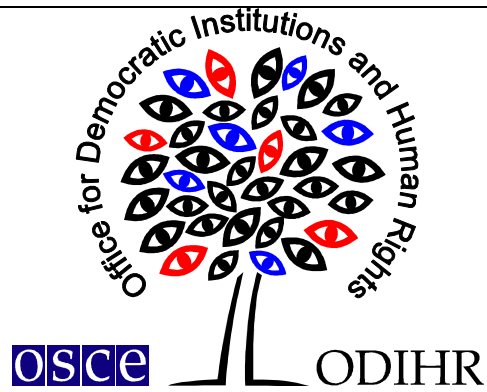


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OPINION

ON THE DRAFT LAW ON NORMATIVE ACTS OF THE REPUBLIC OF MOLDOVA

Based on an unofficial English translation of the Draft Law

This Opinion was prepared by OSCE/ODIHR based upon expert contributions submitted by Dr. Galina Chirinciuc, Senior Legal Expert from the Republic of Moldova and Prof. St. John Bates, Director of St John Bates Consultancy and Visiting Professor of Law and Director of the Centre for Parliamentary and Legislative Studies at the University of Strathclyde Law School in Scotland

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I. INTRODUCTION

1. *On 3 August 2012, the Ministry of Justice of the Republic of Moldova sent a letter to the OSCE Mission to Moldova (letter no. 03/6476) requesting an OSCE legal review of the Draft Law on Normative Acts of Moldova.*
2. *The request came in follow-up to the Legislative Assessment project which the OSCE/ODIHR, together with the OSCE Mission to Moldova, conducted in Moldova in 2008-2010. The Explanatory Note appended to the Draft Law on Normative Acts mentions expressly that the latter was drafted “with the main purpose of improving the legislative process in order to ensure the stability, predictability and clarity of legislative acts”, based upon a number of studies and “especially the Reports of the OSCE and ODIHR concerning the Assessment of the Legislative Process in the Republic of Moldova (2008, 2010)”.*
3. *This Opinion is provided in response to the Minister’s above-mentioned request, by virtue of OSCE/ODIHR’s mandate to, upon request, provide assistance to legislative reforms in OSCE participating States.*

II. SCOPE OF REVIEW

4. The scope of the Opinion covers only the above-mentioned Draft Law on Normative Acts of the Republic of Moldova (hereinafter, “Draft Law”), submitted for review. Thus limited, the Opinion does not constitute a full and comprehensive review of all available framework legislation regulating the legislative process in Moldova.
5. The Opinion raises key issues and indicates areas of concern. The ensuing recommendations are based on relevant international standards and good practices. In the interests of concision, the Opinion focuses on problematic areas rather than on the positive aspects of the Draft Law. The Opinion does not address the occasionally inconsistent numbering of Articles, inexact references and grammatical errors, which are understood to be clerical mistakes that will be edited as the Draft Law progresses through the various stages of the legislative process.
6. This Opinion is based on an unofficial translation of the draft Amendments provided by the OSCE Mission to Moldova. Errors from translation may result.
7. In view of the above, the OSCE/ODIHR would like to make mention that this Opinion is without prejudice to any written or oral recommendations and comments to the Draft Law or related legislation that the OSCE/ODIHR may make in the future.

III. EXECUTIVE SUMMARY

8. The OSCE/ODIHR welcomes the Draft Law and considers it a significant step in the process of enhancing the legislative process of Moldova. At the same time, in order to further improve the legislative process, it is recommended as follows:

1. Key Recommendations

- A. To exclude the term “administrative” from, and to add “Parliamentary motions” to Article 1 par. 2 of the Draft Law [pars 13-14]
- B. To amend Article 6 par. 2 to reflect that Governmental ordinances are classified hierarchically at the same level as ordinary laws [par. 15]
- C. To amend Article 8 par. 2 so as to cover also the procedure for revising the Constitution upon citizens’ initiative [par. 18]
- D. In Article 10, to replace par. 3 with a referential provision linking Article 10 to Article 72 par. 3 of the Constitution, or otherwise supplement the enumeration with additional items which are also mentioned in the Constitution [par. 21]
- E. To clarify which Parliamentary decisions and Presidential decrees will require approval by Governmental decision [par. 23]
- F. To prescribe the procedure through which a draft law, for which the Government undertakes a vote of confidence, is drafted, examined, adopted and promulgated [par. 24]
- G. To reconsider Article 70 par. 2, according to which organic and ordinary laws shall be interpreted by the Parliament through the adoption of interpretative provisions, contained in a new law [par. 35]
- H. To specify in Article 73 that normative acts adopted by local public administration authorities and autonomous territorial units with special status will only apply on the territory of the respective territorial unit [par. 38]
- I. To amend Article 76 par. 2 so that enacting bodies are also empowered to review normative acts, along with the bodies responsible for the implementation of normative acts [par. 40]

2. Additional Recommendations

- J. To consider introducing into the Draft Law specific references to the laws and subordinate normative acts which regulate the examination of draft laws in Parliament, the promulgation of laws, the hierarchy and adoption procedure of acts of the local administration bodies, and the procedure for parliamentary control over the execution of laws [pars 10-11]
- K. To add “adoption/approval” to the procedures listed in Article 1 par. 1 [par. 12]
- L. To amend Article 6 par. 2 letters “g)” and “h)” as suggested [par. 16]

- M. To remove references to “departmental” normative acts from Articles 6 and 16 [pars 16 and 25]
- N. To consider amending Article 8 par. 1 of the Draft Law so that it more closely reflects Article 7 of the Constitution [par. 17]
- O. To amend Article 9 and make it more specific, as suggested [pars 19-20]
- P. In Article 12 par. 1 letter “b”, to prescribe with greater precision which particular bodies or institutions could have their structure approved or amended by normative decisions of the Parliament [par. 22]
- Q. In Article 36, to specify which body or agency will be in charge of preparing the anti-corruption expertise [par. 28]
- R. To reconsider the rule from Article 33 par. 4 and Article 34 par. 5, which states that all normative acts bearing the logo “EU” shall be endorsed in priority regime [par. 27]
- S. To consider introducing in Article 48 par. 2 specific deadlines indicating the time-frame within which the relevant state authorities must execute the normative act [par. 29]
- T. To reconsider the provision in Article 55 par. 1 letter “d” which appears to discourage the use of definitions in the drafting of normative acts [par. 30]
- U. In Article 55 par. 1 letter “e”, to provide that the terminology must be consistent not only with the EU legislation but also with other international instruments ratified by the Republic of Moldova [par. 31]
- V. To edit and revise Article 66 of the Draft Law, as suggested [par. 33]
- W. To rephrase the title of Chapter VI to read “Authentic Interpretation of Normative Acts” or “Official Interpretation of Normative Acts” [par. 34]
- X. To clarify, in Article 71, in which exceptional cases normative acts may apply after the expiry of their effective period [par. 36]
- Y. In Article 72, to add “suspension” to the list of situations in which a normative act ceases to produce effects [par. 37]
- Z. To consider rephrasing and simplifying Article 74 [par. 39]
- AA. In Article 79, to qualify the definition of “Code”, as suggested [par. 41]
- BB. To provide in Article 80 that normative acts shall be publicly available [par. 42].

IV. ANALYSIS AND RECOMMENDATIONS

1. Preliminary Remarks

9. The Draft Law seeks to replace two currently existing laws, namely the Law on Legislative Acts (no. 780-XV, from 27 December 2001) and the Law on Normative Acts of the Government and Other Central or Local Public Administration Authorities (no. 317-XV, from 18 July 2003). The said laws prescribe the process of drafting and adoption of laws and subordinated normative acts, respectively, and thus unavoidably contain a considerable number of similar and repetitive provisions. By replacing the two laws with one new law, the current draft unifies, streamlines and consolidates the provisions regulating the legislative process in Moldova, which in itself is a positive step.
10. Of note, the Draft Law regulates the procedure for the initiation, drafting, examination and adoption/approval of normative acts preponderantly at the level of Government and central administrative authorities. The stage of examining draft laws in Parliament is largely unaddressed, as it is regulated by the Regulation of the Parliament (*Regulamentul Parlamentului*). The Draft Law also does not regulate the stage of promulgation, nor does it deal with the procedure by which the President returns a draft law to Parliament for reconsideration.¹ The Draft Law also does not regulate the hierarchy of the acts of local administration bodies, nor the procedures for their adoption. Furthermore, while the Draft Law prescribes the rules for the re-examination of normative acts and for the monitoring of the application of normative acts, it omits to specify the procedure for parliamentary control over the execution of the laws by the executive.²
11. It is assumed that the above-mentioned omissions are due to the fact that the respective specific procedures are regulated by the Constitution and other laws and subordinate normative acts. To facilitate legal accessibility and awareness, and in the interests of ensuring that the Draft Law provides a comprehensive regulation of the legislative process in its entirety, it is recommended that consideration be given to introducing specific references to those other laws and normative acts in the text of the Draft Law.

2. Detailed Analysis of the Draft Law

12. Article 1 par. 1 provides that the Draft Law “establishes the [...] procedure for initiation, drafting, agreement, expert examination, editing, interpretation, entrance into force and termination of normative acts [...]”. It is recommended to add “adoption/approval” to the above listing, for instance after the word “editing”, as the respective procedures are also tangentially covered by the Draft Law.³

¹ These procedures are regulated by Article 93 of the Constitution of the Republic of Moldova (adopted on 29 July 1994, in force from 27 August 1994).

² See Article 66 letter “f)” of the Constitution of the Republic of Moldova.

³ See, for instance, Article 16 par. 4 of the Draft Law.

13. Article 1 par. 2 provides that “[t]he present law shall not apply to the drafting of individual or political, *administrative* or other types of acts” (emphasis added). The inclusion of the term “administrative” in this context is problematic given that “administrative acts” – as defined in the Moldovan Law on Administrative Procedures (*Legea Contenciosului Administrativ*)⁴ – can have a normative character, which would bring them within the scope of the present Draft Law. It is therefore recommended to exclude the term “administrative” from the respective phrase.
14. Bearing in mind that the Moldovan Parliament may adopt not only laws and decisions but also motions,⁵ it is also recommended to add “Parliamentary motions” (“*moțiunile Parlamentului*”) to the list of acts enumerated in Art. 1 par. 2, to which the present Draft Law shall not apply.
15. Article 6 of the Draft Law prescribes the hierarchy of the normative acts in Moldova. It must be noted that Governmental ordinances (*ordonanțele Guvernului*) should be classified hierarchically at the same level as [ordinary] laws, based on Article 106² of the Constitution. Such classification of Governmental ordinances on par with ordinary laws is a common feature of all constitutional frameworks modeled after the French Constitution of 1958.⁶ It is therefore recommended to amend Art. 6 par. 2 of the Draft Law accordingly. For the same reasons, the provisions contained in Article 15 of the Draft Law, on Governmental ordinances, should be moved up and placed after Article 11, on ordinary laws, and the numbering of the respective Articles in the Draft Law should be changed accordingly.
16. Article 6 par. 2 letter “g)” currently speaks of “departmental acts and other acts of central public authorities”. This provision would be more clear and concise if rephrased to refer to administrative acts of central public administration authorities – such formulation would also subsume “departmental acts”. In Article 6 par. 2 letters “h)” and “i)”, referring to acts of authorities of autonomous territorial units with special legal status, and acts of local public administration authorities respectively, should more appropriately refer to “normative acts” of said authorities. This would be more accurate, as the authorities indicated therein can also adopt acts of an individual, i.e. non-normative character, which would fall outside the scope of Article 6 par. 2.
17. Article 8 par. 1 provides that “[t]he Constitution of the Republic of Moldova shall be the Supreme Law of the society and the state and no normative act shall contradict its provisions”. This reflects Article 7 of the Constitution, which, however, contains a more explicit prescription on the nullity of unconstitutional acts: “Any law or other juridical act which contravenes the Constitution shall have no legal force”. Article 8 par. 1 could be similarly rephrased.

