

**LPC133/2016**

**Republic of Moldova**

**PARLIAMENT**

**LAW No 133**

**of 17 June 2016**

**on the declaration of assets and personal interests**

Published on: 30 July 2016 in the Official Gazette No. 245-246, Article No: 513

Effective from: 1 August 2016

*Amended*

[LP74 of 26.04.18, MO235-244 / 29.06.18 art.368; in force 29.06.18](#)

The Parliament has adopted this organic law.

## **Chapter I**

### **GENERAL PROVISIONS**

**Article 1.** The scope and regulatory purpose

(1) The herein law regulates:

a) the obligation and the manner of declaring assets and personal interests by the subject of the declaration, by his/her family members and his/her cohabitant;

b) the mechanism for checking the assets acquired by the subject of the declaration, by his/her family members and his/her cohabitant while exercising a mandate, public position or public office and checking compliance with the legal system on conflicts of interest, incompatibility and restrictions.

(2) The purpose of this law is the implementation of measures aimed at the prevention and combating of unjustified enrichment, conflicts of interest and incompatibility, as well as of breaches of the legal system on restrictions.

**Article 2.** Notions

For the purposes of this law, the following definitions of notions shall apply:

*Assets* - all goods of the subject of the declaration, owned, with a right of usufruct, use, occupation, superficies or that are in the possession of the subject of the declaration, the members of his/her family or his/her cohabitant based on mandate, commission or trust agreements, on translative agreements of possession and use, as well as all patrimonial rights and obligations acquired by the subject of the declaration in the country or abroad;

*beneficial owner* - a natural person ultimately controlling another natural person or legal entity or the beneficiary of an investment firm or the administrator of an investment firm or the person in whose name a transaction is carried out or an activity is carried out and/or who holds, directly or indirectly, the ownership or control of at least 25% of the shares or voting rights of the legal person or of the assets under fiduciary administration;

*cohabitant* - the partner with whom the subject of the declaration cohabitated and owned, used or had joint control over one or several assets in the previous fiscal year, without being married to same; It is presumed that the persons who, during the previous fiscal year, lived together for at least 183 days have the quality of concubine;

*conflict of interest* - a situation when the subject of the declaration has a personal interest that influences, may or seems to influence the impartial and objective fulfillment of the obligations and of responsibilities undertaken under the law;

*substantial difference* - a difference that exceeds 20 average national monthly salaries between the assets acquired and the income gained by the subject of the declaration together with his/her family members or his/her cohabitant while serving his/her mandate, public function or office during the same period;

*personal interest* - any material or immaterial interest of the subject of the declaration resulting from his/her activities as a private person, from his/her relations with those close to him/her or with legal entities, regardless of the property type, from his/her relations or affiliations with non-commercial organisations or international organisations;

*family member* - spouse, minor child, including adopted child or dependant of the subject of the declaration;

*public organization* - any public authority (judicial authority, jurisdictional authority, central or local public administration authority, as well as their subordinate administrative authorities, autonomous public authority), public institution, state organization, state body, collegiate body with the status of a legal person public law, self-government body, state or municipal enterprise, company or financial institution with majority state capital;

*dependent* - person that cumulatively fulfills the following conditions:

a) lives together with the subject of the declaration or is supported by the same, including under a lifelong support agreement;

b) has a yearly income that does not exceed two average national monthly salaries;

*close person* - cohabitant of the subject of the declaration, as well as any blood relative or adopted person up to fourth degree (parent, sibling, grandparent, nephew/niece, uncle/unt) and any person related by affinity up to the second degree (brother-in-law/sister-in-law, father-in-law/mother-in-law, son-in-law/daughter-in-law) to the said subject;

*income* - any financial benefit, irrespective of its source of origin, gained by the subject of the declaration and by the family members or by the cohabitant of the person concerned, both in the country and abroad.

### **Article 3.** Subjects of the declarations of assets and personal interest

(1) The subjects of the declaration of assets and private interests are:

a) those who hold a public office pursuant to the provisions of the addendum to Law No 199 of 16 July 2010 on the status of persons holding a public office;

b) members of the Council of observers of the national audiovisual public institution “Teleradio-Moldova”, institution Teleradio-Gagauzia; counselors of the village (commune), city (municipal) and district councils; deputies of the People’s Assembly of the territorial self-governing unit of Gagauzia;

c) members of the Superior Council of Magistrates and of the Superior Council of Prosecutors from among the teachers, as well as the members of the bodies operating under the Superior Council of Magistracy and the Superior Council of Prosecutors;

d) non-permanent members of the Central Electoral Commission;

e) leaders of public organizations and their deputies;

e<sup>1</sup>) members of the Supervisory Council, the Executive Committee and employees of the National Bank of Moldova, members and employees of the National Commission for Financial Markets, except for employees performing ancillary activities - secretarial, protocol, administrative, technical;

f) personnel from the cabinets of persons holding a public function;

g) public officials, including those with special status;

h) members of the Integrity Council;

i) members of the boards/commissions for admission in a profession, evaluation, disciplinary and/or ethical boards of the professions associated to justice.

