



Republic of Moldova

**PARLIAMENT**

**LAW** No. 1264 of 19-07-2002

**concerning the declaration and control of incomes and assets of state dignitaries, judges, prosecutors, civil servants and some persons in leading positions**

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Version in force from 22.04.2011 as amended by  
[LP58 of 01.04.11, MO65-68/22.04.11 art.167](#)

Parliament adopts this organic law.

**Article 1. Regulatory field and purpose of this law**

(1) This Law establishes the obligation, as well as the manner of declaring and exercising the control over the incomes and assets of state dignitaries, judges, prosecutors, civil servants and some persons in leading positions.

(2) The purpose of this Law is to establish measures to prevent and combat the unjust enrichment of state dignitaries, judges, prosecutors, civil servants and some persons in leading positions.

**Article 2. Notions**

For the purposes of this Law, the following notions are defined:

- *state dignitary* - a person in a position of responsibility in the state, whose way of appointment or election is regulated by the Constitution of the Republic of Moldova or who is appointed or elected by the Parliament, the President of the Republic of Moldova or the Government, according to the law; "

- *a person in a leading position* - the head, their deputy, in the public institution, in the state or municipal enterprise, in the commercial company with majority state capital, in the financial institution with total or majority state capital;

- *public institution* - an organization set up by the central or local public authorities for carrying out sociocultural, educational and other analogous functions of non-commercial character and entirely or partially funded from the budget means;

*Assets* - movable and immovable property, including those located outside the country.

**Article 3. Subjects of income and assets declaration**

The subjects of income and property declaration are:

a) the President of the Republic of Moldova, deputies, members of the Government, judges of the Constitutional Court, Supreme Court of Justice, Courts of Appeal, members of the Superior Council of Magistracy, judges, Prosecutor General, prosecutors and their deputies, members of the Court of Accounts, members of the Board of Directors of the National Bank of Moldova, members of the Board of Directors of the National Commission for Financial

Markets, parliamentary attorneys, President of the Central election Commission and (permanent) deputies, secretary-general of the Government and deputy General secretaries of the Government, heads of territorial offices of the State Chancellery, heads of local public administration authorities;

b) deputy ministers, directors of departments, centers and their deputies, heads of state services and their deputies, heads of customs points and their deputies, directors of state and independent agencies and their deputies, director of the Licensing Chamber and their deputies, deputy mayors, vice-presidents of districts;

c) the managers, their deputies, in the public institution, in the state or municipal enterprise, in the commercial company with majority state capital, in the financial institution with total or majority state capital, the local councilors;

d) civil servants who have not been specified in (a), (b) and (c).

Amended by LP58 of 01.04.11, MO65-68/22.04.11 art.167

#### **Article 4. Subject matter of the declaration**

1. The persons referred to in Article 3 shall declare:

a) incomes obtained during the last year of activity;

b) movable and immovable property of all types, acquired by the date of submission of the declaration of income and assets";

(c) financial commitments;

d) the share of securities, in the capital of economic agents.

(2) Movable property whose nominal value exceeds 50,000 lei is to be declared.

(3) The evaluation of assets shall be carried out, according to the legislation, by indicating the value (cost) mentioned in the document certifying the origin of the property (alienation, exchange, donation, inheritance, privatization, etc.).

(4) This Article provides for the declaration of incomes and assets located on the territory of the Republic of Moldova, as well as outside the country.

#### **Article 5. Obligation to declare**

The subjects of the declaration, mentioned in article 3, are obliged, according to the law, to declare their incomes and assets.

#### **Article 6. Income and assets declaration**

(1) The declaration of income and assets (hereinafter referred to as the declaration) represents a personal and irrevocable act.

(2) The declaration shall be a confidential act and may be made public only in the cases and under the conditions stipulated by the law.

3. The declaration shall be kept for 10 years from the date of submission.

#### **Article 7. Form of declaration**

(1) The declaration shall be made in writing on the declarant's own responsibility and shall include information and data on declarant's income and assets, common income and assets and those belonging to the (spouse), as well as those of minor children and declarant's dependents.

(2) The declaration shall also contain information on the acts of alienation of the property with any title (for payment or free of charge), made during the exercise of the mandate or of the duties of the service.

(3) The declaration shall be drawn up in accordance with the provisions of this Law (the model is presented in the annex) and shall be submitted to the body empowered to collect declarations within the term established in Article 8 para. (1).

(4) The control over the declaration of incomes and assets shall be carried out in accordance with the procedure established by this Law.