⁴ Article 2 of the Law on Administrative Procedures defines the “administrative act” as a “unilateral legal manifestation of will, of a normative or individual character, by a public authority for the purposes of organizing the execution, or directly executing, the law”.

⁵ See Article 66 letter “a)” of the Constitution.

⁶ The Constitution of the French Republic of 4 October 1958. See, in particular, Article 38 of the French Constitution, which is very similar to Article 106² of the Moldovan Constitution.

18. Article 8 par. 2 regulates the procedure for making amendments and additions to the Constitution. It bears recalling that the Constitution can also be revised at the initiative of citizens, as detailed in Article 141 of the Constitution. It is recommended to reflect that procedure in the Draft Law as well. The reference to the Regulation of the Parliament, which is the internal regulation for the functioning of the Parliament, does not cover a constitutional amendment by citizens' initiative; it is thus insufficient in this context.
19. Article 9 defines laws as “normative acts adopted by the legislative authority of the state based on constitutional norms, according to the procedure established by the Regulation of the Parliament and by other normative acts in force”. The syntagm “legislative authority of the state” could be replaced with the word “Parliament”, which would render the sentence clearer and more concise, and more in line with the requirements set out in Article 55 par. 1 of the Draft Law on language, spelling and punctuation of normative acts. Similarly, the reference to “other normative acts” at the end of the paragraph would be more specific if those other acts are specifically quoted, either in the same paragraph or in an Annex to the Law. The same applies to Article 17 par. 2 and Article 20 par. 1.
20. In Article 9 par. 2, it is recommended to replace the conjunction “and” with “or”, given that a law cannot be both organic and ordinary at the same time. This would also better reflect Article 72 par. 1 of the Constitution.
21. Article 10 par. 3 of the Draft Law enumerates the subject matter of organic laws, based upon Article 72 par. 3 of the Constitution. Instead of reiterating the provisions of the Constitution, Article 10 par. 3 could be replaced with a simple referential provision, linking it to the respective Article of the Constitution. This would also be more in line with Article 30 par. 4 of the Draft Law, which requires express reference to other existing norms, rather than repetition. Conversely, if the enumeration from Article 10 par. 3 of the Draft Law is retained, then the respective list should be supplemented with the items of “the status of the capital of R. Moldova, the city of Chisinau”, and “the organization, jurisdiction of courts of law and the court procedure”, which, according to the Constitution, must also be regulated by organic laws.⁷
22. Article 12 par. 1 letter “b” provides that Parliament may adopt decisions of a normative character for approving or changing the structure of some bodies or institutions. This provision is rather vague and might leave an excessively wide margin of discretion in its application. It is therefore recommended to prescribe with greater precision which particular bodies or institutions could have their structure approved or amended by normative decisions of the Parliament. Presumably, this will concern the state institutions which are under parliamentary control, such as the Court of Accounts, the Parliamentary Advocate, the National Commission for Financial Values, the National Bank, the Audio-Visual Coordination Council and others.
23. Article 14 par. 2 letter “f” appears to imply that a decision of the Government shall be necessary for the approval of not only draft laws but also decisions of the Parliament and Presidential decrees. Unless owing to imprecision in

⁷ See Article 110 par. 3 of the Constitution of R. Moldova and Article 115 par. 4 of the Constitution of Republic of Moldova.

translation, it is recommended to clarify which Parliamentary decisions and Presidential decrees will require approval by Governmental decision, as it could raise concerns related to the principle of separation of powers.

24. The Draft Law does not regulate the procedure for cases where the Government assumes responsibility before the Parliament for a program, declaration of generally policy, or draft law.⁸ It is recommended to prescribe the procedure through which a draft law, for which the Government undertakes a vote of confidence, is drafted, examined, adopted and promulgated, so as to clarify what special rules apply in that case.
25. For reasons mentioned earlier in this Opinion (see par. 16 above), in Article 16 of the Draft Law, it is recommended to remove references to “departmental” normative acts” and instead refer only to “normative acts of the central public authorities”.
26. Article 30 par. 4 provides that “[i]n case the draft normative act includes provisions that are already regulated by other normative acts in force, the author of the draft shall not reproduce them, but shall make *express reference* to the main normative act that includes them” (emphasis added). This provision is further reinforced by Article 56 of the Draft Law, which requires the precise indication of the relevant article from the law referred to, along with the title, number and date of the said law. The requirement of an express and precise reference to another normative act (rather than to “the legislation in force”, as is often the case currently) reflects one of the main recommendations made by ODIHR in its *Assessment of the Legislative Process in the Republic of Moldova* (2010),⁹ and is highly commendable as it seeks to enhance overall legal accessibility and foreseeability. For similar reasons, and also in the interests of legal cohesion and consistency, it is laudable that Article 32 par. 1 letter “h)” of the Draft Law requires that the informative note appended to any draft law specifies which normative acts will have to be drafted or amended after the enactment of the respective draft normative act.
27. Article 33 par. 4 and Article 34 par. 5 provide that all normative acts bearing the logo “EU” shall be endorsed by the relevant state institutions in a priority regime. Automatically putting every draft normative act bearing the logo “EU” through a fast-track procedure raises concerns with respect to both the procedure employed and the quality of the normative act as finally adopted. It is therefore recommended to amend the respective Articles so that the priority rule is not automatic but rather used on an individual, act-by-act basis.
28. Article 36 of the Draft Law regulates the legal and anti-corruption expertise, which must accompany all draft normative acts. While the requirement to prepare an “anti-corruption expertise” is welcome in itself, it is not clear which body or agency will be in charge of preparing this expertise (it might relate to the Anti-Corruption Centre, or civil society organizations active in this field, or both). It is recommended for the Draft Law to specify this, just as it

⁸ See Article 106¹ of the Constitution of R. Moldova.

⁹ OSCE/ODIHR *Assessment of the Legislative Process in the Republic of Moldova* (2010), available online at http://www.legislationline.org/download/action/download/id/3197/file/Assessment%20of%20the%20Legislative%20Process_2010_en.pdf

specifies which bodies are responsible for the economic expertise (the Ministry of Economy), the financial expertise (The Ministry of Finance), the scientific expertise (specialized scientific institutions) and the environmental expertise (the Ministry of the Environment).

29. In Article 48 par. 2, on final provisions including regulations on the obligation for relevant state authorities to execute the normative act, international good practice would suggest the introduction of specific deadlines for such obligations.
30. Article 55 par. 1 letter “d)” states that concepts shall be explained by means of “a respective term”, and not by means of definition or description. This provision thus appears to discourage the use of definitions in the drafting of normative acts. If that is indeed the case, then this rule contradicts not only the drafting technique of the current Draft Law itself (see Article 2 of the Draft Law, on “Notions”), but also international experience, which suggests that the proper use of definitions is an advantage in legislation. It is recommended that this provision be reconsidered. Perhaps, what was meant in the respective provision was the rule, established in the legislative drafting technique, according to which, in the context of normative drafting, the same notion should always be expressed through the same term.
31. Article 55 par. 1 letter “e” provides that the “terminology used in the draft act shall be constant and uniform as in other normative acts and norms of the legislation of the European Union”. Such terminology should also be consistent with other international instruments ratified by the Republic of Moldova, such as UN treaties or Council of Europe Conventions, the language of which may also not always be reflected in EU legislation.
32. Article 55 par. 3 provides that “[i]n case when after the adoption of the normative act and its coming into force contradictions arise between the text in the state language and its translation in another language functioning in the Republic of Moldova, the provisions established by the text in the state language shall prevail”. This new provision is a welcome clarification. As was mentioned in the OSCE/ODIHR report on the *Assessment of the Legislative Process in the Republic of Moldova*, the currently existing legal framework in Moldova provides that the authentic text of enacted primary legislation is only in the “state language”, but that Russian translations of draft laws, legislative proposals and amendments to draft laws may be working documents in the parliamentary legislative process.¹⁰ Article 55 par. 3 is a commendable enactment of the OSCE/ODIHR recommendation to clearly prescribe that the texts of draft laws in the “state language” are the binding version in cases where any inconsistencies or discrepancies arise from the process of translation.¹¹
33. Article 66 stipulates that the entry into force of normative acts of the Parliament, Government, specialized central authorities, and authorities with autonomous or local status takes place on the date when they are published in the Official Gazette (“*Monitorul Oficial*”) or on the date specified in the law. It

¹⁰ See Article 19 of the Law on Legislative Acts and Article 47(8) and (10) of the Law on the Regulation of Parliament.

¹¹ See the OSCE/ODIHR *Assessment of the Legislative Process in the Republic of Moldova* (2010), pages 54-55.

is recommended to edit par. 1 of this Article, because the normative acts of authorities with autonomous or local status are not published in the Official Gazette (“*Monitorul Oficial*”). It is also recommended to revise par. 2 of the Article, given that there are no Official Gazettes “of rayons, municipalities and of autonomous territorial units” (“*monitoare oficiale ale raioanelor, municipiilor și ale nităților teritoriale autonome*”). Of note, the coming into force of local normative acts is regulated by the Law on Local Public Administration, which provides that “[t]he decisions of a normative character enter into force at the date of their being made public through publication or through posting in public locations [...]. Decisions of a normative character shall be presented, within 5 days from being signed, to the territorial office of the State Chancellery, and shall enter into force at the moment of being made public”.¹²

34. The title of Chapter VI, now named “Interpretation of Normative Acts” could be changed to read “Authentic Interpretation of Normative Acts”, or “Official Interpretation of Normative Acts”, given that there are also other types of interpretation of normative acts – such as judicial, scholarly interpretation – which are not all covered by the provisions of the said Chapter.
35. According to Article 70 par. 2, organic and ordinary laws shall be interpreted by the Parliament through the adoption of interpretative provisions, contained in a new law. Unless owing to a lack of conceptual clarity between, on the one hand, interpretation of legislation, and on the other, amending it to clarify its meaning (the latter clearly being a role of the parliament or the respective enacting authority), then this provision is to be discouraged. The practice of issuing interpretative provisions through the adoption of separate laws, rather than the formal amendment of the original law, presents some disadvantages. It may render the law less accessible, and it also tends to reduce an emphasis on good clear drafting, because the drafter may unconsciously consider that if accurate and precise legislative language cannot be readily found at the time of drafting, the matter can be resolved later by an interpretative notice. For these reasons, it would be preferable for the procedure of interpretative notes to be replaced with the formal amendment of the respective legislative texts.
36. Article 71 par. 3 provides that “[n]ormative acts may be applied after the expiry of their effective period only in exceptional order”. It is recommended to clarify and further elaborate this provision. While it may relate to on-going contractual obligations that were entered into based on the previous law, which had been repealed in the meantime,¹³ the exception should be spelled out with greater clarity, in the interests of legal certainty and foreseeability.
37. Article 72 of the Draft Law regulates the cessation of effects of normative acts. It is recommended to add “suspension” to the list of situations in which a normative act ceases to produce effects.
38. Article 73 par. 1, which prescribes that “[n]ormative acts shall be applicable on the entire territory of the Republic of Moldova”, should be qualified with a provision reiterating that normative acts adopted by local public administration

¹² See Article 20 par. 5 and Article 32 par. 2 of the Law on Local Public Administration (adopted on 28 December 2006, in force from 9 March 2007).

