

Republic of Moldova

PARLIAMENT

LAW No 132

of 17 June 2016

on the National Integrity Authority

Published on 30 July 2016 in the Official Gazette No. 245-246, Article No: 511

Amended

[LP6 of 06.02.20, MO63-68 / 28.02.20 art.48; in force 28.03.20](#)

The Parliament has adopted this organic law.

Chapter I

GENERAL PROVISIONS

Article 1. Regulation field

(1) The herein law regulates:

a) The mission, functions, powers, as well as the organization and functioning of the National Integrity Authority;

b) The control procedure of personal assets and interests, on checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

(2) Notions used in this law are to be applied within their meaning under Law No 133 of 17 June 2016 on the declaration of assets and personal interests and the Integrity Law no. 82 of May 25, 2017.

Article 2. The Statute of the National Integrity Authority

(1) The National Integrity Authority (hereinafter referred to as the Authority) is a public authority independent from other public organizations, other public or private legal entities and natural persons, which functions at the national level as a single structure.

(2) The Authority is a public legal entity and it has a stamp with the coat of arms of the Republic of Moldova.

(3) The registered office of the Authority is in the municipality of Chisinau.

(4) The entities holding a state register and other information required for the efficient fulfilment of the Authority functions, irrespective of their legal form of organization, shall grant the Authority free access hereto using the interoperability platform created by the Government, setting out the conditions applicable to access to and use of such registers and information in order to maintain the integrity and

confidentiality thereof. Any expenses incurred to ensure on-line connection to the data bases of the above-mentioned entities shall be covered from the state budget.

Article 3. Fundamental principles of the activity of the Authority

The activity of the Authority is based on the following principles:

- a) legality;
- b) independence;
- c) impartiality;
- d) transparency;
- e) confidentiality;
- f) celerity;
- g) integrity;
- h) equality;
- i) right to defence;
- j) sound management.

Article 4. Funding the Authority's activity

(1) The Authority is financed from the state budget.

(3) The Authority elaborates, approves and administers the budget according to the principles, rules and procedures provided by the Law on public finances and budgetary-fiscal responsibility no. 181/2014.

(4) The Authority's activity shall be annually subjected to the audit performed by the Court of Auditors.

Chapter II

AUTHORITY'S MISSION, FUNCTIONS AND DUTIES

Article 5. Authority's mission

The Authority shall ensure the integrity in the exercise of this public function or office and in the prevention of corruption by controlling assets and personal interests and checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

Article 6. Authority's functions

In order to carry out its mission, the Authority shall be assigned with the following functions:

- a) exercising control of assets and personal interests;
- b) checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions;

- c) finding and sanctioning any breach of the legal system on assets and personal interests, on conflicts of interest, incompatibilities and restrictions;
- d) cooperating with other institutions, at both national and international level;
- e) ensuring the proper organization of the Authority and managing the activity involving promotion of the integrity of the declaring subjects;
- f) other functions established by law.

Article 7. Authority's duties

(1) In the exercise of control of assets and personal interests, the Authority shall:

a) collect, store and publish all declarations of assets and personal interests on its web page and shall ensure their permanent accessibility, except for the information and categories of declarations referred to in Article 9 (2) and (3) of the Law on the declaration of assets and personal interests;

b) control the timely submission of the declarations and assets and personal interests;

c) conduct checks on assets held by the declaring subjects, ascertain if there is any substantial and unjustified difference between the income gained during the exercise of a mandate, public function or office and the assets acquired in the same period and shall refer to the court with requests for an order to seize unjustified assets;

d) establish the existence of errors or missing data in the declarations of assets and personal interest and inform the prosecution body and/or the tax authority thereof in order to establish the existence of any crime and/or to check compliance with the fiscal regime;

e) establish contraventions regarding the breach of the legislation on assets and personal interests that fall under its competence, in accordance with the Contravention Code of the Republic of Moldova;

f) keep the electronic Register of subjects of declarations of assets and personal interests.

(2) In terms of checking compliance with the legal system on conflicts of interest, incompatibilities, restrictions and limitation, the Authority shall:

a) establish the infringement of the legal system on conflicts of interest, incompatibilities and restrictions;

b) request from the management of the public organisation or of the authority responsible for appointing the subject of the declaration to hold the person who infringed the legal system on conflicts of interest, incompatibilities and restrictions accountable under disciplinary proceedings or, if case be, to order the termination of their mandate, employment or service;

c) request from the management of the public organization or of the authority responsible for appointing the subject of the declaration to suspend the subject of the declaration from its position for the period when the ascertaining document is

examined in court, if the operative part of such document provides for the termination of the mandate, of employment or service agreements on account of infringing the legal system on conflicts of interests, incompatibilities and restrictions;

d) settle any conflicts of interest that fall under its jurisdiction;

e) monitor the settlement of conflicts of interest by the leaders of public organizations;

f) refer to court with requests to ascertain the absolute nullity of the administrative document issued/adopted, of the legal document concluded either directly or through a third party or of the decision made in breach of the legal system on conflicts of interest, established by a final ascertaining document;

g) refer to court with a request as soon as a conflict of interests was established, in order to enforce the suspension, as a precautionary measure, for the duration of the trial, of the administrative document issued/adopted or of the legal document concluded either directly or through a third party or of the decision made;

h) establish and examine the contravention cases related to the infringement of the legal system on conflicts of interest, incompatibilities and restrictions that fall under its competence and, if case be, it shall impose sanctions in accordance with the Contravention Code of the Republic of Moldova;

i) keep the State Register of persons who are forbidden to hold a public function or office.

(3) In terms of cooperation with the national and international institutions, as well as in regard to the sound organization of the Authority and sound administration of the activity involving the promotion of integrity of subjects of declarations, the Authority shall:

a) present its activity report for the previous year at the annual Parliament plenary by 31 March;

b) prepare and approve the Rules on the completion of declarations of assets and personal interests in electronic form;

c) prepare, approve and distribute methodological guidelines on declaration of assets and personal interests, settlement of any conflict of interests and incompatibilities, preparing its own materials for this purpose and taking into account the practice of the judicial bodies;

d) prepare studies and analyses, as well as annual statistics in its field of activity;

e) conclude collaboration agreements with the interested institutions in Moldova and abroad;

f) ensure the training of the specialists employed by public organizations on the declaration of assets and personal interests;

g) provide expert advice to the public organizations and to the declaring subjects in its field of activity;

h) establish the methodology required for the control of personal assets and interests and for checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

i) issue certificates of integrity, within 15 days, at the request of the heads of public entities or of natural persons applying for the holding of eligible public positions.

(4) The Authority's annual activity report prepared in accordance with paragraph (3) (a) shall be published on the official web page of the Authority.

Chapter III

ORGANIZATION OF THE AUTHORITY

Section 1

Authority's structure and management

Article 8. Structure of the Authority

(1) The Authority shall consist of managing staff and apparatus.

(2) The limits on the Authority's headcount and its organizational structure shall be established under a Parliament decision.

Article 9. Authority's management

(1) The Authority shall be led by a president, assisted by a vice-president, who shall be appointed by the President of the Republic of Moldova based on the proposal of the Integrity Council.

(2) The duration of the mandate of the Authority's president and vice-president shall be 5 years, without any possibility of appointment for another term of office.