#### **Article 8. Time limit for submission of the declaration**

(1) The declaration shall be submitted within 20 days from the date of appointment or election to office. In the case of eligible positions that involve the validation of the mandate, the submission shall be made prior to validation

2. The declaration shall be updated annually by 30 January of the following year.

(3) At the end of their mandate or upon termination of their activity, the persons referred to in Article 3 shall be obliged to submit a new declaration on the incomes and assets they hold on that date.

(4) Failure to submit the declaration, for reasons attributable to it, within 20 days from the termination of the activity, shall lead to the initiation of the control procedure ex officio.

(5) The subjects of income and assets declaration shall be obliged to submit the declaration after the expiry of one year from the end of the activity until 30 January of the following year.

#### **Article 9. Authorities responsible for collecting declarations**

(1) The subjects of the declaration of income and assets referred to in Article 3 letter a) shall submit their declarations to the Central Commission for the Control of Income and Assets Declarations (hereinafter referred to as the Central Control Commission).

(2) The subjects of the declaration of income and assets referred to in Article 3 letter b) shall submit the declarations to the departmental commission for the control of the declarations on income and Assets of **the State Chancellery**, those mentioned in letters c) and d) - to the departmental commission set up by the public authority which, according to the Constitution or other laws, issued the act of appointment of the declarant, and the councilors in the local councils - to the departmental commission set up by the president of the district or the mayor of the respective administrative-territorial unit (hereinafter referred to as the departmental control commission).

(3) The committees empowered to receive and keep the declarations shall issue a proof of receipt for the declarant.

(4) The Central Control Commission shall, within 10 days from the expiry of the deadline for submission of the declarations on income and assets, submit to the Superior Council of Magistracy the copies of the statements of judges to be placed on its website.

**Substituted by LP58 of 01.04.11, MO65-68/22.04.11 art.167**

#### **Article 10. Control of declarations**

1. The Central Control Commission and the Departmental Control Commissions that, in accordance with Article 9, collect the declarations, shall carry out the prior control of the declarations.

2. Prior control shall involve verifying the correctness of the completion of the declarations and the presentation of the information and data set out therein in full volume and their accuracy. At the request of the Central Control Commission or the departmental control commission, the public authorities shall assist in verifying the information and data set out in the declarations, presenting the necessary documents.

3. Prior control of the declaration shall be carried out in two stages. In the first stage – within 15 working days from the date of submission of the declaration - its existence and the correctness of its completion is verified, and the information and data presented are compared with those presented in the previous year. In the second stage - within 30 working days from the end date of the first stage - the accuracy of the information and data

presented is verified, by comparison with information and data provided by the competent public authorities. Upon the decision of the Central Control Commission, the term of the prior control may be extended for a period of up to 30 working days.

(4) In case of detection, in the process of prior control, of the component elements of some violations, including offences, the Central Control Commission or the departmental control commission shall forward the respective materials for examination to the Centre for Combating Economic Crimes and Corruption. The depositor of the declaration shall be informed in writing about the adoption of the decision.

(5) The Centre for Combating Economic Crimes and Corruption shall carry out the de facto control of the statements, which shall consist in the confrontation of the information and data presented in the declaration with the information and documents available to the competent public authorities. The fact of initiating a de facto control shall be communicated to the person whose declaration is subject to control and to the public authority in which he/she perform their duties or to a hierarchically superior public authority. During the control process, it is forbidden to interfere with the public authority in which the declarant holds their position.

(6) The de facto control shall be carried out in accordance with the law and shall be finalized by the date of the submission of a new declaration. In case of need to check income and assets located outside the territory of the Republic of Moldova, the term of the de facto control may be extended up to one year from the date of submission of these materials to the Center for Combating Economic Crimes and Corruption. If the declarant does not agree with the decision of the Centre for Combating Economic Crimes and Corruption, they are entitled to appeal it in the competent court.

#### **Article 11 Authorities empowered to control declarations**

1. The function of prior control of declarations shall fall within the competence of the Central Control Commission and the Departmental Control Commissions.

(2) The central control commission shall consist of 9 members, appointed on the basis of parity, of 3 representatives each, respectively, from the Parliament, the President of the Republic of Moldova and the Government.

(3) The departmental control commissions shall be constituted by the public authorities which, according to the Constitution or other legislative acts, have issued the act of appointment of the declarant in office.

(4) The central control commission and the departmental control commissions shall be autonomous and shall have the right to involve specialists for the purpose of carrying out the control procedures.

(5) The central control Commission and the departmental control Commissions shall operate on the basis of the regulations approved by Parliament.

(6) The function of de facto control of declarations shall be the competence of the Centre for Combating Economic Crimes and Corruption, which shall operate on the basis of legislation.

#### **Article 12. Secrecy of information**

(1) Persons who, in the process of exercising their duties, have become known information about the declaration of income and assets or who perform control over the data in the declarations shall be obliged to keep the information secret.