¹³ See Article 6 par. 4 of the Civil Code of Moldova (adopted on 6 June 2002, in force from 12 June 2003).

authorities and autonomous territorial units with special status will only apply on the territory of the respective territorial unit, in keeping with Article 17 of the Draft Law and Article 20 par. 2 of the Law on the Normative Acts of the Government and Other Authorities of the Central and Local Public Administration.¹⁴

39. The drafting structure of Article 74 par. 1 on the applicability of normative acts on persons, appears over-elaborate. Since the different categories listed therein are not treated differently, there is no need to identify them in separate sub-paragraphs. Instead, par. 1 could simply state that normative acts shall apply to all natural and legal persons on the territory of Moldova. (*Actul normativ se aplică tuturor persoanelor fizice și juridice aflate pe teritoriul Republicii Moldova*). Par. 2 could then specify that the application of normative acts to foreign nationals, stateless persons and legal entities registered in Moldova is determined by the international treaties to which Moldova is a party [...].
40. Article 76 regulates the “review” (or “re-examination”) of normative acts, and provides in par. 2 that “[t]he review shall be made by the bodies responsible for the implementation of the normative acts”. It would appear sensible to include also the enacting bodies among the ones empowered to review the normative acts. It is recommended to amend Article 76 par. 2 to that effect.
41. Article 79 defines the Code as “a normative act that unites and systematizes the most important norms within a certain area of law”. It should be noted that some Codes would not fit within this “classic” definition – e.g., Code of Ethics of the Civil Servant,¹⁵ or the Judge’s Ethics Code¹⁶ – and for that reason, it is recommended to include the syntagm “as a rule” (“*de regulă*”) in the above-quoted definition.
42. Article 80, on the “State Registration and Official Record of Normative Acts”, could be enhanced with a brief provision stating that the [records of] normative acts will be publicly available.

[END OF TEXT]

¹⁴ Law on the Normative Acts of the Government and Other Authorities of the Central and Local Public Administration (adopted on 18 July 2003, in force from 3 October 2003).

¹⁵ See the Law on the Code of Ethics of the Civil Servant (adopted by the Parliament of R. Moldova on 22 February 2008, in force from 1 September 2009).

¹⁶ *Judge’s Ethics Code*, adopted by the Decision of the Superior Council of Magistrates No. 366/15 from 29 November 2007.

Annex 1: Draft Law on Normative Acts of the Republic of Moldova

LAW

on Normative Acts

The Parliament hereby adopts present organic law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of Regulation

(1) The present law establishes the categories and the hierarchy of normative acts, the procedure for initiation, drafting, agreement, expert examination, editing, interpretation, entrance into force and termination of normative acts, as well as norms of legislative technique applied for the purpose.

(2) The present law shall not apply to the drafting of individual or political, administrative or other types of acts that do not include norms of law, and acts of the working bodies of the Parliament, Government or other central or local public authorities.

Article 2. Concepts

For the purpose of the present law, the following main concepts shall be used:

a) normative act – act adopted by a public authority that includes a set of legally binding, general and impersonal norms that are applied repeatedly to the indefinite number of identical situations;

b) author of the draft – official person or public authority with the right of legislative initiative, competent to elaborate a draft normative act;

c) legislative technique – a totality of norms, methods and proceedings aimed at ensuring a systematic, unique and coordinated content of legal regulations;

d) explanatory note – a document attached to each draft normative act that comprises arguments concerning the necessity of adopting the draft;

e) justification of the draft – a complex of research and investigations carried out before initiating elaboration of the draft, that argues for the need of initiating such regulation of social relations in order to establish behavioral norms;

f) impact ex-ante analysis – the process of identifying the problem, determining objectives, options for settling the problem or for achieving the objectives and analysis of effects or consequences of such options aimed at justifying the necessity of regulating social relations;

g) *monitoring the implementation* – the process of identifying the real impact during and after implementation of the normative act that allows identification of correctional measures as well as of measures aimed at improving the drafting of future regulations;

h) *EU logo* – logo marking the draft normative acts elaborated in order to harmonize national legislation with the legislation of the European Union.

Article 3. Main Principles of Drafting Normative Acts

(1) A normative act shall correspond to the constitutional provisions and comply with the legal codification and unification system of the Republic of Moldova.

(2) The following principles shall be complied with in the process of drafting, adopting and interpreting normative acts:

a) legality, opportunity, coherence, consistency and correlation of competing norms;

b) continuity, stability and predictability of norms of law;

c) transparency, publicity and accessibility;

d) subordination to higher normative acts.

(3) Normative acts should not contradict the provisions of international treaties to which Republic of Moldova is a party to, the generally recognized principles and norms of international law.

Article 4. Characteristics and Quality of Normative Acts

(1) A normative act shall have national, binding, general and impersonal character.

(2) Provisions of normative act shall be subject to execution, and shall be binding for all subjects of law and, when necessary, their execution shall be imposed by constraint powers of the state.

(1) Normative act shall be integrated in the system of legislation in an organized manner, and for this purpose:

a) the draft normative act should be correlated with the provisions of related normative acts of higher or the same level, with the provisions of the legislation of the European Union, with the legislative multi-annual programs of the Parliament and action plans of the Government, as well as with the international treaties to which Republic of Moldova is a party to;

b) the normative act drafted based on a normative act of a higher level cannot exceed the limits of the competence instituted through the respective act and cannot contravene its scope, principles and regulations.

Article 5. General, Special and Extraordinary Normative Acts

(1) Depending on the character of its norms, normative acts shall be subdivided into general, special and extraordinary acts.

(2) General normative act shall contain norms of law applicable to all social relations or subjects of law or to certain types of relations or certain categories of subjects, without prejudicing the general character of the norms.

(3) A special normative act shall contain norms of law applicable exclusively to some types of social relations or categories of subjects according to a strictly defined procedure which represents a deviation from the general rule. In the event of

contradictions between norms of general and special normative acts with equal legal effect, the norms of special normative acts shall prevail.

(4) An extraordinary normative act shall regulate social relations generated by emergency situations. An extraordinary normative act represents a deviation from general and special acts. In the event of contradictions between norms of general or special normative act and an extraordinary normative act with equal legal effect, the norms of extraordinary normative act shall prevail.

Chapter II.

HIERARCHY AND CATEGORIES OF NORMATIVE ACTS

Section 1. Hierarchy of Normative Acts

Article 6. Hierarchy of Normative Acts

(1) The hierarchy of normative acts is structured according to their category and the issuing competent public authority.

(2) The totality of normative acts is hierarchically constituted of the following:

- a) the Constitution of the Republic of Moldova;
- b) laws;
- c) decisions of the Parliament;
- d) decrees of the President;
- e) decisions of the Government;
- f) regulations of the Government;
- g) departmental acts and other acts of central public authorities;
- h) acts of authorities of autonomous territorial units with special legal status;
- i) acts of local public administration authorities.

Article 7. Hierarchical Subordination of the Normative Acts

(1) Hierarchically higher normative acts may amend, supplement or invalidate a lower normative act issued by the same authority. In case of express amendments or additions to a lower normative act, the amendment or addition shall have the same legal effect as the act that is amended or supplemented.

(2) In case of contradictions in norms related to the same regulation subject that belong to two normative acts with equal legal effect and that promote different solutions, provisions of the act that was adopted later shall apply.

Section 2.

Categories of Normative Acts

Article 8. The Constitution of the Republic of Moldova

(1) The Constitution of the Republic of Moldova shall be the Supreme Law of the society and the state and no normative act shall contradict its provisions.

(2) Amendments and additions to the Constitution might be introduced through constitutional laws that are adopted according to the special procedures established by the Regulation of the Parliament, or approved through republican referenda, in accordance with Title VI of the Electoral Code.

(3) Decisions approved through republican referenda under conditions of Article 75 from the Constitution have supreme legal effect.

Article 9. Laws

(1) Laws are normative acts adopted by legislative authority of the state based on constitutional norms, according to the procedure established by the Regulation of the Parliament and by other normative acts in force.

(2) Except constitutional laws, there are also organic and ordinary laws. Adoption formula of the law shall mention the category of the law.

Article 10. Organic Laws

(1) Organic laws are normative acts that represent a development of constitutional norms and apply only to areas directly envisaged by the Constitution or to other areas of utmost importance for which adoption of an organic law is considered necessary by the Parliament

(2) Areas regulated by organic laws under conditions of Article 72, paragraph (3) of the Constitution are the following:

- a) electoral system;
- b) organization and functioning of the Parliament;
- c) organization and functioning of the Government;
- d) organization and functioning of the Constitutional Court, Superior Council of Magistrates, the judiciary and courts of administrative judicature;
- e) organization of local administration, of national territory, and general functioning of local autonomy;
- f) organization and functioning of political parties;
- g) manner of selecting exclusive economic zones;
- h) legal status of private property and inheritance;
- i) general regime of labor relations, functioning of trade unions and social protection;
- j) general organization of educational system;
- k) general regime of religious cults;
- l) regime of national emergency status, martial law and war;
- m) criminal offenses, punishments and regime of executing punishments;
- n) granting of amnesty and pardon;
- o) other fields where Constitution requires the passing of organic laws.

(3) According to the provisions of Article 72, paragraph (3) letter p) from the Constitution, the organic laws shall also regulate:

- a) identification of the state border of the Republic of Moldova;
- b) approval of the national anthem;
- c) procedure concerning functioning of languages;
- d) conditions for acquiring, maintaining and forfeiting citizenship;
- e) structure of the national healthcare system;
- f) identification of state offices that cannot be occupied by members of political parties;

- g) prolongation of the Parliamentary mandate in case of national emergency, martial law or disaster;
- h) establishing incompatibilities for the position of member of Parliament, others than those directly envisaged by the Constitution;
- i) procedure for electing the President of the Republic of Moldova;
- j) prolongation of the Presidential term in case of war or disaster;
- k) selection of other members of the Government except for the prime minister, first deputy prime minister or deputy prime ministers, and ministers;
- l) establishing incompatibilities for the position of member of the Government, except for those directly envisaged by the Constitution;
- m) establishing the structure of the national defense system;
- n) establishing particular forms and conditions for autonomy of some settlements situated on the left bank of the Dniester River and of the autonomous territorial unit of Gagauzia (Găgăuz-Yeri);
- o) powers, organization and activities of the Court of Accounts;
- p) establishing limits for regulating entrepreneurial activities by the Government and/or by public administration authorities.
- q) contracting external state loans;
- r) other fields where Parliament considers adoption of organic laws necessary.

(4) Organic laws or some of their provisions shall be amended, supplemented or invalidated by an organic law in accordance with the Regulation of the Parliament.

Article 11. Ordinary Laws

- (1) Ordinary laws shall apply to all areas of social relations except for those regulated by the Constitution and organic laws.
- (2) National concepts in major directions of domestic and foreign policy of the state shall be approved by means of ordinary laws.
- (3) As a rule, ordinary laws shall be amended, supplemented and invalidated, fully or partially, by an ordinary law in accordance with the Regulation of the Parliament.

Article 12. Decisions of the Parliament

- (1) Normative decisions of the Parliament represent acts adopted by the Parliament in the following areas:
 - a) organization of internal activities of the Parliament and structures that are part of or are directly subordinated to the Parliament;
 - b) approval or change in the structure of some bodies or institutions;
 - c) regulation of other fields that do not require adoption of laws.
- (2) Decisions of the Parliament shall be amended, supplemented and invalidated through decisions in accordance with the Regulation of the Parliament.

Article 13. Decrees of the President of the Republic of Moldova

Based on Article 94 of the Constitution, in the exercise of his/her powers, the President of the Republic of Moldova shall issue decrees that shall be compulsory, general and impersonal and that shall regulate social relations in the fields established by the law.