Article 10. Conditions for candidates for the positions of president and vice-president of the Authority

(1) The person who meets the following conditions may stand as a candidate for either president or vice-president of the Authority:

- a) is a citizen of the Republic of Moldova;
- b) has full capacity of exercise;
- c) has higher education in the field of law, economics, public administration or management;
- d) has seniority of at least 7 years, in the case of the president and at least 5 years in the case of the vice-president, in the fields indicated under point (c);
- e) has an outstanding reputation;
- f) is not and has not been in the past 2 years up to the announcement of the contest a member of any political party;
- g) is physically able to exercise this function, in accordance with the health medical certificate issued in accordance with the legislation in force;

h) has knowledge of the national language;

i) was not an operative collaborator or undercover agent of the intelligence services, including informant of such services up to 1991.

(2) The following candidates are deemed not to have an outstanding reputation within the meaning of paragraph (1) and cannot candidate for the position of president or vice-president of the Authority:

a) candidates with a criminal record, including one that has been erased or who have been exonerated of responsibility or criminal sanction, including through an act of amnesty or pardon;

b) candidates who have been deprived of the right to hold certain functions or to carry out certain activities as a main or complementary punishment, by a final court decision;

c) candidates with regard to whom no breach of the legal system on conflicts of interests, incompatibilities or restrictions has been found under a final judgment;

d) candidates with regard to whom an irrevocable court decision has been issued ruling on the forfeiture of unjustified assets.

e) who has, in the last 5 years, in the criminal record regarding professional integrity, entries regarding the negative result of the professional integrity test for the violation of the obligation provided in art. 7 para. (2) lit. a) of Law no. 325/2013 on the assessment of institutional integrity.

f) who is prohibited from holding a public office or public dignity, which derives from an act of finding the National Integrity Authority.

(3) Proof of meeting the requirements set out in paragraph (1)(f) and (i) shall be based on a declaration on honour.

Article 11. Contest organized for substitute positions of president and vice-president of the Authority

(1) The conditions and the procedure for the organization of the contest for substitute positions of president and vice-president of the Authority shall be established under a regulation, approved by the Integrity Council, which is published in the Official Gazette of the Republic of Moldova.

(2) The announcement of the date and place of the contest shall be published in the Official Gazette of the Republic of Moldova and on the web page of the Authority, at least 30 days before the contest date.

(3) The candidate application form, accompanied by the supporting documents, shall be submitted to the Authority within 20 days from the announcement publication.

(3¹) At the moment of submitting the documents, the candidates are informed about the initiation of a verification according to Law no. 271/2008 on the verification of incumbents and candidates for public positions and on testing according to Law no. 269/2008 on the application of testing to the simulated behaviour detector

(polygraph). Candidates sign the verification statement and submit their written consent for polygraph testing.

(5) Within not more than 10 days from the expiry of the deadline for submission of said information by the Intelligence and Security Service, the Integrity Council shall check compliance with the requirements under Article 10 (1) and establish the list of candidates admitted to the contest for substitute positions of president and vice-president of the Authority.

(6) Within 5 working days from the preparation of the list of admitted candidates, a contest shall be organized for substitute positions of president and vice-president of the Authority.

(7) The contest organized for the substitute positions of president and vice-president of the Authority shall consist of a written examination and an interview, a separate score being assigned for each of them.

(8) The subjects of the written test shall be established based on the contest topics, so as to reflect, both the specialist knowledge of candidates and their managerial abilities.

(9) The results of the written test can be contested within 2 working days from the publication of the results on the web page of the Authority and shall be settled by the Integrity Council within 2 working days from the expiry of the deadline for submission.

(10) Candidates who have passed the written test shall undertake an interview before the Integrity Council within 5 days from the expiry of the appeal settlement period, followed by a simulated behaviour detector test (polygraph).

(11) The contest results shall be validated by the Integrity Council within 15 days from the test taken with the simulated behaviour detector (polygraph). The results of the polygraph test represent one of the evaluation criteria of the candidates for which points are awarded according to the competition regulations, approved by the Integrity Council.

(12) The successful candidate shall be designated the candidate with the highest score obtained in the competition tests.

Article 12. Integrity Council

(1) The Integrity Council (referred to in this section as the Council) shall be composed of 7 members, of whom:

- a) a representative appointed by the Parliament;
- b) a representative appointed by the Government;
- c) a representative appointed by the Superior Council of Magistracy;
- d) a representative appointed by the Superior Council of Prosecutors;
- e) a representative appointed by the Congress of the Local Authorities of Moldova;
- f) two representatives of the civil society.

(2) The representatives of the civil society shall be selected by the Ministry of Justice based on a contest, under a regulation approved by the Government.

(3) Any person who cumulatively meets the following conditions may be appointed as member of the Council:

- a) is a citizen of the Republic of Moldova;
- b) has full capacity of exercise;
- c) has higher education;
- d) has no criminal record, including one that has been erased or who has not been exonerated of responsibility or criminal sanction, including through an act of amnesty or pardon;
- e) has not been deprived of the right to hold certain functions or to carry out certain activities as a main or complementary punishment, by a final court judgment;
- e¹) does not have, in the last 5 years, in the criminal record regarding the professional integrity, entries referring to the negative result of the professional integrity test for the violation of the obligation provided in art. 7 para. (2) lit. a) of Law no. 325/2013 on the assessment of institutional integrity;
- f) no breach of the legal system on conflicts of interests, of incompatibilities or restrictions has been found with regard to such person under a final judgment;
- g) no irrevocable court judgment has been issued in relation to such person ruling on the forfeiture of unjustified assets;
- h) is not and has not been in the past two years a member of a political party, and did not carry out any political activity;
- i) is physically able to exercise this function, in accordance with the health medical certificate issued in accordance with the legislation in force;
- j) has knowledge of the national language;
- k) had not been an operative collaborator or undercover agent of the intelligence services, including informant of such services up to 1991.
- l) is not prohibited from holding a public office or of public dignity, which derives from an act of finding of the National Integrity Authority.

(4) Council members shall be appointed for a 5-year term of office, they cannot be appointed for another consecutive mandate and such mandate shall cease upon its expiry or if the person concerned is removed from office by the appointing entity or if the person resigns, retires or in case of death. In the event of termination of the mandate before its term, the authorized entities shall appoint, within 20 working days, a new member of the Council, under the conditions set out in paragraph (1). In case a new Council member has not been appointed before the expiry of the current member's mandate, the latter shall exercise its powers until a new member has been appointed.

(5) A Council member shall be dismissed in the following cases:

- a) the member fails to submit a declaration of assets and personal interests or refuses to submit such a declaration;
- b) a sentence convicting the same becomes final;
- c) circumstances occur that render him/her incompatible with the requirements under paragraph (3);
- d) the person is unable to exercise his/her powers on account of medical reasons for a period longer than 3 months, consecutively;
- e) the person fails to participate without any justified reason to 3 consecutive meetings or to any 6 meetings of the Council organized in the course of one year;
- f) the person infringes the restriction stipulated under paragraph (6).

(6) When exercising their powers, Council members shall have the obligation to abstain from publicly expressing their political convictions regarding the activity of the Council or the Authority and from favouring any political party.