(2) Subjects falling under the provisions of paragraph (1) shall be included in the electronic register of subjects of declarations of assets and private interests, held by the National Integrity Authority.

## **Chapter II**

### **DECLARING AND CHECKING ASSETS**

#### **AND PERSONAL INTERESTS**

##### **Article 4.** Declaration object

(1) Subjects falling under the provisions of Article 3 (1) shall declare the following:

a) income gained by the subject of the declaration together with their family members or cohabitant in the previous fiscal year;

b) movable and immovable goods, including any incomplete ones, owned with right of usufruct, of use, habitation, superficies by the subject of the declaration, including as beneficial owner or by his/her family members or by his/her cohabitant or in their possession based on mandate, commission or trust agreements, as well as based on translative agreements of possession and of use;

c) the goods transferred by the subject of the declaration whether for a consideration or free of charge, personally or by his/her family members or his/her cohabitant to any natural person or legal entity during the declaration period, if the value of each assets exceeds the value of 10 average national salaries;

d) the financial assets of the subject of the declaration, namely the monetary amount in the national currency or a foreign currency which exceeds the value of 15 average national salaries and which does not represent the object of a deposit in a financial institution. Bank accounts, creation units in investment funds, equivalent forms of investments and savings, investments, bonds, checks, bills of exchange, loan certificates, other documents that include personal patrimonial rights of the subject of the declaration, of his/her family members or of his/her cohabitant, direct investments in the national currency or in a foreign currency, made by him/her or by his/her family members or his/her cohabitant, as well as other financial assets, if their combined value exceeds 15 average national salaries;

e) the personal debts of the subject of the declaration, his/her family members or his/her cohabitant in the form of any debt, pledge, mortgage, guarantee issued for the benefit of a third party, loan and/or credit, if the value of the same exceeds the value of 10 average national salaries;

f) goods in the form of precious metals and/or stones, art and cult objects, objects that are part of the national or universal cultural patrimony, whose unit value exceeds the value of 15 average national salaries, held by the subject of the declaration in person or by his/her family members or his/her cohabitant;

g) collections of works of art, coins, stamps, weapons or other goods whose value exceeds 20 average national salaries, held by the subject of the declaration or by his/her family members or cohabitant;

h) a share/shares in the share capital of a company owned by the subject of the declaration either personally or by his/her family members or his/her cohabitant;

i) patrimonial rights, held by the subject of the declaration either personally or by his/her family members or cohabitant, deriving from copyrights, patents or intellectual property rights;

j) being a member of the management, administration, review or inspection bodies of non-commercial organisations or trade companies, held by the subject of the declaration or by his/her family members or his/her cohabitant;

k) being an associate, shareholder or member of an economic agent, a non-commercial organization or international organization held by the subject of the declaration or by his/her family members or his/her cohabitant;

l) agreements, including legal support, consultancy and civil agreements drawn up by the subject of the declaration, his/her family members or his/her cohabitant, or in development during the appointment/mandate being exercised, financed by the state or local budget and from external funds or contracted with trade companies owned by the state;

(2) The provisions of paragraph (1) shall also apply for the assets and personal interests of the subject of the declaration and his/her family members or cohabitant, in the country or abroad.

(3) All presents, services and/or advantages received by the subject of the declaration free of charge from his/her family members, parents, siblings or children, whose individual value does not exceed 10 average national salaries shall be exempted from the obligation to be declared.

#### **Article 5. Declaration of assets and personal interests**

(1) The declaration of assets and personal interests (hereinafter referred to as the declaration) is a personal and irrevocable act of the subject of the declaration, submitted, on his own

responsibility, in the form of an electronic document or, as the case may be, in written form on paper.

(2) Subjects of declaration shall, pursuant to this law, declare their assets and personal interests in accordance with the template provided for in Annex No 1 to this law.

(3) The declaration is a public document, except for the information provided for in Article 9 (2) and (3), and the information included in the declaration may not be used for advertising purposes.

(4) The person submitting the declaration shall be responsible for submitting the declaration in due time, as well as for the truthfulness and completeness of the information.