Article 14. Decisions of the Government

(1) Decisions of the Government aim at ensuring exercise of constitutional duties, as well as of duties deriving from the Law on Government No. 64-XII dated 31 May 1990, and at organizing implementation of laws.

(2) Decisions of the Government shall be approved with the purpose to:

a) exercise the duties of the Government and organize implementation of the laws;

b) amend, supplement or invalidate decision or decisions of the Government issued earlier;

c) extend or limit the action of one or more norms of the law introduced through the decision of the Government in force;

d) unify (consolidate) certain acts that are in force in a new unique act;

e) interpret certain norms from the normative act;

f) approve the draft laws, decisions of the Parliament and decrees of the President of the Republic of Moldova.

e) initiate negotiations on international treaties.

(2) Issues that need a more detailed regulation are usually codified in draft regulations, instructions, statutes, rules, methodologies that are to be approved by a decision of the Government.

Article 15. Orders of the Government

(1) Orders are normative acts adopted by the Government in a certain period of time and in certain fields that are not subject of organic laws, under conditions of Article 106² of the Constitution.

(2) Orders are amended, suspended or invalidated by the Government by issuing orders within the limits of assigning period. After the assigning period expires the orders can be invalidated, suspended or amended only through the law.

(3) The procedure concerning examination and adoption of orders is established by the Government.

Article 16. Departmental Normative Acts and other Acts of Central Public Authorities

(1) Specialized central public administration bodies and autonomous public authorities shall issue and adopt, under conditions of the Law, departmental normative acts and other normative acts (normative orders, decisions, instructions, regulations, rules etc.).

(2) Departmental normative acts and other acts of central public authorities are issued only based on and for execution of laws, decisions of the Parliament, decrees of the President of the Republic of Moldova, as well as decisions and orders of the Government. The respective acts shall be strictly limited to the framework established by higher acts for whose execution they are issued and cannot contradict their provisions. The Preamble of these acts shall expressly indicate the higher normative act which served as the basis of the respective acts.

(3) Normative acts are drafted within the time limit regulated by the higher act or within reasonable time limit necessary for its elaboration and implementation.

(4) Regulations, instructions, rules and other normative acts are approved by orders.

(5) Normative orders and other acts shall be signed only by the heads of bodies that drafted them.

Article 17. Normative Acts Adopted by Authorities of Autonomous Territorial Units with Special Legal Status

(1) Authorities of autonomous territorial units with special legal status shall adopt local normative acts.

(2) Normative acts adopted by authorities of autonomous territorial units with special legal status are issued in the limits of their competence established by the Constitution of the Republic of Moldova, through the Law on Government No. 64 dated 31 May 1990, through the laws on special legal status of autonomous territorial units and through other normative acts.

(3) When issuing normative acts, authorities of autonomous territorial units with special legal status shall take into consideration their subordination to the higher acts and the fact that they cannot contravene them.

Article 18. Normative Acts of Local Public Administration Authorities

(1) Normative acts of local public administration authorities shall be issued in order to regulate certain activities of local interest, in the limits established by the Constitution of the Republic of Moldova, by the Law no. 436-XVI dated 28 December 2006 on local public administration, as well as by other laws, by decisions of the Parliament, by decrees of the President of the Republic of Moldova, by decisions and orders of the Government and only in the field that is under their competence.

(2) In case when normative acts of local public administration authorities do not correspond to the legislation in force, the territorial Office of State Chancellery or another competent body shall initiate the litigation procedure, under the law requirements.

Article 19. Succession of the Competence of Issuing Normative Acts

(1) In case the public authority whose competence included adoption of normative acts is reorganized, its duties related to the amendment, supplementation and invalidation of normative acts earlier adopted shall be transferred to the successor of the competence that belonged to the reorganized authority.

(2) In case of introducing amendment to the normative acts earlier adopted by another authority, the Preamble of the amending act shall indicate the name of the legal successor, as well as legal grounds for operating the amendments.

Chapter III

Drafting of Normative Acts

Section 1. Initiating Drafting of Normative Acts

Article 20. Initiating Drafting of Normative Acts

(1) Draft normative acts are elaborated ex officio by authorities competent to initiate them according to the programs and plans approved according to the

procedure established by the legislation, as well as upon request of the Parliament, President of the Republic of Moldova and Government.

(2) According to their tasks and field of activity, the right to initiate draft normative acts belongs to the following authorities:

- a) Members of Parliament;
- b) President of the Republic of Moldova;
- c) Government through ministries and other central administrative authorities that are part of governmental system;
- d) Specialized bodies (inspectorates, agencies) that are subordinated to or are coordinated by ministries, through these authorities;
- e) Authorities of autonomous territorial units with special legal status and other local public administration authorities of first and second levels.

Article 21. Legislative Programs of the Parliament

(1) For the purposes of regulating all areas of social relations, for transparency of the decision making process, and also for harmonizing normative acts with the legislation of the European Union, the Parliament shall adopt legislative programs.

(2) A legislative program shall include names of normative acts to be drafted and amended in order to harmonize them with the norms of the European Union legislation in the areas of social relations that need to be regulated; bodies and institutions responsible for drafting the respective normative acts and consulting them with the interested parties; references to the norms of the European Union legislation, if necessary; and other aspects related to the program implementation.

(3) Legislative programs may be amended and supplemented by the Parliament at the proposal of subjects with the right of legislative initiative.

(4) Legislative programs shall envisage drafting of the most important normative acts and at the same time shall not represent an obstacle for drafting other normative acts than the ones included in the program.

(5) After their adoption, legislative programs shall be published in *Monitorul Oficial* of the Republic of Moldova and on the official web page of the Parliament.

Article 22. Action Plans of the Government

(1) Government adopts multi-annual action plans in order to ensure carrying out of the tasks included in the activity programs and in order to organize the implementation of laws.

(2) Action plans shall include the actions that need to be carried out in the fields that follow to be regulated, the list of authorities and institutions that follow to implement them in consultation with the interested parties, the time limits for their implementation, as well as, when necessary, the references to the norms of the European Union legislation, and other details related to their implementation.

(3) When drafting Government's action plans, attention should be paid to the provisions related to the execution of normative acts, proposals advanced in this regard by the subjects with the right to initiate them, by the scientific institutions, as well as proposals advanced by the citizens and their associations.

(4) Government's action plans may be amended and supplemented by the Government, upon the proposal of interested authorities and institutions.

(5) Action plans shall also include programs of harmonization of the national legislation to the legislation of the European Union.

Article 23. Policy Documents

(1) Public policy documents represent decision making instruments that address problems existing in certain areas, identify tools for solving them and describe the expected impact on the state and society.

(2) Policy documents in major directions of domestic and foreign policy of the state that are approved by the law or, if necessary, by the decision of the Parliament, are the following:

- a) concept papers;
- b) strategy papers.

(3) A concept paper is a system of common goals directed at multilateral interpretation of problems from different areas that includes description of the situation and detailed definition of the problem, tools and ways to solve the problem and impact assessment.

(4) A strategy paper is a document reflecting the situation in a certain area, containing anticipated direction of activities for a medium term (4-7 years) or a long term (8-15 years), aiming at identifying methods and mechanisms for achieving the goals.

(5) Types and structure of policy documents, as well as the manner of their drafting, approving, monitoring and assessment at the level of central public administration are established by the Government.

Section 2. Justification Process

Article 24. Justification of the Need to Draft Normative Acts

(1) Drafting of normative acts is preceded by the justification process in order to be well-aware of the social-economic realities that follow to be regulated, of the relevant normative framework, as well as similar regulations in the legislation of other countries.

(2) In case of certain regulations that have major impact on the budget or that envisage structural or institutional reorganization and reforms, the justification process shall be carried out by application of methodology concerning ex-ante analysis of public policies impact approved by the Government.

(3) Justification process shall be initiated by the subjects that put forward the initiative of drafting of normative act. In order to determine the opportunity of initiating legal interventions, the subjects of the initiative to draft normative act may request the assistance of other central and local public institutions, public associations, experts, scientists, and university professors.

Article 25. Main Steps of the Justification Process

(1) The process of justification of normative acts shall include the following steps:

- a) definition of the problem that shall start from analysis of the existing and future social relations, as well as of the inefficiency or lack of relevant normative framework;

- b) determination of objective and of the field of legal intervention;

c) identification of options and necessary means for achieving the objective through analysis of financial, fiscal, administrative, economic, social, environment impact, etc.

d) comparison of the proposed options and selection of the best options for achieving the objective.

(2) The recommended options should be based on constitutional provisions, on norms of national legislation, of European Union legislation and norms of international treaties to which Republic of Moldova is a party to, on constitutional jurisdiction and judicial practice, as well as on the legal doctrine in the field.

(3) The justification process shall be necessarily finalized with elaboration of a report or, according to paragraph (2) Article 21, with elaboration of a policy proposal that would serve as informational support for elaboration of the draft normative act and of the explanatory note.

Section 3. Drafting of Normative Acts

Article 26. Norms of Legislative Technique

(1) Norms of legislative technique ensure systematization, unification and coordination of normative acts, the adequate character of their content and legal form.

(2) Norms of legislative technique define constituent parts of the normative act, structure, form and manner of systematizing its content, technical methods concerning amendment, introduction of additions, entrance into force, termination, as well as the language and style of the normative act.

(3) Norms of legislative technique are mandatory in the process of drafting of normative acts of the Parliament, Government, of the central public authorities, authorities of autonomous territorial units with special legal status, as well as of local public administration bodies.

Article 27. Main Stages of the Drafting Process

(1) Drafting of normative acts is composed of several consecutive stages, according to the rules and norms of legislative technique.

(2) Drafting of normative acts includes the following stages:

a) creation of working groups and providing technical, organizational and financial support to the drafting process;

b) determination of the category and establishing the structure of the draft normative act;

c) elaboration of the draft and of the explanatory note;

e) endorsement of the draft by the bodies responsible for implementation and public consultation;

f) providing expert opinion, including legal expertise and anti-corruption expertise;

g) finalization and elaboration of the final draft version.

Article 28. Working Group for Drafting Normative Act

(1) For drafting complex and large normative acts, the author shall decide the opportunity of establishing a working group consisting of experts and specialists in a respective field from among the public authorities, scientists from profile scientific

and higher education institutions, practitioners from the respective field and other specialists, as well as representatives of interested parties.

(2) In case drafting of normative act is assigned to several specialized central public administration authorities, the elaboration process shall be organized by the institution commissioned by the Government or by the institution that is first on the list.

(3) Central public authorities, authorities of autonomous territorial units with special legal status, as well as local public administration authorities shall assign the drafting of a normative act to a sub-division or create a working group composed of specialists from different sub-divisions.

(4) The working group should necessarily include at least two experts with high education in law and with working experience in the field of law for at least three years. The working groups at the level of central public administration bodies must necessarily include collaborators of legal services from the authorities involved in the drafting process.

(5) Members of the working group shall be either contracted or shall work without a contract. In the latter case, when they are referred for this purpose from their permanent place of employment, they shall be given a markup to their salary for participation in drafting the normative act.

(6) The institution that is drafting the normative act shall provide all necessary technical, organizational and financial support for ensuring the drafting process. Upon the decision of the contracted author of the draft normative act, the assistance of the specialists, special commissions, scientific institutions, scientists, including from abroad might be requested.

(7) The procedure of remuneration of the services requested based on the contract shall be established by the authority responsible for drafting the normative act. A special fund is annually created in the state budget of the Parliament for covering the expenses related to the drafting process.