(7) The Council has the following duties:

- a) to approve the rules for the organization of the contest for substitute positions of president and vice-president of the Authority, as well as the contest topics and the membership of the commissions in charge with the organisation of the contest, the preparation of the subjects, the correction of the papers and the settlement of complaints, adopting decisions for this purpose;
- b) to organize the contest for substitute positions of president and vice-president of the Authority;
- c) to validate the results of the contest for substitute positions of president and vice-president of the Authority and to publish them on the official web site of the Authority within 24 hours from such validation;
- d) to approve the strategy and work plan of the Authority;
- e) to review and approve the annual reports of the Authority;
- f) to propose to the President of the Republic of Moldova the appointment and dismissal of the president and the vice-president of the Authority;
- g) to request from the President of the Republic of Moldova to suspend the president and the vice-president of the Authority;
- h) to approve the rules of organization and functioning of the Council and of the Disciplinary Board, as well as the internal standards of professional conduct and ethics within the Authority;
- i) to check the timely submission of the declarations of assets and personal interests by the president and vice-president of the Authority, as well as by the integrity inspectors;
- j) to carry out control of personal assets and interests, observe breaches of the legal regime of conflicts of interest, incompatibilities, restrictions and limitations by the president and vice-president of the Authority, as well as by integrity inspectors;

k) to examine the notifications and the complaints with regard to the president and the vice-president of the Authority;

l) to examine and settle the conflicts of interests of the president and vice-president of the Authority and of the integrity inspectors, as well as the notifications on infringement of the legal system on incompatibilities by same;

m) to ascertain any contraventions associated to the infringement by the president and vice-president of the Authority of the legal system on assets and personal interests, conflicts of interest and incompatibilities and to conclude protocols in relation thereto. The contravention reports shall be submitted to the competent court to be examined on the merits in accordance with the Contravention Code of the Republic of Moldova;

(8) In the exercise of the duties provided for under paragraph (7) (i)-(l), the Council members shall have access to the state registers and to other information required for the efficient achievement of the Council functions, having free access to the interoperability platform created by the Government and they shall have the right to process personal data under Law No 133 of 8 July 2011 on the protection of personal data.

(9) Council meetings shall be public, and they shall be chaired, for the duration of a meeting, by a chairman chosen with the majority of votes pertaining to the appointed members. The meetings shall be deliberative if attended by 5 of the appointed members. The Council decisions shall be adopted with the vote of the majority of the appointed members and they shall be signed by the chairman of the meeting. The first meeting of the Council shall be convened by the president of the Authority within one month from the appointment of the fifth member of the Council.

(10) The secretarial work of the Council shall be provided by the Authority.

(11) The Council works shall be carried out, as a rule, at the headquarters of the Authority.

(12) The members of the Council from among the representatives of the civil society benefit, for each meeting in which they participate, from an indemnity equivalent to the twentieth part (1/20) of the salary of the President of the Authority, but not more than for 4 meetings per month.

Article 13. Appointment to the position of president or vice-president of the Authority

(1) Candidates selected by the Council shall be appointed to the position of president or vice-president of the Authority by a decree of the President of the Republic of Moldova within 15 days from the receipt of the appointment proposal.

(2) The President of the Republic of Moldova can only reject once the appointment proposed by the Council and only in the event there is irrefutable evidence on the candidate's incompatibility with that position or in the event he/she is in breach of the legislation or of the legal procedures provided for candidate selection.

(3) The refusal of the President of the Republic of Moldova to appoint the person to the position of president or vice-president of the Authority shall be justified and presented within 15 days from the receipt of the appointment proposal. In the

event there are circumstances that appear to require further examination, the President of the Republic of Moldova shall notify the Council of a 15-day extension of the indicated deadline.

(4) In event the President of the Republic of Moldova rejects the proposed appointment, the Council can propose the same person for the position of president or vice-president of the Authority, based on the vote of 4 of its members or can propose another appointment selected after organizing a new contest, in accordance with Article 11.

(5) Upon a repeated proposal by the Council of the same candidate, the President of the Republic of Moldova shall issue a decree on the appointment of the president or the vice-president of the Authority within 5 days from the receipt of the repeated proposal.

(6) Within 5 days from the date of publication in the Official Gazette of the Republic of Moldova of the decree on the appointment, the president or the vice-president of the Authority shall take the following oath in front of the President of the Republic of Moldova:

"I swear to exercise my duties with faith and integrity in the service of the Republic of Moldova, to observe the Constitution and the laws of the Republic of Moldova, the fundamental human rights and freedoms, to protect public property, democracy and welfare of the people."

The refusal of the person concerned to take the oath shall result in the annulment of the appointment.

(7) The positions of president and vice-president of the Authority are public office functions and are incompatible with any other remunerated function or activity, except for creation, scientific and didactic activities.

Article 14. Duties of the president and vice-president of the Authority

(1) The president of the Authority shall have the following duties:

a) to manage, organize and control the activity of the Authority within the limits of the law;

b) to appoint integrity inspectors and civil servants functioning within the administrative body of the Authority, to modify, suspend and terminate their employment in accordance with the lawful terms, to employ, based on agreements, the contractual personnel of the Authority, to modify suspend and terminate their employment;

c) to settle, in accordance with the legislation, all issues regarding decisions on salary increases and bonuses;

d) to approve the internal regulations of the Authority;

e) to approve the organizational chart of the administrative body of the Authority in accordance with the structure approved by the Parliament;

f) to submit to the Council's approval, the strategy and work plan of the Authority;

g) to approve the methodology required for the control of assets and personal interests and for checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions;

h) to approve the Regulation on the completion of declarations of assets and personal interests;

i) to approve the methodological guidelines on the declaration of assets and personal interests, on settling the conflicts of interest and the states of incompatibility;

j) to approve the models of staff ID cards;

k) to impose, under the law, disciplinary sanctions on integrity inspectors, civil servants and the contractual staff of the Authority;

l) to ensure the organisation of a systematic and planned process of ongoing professional training of the integrity inspectors and of the civil servants of the administrative body of the Authority;

m) to submit to the Council, every year by 1 March, and to Parliament plenary, every year by 31 March, the Authority's activity report for the previous year and to ensure its publication on the official web site of the Authority;

n) to submit to the Council, on a quarterly basis or upon request, information regarding the Authority's activity;

o) to submit to the Council the annual audit report, within 5 days from its receipt, and to ensure its publication on the Authority's official website;

p) organizes and implements the managerial internal control system and bears managerial responsibility for the administration of the Authority's budget and of the public patrimony under management;

[Art.14 para. (1), letter p) amended by LP6 of 06.02.20, MO63-68 / 28.02.20 art.48; effective 28.03.20]

q) to represent the Authority in relation to other public organizations in the country and with similar institutions from other states;

r) to initiate and sign, in accordance with the lawful provisions, cooperation agreements with similar institutions from other states.

(2) In the exercise of their duties under paragraph (1), the president of the Authority shall issue orders and provisions.

(3) The vice-president of the Authority shall exercise the duties entrusted to him/her by the president of the Authority. In the absence of the president of the Authority, in case his/her position is open, or his/her mandate has been suspended, the duties of the president of the Authority shall be exercised by the vice-president.

(4) The president and the vice-president of the Authority shall not exercise any duties in the field of assets and personal interest control or for checking compliance with the legal system on conflicts of interests, incompatibilities and restrictions.