(5) If the subject of the declaration finds that incomplete or erroneous data have been entered in the declaration, he shall have the right to submit the rectified declaration within 30 days of the expiry of the deadline for the submission of the declaration. The initial declaration and the rectified declaration under the conditions of this paragraph shall be kept in the e-Integrity information system.

(5<sup>1</sup>) If the public authority responsible for the control of property and personal interests finds that incomplete or erroneous data have been entered in the declaration, the subject of the declaration shall submit the rectified declaration within 30 days of the date on which the finding following the control of wealth and personal interests, it became final. The initial declaration and the rectified declaration under the conditions of this paragraph shall be kept in the e-Integrity information system.

(6) The members of the family, the concubine of the subject of the declaration are obliged to provide him/her with the information regarding his/her property, income and personal interests, including as beneficial owners, unless their identity and quality constitute a state secret, under the conditions of Law no. 245/2008 on state secret, or the presentation of this information is restricted by law.

(7) The requirement on the declaration of assets and personal interests shall include all procedures and contracts regulating the employment, selection or appointment in a public function.

(8) Submission of declarations of assets and private interests shall not relieve the individual from his/her obligations regarding the submission of other declarations, in accordance with the legislation in force.

#### **Article 6.** Period of declaration submission

(1) The declaration shall be submitted every year by the 31st March, indicating the income earned by the subject of the declaration together with his/her family members or cohabitant in the previous financial year, the assets held and his/her personal interests as provided for under Article 4 (1)(b) - (m) on the date of the declaration submission.

(2) In case of employment, mandate validation or appointment in a position, if case be, the declaration shall be submitted within 30 days from the date of employment, mandate validation or appointment in the respective position, indicating the income gained by the subject of the declaration together with his/her family members or cohabitant during the previous financial year, as well as the assets held and his/her personal interests as provided for under Article 4 (1)(b)-(m) on the date of the submission of the declaration.

(3) Upon changing functions within the same entity, by promotion or by appointment to another position, no new declaration shall be submitted.

(4) After the termination of the mandate or of the employment or service agreements, the subject of the declaration shall be under the obligation to submit the declaration within 30 days from the date when the mandate, employment or service agreement has been terminated. The declaration shall indicate the income earned by the subject of the declaration together with his/her family members or cohabitant in the previous financial year, the assets held and his/her personal interests under Article 4 (1) (b)-(m) on the date of its submission.

(5) The subjects of the declaration who, pursuant to the legislation in force, have their employment or service agreements suspended, shall submit their declaration within 30 days after reappointment to their position, stating in the declaration the income earned together with their family members or cohabitant during the entire undeclared period, as well as the assets held and the personal interests provided for under Article 4 (1) (b)-(m) on the date of the declaration submission.

(6) The provisions of paragraph (5) shall not be applied if the suspension of employment or service agreement is shorter than a fiscal year.

#### **Article 7. Declaration submission**

(1) The subject of the declaration shall be under the obligation to submit the declaration in electronic form using the electronic service available on the official web site of the National Integrity Authority, according to the template indicated in Annex no. 1.

(2) The declaration shall be signed in electronic form using the electronic signature issued pursuant to the legislation in force. Electronic signatures shall be issued, free of charge, to the subjects of declaration, as provided for by the Government.

(3) The declaration in electronic form shall be deemed received by the National Integrity Authority if the subject of the declaration has received the electronic receipt acknowledging its acceptance, as per Annex 3.

(4) Within the entities where persons who, according to this law, are under the obligation to submit declarations, perform an activity, certain persons from the human resources service shall be appointed who will be in charge with the permanent updating of the Electronic registry of the subjects of declarations of assets and personal interests.

(5) In case the subject of the declaration finds that he/she included incomplete or false data in the declaration, he/she shall be under the obligation to rectify the submitted declaration. In this case, the initial declaration and the rectified ones shall be kept separately using the electronic service available on the official web site of the National Integrity Authority.

(6) If the declaration has been rectified under the conditions of art. 5 para. (5), the subject of the declaration is released from liability, provided that incomplete or erroneous data were not intentionally included.

(7) By derogation from the provisions of par. (1), the subject of the declaration whose identity and quality constitutes a state secret under the conditions of Law no. 245/2008 regarding the state secret submits the declaration in written form, on paper, according to the model provided in annex no. 1.

**Article 7<sup>1</sup>.** Duties of the persons responsible for collecting the declarations of the subjects of the declaration whose identity and quality constitute a state secret

(1) The persons responsible for collecting the declarations provided in art. 7 para. (7) are appointed by the leaders of public organizations.