Article 29. Determining the Concept, Category and Establishing the Structure of the Draft Normative Act

Based on the provisions of legislative programs of the Parliament and of action plans of the Government, on the initial proposals, results of scientific investigations, of comparative studies, as well as based on the results of the justification process, the initiator of the draft normative act or, respectively, the working group, shall determine the concepts and establish the category and structure of the draft normative act. The concepts and notions determined should be compatible or similar to those used in the legislation of the European Union.

Article 30. Drafting of Normative Acts

(1) The first draft normative act shall be elaborated based on initial proposals, results of scientific investigations and justification reports, as well as on other materials and consultations of the interested parties.

(2) Solutions proposed by the draft normative act must cover the whole spectrum of social relations that represent the regulation subject in order to avoid legislative gaps.

(3) The draft normative act may contain definitions of terms and concepts used in the new regulation that have different meaning than the usual one, in order to ensure their

correct understanding and avoid erroneous interpretations. The terms used should be compatible or similar with those used in the legislation of the European Union.

(4) In cases the draft normative act includes provisions that are already regulated by other normative acts in force, the author of the draft shall not reproduce them, but shall make express reference to the main normative act that includes them.

(5) The institution competent to issue normative acts may request elaboration of alternative draft normative acts from the authorities, as well as from some organizations, based on contract or on a competition process.

Article 31. Harmonization of National Legislation with the Legislation of the European Union

(1) Harmonization of national legislation follows to be carried out in priority fields, established in bilateral agreements between the Republic of Moldova and the European Union and its member states, as well as in the fields established by the Parliament and the Government.

(2) The mechanism of harmonization of the national legislation with the legislation of the European Union is established by the Government.

(3) The draft normative acts that harmonize the provisions of the national legislation with the legislation of the European Union are marked in the right corner above of the first page with the logo „EU”.

Article 32. Explanatory Note of the Draft Normative Act

(1) Simultaneously with the process of drafting the normative act, the working group shall prepare an explanatory note to the draft normative act, which should necessarily include the following:

a) the name of the initiator and the author, as well as of the participants in the drafting process;

b) description of issues tackled in the draft normative act in the light of the normative framework in force;

c) argumentation of the necessity to regulate a specific issue, including the necessity of harmonizing the normative act with the provisions of the European Union legislation;

d) the scope and objectives that need to be met through implementation of the normative act;

e) short presentation of conclusions identified in the justification report, depending on the regulation subject (financial, fiscal, administrative, economic, social, environmental impact, etc.)

f) document analyzing the impact produced by the regulation on draft normative acts that regulate the entrepreneurial activity, that represents justification, based on the evaluation of costs and benefits, of the necessity to adopt normative acts and analysis of their impact, including ensuring the observance of the rights and interests of the entrepreneurs and the state;

g) the number and name of the act from the legislation of the European Union whose harmonization is targeted by the draft normative act;

h) the manner of incorporating the draft in the system of normative acts in force, reference to the normative acts that need to be drafted or amended after the entrance into force of the provisions of the draft;

(2) The explanatory note shall be prepared according to the model presented in the Attachment. All elements specified in paragraph (1) are mandatory and need to be mentioned in the explanatory note.

(3) In case when following the proposals and observations received from the endorsement authorities, the draft normative act has been amended in the process of endorsement and expert analysis, the explanatory note should be reviewed correspondingly. At the same time, information concerning the observance of transparency in the decision-making process, as well as the name of the authorities and institutions that endorsed the draft normative act, should be simultaneously included in the explanatory note.

Section 4. Endorsement and Expert Examination

Article 33. Endorsement and Public Consultation of the Draft Normative Act

(1) The draft normative act shall be submitted for endorsement to the authorities and institutions responsible for implementation of the new provisions together with the explanatory note and at the same time the draft normative act shall be subjected to public consultations as established by the Law no. 239-XVI dated 13 November 2008 on Transparency in Decision-Making Process.

(2) The draft normative act, drafted by the central and local administrative authorities, shall be necessarily endorsed and subjected to public consultations under conditions of paragraph (1).

(3) Public consultations of the draft normative act are suspended during electoral period, except for the consultation process initiated before the launch of electoral campaign.

(4) According to the provisions of paragraph (4), Article 29, the draft normative act bearing the logo „EU” shall be endorsed by all interested authorities and institutions in priority regime, especially by the Ministry of Foreign Affairs and European Integration, which shall comment on the compatibility of the draft normative act with the commitments undertaken by the Republic of Moldova in relations with the European Union.

(5) Following the endorsement process, the author of the draft normative act shall compile and generalize in the table of divergences all the opinions received, which shall be attached to the draft normative act.

Article 34. Time Limits for Endorsement

(1) The draft normative act elaborated by the Parliament shall be endorsed within the time limits established according with the provisions of Article 53 and 58 of the Regulation of the Parliament.

(2) The normative act drafted by the central public authorities, which was submitted for endorsement, shall be examined within 15 working days.

(3) The interested authorities and institutions who received the draft normative act for endorsement should send an opinion with their objections and motivated proposals to the institution that drafted the normative act or to the Government, in case the draft normative act was submitted for Government's endorsement and unless there are no different provisions, by attaching, when necessary, the amended version of the draft normative act or only some of its provisions, or shall communicate the lack of objections and proposals.

(4) In case when during the time limit established in paragraph (1) and (2) no answer was received from the interested authorities and institutions and prolongation of the time limit for endorsement was not requested, the draft normative act is considered endorsed without objections and proposals.

(5) According to provisions of paragraph (4) Article 29, draft normative acts marked with logo „EU” shall be endorsed in a priority manner, and the time limit for endorsement is 10 working days.

Article 35. Expert Examination of the Draft Normative Act

(1) Legal, anticorruption, economic, financial, scientific, ecological, linguistic and other types of expert examinations shall be conducted in order to ensure evaluation of the draft normative act, including examinations aimed at investigating compatibility of the draft with the legislation of the European Union, depending on the type of social relations regulated. Organizations, as well as citizens who did not participate directly in the drafting of the normative act, including foreign specialists and international organizations, may serve as experts.

(2) Economic expert examination shall be carried out by the Ministry of Economy, it is mandatory and shall be intended to promote:

- a) compliance of the draft with principles of market economy established by the legislation of the European Union;
- b) compliance of the draft with the existing economic legislation;
- c) identification of positive and negative aspects of the draft act in carrying out reforms; identification of economic and other benefits; detection of economic drawbacks; and forecast of negative economic consequences.

(3) Financial examination shall be carried out by the Ministry of Finance, it is mandatory and shall be intended to promote:

- a) compliance of the draft with the existing financial legislation;
- b) evaluation of financial costs for implementing the new norms;
- c) identification of financial drawbacks and forecast of negative financial consequences of implementing the act.

(4) Scientific examination shall be provided upon necessity by profile scientific and high education institutions, experts, including foreign ones, and shall be intended to promote:

- a) examination of the proposed norms from different aspects and proposal of alternative norms;
- b) examination of the solutions proposed by the norms of the draft comparing to the economical-financial possibilities of the state, to the social-political situation and the sequence of regulating the processes, as well as in the context of ensuring the compatibility of the normative acts with the legislation of the European Union.

(5) Ecological expert examination shall be carried out upon necessity by the Ministry of Environment and is intended to promote:

- a) compliance of the draft with the existing environmental legislation and with the norms of the European Union legislation in the respective area;
- b) protection of human health and environment;
- c) prediction of ecological consequences in case of implementation of the act.

(6) The expert examination of the compatibility with the legislation of the European Union is carried out for the draft normative acts marked with the logo „EU” by the Centre for Harmonization of the Legislation from the Ministry of Justice.

(7) Conclusions of the expert opinion shall be included in the explanatory note to the draft normative act.

Article 36. Legal and Anti-Corruption Expert Examination

(1) The draft normative act, finalized according with endorsement opinions, results of public consultations and declaration of compatibility, together with the explanatory note, copies of endorsement opinions and expert examination opinions, table with divergences, table of conformity of the drafts having the logo of „EU” with the legislation of the European Union and declaration of compatibility are sent for legal and anti-corruption expert examination.

(2) Legal expert examination is carried out by the Ministry of Justice before the draft normative act is sent for approval and is mandatory for all drafts of normative acts elaborated by central public authorities.

(3) Legal examination shall be intended to promote:

a) compatibility of the draft with Constitutional norms, with practice of constitutional jurisdiction and with provisions of international treaties that the Republic of Moldova is a party to;

b) elaboration of the draft in compliance with the norms of legislative technique;

c) determining the effect of integral regulation of respective social relations.

(4) Departmental normative acts of central public authorities shall be subjected to legal expert examination, as established by the Government.

(5) Anticorruption expert examination shall be mandatory for all drafts of normative acts elaborated by central public authorities and shall be intended to promote:

a) compliance of the draft normative act with national and international anticorruption standards;

b) prevention of adopting new provisions favoring or potentially favoring corruption, by means of developing recommendations for excluding such provisions or reducing consequences of their implementation.

(6) Legal and anticorruption expert examinations are carried out in accordance with the Regulation approved by the Government.

Article 37. Time Limits for Providing Expert Examination Opinion

(1) Draft normative acts are reviewed by experts within 15 working days since they are submitted.

(2) In case when the draft is large or complex or when it becomes necessary to study some additional materials, the time limits for providing expert opinion might be prolonged up until 30 working days, unless heads of the interested authorities and institutions decide differently.

(3) The time limit starts running from the date of registration of the draft normative law with the authority or institution that follows to carry out expert examination.

Section 5. Finalization of the Draft Normative Act

Article 38. Finalization of the Draft Normative Act

(1) Authority or the working group that drafted the normative act shall study the proposals and objections submitted following the endorsement and expert examination process, as well as recommendations received during public consultations, and shall decide whether the submitted proposals aimed at improving the draft normative act should be taken into consideration or should be rejected by indicating in this case the grounded reasons.

(2) The proposals that are accepted shall be taken into consideration in the process of finalization of the draft normative act and in the process of preparing the final version of the draft that shall be presented to the competent authority for approval.

(3) In the event of contradictions, the authority that drafted the normative act shall organize a debate with the interested authorities and institutions in order to identify mutually acceptable solutions. In case such solutions are not identified, the draft shall include the opinion of the authority that elaborated the draft and the list of divergences shall be attached in a separate table together with the arguments for rejecting proposals, as well as endorsement opinions which served as the basis for submitting the respective proposals.

Article 39. File Accompanying the Draft Normative Act

(1) The draft normative act, depending on its category, shall be accompanied by a file, that shall include the following:

- a) explanatory note;
- b) endorsement opinions and compilation of recommendations received during public consultations, as well as expert reports;
- c) the table of divergences with arguments in favor of accepting or rejecting proposals, objections and recommendations;
- d) declaration of compatibility related to harmonization of national legislation with the legislation of the European Union for draft normative acts marked with the logo „EU”, as well as the table of conformity;
- e) justification report, when necessary;
- f) list of normative acts that are subject to elaboration or revision in connection with adoption of the normative act;

(2) The draft normative act is submitted to the competent body for approval on paper, as well as electronically.

Article 40. Additional Conditions for Submitting the Draft Normative Act for Examination

(1) Before submitting the draft normative act to the competent body for approval, the draft needs to be approved by the heads of the bodies who participated at its elaboration.

(2) Coordination is confirmed by the approval stamp that needs to be applied on the draft by the respective head or deputy head who was empowered with the respective duties, and by a cover letter, with indication of the position, name and last name of the person involved, as well as the coordination date. Each page of the first

copy of the draft shall bear the approval stamp. Objections and additions are described on separate pages.

