliament and the President of the Republic of Moldova the Annual Report on the Organization and Activity of the Courts in the previous year;
- e) approves the structure of the personnel of the Superior Council of Magistracy, appoints, promotes, transfers, and dismisses its employees, applies incentive measures and disciplinary sanctions to its employees;
- f) coordinates the programs for annual vacations of judges of the district courts and courts of appeal, offers annual vacations to the presidents and deputy presidents of these courts.

(5) By performing its functions, the Superior Council of Magistracy may have other competencies provided by law.

(6) In order to properly perform its functions the Superior Council of Magistracy shall approve the Regulation on Organizing and Conducting the Contest for the Vacancy for Judges, Court President and Deputy President, Regulation on the Organization and Operation of the Personnel of the Superior Council of Magistracy, and other regulations related to the activity of the judiciary.

(7) The Superior Council of Magistracy shall prepare and keep the personal files of the judges of the district courts and courts of appeal.

*[Art.4 in version of Law LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

*[Art.4 letter n) in version of Law LP154/21.07.05, OM126/23.09.05 art.611]*

## **Article 5. The President**

(1) The President of the Superior Council of Magistracy shall be elected by secret vote for the duration of his/her mandate by the majority vote of the members of the Council, and shall act on a permanent basis.

*[Art.5 par.(1) in version of LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

*[Art.5 par.(1) amended by LP65-XVI dated 27.03.08, OM86-87/16.05.08 art.302]*

(2) In the absence of the President his/her functions shall be exercised by a member of the Council appointed by the decision of the Superior Council of Magistracy.

(3) The position of the President of the Superior Council of Magistracy may not be held or exercised by the ex officio members specified in art. 3, par. (2) hereunder.

*[Art.5 par.(3) amended by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

*[Art.5 par.(3) introduced by LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

## **Article 6. Duties of the President**

The President of the Superior Council of Magistracy shall:

- a) convene and chair the sessions of the Council;
- b) coordinate the activity of the Council and assign the materials to be examined;
- c) represent the Council before domestic and foreign public authorities;
- d) be the administrator of the Council's financial means;
- 6) perform other duties hereunder.

## **Article 7. Qualification Board, Disciplinary Board, and Judicial Inspection**

(1) The Qualification Board, the Disciplinary Board, and the Judicial Inspection function under the Superior Council of Magistracy.

(2) The structure, the competence, and the manner of functioning of the Qualification Board and the Disciplinary Board shall be established by law.

(3) The structure, the competence, and the manner of functioning of the Judicial Inspection shall be established by law and by the regulation approved by the Superior Council of Magistracy.

*[Art.7 amended by LP185-XVI dated 26.07.07, OM136-140/31.08.07 art.579, in force as of 01.01.08]*

## **Article 7<sup>1</sup>. Judicial Inspection**

(1) The Judicial Inspection shall be composed of 5 inspecting judges.

(2) The duration of the mandate of an inspecting judge shall be of 4 years. The inspecting judge may exercise his/her duties for 2 consecutive mandates at the most until reaching the age limit of 65.

*[Art.71 par.(2) amended by LP229-XVI dated 06.11.08, OM208-209/21.11.08 art.768]*

(3) The position of the inspecting judge shall be filled by a person selected on a competitive basis who is licensed in law and has experience in law of at least 10 years, and a good reputation. Selected shall be the candidate who collected more than a half of the votes of the members of the Superior Council of Magistracy present at the Council's session.

(4) The Judicial Inspection shall be managed by a senior inspecting judge appointed for the duration of his/her mandate by the Superior Council of Magistracy from among the inspecting judges. The senior inspecting judge shall be subordinated to the Superior Council of Magistracy.

(5) By performing his/her duties the inspecting judge shall avail himself/herself of the inviolability set forth in art. 19 of the Law on the Status of Judge.

(6) The Judicial Inspection shall have the following competencies:

a) verifies the organizational activity of the courts in the course of dispensing justice;

b) examines the complaints of the citizens related to the judicial ethics, which are addressed to the Superior Council of Magistracy;

c) verifies the motions of the Prosecutor General related to the consent of the Superior Council of Magistracy to initiate the criminal investigation, perform the procedural acts requiring, based on law, the consent of the Council, including the detention, bringing to court or police, search or preventive arrest, as well as the motions related to the consent to subject a person to criminal or administrative liability;

d) examines the grounds for rejection by the President of the Republic of Moldova or by the Parliament of the candidate proposed by the Superior Council of Magistracy to be appointed as a judge or promoted as a deputy president or president of the court, by which a memorandum shall be submitted to the Superior Council of Magistracy.