(2) The persons responsible for collecting the declarations have the following attributions:

a) receive and register the declarations in a special register, called the Special Register of declarations of personal wealth and interests, which is not public, according to the model provided in annex no. 2;

b) immediately issues to the subject of the declaration a proof of receipt of the submitted declaration, according to the model provided in annex no. 3;

c) make available to the subject of the declaration, at his/her request, the declaration forms;

d) ensures the substitution of the submitted declaration with the rectified one, at the request of the subject of the declaration;

e) advises on the completion and timely submission of the declaration;

f) provides, at the request of the subject of the declaration, consultancy regarding the application of the legal provisions regarding the declaration and verification of the property and personal interests;

g) verifies the observance of the formal conditions of the declaration in accordance with the provisions of the present law, and in case of identification of some deficiencies, returns it to the subject of the declaration and recommends the rectification of the declaration.

(3) The declaration submitted on paper may be substituted with another declaration under the conditions of par. (2) only in the case of its formal rectification. In case of introduction of content corrections, the previously submitted declaration of assets and personal interests is attached to the rectified one, being kept together.

(4) In the exercise of the attributions provided in par. (2), the persons responsible for collecting the declarations are directly subordinated to the head of the respective entity, who is responsible for carrying out their activity in good conditions, and are entitled to process personal data.

(5) If the person responsible for collecting the declarations identifies deficiencies in completing the declaration, he/she shall recommend to the subject of the declaration the rectification of the declaration within 10 working days from the date of requesting the rectification. The transmission and receipt of the rectified declaration shall be recorded in the Special Register of declarations of assets and personal interests.

(6) The declarations submitted in accordance with the provisions of art. 7 para. (7) are kept at the public organization in which the subjects of the declaration are active, and, within 20 days from the expiration of the term provided in art. 6 para. (1), (2), (4) and (5), the head of the public organization informs the National Integrity Authority about the collection of declarations.

(7) The declarations submitted by the subject of the declaration, whose identity and quality constitute a state secret under the conditions of Law no. 245/2008 on state secrecy, within the Intelligence and Security Service, the National Anticorruption Center and the Ministry of Internal Affairs, are controlled by a commission specially appointed for this purpose by the head of the public organization. The Commission is composed exclusively of the employees of the respective public organization who have access to the classified information.

(8) Within the control of the declarations submitted according to par. (7), the commission specially designated for this purpose has attributions and powers similar to those established in art. 7 para. (1) lit. b) –d), para. (2) lit. a) –c) of Law no. 132/2016 regarding the National Integrity Authority.

(9) The Intelligence and Security Service reports annually, until June 30, to the subcommittee for the exercise of parliamentary control over the activity of the Intelligence and Security Service about the number of controls of the statements of intelligence and security officers and their results, and the National Anticorruption Center and Ministry of Internal Affairs report Commission on National Security, Defense and Public Order.

Failure by the person responsible for collecting the declarations of the attributions provided by this article constitutes a disciplinary violation.

#### **Article 8.** Confidentiality of information

The president, vice-president, integrity inspectors and the personnel of the National Integrity Authority, as well as the members of the Integrity Council who have become aware of data and information that is not public or that represents a state secret, bank secret, commercial secret or fiscal secret shall be under the obligation not to disclose such information while exercising their functions, as well as after ceasing to exercise such functions.

#### **Article 9.** Transparency of declarations

(1) The National Integrity Authority publishes the declarations received on its official website within 30 days from the expiration of the deadlines for submitting the declarations, ensuring permanent access to them within 15 years from the date of submission, except for the data provided in par. (2) and (3).

(2) The data included in the declarations regarding the identification number assigned to the subject of the declaration, his/her permanent address and phone number, last name, first name, the years of birth, addresses and identification numbers of his/her family members and of his/her cohabitant, addresses and cadastral numbers of immovable assets, the registration numbers of movable assets, the cash in national currency or foreign currency that does not represent the object of financial submissions, the bank account numbers, any assets in the form of precious metals or stones, works of art and cult objects, objects that are part of the national or universal patrimony, collections of works of art, of coins, stamps, weapons and the signature of the subject of declaration are not public and represent information with limited access.

(3) The declarations of the subjects of the declaration whose identity and quality constitute a state secret under the conditions of Law no. 245/2008 on state secret are not public.

#### **Article 10.** Inspection of assets and personal interests

(1) The inspection of assets and personal interests of the subject of the declaration shall be conducted by the National Integrity Authority in accordance with Law No 132 of 17 June 2016 on the National Integrity Authority.