(3) In case essential amendments were operated during the finalization process of the draft normative act, the draft needs to be repeatedly approved by the persons indicated in paragraph (1). A new approval is not necessary in case no essential amendments to the draft were introduced during the finalization process.

Chapter IV. STRUCTURE AND CONTENT OF NORMATIVE ACTS

Section 1. Structure of Normative Acts

Article 41. Constituent Parts of Normative Acts

(1) The structure of a normative act shall ensure consecutive, ordered and systematized disclosure of the object of legal regulation, as well as a just understanding and application of the act.

(2) A normative act shall consist of the following parts:

- a) title;
- b) preamble;
- c) adoption formula;
- d) general provisions;
- e) content provisions;
- f) final and transitional provisions;
- g) annexes
- h) formula of attesting the authenticity of the act.

(3) In case the present Law does not provide differently, one or more elements specified in paragraph (2) might be missing from the structure of the draft normative act.

Article 42. Title of the Normative Act

(1) Title of the normative act represents the generic name of the act, which reflects its legal category, the issuing authority and the regulated subject that needs to be concisely expressed.

(2) Title of the normative act should be laconic and should accurately reflect the regulated subject.

(3) The name of the draft normative act cannot be identical with the name of another normative act in force, except for normative acts on amendment, additions or invalidation of some normative acts.

(4) In case of amendment, additions or invalidation of several parts of normative acts in force, the title shall include the following:

- a) exhaustive name of acts where content amendments, additions or revocations are made; or
- b) a general formula referring to amendment, additions or invalidation of some normative acts.

(5) The title of the normative act shall also necessarily indicate the number of the normative act and the year of its final adoption.

Article 43. The Preamble of the Normative Act

(1) The preamble of the normative act shall set out the goal and rationality standing behind adoption of the normative act, social-political, economic or other

motivation of the act; as well as the main directions that shall be reflected in the normative act.

(2) The preamble of draft normative acts bearing with logo „EU” shall include a harmonization clause that indicates the type, number, institution/institutions of the EU that adopted them, date, official name of the act/acts of the European Union and series, number and date of the Official Journal of the European Union where the act/acts of the European Union that transposes the draft normative act and their level of transposition was/were published.

(3) Preamble precedes the adoption formula and does not include legal norms and interpretation rules.

(4) Preamble may accompany most important normative acts. Preambles shall have no legal effect and shall not be part of the normative section of the act.

Article 44. Adoption Formula of the Normative Act

(1) Adoption formula shall establish a legal basis for adopting the normative act and shall specify its category.

(2) Adoption formula consists of one sentence that shall include the name of the issuing authority and express decision concerning the issuance of the respective normative act. The Government acts shall also include, when necessary, the basis from the respective law for issuing the respective normative act.

(3) Adoption formula shall be mandatory for all normative acts.

Article 45. General Provisions

(1) General provisions of a normative act shall:

- a) specify the subject, purpose of the act and scope of its application;
- b) identify directions for regulation;
- c) explain terms and define concepts.

(2) Normative regulations are expressed in a succession that ensures a just understanding of the normative act.

(3) In case of normative acts of maximum importance and that have specific content; general provisions shall be usually described in the form of principles.

Article 46. Content Provisions

(1) Content provisions are norms that represent the subject of the normative act.

(2) Content provisions shall establish:

- a) rules;
- b) rights and responsibilities;
- c) legal consequences for violating the rules, rights and duties.

(3) Displaying of the content provisions is systematized in a logical sequence, material law provisions preceding procedural law provisions. The logical sequence shall also be based on a thorough legal analysis, establishing the character of institutions and links between them, and also on the scientifically justified hierarchy of the introduced concepts.

Article 47. Transitional Provisions

(1) Transitional provisions of a normative act shall include provisions pertaining to the legal relations born out based on old regulations that follow to be replaced with the new normative act.

(2) Transitional provisions shall ensure, for a definite period of time, correspondence of the new regulations with regulations from pre-existing normative acts and temporary maintenance of certain legal situations born out of pre-existing regulations.

Article 48. Final Provisions

(1) Final provisions of a normative act shall include measures that are necessary for coming into force and implementation of the new regulations.

(2) Final provisions include regulations concerning obligation of the bodies responsible for implementation of the normative act to take measures and carry out procedures necessary for its implementation.

(3) Temporary normative acts shall also include the period of their application or the date when the act ceases to be applicable.

Article 49. Annexes

(1) The structure of normative act might include its component parts, called annexes, which shall comprise numbers, drawings, tables, plans and other similar parts. Annexes to a normative act could also represent regulations that need to be approved by the competent public authority, such as: statutes, regulations, instructions, rules, methodologies or technical norms.

(2) Annex is an integral part of the normative act, and bears its legal effect and nature.

(3) In case normative act has several annexes, they are numbered in the order mentioned in the text of the act.

Article 50. Attesting Authenticity of the Normative Act

(1) The adopted normative act shall be signed by the legal representative of the issuing authority/person, shall be dated and numbered, and the place of its adoption shall be mentioned.

(2) The date of normative acts enacted by the Parliament shall be the date of their adoption. The official numbers are attributed separately for each category of acts, starting with number 1 each calendar year. In case when normative act with the official number did not enter into force, the act maintains the number, which cannot be attributed to another normative act in the same calendar year.

(3) Normative acts of the Government shall bear the date of the sitting of the Government where the act was approved and the act shall be signed by the Prime-Minister. According to paragraph (2) Article 104 from the Constitution and the Law on Government, the decisions and orders adopted by the Government are contra-signed by the ministers who have obligation to ensure their enforcement.

(4) The date of other normative acts shall be the date of their signature.

Section 2. Content of Normative Acts

Article 51. Article

(1) Article is the main structural element of a normative act of the Parliament or a decree of the President of the Republic of Moldova. Article has unitary character and shall contain one or several directly interconnected sentences that follow the same idea.

(2) As a rule, articles shall have titles. The title of the article shall concisely express the regulating subject, without having a separate meaning in the content of the Article.

(3) Articles shall be numbered with Arabic numerals and shall have continuous numbering starting from the first article through to the final one. If a normative act consists of one single article, numbering is replaced with the formula "Unique Article".

(4) In case of laws introducing amendments and additions to several normative acts, a separate article shall be dedicated to each act and numbered with Roman numerals.

(5) Articles may consist of paragraphs.

Article 52. Point

(1) Point is the main structural element of normative acts of the Government and normative acts of central public authorities, authorities of autonomous territorial units with special legal status and local public administration authorities.

(2) Points are stipulated without utilization of the word "point" and shall have continuous numbering starting from the beginning and until the end of the normative act, introducing dot after the number.

(3) To ensure correct interpretation and easy application, points are divided in sub-points and paragraphs. Sub-points are numbered with Arabic numerals and a bracket and might have separate parts numbered with Latin letters and a bracket.

Article 53. Paragraph

(1) In case when one article or point includes several legal prescriptions, it shall be structured in different paragraphs, by ensuring at the same time the logic sequence of ideas and the coherence of the regulation.

(2) The paragraph is usually composed of a single sentence or phrase that shall regulate a legal hypothesis specific to the Article or point as a whole. In case the content cannot be expressed in one single sentence or phrase, new sentences and phrases can be added, which shall be separated through comma or dot.

(3) Within the article, the paragraphs are numbered with Arabic numerals, which are included between the two brackets, and they might have sub-divisions numbered with Latin letters and a single bracket. In case of more complex structures, such divisions are numbered with Arabic numerals and a single bracket. The divisions numbered with numerals might have sub-divisions marked with small Latin letters and a single bracket. In case when sub-divisions or divisions marked with Latin letters are divided, their parts are marked with Arabic numerals followed by a dot.

(4) In case of point, the paragraph is emphasized by slightly placing it towards the right side. In case when the point includes divisions, they are usually marked with small Latin letters and a bracket.

Article 54. Systematization and Structure of Normative Acts

(1) Depending on the volume of the normative act, the elements of the text shall be grouped as follows:

- a) articles or sub-points may be grouped in parts numbered with Arabic numerals;
- b) sections may be grouped in chapters numbered with Roman numerals;
- c) chapters may be grouped in titles numbered with Roman numerals;
- d) in case of codes and particularly complex and voluminous normative acts, the titles may be grouped into parts or books numbered with ordinal numbers written out in letters.

(2) Sections, chapters, titles, parts or books may have titles that shall concisely express the essence of the provisions they include.

(3) A greater division shall be applied after the use of a simplified division.

(4) Chapters, titles, parts or books are consecutively numbered from the beginning to the end of the normative act. Sections are numbered according to the succession in the structure where they part of.

Article 55. Language, Spelling and Punctuation in Normative Acts

(1) Text of draft normative acts shall be written in the state language in compliance with the following rules:

a) the content of the draft shall be expressed in a simple, clear and concise language, excluding double interpretation, and with strict observance of grammar, spelling and punctuation rules;

b) one phrase shall express only one idea;

c) adequate terms shall be used, as well as terms compatible with those used in the legislation of the European Union or similar to them, which have large circulation;

d) concepts shall be explained not by means of definition or description but by means of a respective term;

e) terminology used in the draft act shall be constant and uniform as in other normative acts and norms of the legislation of the European Union; the same concept shall be used provided it is correct and its repeated use shall exclude ambiguity;

f) neologisms should not be used, in case when synonyms with large use are available. In case new concepts and foreign expressions need to be used, whenever possible, their equivalent in state language should be mentioned;

g) no regionalisms, nonfunctional, idiomatic, rare and(or) ambiguous words and expressions shall be used;

h) legal tautology shall be excluded;

i) whenever possible, mono-semantic concepts shall be used, according to the legal terminology. In case a concept is poli-semantic, the meaning used shall clearly derive from the text;

î) abbreviations of certain names or concepts may be used only after they are explained in the text when used for the first time;

j) the verbs are usually used at present tense.

(2) The author of the draft normative act shall submit the text of the draft to the body competent to adopt the draft in the state language. Translation in another language functioning on the territory of the Republic of Moldova follows to be ensured by the body responsible for adoption.

(3) In case when after adoption of the normative act and its coming into force contradictions arise between the text in the state language and its translation in another language functioning in the Republic of Moldova, the provisions established by the text in the state language shall prevail.

Article 56. Reference to Other Normative Acts

(1) In case when a legal norm concerning the regulation subject is regulated by another normative act, a reference to the specific Article and the normative act including that Article shall be made in order to avoid reproducing complementary norms. Reference to another reference norm usually shall not be allowed.

(2) In case the norm to which reference is made is included in another normative act, the title, number and date of the act must be also indicated.

(3) Reference to the norms of another normative act may be made to the entire content of the respective act or only to a specific provision. In case the act referred to has been amended, added or republished, a specific reference should be made in this sense.

(4) Upon amendment, addition and invalidation of the provision that is referred to, the act on amendment, addition or invalidation should consider the legal situation of the reference norm.

Chapter V.

TECHNICAL PROCEDURES APPLICABLE TO NORMATIVE ACTS

Section 1. Amendments and Additions to Normative Acts

Article 57. Amendments of Normative Acts

(1) Amendment of normative acts represents an express change of the text of the article, of its points or paragraphs and its formulation in a new version.

(2) In order to express the intention of amending the normative act in a normative manner, the text in question shall be expressly nominated, with all necessary identification elements, and the provision in itself is formulated by using the phrase „is amended and shall have the following content:”, followed by formulation of the new text. Only certain parts (paragraphs, sub-points) of Articles and points may be formulated in a new version.

(3) In case when there is no need for Articles and points that are amended to be formulated entirely in a new version, certain clarifications are introduced in their text by omitting, substituting or introducing certain words or phrases.