Article 15. Cessation and suspension of the mandate of the president and vice-president of the Authority

(1) The mandate of the president or vice-president of the Authority shall cease in case of:

- a) resignation;
- b) dismissal;
- c) expiry of mandate;
- d) reaching the retirement age;
- e) death.

(2) The president or vice-president of the Authority shall be dismissed in case:

- a) he/she has failed to submit a declaration of assets and personal interests or refused to submit such a declaration;
- b) he/she has acquired membership of a political party;
- c) a sentence convicting the same has remained final;
- d) circumstances occur that render him/her incompatible with the requirements under Article 10;
- e) the person is unable to exercise his/her duties on account of medical reasons for a period longer than 3 months, consecutively;
- f) he/she has been declared missing without notice, in accordance with the law.

(3) If the mandate of the president or vice-president of the Authority expires, the contest for the appointment of a new president or vice-president shall be organized within a maximum 60 days before the expiry date of the mandate of the current president or vice-president.

(4) In case the position of president or vice-president of the Authority becomes vacant, it shall be filled by a substitute following the procedure under Art. 11. In this case, the person newly appointed in the position of president or vice-president shall complete a 5-year mandate.

(5) The mandate of the president or vice-president of the Authority shall be suspended if:

- a) he/she has been prosecuted in a criminal case being charged with committing an offense that is incompatible with the position held – until a final court judgment has been delivered;
- b) he/she is registered as a candidate for an elective position;
- c) he/she was granted a maternity/paternity or parental leave.

(6) Termination and suspension of the mandate of president and vice-president of the Authority shall be established by a Decree issued by the President of the Republic of Moldova, at the Council's proposal. The decrees on the termination and suspension of the mandates of the Authority's president and vice-president shall be published in the Official Gazette of the Republic of Moldova.

(7) If the president and vice-president of the Authority are suspended from their positions or both positions become vacant, the Council shall delegate the management duties to an integrity inspector who, during the temporary posting, shall neither carry out any control procedure targeting assets and personal interests, nor check the compliance with the legal system on conflicts of interest, incompatibilities and restrictions. The temporary posting shall cease when the official holders have returned or upon the appointment of a new president or vice-president of the Authority. If both the president and the vice-president of the Authority are suspended from their positions or both positions become vacant, the Council shall delegate the management duties to a head of the structural subdivision within the Authority's apparatus. The interim shall cease on the date of the reinstatement of the incumbents or on the date of the appointment of a new resident or vice-president of the Authority.

Section 2

The administrative body of the Authority

Article 16. The apparatus of the Authority

(1) The administrative body of the Authority shall consist of integrity inspectors, public officials and contracted personal;

(2) The duties and tasks of the staff from the apparatus of the Authority shall be established under an internal regulation approved by order of the president of the Authority.

Article 17. Integrity inspector

(1) The integrity inspector is the person employed in this position based on a contest, who is in charge with the verification of assets and personal interests in terms of compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

(2) The position of integrity inspector is a public office with a special status, being exercised as established under this law and Law No 158-XVI of 4 July 2008 on the public office and status of civil servants, unless otherwise provided for in this law.

(3) The integrity inspector shall receive a staff ID card as established by the Authority.

Article 18. Appointment in the position of integrity inspector

(1) A person may be appointed in the position of integrity inspector if he/she meets, cumulatively, the following conditions:

- a) is a citizen of the Republic of Moldova;
- b) has permanent residence on the territory of the Republic of Moldova;
- c) has full capacity of exercise;
- d) has higher education in either law or economics;
- e) in the last 4 years of activity he/she had at least 2 years of experience in the field of his/her higher education studies;

f) has an outstanding reputation;

f¹) does not have, in the last 5 years, in the criminal record regarding the professional integrity, entries referring to the negative result of the professional integrity test for the violation of the obligation provided in art. 7 para. (2) lit. a) of Law no. 325/2013 on the assessment of institutional integrity;

g) is not and has not been in the past 2 years until the announcement of the contest a member of any political party, nor has he/she carried out any political activity as a member of a political party or of a social-political organization;

h) is fit to exercise this function, in accordance with the health medical certificate issued in accordance with the legislation in force;

i) has knowledge of the national language.

(2) The following persons are deemed not to have an outstanding reputation within the meaning of paragraph (1) and cannot apply for the position of integrity inspector:

a) persons who have a criminal record, including one that has been erased or who have been exonerated of responsibility or criminal sanction, including through an act of amnesty or pardon;

b) persons who have been deprived of the right to hold certain functions or to carry out certain activities as a main or complementary sentence, by a final court judgment;

c) persons in relation to whom a breach of the legal system on conflicts of interests, of incompatibilities or restrictions has been found under a final judgment;

d) persons with regard to whom an irrevocable court judgment has been delivered on the forfeiture of unjustified assets.

e) in respect of which there is a prohibition to hold a public office or of public dignity, which derives from an act of finding of the National Integrity Authority.

2¹) At the moment of submitting the documents, the candidates are informed about the initiation of a verification according to Law no. 271/2008 on the verification of incumbents and candidates for public positions and on testing according to Law no. 269/2008 on the application of testing to the simulated behaviour detector (polygraph). Candidates sign the verification statement and submit their written consent for polygraph testing.

(3) The contest for the position of substitute integrity inspector shall be organized by the Authority in accordance with a regulation approved by decision of the Integrity Council and published in the Official Gazette of the Republic of Moldova and on the official web site of the Authority. The organization of the exams as part of the contest shall be monitored and video recorded.

(4) The candidate who passed the competition for the position of integrity inspector is hired only after submitting a declaration of integrity on his/her own responsibility according to the model approved by the Integrity Council.

Article 19. Activities carried out by the Integrity Inspectors

Integrity inspectors shall carry out the following activities:

a) receiving, collecting, centralizing and processing data and information on the assets held by the persons concerned in the tax year during the exercise of the mandate or the performance of the public function or public office, and also on any incompatibilities and conflicts of interest of the persons holding a public function or public office;

b) controlling the assets and checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions;

c) controlling the timely submission of the declarations of assets and personal interests by the subjects of the declarations;

d) establishing any substantial differences, taking into account the changes occurring in relation to the declaring subject's assets in the tax year during the exercise of the mandate or the performance of the public function or public office and in relation to the revenue gained by him/her in the said period;

e) examining and settling any conflicts of interests of the persons falling under the Law on the declaration of assets and personal interests;

f) notifying the public organization where the subject of the declaration works or the authority responsible for his/her appointment in view of the cessation of the mandate, of employment or service of same, in case a state of incompatibility is established;

g) preparing the ascertaining documents under the law;

h) establishing contraventions, reviewing contravention cases and imposing sanctions.

Article 20. Rights and obligations of the Integrity Inspector

(1) The integrity inspector has the following rights:

a) to request information and explanations from the inspected persons;

b) to request from other natural persons and legal entities the information necessary for conducting checks on assets and personal interests, for checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions;

c) to have free online access to the State registers of organisations, no matter of the property right and legal form of the organisation, in the performance of his/her duties involving the verification of assets and personal interests;

d) to process personal data in the performance of its duties related to the verification of assets and personal interests and to ensure their confidentiality and security, including after the cessation of the inspection activity.