(2) The control of the wealth and personal interests of the president and vice-president of the National Integrity Authority, as well as of the integrity inspectors, is carried out by the Integrity Council, according to the general procedure applicable to the control of wealth and personal interests. In the process of performing the control, the members of the Integrity Council have access to state registers and other information necessary for the efficient performance of Council functions



through free access to the interoperability platform established by the Government and have the right to process personal data.

### **Chapter III**

#### **CONFLICT OF INTEREST AND THEIR SETTLEMENT**

##### **Article 11.** General principles for avoiding conflicts of interests

In the process of fulfilling their professional duties, the subjects of declaration shall be under the obligation to comply with the following general principles for avoiding conflicts of interest:

- a) to serve the public interest with impartiality and objectivity;
- b) to ensure the transparency and public checking of the activity;
- c) to assume individual responsibility and set a personal example.

##### **Article 12.** Categories of conflicts of interest and their declaration

(1) Subjects of the declaration can be in the following categories of conflicts of interest:

- a) potential conflict of interest;
- b) real conflict of interest;
- c) consumed conflict of interest.

(2) A potential conflict of interest represents a situation in which the personal interests of the subject of the declaration could result in the occurrence of a real conflict of interest, which shall be declared according to the conditions provided for in Art. 4-7. The immediate superior shall provide advice in order to avoid the occurrence of a real conflict as a result of the potential one.

(3) The real conflict of interest occurs if the subject of the declaration is requested to deal with a request/claim, to issue an administrative document, to draw up a legal document either directly or through a third party, to take a decision or to participate when a decision is taken where he/she has personal interest or which regards persons close to him/her, natural persons and legal entities with whom he/she has a proprietorial relationship and that influence or can influence the impartial and objective exercise of the mandate, public position or public office.

(4) If a real conflict of interest arises, the subject of the declaration shall be under the obligation:

- a) to immediately inform his/her hierarchic superior or immediate superior body about the conflict of interest affecting him/her within 3 days from the date of establishing such conflict;
- b) not to settle the request/claim, not to issue an administrative act, not to draw up a legal document directly or by a third party, not to take and not to participate in the taking of a decision, in the exercise of their mandate, public service or public office, until the real conflict of interest is settled.

(5) The notification about the occurrence of a real conflict of interest shall be made until the request/claim is settled, the administrative document is issued, the legal document is concluded either directly or by a third party, participation is ensured to the decision taking process in or a decision is taken and shall take the form of a written statement that shall contain details of the nature of the real conflict and of the way in which it can influence the impartial and objective fulfillment of the mandate, public service or public office.

(6) The declaration on the real conflict of interest shall be registered with the Register of declarations on conflicts of interest kept in accordance with Annex no. 4 by the person appointed for this purpose by the manager of the public organization.

(7) The President of the Republic of Moldova, the President and the Deputies of the Parliament of the Republic of Moldova, the Prime-Minister, the Members of the Government, the Attorney General, the President of the Superior Council of Magistrates, the President of the Superior Council of Prosecutors, the deputies of the General Assembly of the Self-governing Territorial Unit of Gagauzia, the district presidents, the local councilors and other managers of public organisations shall be under the obligation to immediately, but not later than 3 days, inform the National Integrity Authority about any kind of real conflict of interest in which they find themselves, in the manner indicated in paragraph (5).

(8) The National Integrity Authority shall register the declarations on conflicts of interest of the subjects indicated in paragraph (7) in the Register of declarations on conflicts of interest, as per Annex 4.

(9) The president and vice-president of the National Integrity Authority shall be under the obligation to immediately inform the Integrity Council, but no later than 3 days from the date such conflict was established, about the real conflict of interest affecting him/her.

(10) A manifest conflict of interest represents the act undertaken by the subject of the declaration to settle a request/claim, issue an administrative document, conclude a legal document either directly or by a third party, make a decision or take part in making a decision during the exercising of his/her mandate, public function or public office in breach of the provisions of paragraph (4) and (7).

#### **Article 13.** Obligations of the manager of a public organisation

(1) The manager of a public organization shall be under the obligation:

- a) not to knowingly allow anyone working in the public organization he/she manages to fulfill their professional duties if there is a real conflict of interest;
- b) to immediately inform the National Integrity Authority about the situations in which persons working in the public organization he/she manages admitted conflicts of interest, in view of their sanctioning;
- c) to inform semiannually in writing the National Integrity Authority about the identification of any breach of the provisions on conflicts of interest, stating the breach identified and the measures taken.

#### **Article 14.** Settlement of a real conflict of interest

(1) The settlement of a real conflict of interest is achieved by the examination of the conflict situation, by determining and applying the option available for the conflict settlement.