(7) The technical and material needs shall be met by the Superior Council of Magistracy in line with the Budget Law.

*[Art.71 introduced by LP185-XVI dated 26.07.07, OM136-140/31.08.07 art.579, in force as of 01.01.08]*

## **Article 8. Relations with Other Authorities**

(1) In its relationship with the Supreme Court of Justice, the Ministry of Justice, and other public authorities, the Superior Council of Magistracy shall be independent and subordinated in its activity only to the Constitution and the laws.

(2) The Superior Council of Magistracy may notify the Parliament, the President of the Republic of Moldova, and the Government of any issues in its competence in line with the law.

(3) The Superior Council of Magistracy shall maintain relationships with similar bodies from other countries regarding any issue on the functioning and administration of justice.

## **Article 8<sup>1</sup>. Transparency of the Activity of the Superior Council of Magistracy**

(1) The regulations approved by the Superior Council of Magistracy shall be published in the Official Monitor of the Republic of Moldova.

(2) The decisions and other acts issued by the Superior Council of Magistracy for the purpose of its activity shall be placed on its webpage.

*[Art.81 introduced by LP257-XVI dated 29.11.07, OM14-15/22.01.08 art.46, in force as of 01.07.08]*

## Chapter II

### THE STATUS OF MEMBER OF THE SUPERIOR COUNCIL OF MAGISTRACY

#### Article 9. Mandate Duration

- (1) The duration of the mandate of the member of the Superior Council of Magistracy shall be of 4 years.
- (2) Ex officio members of the Superior Council of Magistracy shall not fall under the terms of paragraph (1).

#### Article 10. The Rights

The member of the Superior Council of Magistracy shall be entitled:

- a) to take knowledge of the materials presented to the Council for examination;
- b) to participate in their examination;
- c) to file requests, express his/her arguments, and submit additional materials;
- d) to request from the courts, the Ministry of Justice, other institutions, and organizations information and documents necessary to perform his/her duties;
- e) to propose that issues related to the competence of the Council be discussed during the Council's session;
- f) to participate by his/her vote in the adoption of decisions and to express, as the case may be, a separate opinion;
- g) to avail of other rights provided by law.

#### Article 11. The Obligations

- (1) The member of the Superior Council of Magistrates shall be obliged:
- a) to perform his/her duties in line with the law;
  - b) to ensure the protection of the magistrates' rights and liberties, their honor and dignity in line with the law;
  - c) to contribute to the promotion of the principle of the judicial authority's independence;
  - d) to keep the secret of deliberations and confidentiality of the works;
  - e) to vote *pro* or *con* by adopting decisions.
- (2) The members of the Superior Council of Magistracy from among law professors shall be obliged to respect the restrictions set forth in art. 8 of the Law on the Status of Judge.

#### Article 12. Cessation of Mandate

- (1) The mandate of the member of the Superior Council of Magistracy shall cease in case of:
- a) expiry;
  - b) resignation;
  - c) personal request;
  - d) withdrawal of the mandate, transfer to another job, dismissal;
  - e) decease.

(2) The mandate of the member of the Superior Council of Magistracy shall be withdrawn at the proposal of the Council in case of ill-founded failure to meet the obligations of the member set hereunder.

(3) The mandate of the member of the Superior Council of Magistracy shall be withdrawn by the body which has elected the person to this position.

### **Article 13. Filling the Vacancy**

If the mandate of the member of the Superior Council of Magistracy ceased, the new member shall be elected or appointed within a 30 days from the date of vacancy in line with the procedure of election or appointment of the member.

### **Article 14. Identity Card**

The member of the Superior Council of Magistracy shall be provided with an identity card of a model approved by the Parliament.

## **Chapter III**

### **ORGANIZATION OF THE ACTIVITY OF THE SUPERIOR COUNCIL OF MAGISTRACY**

#### **Article 15. Sessions**

(1) The Superior Council of Magistracy, as a collegiate body, shall exercise its duties in plenary sessions.

(2) The sessions of the Superior Council of Magistracy shall be deliberative if at least two thirds of its members are present.