#### **Article 13. Transparency of declarations**

(1) The declarations submitted by the President of the Republic of Moldova, MPs, members of the Government, the President of the Constitutional Court, the President of the Supreme

Court of Justice, the Prosecutor General, the President of the Court of Accounts, the Director of the National Bank of Moldova, the Director of the Information and Security Service, the mayors of towns, villages (communes) and the presidents of the district councils shall be published annually in the republican or local mass media, as well as the official websites: of the Presidency, Parliament, Government, ministries, other central and local public authorities or institutions. The publication in the republican or local mass media and the placement on the official web pages shall be made within 30 days from the expiry of the deadline for submitting the declaration, in accordance with Article 8. Mayors' declarations can also be brought to the attention of the population by displaying them.

2. The following information and data in the declarations shall be published and shall not constitute confidential information:

(a) the total value of the declared property;

b) the list of all the assets that constitute the property of the subject of the declaration, indicating whether it belongs by property title or by right of use, including those located outside the country.

(3) Declarations of subjects not mentioned in para. (1) may be made available to the public on their own initiative, in compliance with the provisions of paragraph 1. (2).

#### **Article 14 Liability for violation of this Law**

The person who:

a) has not submitted the declaration within the prescribed time limits, without good reasons;

(b) shirks from the presentation of the declaration;

(c) intentionally indicated incorrect data in the declaration;

d) has violated the way of keeping and using the information in the declaration in the process of performing the duties of the service or exercising control over them."

#### **Article 15. Final and transitional provisions**

(1) The subjects of the declaration referred to in Article 3 shall submit the declaration of income and assets by 1 July of the year following the entry into force of this Law.

(2) The Government, within 3 months:

- shall develop and submit to the Parliament for approval the regulations of activity of the Central Commission for the control of declarations of income and assets and of the departmental commission for the control of declarations of income and assets;

- shall develop and submit to the Parliament proposals for bringing the legislation in line with this law;

- shall bring its normative acts in accordance with this Law;

- shall take the necessary measures to ensure the activity related to the organization and functioning of the Central Commission for the control of declarations of income and assets and the departmental commissions for the control of declarations of income and assets.

#### **PRESIDENT**

**PARLIAMENT EUGENIA OSTAPCIUC**

Chisinau, July 19, 2002.

No. 1264-XV.

Annex

#### **DECLARATION**

I, the undersigned, \_\_\_\_\_, holding the position of \_\_\_\_\_ at \_\_\_\_\_, I declare, on my own responsibility, that together with my wife (husband), minor children and my

dependents the following incomes obtained, starting with \_\_\_\_\_ 200 \_\_\_\_ and up  
to \_\_\_\_\_ 200 \_\_\_\_;

**I. Income**

Type of income	Income size
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1. Income earned at the main workplace
2. The income obtained from the pedagogical activity
3. Income from scientific activity
4. Income from creative activity
5. Income from deposits in financial institutions, including abroad
6. Income from real estate securities and participation shares in the capital of economic agents
7. Income obtained from the activity of state representative in commercial companies
8. Income obtained from other legal sources (pensions, scholarships, allowances, prizes, etc.);

**II. Immovable property**

Type and name	Office of property (address)	Area (s/m)	The value (in lei) according to the document certifying the origin of the property
1	2	3	4

Plots of land:

- 1.
- 2.

Houses:

- 1.
- 2.

Apartments:

- 1.
- 2.

Villas:

- 1.
- 2.

Garages

- 1.
- 2.

Other immovable property:

- 1.
- 2.

**III. Movable property**

Type and mark	Origin of the property	The value (in lei) according to the document that re certifies the origin of the property	Place of registration
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1	2	3	4
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Cars

- 1.
- 2.

1	2	3	4
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Trucks:

- 1.
- 2.

Trailers:

- 1.
- 2.

Motorised vehicles:

- 1.
- 2.

Agricultural machinery:

- 1.
- 2.

Ships:

- 1.
- 2.

Air transport:

- 1.
- 2.

Other movable property:

- 1.
- 2.

#### IV. Financial commitments

Obligations, in relation to the depositor the declaration, of:	Name of the institution, company, organization or name of the person	Amount (in lei)
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1. Financial institution
2. Insurance company
3. Individual
4. Other organizations, persons

#### V. Share of securities, in the capital of economic agents

Name of the company	Registered office, legal address	Type of activity	The price of securities	Annual income
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This declaration constitutes a public act and is responsible, according to the legislation, for the inaccuracy or incompleteness of the information and data contained therein.

Signature Date

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\_\_\_\_\_

Note: The owners of the common property submit a single declaration, the others making reference to this declaration.