(2) The integrity inspector shall have the following obligations:

a) to accomplish his/her duties with objectivity, observing the principles of legality, independence, impartiality, transparency, confidentiality, promptness, integrity, equality, of the right to defence and of sound management;

b) to immediately communicate in writing to his/her superior any conflict of interest that may affect him/her;

c) to submit, under the law, a declaration of assets and personal interests and the declarations on any conflict of interest;

d) to protect the limited access information that he/she has become aware of in the performance of his/her duties and not to disclose them to any third party, unless otherwise provided for by the law;

e) to abstain from any kind of activity or expression that is contrary to the position held.

f) to comply with the provisions of art. 7 para. (2) of Law no. 325/2013 on the assessment of institutional integrity.

(3) The integrity inspector shall not issue or take orders, including from the president or vice-president of the Authority, in relation to the inspections of assets and personal interests, regarding the compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

(4) Any attempt of influence on the part of the president or vice-president of the Authority or on the part of any third party shall be immediately notified by the inspector to the Integrity Council.

Article 21. Incompatibilities and prohibitions applicable to the integrity inspectors

(1) The position of integrity inspector is incompatible with:

a) any other remunerated position or activity, except for scientific, didactic and creation activities;

b) the activity of entrepreneurs, carried out personally or through a third party, including the position of founder, shareholder or member of an economic operator;

c) the quality of member of a party or participation in any political activity;

(2) During his/her period of service with the Authority, the integrity inspector is bound to submit to the fiduciary administration of another person his/her participation percentage in the share capital of the trading company, as provided for by the law.

(3) In the exercise of his/her professional duties, the integrity inspector does not have the following rights:

a) to participate in the raising of funds for the activity of a political party, to provide support to candidates for public offices;

b) to receive or to offer monetary compensation or other undue advantages;

c) to express in public his/her opinion on the cases pending before the Authority for consideration.

(4) In the event that he/she breached the provisions of paragraphs (1) and (2), the integrity inspector shall be dismissed, regardless of the duration of the state of incompatibility.

Article 22. Liability of integrity inspectors

(1) The integrity inspector shall be directly responsible for the quality of the inspections performed and of the documents prepared in accordance with the criteria established by the regulation approved by the Integrity Council.

(2) The integrity inspector shall bear disciplinary, contraventional, civil or criminal liability in accordance with the legal provisions.

Article 23. Disciplinary liability

(1) The following act of the integrity inspector constitute a disciplinary violation, which is examined by the Disciplinary Board:

- a) improper performance of duties;
- b) non-observance of the work schedule, including the absence or unjustified delay at work or departure before the term established in the program, repeatedly admitted;
- c) non-compliance with the requirements regarding the keeping of the state secret or of the confidentiality of the information that the integrity inspector becomes aware of in the exercise of the function;
- d) interfering in the activity of another integrity inspector or admitting any undue influence on an authority, institution or officials to solve any problem;
- e) violation of the provisions of art. 21 para. (3);
- f) unworthy attitude, manifestations or way of life that harm the honour, integrity, professional probity, prestige of the Authority or that violate the norms of conduct and ethics.

(2) The Disciplinary Board shall include:

- a) a representative of the human resources subdivision of the Authority;
- b) a representative of the civil society;
- c) a representative of the academia;
- d) a representative of the legal department of the Authority;
- d¹) a representative of the audit subdivision within the Authority
- e) two representatives of the Integrity Council.

(3) The Disciplinary Board shall carry out its activity based on a regulation approved by the Integrity Council. The Disciplinary Board shall report to the Council half-yearly about its activity.

(4) The review of a disciplinary case requires the mandatory participation of the integrity inspector in relation to whom the disciplinary procedure was initiated. If the integrity inspector is absent without any justified reason, the Disciplinary Board can decide the review of his/her disciplinary case in his/her absence.

(5) The integrity inspector in relation to whom a disciplinary procedure was initiated is under the obligation to provide explanations before the Disciplinary Board, either personally or assisted by a lawyer.

(6) Disciplinary sanctions shall be applied under an order of the president of the Authority, based on the decision of the majority members of the Disciplinary Board, within 6 months as of the date the deed was established, but no later than 1 year after the act was committed.

(7) Any infringement by the integrity inspector of his/her professional obligations, of the professional discipline or professional conduct shall result in the following sanctions:

- a) a warning;
- b) a reprimand;
- c) release from duties.

Article 24. Grounds for release from the position of Integrity Inspector

(1) The release from the position of integrity inspector shall be carried out after the dismissal or in case of death.

(2) The integrity inspector shall be dismissed in the following cases:

a) in case the subdivision of the Authority has been closed or the organizational chart has been reduced;

b) in case of incapacity to fulfil his/her duties, established based on a specialized medical exam;

c) in case of failure to submit a declaration of assets and personal interests or of a refusal to submit such declaration;

d) in case of a severe or systematic breach of discipline, as established by the Disciplinary Board;

e) in relation to the concealment of certain deeds that prevent the occupation of this position;

f) in case a crime has been committed and a sentence has been delivered by a final court judgment;

g) in case the ascertaining document establishing the issuing/adoption by the integrity inspector of an administrative document or the direct execution or the execution by a third person of a legal document in breach of the lawful provisions on the conflict of interests, incompatibilities and restrictions becomes final;

h) if citizenship of the Republic of Moldova has been withdrawn.

Article 25. The statute of other employees of the Authority

(1) The civil servants acting within the Authority shall fall under the Law on the public office and status of civil servants.

(2) The contracted personnel of the Authority shall fall under the incidence of the provisions of the Labour Code of the Republic of Moldova.

Chapter IV

THE INSPECTION OF ASSETS AND PERSONAL INTERESTS PROCEDURE AND THE PROCEDURE ON THE COMPLIANCE WITH THE LEGAL SYSTEM ON CONFLICTS OF INTEREST, INCOMPATIBILITIES AND RESTRICTIONS

Section 1

Inspection of assets and personal interests

Article 26. The content of the inspection of assets and personal interests

The inspection of assets and personal interests shall consist in the control of the assets and personal interests declarations, of the data and information on the existing assets, as well as of the patrimonial changes which occurred during the exercise of the respective mandate, public function or public office.

Article 27. Inspection of the declarations of assets and personal interests

(1) The inspection of the declarations of assets and personal interests shall consist in verifying the submission in due time of the declarations by the declaring subjects, as well as in checking compliance with the formal requirements related to the declarations of assets and personal interests.

(2) The verification of the declarations of assets and personal interests shall be initiated after the expiry of the deadline for the submission of the declarations of assets and personal interests.

(3) At least 40 % of the inspections of the declarations of assets and personal interests carried out during a calendar year shall refer to public office holders, which will be randomly selected for their ex officio control.

(4) The declarations of assets and personal interests subjected to inspection shall be distributed randomly through the electronic distribution system.

(5) The declarations of assets and personal interests assigned to the integrity inspectors in accordance with the terms provided under paragraph (4) shall be redistributed in the following cases:

a) the inspector's inability to exercise his/her duties for at least 30 days on account of an illness, delegation, secondment, transfer;

b) a reasoned request is made by the integrity inspector to whom the inspection file has been assigned;

c) suspension of the integrity inspector under the law;

d) a state of incompatibility of the integrity inspector;

e) a conflict of interests of the integrity inspector;

f) failure to examine the declaration of assets and personal interests for reasons attributable to the integrity inspector, for more than 30 days.

g) dismissal of the integrity inspector.