(2) A real conflict of interest shall be settled by the subject of the declaration, the manager of the public organisation, the National Integrity Authority or the Integrity Council, if case be.

(3) Until the settlement of the real conflict of interest, the subject of the declaration is forbidden to undertake any kind of action on the given case, except to abstain.

(4) The subject of the declaration can settle the real conflict of interest that affects him/her by abstaining from settling the request/claim, issuing/adopting an administrative document,

concluding a legal document, participating in making a decision or making a decision/voting, informing all parties affected by the respective decision about the measures taken in order to protect the fairness of the decision taking process.

(5) Within 3 days as of becoming aware of the real conflict of interest of the subject of the declaration, the manager of the public organization shall settle the conflict of interest, using one of the following options, to the extent special laws do not provide for otherwise:

a) restrict the access of the subject of the declaration affected by a conflict of interest to certain information or to participation in the examination of situations related to his/her personal interest;

b) transfer the subject of the declaration to another position, based on the latter's written agreement;

c) redistribute the duties and responsibilities of the subject of the declaration, when it is considered that a certain real conflict of interest will continue to exist.

(6) For the identification of the best solution for the settlement of a real conflict situation, the interests of the public organisation, the public interest and the legitimate interests of the employees, the level and type of position occupied by the person in case, the nature of the conflict of interest, as well as other factors shall be taken into consideration.

(7) In case the manager of the public organization cannot settle a real conflict of interest, he/she shall refer to the National Integrity Authority.

(8) The real conflicts of interest of the subjects indicated under Art. 12 (7) shall be settled by the National Integrity Authority within 3 working days as of receiving the information about the existence of a real conflict of interest, by offering one of the following solutions:

a) a recommendation to delegate to a third party the responsibility for issuing/adopting the administrative document, for concluding the legal document, for participating in taking a decision or for taking the decision;

b) a recommendation to accept the issuing/adoption of the administrative document, conclusion of the legal document, participation in taking a decision or the taking of the decision.

(9) The subject of the declaration shall be under the obligation to observe the decision for the resolution of the real conflict of interest in which he/she finds himself/herself.

**Article 15.** Legal effect of the acts issued, adopted or concluded in breach of the provisions on conflict of interest

(1) Any administrative documents issued/adopted, or any legal documents concluded personally or through a third party in case of a real conflict of interest shall be null and void, unless the annulment thereof would be detrimental to the public interest.

(2) The National Integrity Authority shall refer to court with requests to establish the absolute nullity of the administrative documents issued/adopted or of the legal documents concluded directly or through third parties in breach of the legal provisions on conflicts of interest, pursuant to Law No 132 of 17 June 2016 on the National Integrity Authority. The request to establish the absolute nullity can also be filed by the persons who consider that their rights have been impaired as a result of a conflict of interest.

(3) This article shall not apply to regulatory and judicial documents.

## Chapter IV

### INCOMPATIBILITY, RESTRICTIONS AND LIMITATIONS

#### **Article 16.** General provisions on incompatibility

The subject of the declaration shall be considered incompatible if, besides his/her public service or public office, he/she also simultaneously holds/exercises another function, quality or activity that is prohibited by the Constitution of the Republic of Moldova and/or other legislative documents.

#### **Article 17.** General provisions on restrictions

The subject of the declaration shall observe the restrictions stipulated in Articles 18 to 21 and those provided for by legislation.

#### **Article 18.** Restrictions on the termination of employment or service agreements

(1) The subjects of declaration shall communicate to the manager of the public organisation where they work or, if case be, to the National Integrity Authority all offers of employment they intend to accept, in case such jobs can generate a conflict of interest. The communication shall be made in writing, within 3 days of the job offer being received.

(2) The persons indicated under paragraph (1) cannot obtain benefits which are not provided for by law or by the individual labour agreement on account to the job they held previously, including on account of business information they obtained in the exercise of that function.

(3) The subjects of the declaration who terminated their mandate, employment or service agreements, and who, during the last year of work or service, had direct supervisory responsibilities or control of commercial or non-commercial organisations, shall have no right to be employed, for a period of one year, by such organisations.

#### **Article 19.** Restrictions in case of commercial agreements conclusion

(1) If a subject of the declaration ceases to fulfill his/her obligations undertaken in a public organisation, the company in which he/she or persons close to him/her have shares or work as part of the management or oversight structures, he/she has no right, for a year, to conclude any commercial agreements with the authority where he/she worked. If the subject of the declaration has ceased to fulfill his/her obligations in a public organization, the enterprise in which he/she or persons close to him/her hold shares in the share capital or work in management or auditing structures is not entitled, for one year, to conclude commercial contracts with the public organization in which activated the mentioned subject.