(4) In case when the text of a part or of a book, a title, a chapter, a section, a point, article, paragraph, sub-point or its sub-division is totally excluded, their numbering is not passed to other structural elements.

(5) In case when it is necessary to introduce amendments in several parts of the document in force or in case the respective document was already substantially amended or in case the document is outdated, the draft of a new normative act shall be elaborated.

Article 58. Additions to Normative Acts

(1) Additions to normative acts mean introduction of new provisions that include normative solutions and additional assumptions.

(2) In case of supplementing a normative act with new structural elements, these shall be numbered by means of adding a respective index to the number of the corresponding part, title, chapter, section, article, paragraph, point, sub-point or sub-divisions. In case additions are introduced after the last point, last paragraph or last letter, they will receive a new and subsequent number, paragraph or letter.

Article 59. General Conditions for Amendments and Additions

(1) Amendment or addition to normative act is allowed only if it does not affect the general concept or the unitary character of the respective act. Or, the respective act is replaced with a new regulation, and follows to be entirely invalidated.

(2) The provisions that are amended or that supplement the normative act shall be harmoniously integrated in the act that is amended and supplemented and the unity of style and terminology, as well as natural succession of the Articles or points, shall be followed.

(3) In case of amending or supplementing only one article of one normative act, the title of the act on amendments or additions shall directly refer to the Article that it amends or supplements, and to the respective act.

(4) In case adoption of a new normative act requires subsequent amendment of other normative acts, the respective amendments are introduced in the draft normative act in the chapter on transitional provisions or in a separate draft act on amendments and is submitted together with the main normative act which is adopted.

(5) In case when it is not possible to elaborate the draft normative act on amendments regulated in paragraph 4 at the same time with presentation of the main draft normative act, it shall be presented within the time limit indicated in the transitional provisions of the main act, but not later than 6 months since the adoption of the latter.

(6) Normative act whose application is limited in time or which has operative and disposition character cannot be amended or supplemented.

Article 60. Effects of Provisions Referring to Amendment and Addition to Normative Acts

(1) Provisions referring to amendment and additions to normative acts are incorporated, from the date of their entrance into force, in the main act, and are identified with the respective act. Subsequent interventions referring to their amendment and should be related to the main act.

(2) Normative act on amendment and additions, usually, has equal legal effect with the legal effect of the act whose provisions it amends or supplements. In certain cases, the act on amendment or additions is hierarchically superior and has a greater legal effect than the legal effect of the amended or supplemented act.

(3) Proposals concerning amendment and additions of the issued normative act cannot be presented, as a rule, earlier than 6 months since adoption of the act.

(4) In case when a draft normative act was adopted, but did not enter into force yet, its amendment and supplementation is carried out in conditions of Article 56.

Section a 2-a. Invalidation of Normative Acts

Article 61. Need for Invalidation

(1) Invalidation is a technical and legal procedure of abolishment that revokes provisions of normative acts failing to comply with the balance existing between public needs and Normative norms.

(2) Invalidation shall be intended to:

- a) eliminate provisions of a normative act that are contradictory to provisions of another normative act that has the same or greater legal effect;
- b) eliminate discrepancies and irregularities;
- c) exempt the legislation from outdated norms;
- d) avoid parallelisms in the legislation.

Article 62. Types of invalidation

(1) Invalidation may be full or partial.

(2) Full invalidation shall revoke the normative act fully.

(3) Partial invalidation shall revoke certain parts of the normative act.

(4) Invalidation of a legal provision or a normative act always has a permanent character.

Article 63. General Conditions for Invalidation

(1) A normative act shall be invalidated by adopting a separate act that shall have the same or greater legal effect, or in other cases it shall be expressly indicated in the chapter on final dispositions of a normative act.

(2) Within operations of systematization and unification of legislation, issuing authorities/persons may elaborate and issue normative acts on invalidation in order to invalidate several normative acts.

(3) Invalidation may be accompanied by adoption of new norms in the respective field, yet it may be not accompanied by them if invalidating an improper normative act or improper norm.

(4) When elaboration of proposals on invalidation requires time and execution of the actions foreseen in the draft normative act cannot be postponed, or in case a time limit was introduced in this sense, proposals are submitted in maximum 2 months since adoption of the new normative act.

(5) When drafting proposals on invalidation of normative acts issued earlier or of their parts, one should clarify if their action was not extended through subsequent acts also on other categories of organizations, objectives or persons. In case the norm has been extended and shall preserve its validity, the draft should provide for a solution that shall take into consideration the extension, and the acts concerning the extension shall be included in the list of documents to be invalidated.

(6) Normative acts that follow to be invalidated include not only acts or their parts that contradict the new act or that were incorporated in it, but also acts or their parts that in fact have earlier lost their validity, however were not formally invalidated.

(7) Temporary normative acts or their parts whose validity term expired shall not be included in the list of normative acts to be invalidated. When including the respective act or its parts in the category of temporary acts is uncertain, the act or its parts shall be included in the list.

(8) When the normative act includes permanent norms which are in force and all these norms follow to be invalidated at the same time with the temporary norms whose validity term expired, the list of acts to be invalidated shall include the act in its entirety.

(9) If normative act lost its validity, it shall be included in its entirety in the list of acts that follow to be invalidated, regardless of the points included in it which served as the basis for invalidating earlier issued normative acts.

(10) If more than two normative acts follow to be invalidated, the list of acts shall be included in the Annex to the draft normative act that invalidates them.

Article 64. Moment of Invalidation

(1) Should a normative act invalidate a previously adopted normative act as a whole, it shall specifically render the previous act null and void from the moment the invalidation act enters into force.

(2) Should provisions of the new normative act enter into effect at different times, it shall specifically stipulate that invalidation shall take place respectively according to the stages the new normative act enters into effect.

(3) The earlier invalidated act shall not be reinstated in force in case of invalidation of the act that triggered its invalidation. In order for the earlier invalidated act to be reinstated in force, it shall be adopted repeatedly.

Article 65. Normative Acts Declared Unconstitutional

(1) Normative acts or some of their parts become null and void from the moment when Constitutional Court adopts the respective decision, according to paragraph (1) Article 140 of the Constitution, without there being a need to adopt a normative act on invalidation.

(2) Within maximum two months from the date the decision of the Constitutional Court is published in *Monitorul Oficial*, the Parliament, Government, central public authorities, authorities of autonomous territorial units with special legal status and local public administration authorities shall present the draft normative acts on amendment or addition of the normative acts declared unconstitutional for approval of the competent body.

(3) Draft normative acts mentioned in paragraph (2) shall be elaborated in accordance with the procedure established by the present Law.

Section 3. Coming into Force of Normative Acts

Article 66. Coming into Force of Normative Acts

(1) Normative acts of the Parliament, Government, specialized central public authorities, authorities with autonomous or local status come into force on the date of their publication in *Monitorul Oficial* of the Republic of Moldova or on the date indicated in the text. Publication of normative acts is carried out in the order provided in the Law no. 173-XIII dated 06 July 1994 on the Manner of Publication and Coming into Force of Official Acts. Normative acts are also made public by posting them in authorized places.

(2) Normative acts shall be published under conditions of the law in *Monitorul Oficial* of the Republic of Moldova or *Monitorul oficial* of rayons, municipalities and of autonomous territorial units, under the responsibility of their heads.

(3) Normative act that has been amended or supplemented substantially shall be republished under conditions of the Law no. 92 dated 01 April 2004 on the Procedure of Publication and Republication of Normative Acts and of their Rectifications, based on the provision from the respective act on amendment or addition. Republication is mandatory when significant changes have been introduced in the normative act (more than one third of the main structural elements).

Article 67. Rectifications

(1) When some material errors are found in the content of the normative act after its publication, a note shall be published that should include necessary rectifications, in accordance with the Law no. 92 dated 01 April 2004 on the Procedure of Publication and Republication of Normative Acts and of their Rectifications.

(2) Rectification shall be carried out based on the request of public authority that issued the act.

Chapter VI

INTERPRETATION OF NORMATIVE ACTS

Article 68. Need for interpretation

(1) Interpretation of normative acts is carried out in order to clarify the meaning of a normative act or of its certain concrete provisions.

(2) Interpretation provides legal decisions for implementing the essence of a legal norm.

(3) Interpretation is official if provided by means of normative acts on interpretation.

Article 69. Bodies Authorized for Interpreting Normative Acts

(1) Official interpretation of the Constitution and constitutional laws shall be the sole authority of the Constitutional Court.

(2) Official interpretation of normative acts except for those specified in part (1), shall be the sole authority of the Parliament.

(3) Official interpretation of normative acts except for those specified in part (1) and (2), shall be the authority of the institutions that adopted the respective acts.

Article 70. Interpretation Acts

(1) Constitution and constitutional laws shall be interpreted by the Constitutional Court by means of adopting regulations by votes of at least four judges.

(2) Except for those specified in part (1), normative acts shall be interpreted by the Parliament by means of adopting interpretation provisions included in a new Law.

(3) Normative act shall be interpreted only through an act of the same type, form and legal effect.

(4) Normative Interpretation Acts shall have no retroactive effect except for cases when interpretation of a norm stipulating responsibility creates a more favorable situation.

Chapter VII.

EFFECT OF NORMATIVE ACTS IN TIME, SPACE AND ON A RANGE OF PERSONS

Section 1. Effect of Normative Acts in Time

Article 71. Effect of Normative Acts and No Retroactive Effect

(1) A normative act shall be valid only in its effective period and shall not have any retroactive effect or be applied after the expiry of its effective period.

(2) Only normative acts mitigating responsibility shall have retroactive effect.

(3) Normative acts may be applied after the expiry of their effective period only in exceptional order.

Article 72. Termination of Normative Acts

(1) A normative act shall be terminated in the following cases:

a) if rendered null and void;

b) if invalidated by a final decision of a competent authority;

c) upon expiry of the envisaged effective period;

d) when fully executed;

e) after becoming ineffective.

(2) In case specified in paragraph (1), letter c), the issuing authority may take measures to prevent termination of the normative act.

Section 2. Effect of Normative Acts in Space and on a Range of Persons

Article 73. Effect of Normative Acts in Space

(1) Normative act shall be applicable on the entire territory of the Republic of Moldova, as well as in areas recognized as the territory of the state, with exceptions

specified by international treaties that the Republic of Moldova is a party to, and by the norms of international law.

(2) Normative acts and some of their provisions may be also applicable beyond the territory of the Republic of Moldova, in compliance with international treaties that the Republic of Moldova is a party to, and general principles of international law.

Article 74. Effect of Normative Acts on a Range of Persons

(1) A normative act shall be applicable to:

- a) citizens and legal persons of the Republic of Moldova;
- b) foreign citizens and stateless persons on the territory of the Republic of Moldova;
- c) foreign legal persons located on the territory of the Republic of Moldova.

(2) Effect of the normative act in relation to persons specified by letter b) and c) of paragraph (1) shall be established by international treaties that the Republic of Moldova is a party to, and general principles of international law.

Chapter VIII.

**MONITORING IMPLEMENTATION AND REEXAMINATION OF
NORMATIVE ACTS**

Article 75. Monitoring Implementation of Normative Acts

(1) Normative acts adopted by the Parliament, Government, central public authorities, authorities of autonomous territorial units with the special legal status and local public administration authorities need to be monitored in order to identify their level of implementation.

(2) Monitoring implementation of normative acts shall be carried out after the expiry of 2 years after the date when the act entered into force by the institution responsible for its implementation, in coordination with the Ministry of Justice.

(3) The mechanism of monitoring the process of implementation of the normative act shall be established by the Government.