(6) If following the inspection of the declarations of assets and personal interests, it is established that the subject of the declaration failed to submit or was late in submitting the declaration of assets and personal interests, the integrity inspector shall impose a contravention sanction in accordance with the Contravention Code of the Republic of Moldova. The submission of the declaration of assets and personal interests after the expiry of the submission deadline, during the period between the submission deadline and the date when the inspection was initiated, shall qualify as late submission of the declaration.

(7) In case of non-submission of the declaration of assets and personal interests, the integrity inspector shall send to the public organization where the subject of the declaration works as a civil servant or sends on behalf of the subject of the declaration, in case the latter occupies a public office, a request for the submission of the declaration of assets and personal interests within 30 days.

(8) Failure to submit the declaration of assets and personal interests within 30 days from the receipt of the integrity inspector's request or refusal to submit such declaration shall be deemed a reason for the termination of the mandate, employment or service. The integrity inspector shall immediately notify about this the management of the public organization or of the authority responsible for appointing the subject of the declaration in order to initiate the procedure for terminating the mandate, labour or service of the person targeted by the request. The head of the public organization or authority responsible for appointing the subject of the declaration shall be required to inform the Authority of the measures taken within one month of receipt of the notification of the integrity inspector.

Article 28. Grounds for initiating control of assets and personal interests

(1) The Authority shall inspect the assets and personal interests either ex-officio or following a notification submitted by a natural person or legal entity, in accordance with the provisions of this law and the methodology for conducting the inspection of assets and personal interests and regarding the compliance with the legal system on conflicts of interest, incompatibilities and restrictions. The notification made in bad faith by natural persons or legal entities shall involve the legal responsibility of the person who made the notification.

(2) The automatic inspection shall be initiated at the request of the president or vice-president of the Authority or the integrity inspector. The automatic inspection shall be initiated in the case indicated under paragraph (3), as well as based on public information.

(3) If it is established that data is missing from the declaration of assets and personal interests, and in case of failure to submit or of submitting late the declaration, the integrity inspector shall initiate the inspection of the assets and personal interests.

Article 29. Notification submission conditions

The notification submitted by a natural person or legal entity governed by public or private law shall meet the formal and substantive conditions established by Law No 190-XIII of 19 July 1994 on petition filing.

Article 30. Random distribution of notifications

(1) The notifications filed by natural persons or legal entities governed by public or private law, as well as automatic notifications shall be registered immediately and shall be randomly distributed by the electronic system of notification distribution.

(2) The notifications distributed to the integrity inspectors can be redistributed in accordance with paragraph (1), in the following cases:

a) the inspector's inability to exercise his/her duties for at least 20 days on account of an illness, delegation, secondment, transfer or release from position;

b) a reasoned request is made by the integrity inspector to whom the inspection file has been assigned;

c) suspension of the integrity inspector, pursuant to the law;

d) a state of incompatibility of the integrity inspector;

e) a conflict of interests in relation to the inspector in case;

f) failure to review the notification for reasons attributable to the inspector, for a period of time longer than 30 days.

Article 31. Prior checking of notifications

(1) Within 15 days from the distribution of notifications, the integrity inspector shall conduct the prior checking of the notifications submitted by natural persons or legal entities governing by public or private law. During the prior checking, the integrity inspector shall check compliance with the formal conditions and the existence of any reasonable suspicions in relation to the infringement of the legal regime on the declaration of assets and personal interests. The prior checking shall be completed with a protocol on the initiation of the inspection or refusal to do so.

(2) The protocol on the inspection initiation or on the refusal to do so shall include:

a) the year, month and date of its conclusion;

b) name, surname and function of the person that concluded it;

c) name, surname and domicile of the subject of the inspection;

d) grounds and reasons for the inspection initiation or refusal;

e) signature of the person that drew up the protocol.

Article 32. The procedure of inspection of assets and personal interests

(1) During the process of inspecting the assets and personal interests, the integrity inspector shall check the data and information on the existing assets of the person subjected to inspection, as well as any asset changes occurring during his/her exercise of the mandate, public function or office. The inspection can be conducted in the exercise of the mandate, public function or office in case, as well as within 3 years after its termination.

(2) If the person subjected to inspection is married or is in a cohabitation or if he/she has dependents and/or minor children, the checking shall also extend over the assets of the family members and of the cohabitant of the inspected person.

(3) During the inspection of the assets and personal interests, the integrity inspector is entitled to request from any natural persons or legal entities governed by public or private law, including financial institutions, the documents and information required in order to conduct such inspection.

(4) Upon the request of the integrity inspector, the subjects referred to in paragraph (3) shall submit to the Authority, within 15 days as of the receipt of such request, either on paper or in electronic format, all the required data, information, deeds and supporting documents.

(5) The integrity inspector can also request the information necessary in order to conduct his/her activity from international organizations and associations, in accordance with the international treaties to which the Republic of Moldova is a party.

(6) If it has been established that the inspected person also owns other assets than those recorded in his/her declaration of assets and personal interests or in case major differences are found between the declared income and the owned assets, the integrity inspector shall request information and evidence justifying such difference and he/she is under the obligation to invite the person concerned to submit an opinion. The invitation shall be made by registered letter with acknowledgment of receipt or by any other means acknowledging the notification (cable, fax, e-mail etc). The opinion is to be submitted within 15 days from the receipt of the invitation.

(7) In view of clarifying all the inconsistencies between the declared value and the actual value of the assets stated in the declaration, the integrity inspector can order an expert's report in accordance with the lawful provisions. This expert's report shall be covered from the Authority's account.

(8) The person subject to control has the right to perform expertise on their own..

(9) The expert shall be held accountable under the law, for any breach of confidentiality regarding the information obtained during the expert's report and for misrepresentation.

Article 33. The rights of the person whose assets and personal interests are subjected to an inspection

The person whose assets and personal interests are subjected to an inspection shall have the right:

a) to have knowledge of the documents and acts in the file, including the depersonalized notification;

a¹) to be informed of the initiation of control;

b) to be assisted by a lawyer or by a representative based on a mandate or power-of-attorney;

c) to present the data and information that he/she may deem necessary;

d) to be informed of his/her rights and obligations;

e) to challenge, in accordance with the lawful provisions, the documents issued by the integrity inspector.

Article 34. Results of the inspection of assets and personal interests

(1) If, after receiving, orally or in writing, the opinion of the inspected person, it is established that between the assets acquired during the exercise of his/her function and the income gained during the same period there is a significant difference and the possession of the assets is not justified, or in the event the inspected person fails to appear before the inspector within 15 days from the acknowledgment of receipt of the invitation, the integrity inspector shall draw up an ascertaining document, the case being referred to the competent legal court for review, so that an order to seize the unjustified assets should be issued. If the receipt of the invitation is not acknowledged for more than 30 days from its dispatch, the integrity inspector shall prepare the ascertaining documents only after the expiry of a period of 15 days from the dispatch of a repeated invitation, no matter whether the receipt of such repeated invitation was acknowledged or not, the case being referred to the competent legal court for review, so that an order to confiscate the unjustified assets should be issued. The confiscation can refer to the entire value of the assets possessed by the subject of the declaration, to a part of it or to one/several determined asset/s.