(2) The restrictions established in paragraph (1) shall not apply if the agreement had been drawn up before the person who exercised a public function or public office was employed in the specific company.

#### **Article 20.** Restrictions on representation

The subjects of the declaration who have terminated their employment or service agreements may not represent, for a year, the interests of natural persons or legal entities in the public organisation where they worked nor can they represent natural persons or legal entities on issues regarding the professional duties they previously carried out.

#### **Article 21.** Restrictions on advertising

(1) The subject of the declaration may not use for his/her private interests, the official symbols related to the mandate, public service or public office that he/she exercises.

(2) It is forbidden to use or to allow the use of the name of the subject of the declaration, accompanied by the position of the same, as well his/her voice or signature, in any advertising form by an economic agent, as well as for a national or foreign commercial product, except for free advertising.

## **Chapter V**

### **CHECKING THE LAW ENFORCEMENT**

#### **AND LIABILITY FOR BREACHING**

#### **THE PROVISIONS OF THIS LAW**

**Article 22.** The authority responsible for checking the enforcement of this law

(1) The National Integrity Authority shall check the enforcement of this law.

(2) The manner of organization and functioning of the National Integrity Authority shall be regulated by Law No 132 of 17 June 2016 on the National Integrity Authority.

**Article 23.** Liability for breaching the provisions of this law

(1) Any breach of the provisions of this law shall result in disciplinary, contraventional, civil or criminal liability, if case be.

(2) Any breach of the provisions of Article 7 (4) represents a disciplinary offense and it shall be sanctioned in accordance with the legislation.

(3) The deed of the subject of the declaration in relation to which an unsettled state of incompatibility was established shall represent grounds for the termination of his/her mandate, employment or service. In this case, by way of derogation from the provisions of the special laws that regulate disciplinary responsibility, the disciplinary sanctions that may be applied for a disciplinary offense, may not be a warning, reprimand or a severe reprimand.

(4) The deed of the subject of the declaration in respect of which it was found that he/she had settled a request/proceeding, issued or adopted an administrative act, concluded, directly or through a third party, a legal act, took a decision or participated in the taking of a decision in violation of the legal provisions on the conflict of interests constitutes the basis for the contraventional or criminal liability and for the revocation, dismissal or, as the case may be, termination of the mandate, employment or service relations of the subject in question.

(5) A person whose property has been established, in whole or in part, as unjustified, by a final court decision, will be dismissed or revoked, as the case may be, from the position he/she holds.

(6) The subject of the declaration that has been removed or dismissed from his/her position in accordance with the provisions of paragraphs (3) and (5) shall be deprived from the right to hold a public function or office, except for electoral functions, for a period of 3 years as of the removal or dismissal from the respective public function or office or as of the date of the automatic cessation of his/her mandate. If the person held an eligible function, he/she can no longer occupy the same function for a period of 3 years as of the mandate cessation.

(7) In case the person no longer holds a public function or office on the date the incompatibility state or the conflict of interest is established, the 3 year interdiction shall apply, in accordance with the law, as of the date when the ascertaining document or, the court order confirming the existence of a conflict of interest or a state of incompatibility, respectively, became final and irrevocable.

(8) The National Integrity Authority shall keep the State register of persons who are forbidden to hold a public function or office, which is published on the official web site of the Authority.

(9) Failure to comply with the provisions of Art. 14 (9), failure to submit a declaration of assets and personal interests within the period and in the manner provided for by this law, after the notification of the integrity inspector made in accordance with Art. 27 (7) of Law No 132 of 17 June 2016 on the National Integrity Authority, as well as the refusal of the subject of the declaration to submit the same shall represent grounds for the cessation of his/her mandate, employment or service.

## **Chapter VI**

### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 24. Transitional provisions**

(1) The herein law shall come into force as of 1 August 2016, except for the provisions of Art. 7, which shall come into force as of 1 January 2018.

(2) By 1 January 2018, the subjects of the declaration shall submit their declarations of assets and personal interest in writing, on paper support or in electronic form. As of 1 January 2018, the subjects of the declaration shall be under the obligation to submit the declaration exclusively in electronic form, using the electronic service available on the official web site of the National Integrity Authority.

(3) By 1 January 2018, the declarations of assets and personal interest on paper support shall be submitted in accordance with the deadlines provided for under Art. 6, to the persons in charge with collecting them, appointed by the managers of the public organizations. The subject of the declaration who submits the declaration in writing, on paper support, shall have the right to rectify it and to substitute the submitted declaration before the expiry of the deadlines provided for under Art. 6.