(3) The sessions of the Superior Council of Magistracy shall be public and shall be recorded by video or audio means, or in stenographs, which shall be placed on the website of the Council. Upon its decision, certain issues may be examined in closed sessions.

*[Art.15 par.(3) amended by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

(4) The individuals whose problems are being examined shall be obligatorily summoned to the session of the Superior Council of Magistracy.

(5) The Superior Council of Magistracy may allow the participation in the session of the representatives of mass-media and of certain persons whose presence is considered to be useful.

*[Art.15 par.(5) amended by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

(6) The Superior Council of Magistracy shall create the environment and undertake the measures necessary to ensure the participation in its sessions of the representatives of mass-media.

*[Art.15 par.(6) introduced by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

#### **Article 16. Convocation**

(1) The session of the Superior Council of Magistracy shall be convened at the initiative of its President.

(2) The Superior Council of Magistracy may also be convened at the initiative of at least 3 members of the Council.

(3) The members of the Superior Council of Magistracy shall be informed about the date, hour, venue of the session, agenda, draft decisions to be adopted, and the materials substantiating such decisions no later than 3 days prior to the session, except for extraordinary cases. The above information shall be placed on the website of the Council.

*[Art.16 par.(3) amended by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77]*

### **Article 17. Procedure to Examining the Issues**

The examination of the issues to be settled at the session shall start with the report by the President of the Superior Council of Magistracy or by one of the Council's members, who had studied in advance the materials and documents submitted. Thereafter, the individuals invited to the session shall be heard, and necessary documents and materials shall be examined.

### **Article 18. Recusal and Self-Recusal**

(1) The member of the Superior Council of Magistracy may not participate in the examination of the issue and shall be recused if there are circumstances excluding his/her participation in the examination, or circumstances casting doubts on his/her objectivity. If such circumstances exist, the Council's member shall be obliged to declare self-recusal.

(2) For the same reasons, the recusal may be made by the person whose issue is being examined, as well as by the persons who submitted the materials for examination.

(3) The recusal shall be reasoned by a written or oral request.

(4) The recused member of the Superior Council of Magistracy shall not take part in the voting of the recusal request.

*[Art.18 par.(4) in version of LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

### **Article 19. Proposing Candidates for the Position of Judge, President or Deputy President of the Court**

(1) The Superior Council of Magistracy shall make proposals to the President of the Republic of Moldova or, as the case may be, to the Parliament on the appointment of the candidates to the position of judge, as well as on the appointment to the position of the court president or deputy president.

(2) The candidates for the position of the judge, court president or deputy president shall be selected on a competitive basis, in line with the objective criteria and the procedure set by the regulation approved by the Superior Council of Magistracy.

(3) The decision of the Superior Council of Magistracy along with the respective proposal on the appointment to the position of the judge, court president or court deputy president, the personal file records of the candidate with the curriculum vitae specifying his/her activity, and the draft decree or draft decision on the appointment shall be submitted by the President of the Council.

(4) If the President of the Republic of Moldova or, as the case may be, the Parliament rejects the proposed candidate, the Superior Council of Magistracy may propose, in line with art. 11 of the Law on Status of Judge, art. 16 of the Law on the Organization of Judiciary, and art. 9 of the Law on the Supreme Court of Justice, the same or any other candidate for the existent vacancy with the vote of two thirds of the members of the Council.

*[Art.19 par.(4) amended by LP306-XVI dated 25.12.08, OM30-3/13.02.09 art.77]*

*[Art.19 amended by LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

## **Article 20. Promotion, Transfer, Temporary Dismissal, Detachment, Suspension, Resignation, and Dismissal of the Judge**

(1) The issues related to the promotion, transfer, temporary dismissal, detachment, suspension, resignation, and dismissal of the judge shall be examined by the Superior Council of Magistracy in line with the law.

(2) The promotion or the transfer of a judge for a limited period of time to another court shall be performed by the Superior Council of Magistracy, in line with art. 20 of the Law on the Status of Judge.

*[Art.20 al.(2) in version of LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

(3) A judge may be detached from the position by the Superior Council of Magistracy under the terms of article 24/1 of the Law on the Status of Judge.

(4) The decisions on the transfer for an unlimited time period of a judge to another court, promotion, resignation, and dismissal, along with the *curriculum vitae* specifying his/her activity, and the draft decree or draft decision shall be submitted to the President of the Republic of Moldova or, as the case may be, to the Parliament.