(4) After finalization of the process of monitoring implementation of the normative act, the institution responsible for monitoring shall prepare a monitoring report that shall include the following information:

- a) functionality of the normative act;
- b) level of fulfilling the objectives and purpose of the normative act;
- c) level of applying the necessary secondary legal framework;
- d) efficiency of normative act;
- f) conclusions and recommendations.

(5) In case when the need to introduce amendments and/or additions was identified in the process of monitoring the implementation of the normative act, the results of the monitoring report may represent a basis for justifying the need of elaborating the respective draft normative act.

Article 76. Review of Normative Acts

(1) Review of normative acts shall include analysis of their content with the purpose of evaluating their compatibility with the Constitution of the Republic of Moldova, with other normative acts in force at the moment of reexamination, as well as with the regulations of the European Union legislation. Review of normative acts shall be made periodically, at least once in two years.

(2) The review shall be made by the bodies responsible for implementation of the normative acts.

(3) Following the review, proposals for amending or supplementing normative acts may be presented with the purpose of updating them. At the same time, a list with outdated normative acts shall be prepared and their official invalidation shall be ordered.

(4) Review of normative acts shall include the following stages:

- a) identifying the scope of acts that require analysis, and grouping them according to their topics;
- b) considering each act separately for its relevance and efficiency; existence of any parallelism or contradictions with other legislative acts; existence of gaps in their provisions; opportunities for uniting the fragmented norms; identifying outdated character of the act or of some of its provisions.

Chapter IX SYSTEMATIZATION AND KEEPING OFFICIAL RECORD OF NORMATIVE ACTS

Section 1. Systematization of Normative Acts

Article 77. General Principles concerning Systematization of Normative Acts

(1) Systematization of normative act means their organization according to certain criteria with the purpose of facilitating the use of legal norms and their uniform application.

(2) Main forms of normative acts systematization shall include:

- a) incorporation that represents a simple systematization of acts in chronological or alphabetical order, according to areas of law, legal institutes, etc.;
- b) codification that represents a more complex systematization, into a single concept, of legal norms related to a separate area of law, by their grouping in codes.

Article 78. Consolidated Normative Act

(1) In order to liquidate the gaps existing in normative acts and improve the legal regulation of the respective social relations by operating some radical amendments in such acts, as well as in order to reduce the multitude of legal norms in the same field, a consolidated draft normative act shall be elaborated.

(2) Consolidated normative acts officially replace the previous acts and the provisions that were part of their content, take over their legal effect and become official source of the legal effects of the provisions included in the act, in spite of the fact that they were adopted earlier. Acts and parts of acts that are entirely or partially incorporated in the consolidated act shall be officially invalidated.

(3) The consolidated act shall be issued for a long period of time. The respective act does not include norms and acts whose term of validity expires immediately.

Article 79. Code

(1) A code is a normative act that unites and systematizes the most important norms within a certain area of law.

(2) The code structure reflects the system of the respective area of law.

(3) The code shall have the following qualitative attributes:

- a) accuracy;
- b) clarity;
- c) logic;
- d) integrity;
- e) practical character.

Section 2. Keeping Official Record of Normative Acts

Article 80. State Registration and Official Record of Normative Acts

(1) Normative acts adopted by the Parliament and Government shall be subject to registration within the unique State Register of Normative Acts, kept by the Ministry of Justice.

(2) The Parliament and Government shall register the adopted acts in their internal registers.

(3) Originals of normative acts of the Parliament and Government shall be kept in the internal archives, classified as 'To be kept permanently'.

(4) Central public authorities, authorities of autonomous territorial units with the special legal status and local public administration authorities register their normative acts in their internal register of normative acts.

(5) Departmental normative acts issued by specialized central public administration authorities are registered by the Ministry of Justice in the State Register of Departmental Normative Acts, according to the established procedure, only after their approval.

(6) Official record of the normative acts shall be kept by the Ministry of Justice according to the procedure established by the legislation in force, by using one or several forms simultaneously:

- a) according to the card index;
- b) in registers;
- c) in the electronic format;
- d) according to the Official Legislation Classifier.

CHAPTER X.

PROVISIONS CONCERNING THE DRAFTING OF NORMATIVE ACTS ON CONCLUSION, SUSPENSION, DENUNCIATION OR TERMINATION OF INTERNATIONAL TREATIES

Article 81. Norms concerning the Drafting of Normative Acts to Approve International Treaties

(1) Normative acts on conclusion, suspension or termination of international treaties are subjected to a special procedure established by the Law no. 595-XIV dated 1999 on International Treaties of the Republic of Moldova.

(2) Draft normative acts are submitted for adoption together with the text of international treaties in the language of the original documents, together with the official translation of the document in the state language, authorized according to the prescribed procedure.

(3) Texts of international treaties that require approval are stamped on each page, and the last page shall attest the conformity of the document with the original through the signature of the authorized person and the application of the stamp.

(4) According to Article 86 paragraph (1) of the Constitution of the Republic of Moldova, the President of the Republic of Moldova shall express his opinion about the international treaty to be concluded in the name of the Republic of Moldova, which is proposed for ratification, adoption, approval or accession, within the period of time not exceeding 60 days from the date of its submission by the Government of the Republic of Moldova.

(5) Provisions of paragraphs (1)-(3) are also applicable in case of approval by the Government of the draft laws concerning ratification, adoption, approval or accession to the international treaties.

Article 82. Application of Norms of Legal Technique

(1) Norms of legal technique are also similarly applicable to the draft normative acts concerning conclusion, suspension, or termination of international treaties.

(2) The title of the draft normative act, as well as its content shall include the integral name, date and place of adoption/conclusion of the international treaty to which the reference is made. Depending on the situation, the title should express the idea of conclusion, suspension, denunciation or termination of international treaties.

(3) In case of conclusion, suspension or termination of international treaties, a separate normative act shall be elaborated for each treaty.

**Chapter XI.
FINAL AND TRANSITIONAL PROVISIONS**

Article 83. Coming into Force

(1) The present Law shall come into force within 3 months after its publication.

(2) Until the present Law comes into force, the Government shall approve the secondary normative framework on elaboration, approval, monitoring and evaluation of public policy documents, as well as on elaboration of public policy proposals based on the Methodology of ex-ante analysis of the impact of public policies.

(3) The following Laws are invalidated on the date the present Law comes into force:

- a) Law no. 317-XV dated 18 July 2003 on Normative Acts of the Government and other Central and Local Public Administration Authorities;
- b) Law no. 780-XV dated 27.12.2001 on Legislative Acts.

Article 85. Invalidation of Contradictory Norms

Normative acts in force shall be applied in the part that does not contradict this law.

CHAIRPERSON OF THE PARLIAMENT

EXPLANATORY NOTE
TO THE DRAFT NORMATIVE ACT

Nr.	INFORMATION ABOUT THE DRAFT
1.	Name of the initiator and author, as well as of the participants in the drafting process
2.	Describing the problems tackled in the draft through the normative framework in force
3.	Justification of the need for regulation
4.	The scope and objectives pursued by adoption of the normative act
5.	Short presentation of conclusions identified in the report on justification of the need for regulation
	Financial impact
	Fiscal impact
	Administrative impact
	Economic impact
	Social impact
	Impact on environment
6.	Document analyzing the impact of the regulation in case of draft normative acts that regulate the entrepreneurial activity
7.	Number and name of the European Union legislation acts harmonized through the draft normative act
8.	Description of the conclusions of anti-corruption expert opinion
9.	Results of legal expert examination
10.	The manner of incorporating the draft in the system of normative acts in force, normative acts that need to be drafted or amended
11.	Observance of transparency in the decision-making process after adoption of the draft normative law
12.	The name of authorities that endorsed the draft normative act. Results of the endorsement and of the expert opinion

1. Name of the initiator and author, as well as of the participants in the drafting process – The name of the initiator of the draft normative act shall be indicated. When the initiative belongs to the President of the Republic of Moldova the name of the responsible person appointed for this purpose by a presidential decree shall also be indicated. The name of the authority designated to elaborate the draft normative act and which is responsible according to legal competences shall also be indicated.

2. Describing the problems tackled in the draft through the normative framework in force– The existing normative acts that regulate the sector where adoption of the draft normative act is proposed need to be described, as well as the reasons why the norms in force are not sufficient to offer solution to the problems tackled in the draft normative act.

3. Justification of the need for regulation – Results of the research that has been carried out shall be indicated and sufficient arguments shall be presented in favor of adopting a normative act. During the research, the relevant documents, specialized theoretical sources from manuals, monographies, reports shall be analyzed, etc. Requests received from different actors (state and private institutions, associations, persons, etc.) that interact within the social relations where the problems have originated should also be considered.

4. The scope and objectives pursued by adoption of the normative act – The objective followed by the adoption of the normative act shall be indicated here, as well as the results planned to be achieved after its adoption and implementation. A clear vision concerning the effects of implementation of the normative acts shall also be described here.

5. Short presentation of conclusions identified in the report on justification of the need for regulation. The following shall be described:

a) financial impact, with indication of financial deficiencies and forecast of negative financial consequences of the draft;

b) fiscal impact, with indication of total costs (budgetary and non-budgetary) and of the profit generated by new regulations;

c) administrative impact, with identification of institutional or procedural reorganization needs that result from implementation of the foreseen regulations;

d) economic and social impact, with indication of the consequences of regulations on the categories of population who are in difficult situation or who could be positively or negatively affected as a result of implementation of the regulations;

e) impact on the environment, with indication of the consequences on the environment and health of people.

6. Document analyzing the impact of the regulation in case of draft normative acts that regulate the entrepreneurial activity – Analysis of the impact of regulation represents justification, based on evaluation of costs and benefits, of the necessity to adopt the respective normative act and analysis of its impact on the entrepreneurial activity, including ensuring the observance of the rights and interests of entrepreneurs and of the state.

7. Number and name of the European Union legislation acts harmonized through the draft normative act – In case the draft normative act is harmonized with the provisions of the legislation of the European Union during the elaboration process, the number and the name of the Community act/acts shall be expressly indicated. In case when the draft normative act is adapted to other international normative sources, the number and the name of the source, as well as its country of origin, shall be also indicated.

8. Description of the conclusions of anti-corruption expert opinion – Conclusions of the expert opinion shall be indicated, especially the findings concerning the identification of norms from the draft normative act that favor or might favor corruption, as well as recommendations for excluding or diminishing their effects.

9. Results of legal expert opinion – The following elements shall be described: results of the expert opinion concerning compatibility of the draft normative act with the provisions of the Constitution, normative acts in force, observing the legal nature of the regulation proposals, ensuring conformity of the draft with the practice of constitutional jurisdiction and with the provisions of international treaties to which the Republic of Moldova is a party to, other aspects indicated in the expert opinion, as well as observance of the norms of legislative technique.

10. The manner of incorporating the draft in the system of normative acts in force, normative acts that need to be drafted or amended – The list of normative acts that follow to be amended or invalidated shall be exactly specified. In case when the new normative acts follow to be adopted in order to implement the respective provisions, these acts shall be expressly indicated.

11. Observance of transparency in the decision-making process after adoption of the draft normative law – Actions carried out in order to ensure observance of

provisions of the Law on Transparency in the Decision-Making Process, as well as conclusions adopted with reference to separate opinions on the content of the draft law shall be mentioned.

12. The name of authorities that endorsed the draft normative act. Results of the endorsement and of the expert opinion – Objections and comments included in the endorsement opinions to the draft normative act and explanation of the acceptance or non-acceptance of the proposals that are put forward shall be listed in short. In case when expert examinations of the draft normative acts are carried out, except for those indicated above, their results shall be incorporated concisely in the note.