(2) In case the integrity inspector establishes the existence of reasonable suspicion that a crime has been committed or that the fiscal legislation has been infringed, he/she shall notify the prosecution bodies or, if case be, the tax authorities in order to establish the applicable fiscal obligations in accordance with the law.

(3) In the cases referred to in paragraph (2), the integrity inspector shall continue the inspection procedure. The prosecution bodies and the tax authorities shall inform the integrity inspector about the decision made.

(4) If they do not establish one of the situations provided for under paragraph (1) or (2), the integrity inspector shall terminate the inspection procedure by issuing an ascertaining document.

(5) The actions and documents prepared by the integrity inspector during the asset inspection are not public, except for the ascertaining document, which shall be published on the official web page of the Authority, in compliance with the legislation on the protection of personal data.

(6) In case the integrity inspector establishes that the family members or the cohabitant of the inspected person or the subjects under Art. 32 (3) have failed to provide information on the assets and income of the person in case, he/she shall impose a contraventional sanction in accordance with the Contravention Code of the Republic of Moldova.

Article 35. Ascertaining document

(1) The ascertaining document shall include the following:

a) an introductory part indicating the date and venue of the document preparation, the first and last name of the integrity inspector, the function and data of the inspected person, the reason underlying such inspection;

b) a descriptive part, including: the opinion of the inspected person, if it has been expressed; any substantial differences found and any indication of the existence of unjustified assets or an unjustified part of the assets; the results of the expert's reports, if case be;

c) conclusions and decisions.

(2) Within 5 days from the preparation of the ascertaining document, the integrity inspector shall send it in writing to the inspected person. Where applicable, it shall also be sent to the prosecution bodies or tax authorities.

(3) The ascertaining document sent to the prosecution bodies or state tax authorities shall necessarily be examined by the said institutions. They are to immediately take the necessary measures, according to their legal competences and to inform the integrity inspector about such measures.

(4) In case the ascertaining document establishes the existence of unjustified assets, the request for an order for confiscation of its value shall be submitted to the district court located in the district where the inspected person lives. The integrity inspector can request the imposition of precautionary measures during the review of the civil case.

(5) In case the person targeted in the ascertaining document is the President of the Republic of Moldova, the President of the Parliament, the Prime-Minister, the Attorney General, a judge of the Constitutional Court or the president of the Superior Council of Magistracy, the competent body to review the request indicated in paragraph (4) shall be the Supreme Court of Justice, who shall judge the case with a panel of 3 judges.

Article 36. Challenging the ascertaining document

(1) The inspected person can challenge the ascertaining document within 15 days from its receipt, before the competent administrative tribunal.

(2) In case the ascertaining document has not been challenged in the period indicated in paragraph (1), it shall remain final, and the integrity inspector shall send it within 15 days to the competent bodies, in view of issuing the ascertaining document and of taking the necessary legal measures.

(3) The head of the public organization, notified pursuant to par. (2), is obliged to inform the Authority about the measures taken within one month from the date of receipt of the notification.

Section 2

Checking compliance with the legal system

on conflicts of interest, incompatibilities and restrictions

Article 37. Checking compliance with the legal system on conflicts of interests, incompatibilities and restrictions

(1) After the random assignment of the notification on conducting the inspection for checking the compliance with the legal system on conflicts of interests,

incompatibilities and restrictions, the integrity inspector shall order the initiation of the inspection.

(2) The provisions of Article 31, Article 32 (3)–(5), Article 33, 35 and 36 shall also be applied accordingly for the inspection initiation procedure and for checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions.

(3) During the inspection procedure for checking compliance with the legal system on conflicts of interest, incompatibilities and restrictions, the integrity inspector shall be under the obligation to invite the person to be inspected to submit his/her opinion by means of a registered letter with acknowledgment of receipt or by any other means confirming the notification (cable, fax, e-mail). The opinion of the inspected person can be submitted within 15 days from receiving the invitation. If the receipt of the invitation to submit an opinion is not acknowledged for more than 30 days from its dispatch, the integrity inspector shall prepare the ascertaining document only after the expiry of a period of 15 days from the dispatch of a repeated invitation, whether or not the receipt of such repeated invitation was acknowledged.

(4) The actions and documents prepared by the integrity inspector while checking the compliance with the legal system on conflicts of interest, incompatibilities and restrictions are not public, except for the ascertaining document, which shall be published on the official web page of the Authority, in compliance with the legislation on the protection of personal data.

Article 38. Results following the checking of compliance with the legal system on conflicts of interest, incompatibilities and restrictions

(1) Following the inspection for checking compliance with the legal system on conflicts of interests, incompatibilities and restrictions, the integrity inspector shall issue an ascertaining document if he/she establishes that:

a) the inspected person submitted to the control failed to declare and settle the conflict of interests or issued/adopted an administrative document, drawn up directly or by third persons, or made a decision or participated in the making of a decision in breach of the legal provisions on conflicts of interest;

b) the inspected person is or has been in an incompatibility state;

c) the inspected person infringed the restrictions imposed by the law.

(2) The ascertaining document on the infringement of the legal system on conflicts of interest, incompatibilities and restrictions shall be drawn up in accordance with Article 35 and it shall be brought to the knowledge of the person to which it refers within 5 working days from the issuing date.

(3) The person can challenge the ascertaining document in accordance with the conditions indicated under Art. 36.

(4) The ascertaining document establishing the infringement of the legal system on conflicts of interest, incompatibilities and restrictions shall remain final after the expiration of the deadline specified in Art. 36 (1).

(5) If the violation of the legal regime of conflicts of interest, incompatibilities, restrictions and limitations is not found, the integrity inspector will terminate the control procedure by issuing an act of finding.

Article 39. Effects of the ascertainment of the infringement of the legal system on conflicts of interest

(1) In case it is established that a conflict of interests was not declared or settled, the integrity inspector shall prepare a protocol on the contravention in case and shall refer it to the court for review in accordance with the procedure established by the Contravention Code of the Republic of Moldova.

(2) When the ascertaining document on the infringement of the legal system on conflicts of interest becomes final, the Authority, within 5 days, shall notify the management of the public organisation or of the authority responsible for the appointment of the subject of the declaration, in order to initiate the disciplinary procedure or, if case be, in order to terminate the mandate, the employment or service of the person that issued/adopted the administrative document, drawn up directly or by third parties or that made or participated in the making of a decision in breach of the legal provisions on conflicts of interest.

(3) By way of derogation from the provisions of the special laws that regulate disciplinary responsibility, a disciplinary sanction can be imposed within 6 months as of the issuing of the final ascertaining document or as of the expiry date of the ascertaining period, in the event the ascertaining document of the integrity inspector has not been challenged.

(4) When the ascertaining document on the infringement of the legal system on conflicts of interest becomes final, the Authority shall, within 3 months, refer to the court with a writ of summons regarding the declaration of the absolute nullity of the issued/adopted administrative document or of the legal document drawn up directly or by third persons or of the decision made in breach of the legal provisions on conflicts of interest, except in case the annulment of the above-mentioned documents would be detrimental to the public interest.