(5) A judge shall be suspended from office by the Superior Council of Magistracy under the conditions of article 24 of the Law on the Status of Judge.

(6) If the circumstances, which served as grounds for the suspension of the judge from office have disappeared, the Superior Council of Magistracy shall adopt a decision on cancellation of his/her suspension.

(7) The decision of the Superior Council of Magistracy on the suspension of the judge or cancellation of the suspension of the judge shall be immediately submitted to the President of the Republic of Moldova or, as the case may be, to the Parliament.

(8) The Superior Council of Magistracy shall terminate the resignation of the judge and order termination of the monthly life allowance payment under the conditions of article 26 of the Law on the Status of Judge.

(9) The decision on termination of the resignation adopted by the Superior Council of Magistracy may be appealed at the Supreme Court of Justice within 10 days from the date of receipt of the copy of the decision.

*[Art.20 par.9) amended by LP257-XVI dated 29.11.07, OM14-15/22.01.08 art.46, in force as of 01.07.08]*

## **Article 21. Validation of the Decisions Issued by the Qualification Board and the Disciplinary Board**

- (1) The decisions (findings) of the Qualification Board and the Disciplinary Board that have not been appealed shall be submitted within 7 days to the Superior Council of Magistracy to be validated.
- (2) The decisions shall be validated within one month from the date of receipt of the respective materials by the Superior Council of Magistracy.
- (3) The Superior Council of Magistracy may invite, as the case may be, the members of the Qualification Board or the Disciplinary Board, as well as the persons whose problem is being examined, to attend the Council's session.
- (4) Upon examining the problem, the Superior Council of Magistracy shall decide:
  - a) to validate the decisions (findings) of the Qualification Board or the Disciplinary Board;
  - b) to modify the decisions of the Qualification Board or the Disciplinary Board or cancel them and adopt new decisions;
  - c) to reject the decisions of the Qualification Board or the Disciplinary Board and terminate the proceedings on the case.
- (5) If the decisions of the Qualification Board and the Disciplinary Board modified or cancelled and new decisions adopted, the Superior Council of Magistracy may give another qualification degree to the judge or apply a disciplinary sanction under the law.
- (6) In order to award the highest qualification degree to a judge or dismiss him/her, the Superior Council of Magistracy shall submit the respective proposals to the President of the Republic of Moldova or, as the case may be, to the Parliament.
- (7) The provisions of paragraphs (5) and (6) shall apply to the examination of appeals against the decisions of the Qualification Board and the Disciplinary Board in line with art. 22 hereunder.

## **Article 22. Examination of Appeals Filed against the Decisions of the Qualification Board and the Disciplinary Board**

- (1) The appeals filed against the decisions of the Qualification Board and the Disciplinary Board shall be examined within not later than one month from the date the Superior Council of Magistracy received the materials.
- (2) The interested persons shall be informed in advance about the date of the appeals examination.
- (3) Upon examining the appeals, the Superior Council of Magistracy shall decide:
  - a) to leave the decisions of the Qualification Board and the Disciplinary Board unchanged;
  - b) to modify the decisions of the Qualification Board and the Disciplinary Board;
  - c) to cancel the decisions of the Qualification Board and the Disciplinary Board and to terminate the proceedings on the case.

## **Article 23. Ensuring Judge's Inviolability**

- (1) By examining the Prosecutor General's proposal to initiate criminal proceedings against a judge, to subject him/her to criminally liability, to detain, to arrest or to bring him/her by force, the Superior Council of Magistracy shall adopt, based on the principle of the inviolability of the judge, a decision by which it shall:

- a) consent;
- b) refuse to consent.

(2) The Prosecutor General may not attend the deliberations by examination of the issues specified in par. (1).

#### **Article 24. Adoption of Decisions**

(1) The Superior Council of Magistracy shall adopt the decisions by the majority of votes of its members, except for the cases set forth in art. 19, par. (4). In case of parity of votes, the decision favorable to the judge shall be considered as adopted.

(2) The voting procedure shall be performed in the absence of the person whose case is being examined and in the absence of other invited persons.

(3) The decision shall be prepared in writing and signed by the chairperson of the session.

(4) If a member of the Superior Council of Magistracy has a separate opinion, it shall be motivated and attached to the decision without reading it out.