(4) The declarations of assets and personal interest submitted pursuant to the conditions stipulated in paragraph (3) shall be published on the official web site of the National Integrity Authority within 30 days as of their submission, ensuring permanent access to the same, except for the data provided for under Art. 9 (2) and (3).

(5) The persons responsible for collecting the declarations shall have the following duties:

a) to receive and register the declarations in a special public register, called the Register of declarations of assets and personal interests, as per the template set out in Annex No 2;

b) to immediately issue to the subject of the declaration a proof for the reception of the submitted declaration, in accordance with the template provided for in Annex No 3;

c) upon the request of the subjects of declaration within the entity, to make available to the same the declaration forms;

d) at the request of the subject of the declaration, to ensure the substitution of the submitted declaration with the rectified one;

e) to offer advice on completing and submitting the declaration in time;

f) at the request of the subject of the declaration, to offer advice on the enforcement of the legal provisions on the declaration and control of assets and personal interests;

g) to check compliance with the conditions on the form of the declaration, in accordance with the provisions of Art. 7, and, if any non-conformity is determined, to return the declaration to its subject and to advise the same to rectify the declaration in case;

h) to permanently update the electronic Register of subjects of declarations of assets and personal interests.

(6) In the performance of the duties provided for under paragraph (5), the persons responsible for collecting the declarations shall be directly subordinated to the manager of the corresponding entity, who is responsible for the conduct in good working conditions of their activity and they shall be entitled to process personal data.

(7) If the person responsible for collecting the declarations identifies any deficiencies in the manner the declaration was completed, he/she shall recommend the subject of the declaration to rectify the same within 10 working days as of the date such rectification is requested. The fact that the declaration was returned for rectification purposes and the receipt of the rectified declaration shall be registered in the Register of declarations of assets and personal interests.

(8) After checking the declarations, the persons responsible for their collection shall submit to the National Integrity Authority, within 20 days from the expiry of the deadline indicated under Art. 6 (1), (2), (4) and (5), all submitted declarations, including those that have been rectified, along with the authenticated extract from the Register of declarations of assets and personal interests, as well as the list of subjects of declaration who did not submit or who submitted late their declarations of assets and personal interests.

(9) The declarations of the president and vice-president of the National Integrity Authority shall be submitted within 20 days as of the expiry of the deadline indicated under Art. 6 (1), (2), (4) and (5) to the Integrity Council, being accompanied by an authenticated excerpt from the Register of declarations of assets and personal interests.

(10) The failure of the person responsible for the collection of declarations to fulfill the functions provided for in this article shall represent a disciplinary offense.

(11) Any infringement of the confidentiality of the information included in the declarations of assets and personal interests indicated under Art. 9 (2) and (3) shall be sanctioned in accordance with the law.

(12) Unresolved situations of conflict of interest at the date of coming into effect of this law, as well as those occurring after its coming into effect, shall be declared and settled in accordance with the provisions of this law.

## **Article 25. Final provisions**

(1) Within 6 months from the coming into effect of this law, the Government shall:

a) establish the type of electronic signature and the manner of distributing it to the subjects of declaration;

b) check the conformity of its regulatory acts with the provisions of this law.

(2) Upon the coming into effect of this law, the Government shall provide for the National Integrity Authority the interoperability of data between the e-Integrity electronic system for on-line declarations and the state and private registers.

(3) Within 6 months from the coming into effect of this law, the National Integrity Authority shall:

a) create the necessary conditions for the submission of the declaration of assets and personal interests by electronic means;

b) prepare and approve the concept for the creation of the Electronic register of subjects of declarations of assets and personal interests and the State register of persons who are forbidden to occupy a public function or office;

c) prepare the regulation on keeping the Electronic register of subjects of declarations of assets and personal interests and the regulation on the keeping of the State register of persons who are forbidden to occupy a public function or office.

(4) On the date of coming into effect of this Law No. 1264-XV of 19 July 2002 on the declaration and inspection of income and property pertaining to persons holding a public office, judges, prosecutors, public officials and those performing a managerial function (as republished in the Official Gazette of the Republic of Moldova, 2012, no. 72-75, Art. 229), as subsequently amended and completed and Law no. 16-XVI of 15 February 2008 on the conflict of interest (as published in the Official Gazette of the Republic of Moldova, 2012, no. 72-75, Art. 231), as subsequently amended and completed shall be repealed.

**PRESIDENT OF PARLIAMENT**

**Andrian CANDU**

**No. 133 Chişinău, 17 June 2016.**

Annex 1

Annex 2

Annex 3

Annex 4