(5) The writ of summons shall be automatically submitted by the Authority or upon the request of the person who believes his/her right, freedom or legitimate interest was injured as a result of a conflict of interests.

(6) The writ of summons shall be submitted before the court and in the event the person that issued/adopted the administrative document drew up a legal document, directly or through third parties or made a decision in breach of the legal provisions on conflicts of interest, he/she shall no longer hold the respective function.

(7) The court can order, with justified reasons, in addition to the ascertainment of the absolute nullity of the administrative document issued/adopted, of the legal document drawn up directly or by third parties or of the decision made in breach of the legal provisions on conflicts of interest, that the parties be restored to their previous position.

(8) Legal and regulatory documents shall be exempted from the paragraphs (4)-(7).

Article 40. Effects of ascertaining the infringement of the legal system on incompatibilities

(1) When the ascertaining document on the infringement of the legal system on conflicts of interest becomes final, the Authority shall, within 15 days, notify the management of the public organisation or of the authority responsible for the appointment of the subject of the declaration, in order to terminate the mandate, the employment or service of that person.

(2) By way of derogation from the provisions of the special laws that regulate the disciplinary responsibility, the disciplinary sanction can be imposed within 6 months from the issue of the final ascertaining document or from the expiry date of the ascertaining period, in the event that the ascertaining document of the integrity inspector has not been challenged.

(3) Upon the Authority's request, the person whose infringement of the legal system on incompatibilities has been established shall be suspended from their position until the ascertaining document has become final. The suspension shall be requested only in case the operative part of the ascertaining document provides for the termination of the mandate, employment or service of the person targeted by the act of finding.

Article 41. Effects of ascertaining the infringement of the legal system on restrictions

(1) In case the infringement of the legal system on restriction has been established, the integrity inspector shall impose a contravention sanction in accordance with the Contravention Code of the Republic of Moldova.

(2) When the ascertaining document on the infringement of the legal system on restrictions becomes final, the Authority shall notify within 15 days the competent bodies for the initiation of the disciplinary procedure against the inspected person or, if case be, for the termination of the mandate, the employment or service of the said person.

Chapter V

EXECUTION OF DECISIONS ON THE CONFISCATION OF UNJUSTIFIED ASSETS TO THE BENEFIT OF THE STATE

Article 42. The procedure for the enforcement of the decisions on the confiscation of unjustified assets to the benefit of the state

(1) The final legal judgment, by which the unduly nature of the assets is ascertained, shall be referred to the Authority for information purposes and to the Ministry of Finance, for enforcement.

(2) In case the confiscation of the value of the unjustified assets, of a part of the same or of certain assets is ordered, the assets concerned shall be capitalized/liquidated by being sold at a bid, in accordance with the procedure established by the Government or, if case be, they shall be transferred to the property of the State.

(3) In case of a bid, the starting price cannot be lower than the value of the assets in case, as established based on an expert evaluation.

(4) The procedure initiated for the enforcement of the court judgment to seize the assets shall be further effective against the heirs.

Chapter VI

FINAL AND TRANSITIONAL PROVISIONS

Article 43. Final provisions

This law shall become effective on 1 August 2016, except for Article 9-13, 18 and Article 44 (2), which shall become effective on the date the law is published.

Article 44. Transitional provisions

(1) The Authority shall be created by the reorganisation of the National Integrity Commission, being its successor in rights.

(2) Within one month from the publication of this law, the Parliament, the Government, the Superior Council of Magistracy, the Superior Council of Prosecutors, the Congress of the Local Authorities of Moldova and the Ministry of Justice shall ensure the appointment or, if case be, the selection of representatives for the Integrity Council.

(3) The Integrity Council shall be summoned for its first session by the president of the National Integrity Commission within 15 days from the appointment of at least 5 members of the Council. Until the establishment of the Authority, the secretarial work of the Integrity Council shall be conducted by the National Integrity Commission and the first session shall be organized at the registered office thereof.

(4) Within 2 months from the date of its first session, the Integrity Council shall organize a contest for the substitution of the positions of president and vice-president of the Authority.

(5) The persons designated in the positions of president and vice-president of the Authority shall begin their mandate from the date of their appointment in this position.

(6) The members of the National Integrity Commission shall end their mandate on the date the president of the Authority is appointed to this position.

(7) In case the mandate of the current members of the National Integrity Commission ends, for any reason, after the coming into effect of this law, new members shall be appointed in their place.

(8) The personnel of the National Integrity Commission shall be transferred to the corresponding positions within the Authority, except for the positions of integrity inspectors, according to the organizational chart, in compliance with the Law on the public office and status of civil servants and the employment legislation.

(9) All materials that are managed by the National Integrity Commission shall be transferred to the management of the Authority, based on a delivery-acceptance protocol.

(10) The inspections targeting assets, conflicts of interest, incompatibilities and restrictions initiated by the National Integrity Commission until the coming into effect of this law shall continue in accordance with the procedure provided for by this law.

(11) The documents and actions performed within the National Integrity Commission up to the coming into effect of this law shall remain valid.

(12) The declarations on assets and properties and the declarations on personal interests submitted up to the coming into effect of this law shall remain valid and can be used by the Authority for its inspection procedures in order to perform its specific functions as provided for by the law.

(13) Within 30 days from the date this law become effective, the entities referred to in Art. 2 (4) shall grant access to the state registers, information systems and other forms of data storage and management.

(14) Within one month from the appointment of its president, the Authority shall organize a contest for the substitution of the positions of integrity inspector and a contest for the new positions within the administrative body of the Authority.

(15) Within 6 months as of the publication of this law, the Government shall:

- a) harmonize its regulatory acts with this law;
- b) set forth to the Parliament a number of proposals regarding the harmonization of the legislation in force with the provisions of this law.

(16) Within 6 months as of the entering into force of this law, the Authority shall:

- a) approve all documents necessary for the performance of its duties as provided for by the herein law;
- b) prepare and implement the electronic system for the random distribution of inspection files;
- c) prepare and approve the Regulation on the completion of declarations of assets and personal interests in electronic form and the Guide on the submission of declarations of assets and personal interests in electronic form.

(17) Until the creation of the electronic system for the random distribution of files, the Authority shall ensure the manual random distribution of notifications.

(18) The Ministry of Finance shall provide and allocate the necessary resources for the implementation of the provisions of this law.

(19) On the date when this law comes into effect, Law No 180 of 19 December 2011 on the National Integrity Commission (the Official Gazette of the Republic of Moldova, 2012, no. 1-6 Art. 2) as subsequently amended, shall be repealed.

PRESIDENT OF PARLIAMENT

Andrian CANDU

No. 132 Chisinau, 17 June 2016.

Declaration of integrity

By this declaration of integrity undertaken by the undersigned, _____, I hereby confirm that:

a) none of the persons that are close to me are employed or have been employed in the last 2 years within the National Integrity Authority;

b) I am not aware of the existence of any conflict of interests between my personal interests and the obligations undertaken as member of the Integrity Council;

c) I will immediately notify the Integrity Council in case I become aware of the fact that a person close to me filed an employment application or is employed within the National Integrity Authority;

d) I will immediately notify the Integrity Council in case I become aware of any conflict of interests, either actual or potential, between by personal interests and the obligations undertaken as a member of the Integrity Council.

Date_____

Signature_____