(5) If the Superior Council of Magistracy exercises its duties set forth in art. 21 and 22, the member upon whose proposal or initiative the disciplinary proceedings were initiated shall not participate in the deliberations.

(6) All the decisions of the Superior Council of Magistracy shall be published on its website.

*[Art.24 amended by LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

#### **Article 25. Appealing Decisions of the Superior Council of Magistracy**

The decisions of the Superior Council of Magistracy may be appealed at the Chisinau Court of Appeal by any interested person within 15 days from the date the decision was brought to his/her notice.

*[Art.25 amended by LP257-XVI dated 29.11.07, OM14-15/22.01.08 art.46, in force as of 01.07.08]*

*[Art.25 in version of LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

## **Chapter IV**

### **FINAL PROVISIONS**

#### **Article 26. Secretarial Work**

(1) The secretarial work of the Superior Council of Magistracy shall be performed by the members of the Council's personnel.

(2) The works performed within the sessions of the Superior Council of Magistrates shall be recorded in the minutes.

(3) The minutes shall include: the presence of the members of the Superior Council of Magistracy and other participants who attended the session, the contents of the debates and the decision adopted, the issues voted and the voting results.

(4) The minutes shall be prepared within 3 days, signed by the chairperson of the session, and countersigned by the secretary.

### **Article 27. Ensuring the Activity of the Superior Council of Magistracy**

(1) In order to ensure its activity, the Superior Council of Magistracy shall have its own budget, which is an integral part of the state budget.

(2) The Superior Council of Magistracy shall have support personnel.

(3) The personnel of the Superior Council of Magistracy made up of 13 persons shall ensure the activity of the Council, the Qualification Board, and the Disciplinary Board.

(4) The Superior Council of Magistracy appoints by its decision the head of the Council's personnel, the head of the justice and human resources department, as well as the employees of this department. The mentioned persons who do not have the capacity of a magistrate shall have the status of a civil servant.

(5) The staff of the chancellery shall have the status of civil servants and shall be employed by the President of the Superior Council of Magistracy.

(6) The head of the personnel of the Superior Council of Magistracy shall organize the activity of the personnel, appoint, promote, transfer, and dismiss the technical staff of the personnel, apply incentive measures and disciplinary sanctions under the law.

(7) The structure and numerical composition of the personnel of the Superior Council of Magistracy shall be approved by the Superior Council of Magistracy.

(8) The personnel's regulation shall be approved by the Superior Council of Magistracy.

(9) The detached members of the Superior Council of Magistracy shall be paid in the amount set by art. 24<sup>1</sup> of the Law on the Status of Judge, while the members of the Council from among the law professors shall be paid a monthly allowance in the amount of 50% of the salary of the members of the Council from among the judges, except for the person selected as the president of the Council.

*[Art.27 par.(9) amended by LP306-XVI dated 25.12.08, OM30-33/13.02.09 art.77*

*[Art.27 par.(9) amended by LP65-XVI dated 27.03.08, OM86-87/16.05.08 art.302]*

(10) The head of the personnel of the Superior Council of Magistracy, the head of the human resources department, and the senior specialists having the capacity of a magistrate shall be paid in the amount set for the judges of the courts of appeal by the Law on the Salaries in the Budget Sector including the allowances for the qualification degrees.

*[Art.27 amended by LP185-XVI dated 26.07.07, OM136-140/31.08.07 art.579, in force as of 01.01.08]*

*[Art.27 par.(9) in version of LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

### **Article 28. Seal and Headquarters**

(1) The Superior Council of Magistracy is a legal entity and has its own seal representing the State Coat of Arms, and its own name.

(2) The Superior Council of Magistracy has its headquarters in Chisinau municipality.

**Article 29. Report of the Superior Council of Magistracy**

(1) The Superior Council of Magistracy shall prepare annually and publish until April 1<sup>st</sup> a report on its activity and the activity of the judiciary in the previous year.

(2) A copy of the report shall be provided to the President of the Republic of Moldova and to the Parliament for information.

*[Art.29 in version of LP247-XVI dated 21.07.06, OM174-177/10.11.06 art.796]*

**Chapter V**

**TRANSITORY PROVISIONS**

**Article 30**

This law shall become effective as of the date of its publication.

**CHAIRPERSON OF THE  
PARLIAMENT**

**Petru LUCINSCHI**

**Chişinău, July 19, 1996  
No. 947-XIII**