

**Law of the Republic of Moldova
on Constitutional Jurisdiction Code**

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**TITLE I
BASIS OF CONSTITUTIONAL JURISDICTION**

**Chapter I
GENERAL PROVISIONS**

Article 1. Basis of constitutional jurisdiction

The constitutional jurisdiction shall be exercised on the basis of the Constitution, the Law on the Constitutional Court and the present code.

Article 2. Authority of constitutional jurisdiction

1. The Constitutional Court shall be the sole authority of constitutional jurisdiction in the Republic of Moldova.
2. The Constitutional Court shall guarantee the supremacy of the Constitution, ascertain the implementation of the principle of separation of the state powers into legislative, executive and judiciary authority; guarantee the responsibility of the state towards the citizen and of the citizen towards the state.

Article 3. Principles of the Constitutional Court activity

The Constitutional Court shall operate on the basis of the following principles:

- a. independence from any public authority;
- b. collegiality;
- c. legality;
- d. publicity.

Article 4. Competence of the Constitutional Court

1. While exercising the constitutional jurisdiction, the Constitutional Court shall:
 - a. carry out, upon appeal, the constitutionality review of laws, regulations and decisions of the Parliament; the decrees of the President of the Republic of Moldova; the decision and provisions of the Government, as well as the international treaties the Republic of Moldova is a party to;
 - b. give the interpretation of the Constitution;
 - c. pronounce itself upon the initiatives aimed at revising the Constitution;
 - d. confirm the results of the republican referenda;
 - e. confirm the results of elections of the Parliament and the President of the Republic of Moldova, validate the mandates of the Parliament's members and of the President of the Republic of Moldova;
 - f. ascertain the circumstances which justify the dissolution of the Parliament, the dismissal from office of the President of the Republic of Moldova, the interim office of the President, the impossibility of the President of the Republic of Moldova to fully exercise his/her powers for more than 60 days, as well as it shall ascertain the circumstances which lead to the withdrawal of the Parliament's member mandate, dispose the withdrawal of the latter and pronounce as vacant the mandate of the Parliament's member ;
 - g. settle the pleas of unconstitutionality of the judicial acts, having been claimed by the Supreme Court of Justice;

- h. decide on the issues dealing with the constitutionality of a political party;
 - 2. There shall be subject to constitutionality review only the normative acts adopted after the entrance into force of the Constitution of the Republic of Moldova on 27 August 1994.
- (3) The Constitutional Court shall examine exclusively legal matters.

Article 5. Functional competence of the Constitutional Court

The following functional issues shall fall under the competence of the Constitutional Court:

- a. the election of the President of the Constitutional Court and a judge which shall substitute the President while his/her absence;
- b. the approval of the Regulations of the Constitutional Court Secretariat, its structure and staff schedule, the Regulations of the Advisory - Scientific Board within the Constitutional Court, the Regulations on the organisation and conduct of the contest for the office of assistant-judge of the Constitutional Court and the respective attestation procedure, the Regulations on length of service of the judges and employees of the Constitutional Court Secretariat;
- c. the drawing up of the draft budget of the Constitutional Court and its presentation for approval in the Parliament;
- d. the determination of salaries, indemnities and pensions of the President and judges of the Constitutional Court;
- e. the disciplinary liability of the Constitutional Court judges;
- f. the withdrawal of the mandate of the Constitutional Court judge in cases stipulated by the Law on the Constitutional Court, Article 19, paragraph (1);
- g. the examination of the complaints to the sanctions operated by the President of the Constitutional Court and to the decisions passed by the judges of the Constitutional Court on legal charges;
- h. the determination of the main directions of the relationships with similar institutions from abroad;
- i. the presentation to the President of the Republic of Moldova, the Parliament and the Superior Council of Magistracy of an annual report on constitutional jurisdiction enforcement;
- j. other issues provided for by the Law on the Constitutional Court and the present code.

Article 6. Ambit of competence

- 1. The Constitutional Court shall consider only the issues within the ambit of its competence. If during the examination process the issues falling within the competence of other authorities appear, then, the Court shall dispatch to them the relevant materials or it shall notify the parts and interested bodies about this fact giving the adequate explanations.
- 2. The Constitutional Court shall establish for itself the ambit of competence.
- 3. Exercising the constitutionality review of the claimed act, the Constitutional Court may deliver a judgment with regard to other normative acts the constitutionality of which depends, entirely or partially, on the constitutionality of the contested act.

Article 7. Presumption of constitutionality of the normative acts

Any normative act, as well as any international treaty the Republic of Moldova is a party to, shall be considered as constitutional until its unconstitutionality is ascertained in the process of constitutional jurisdiction, securing all the guarantees foreseen by the present code.

Chapter II

PRINCIPLES OF CONSTITUTIONAL JURISDICTION

Article 8. Independence

- 1. The judges of the Constitutional Court shall be independent and in the exercise of their mandates shall be subject only to the Constitution.

2. The judges of the Constitutional Court shall examine the case-files under the conditions that preclude any influence from outside.
3. The judges of the Constitutional Court shall not be held responsible for their votes and opinions expressed in the exercise of their office, as well as after the cessation of their mandates.

Article 9. Immovability

1. The judges of the Constitutional Court shall be irremovable during the term of office.
2. The mandate of the Constitutional Court judge shall be suspended or withdrawn only in cases and manner provided for by the Law on the Constitutional Court.

Article 10. Immunity

1. The judge of the Constitutional Court cannot be apprehended, arrested, searched except for the cases of a flagrant offence, nor can he/she be sent to trial for criminal or petty offences, unless preliminary approved by the Constitutional Court.
2. The judge of the Constitutional Court whose identity has not been recognised at the moment of restraint shall be immediately released at the moment his/her identity is determined.
3. The decision-making factor which has undertaken the restraint of the Constitutional Court judge caught in a flagrant felony shall immediately notify the Court, whose final decision on the restraint shall be issued within 24 hours.
4. The establishment of sanctions on judges of the Constitutional Court for the disciplinary infringements and the procedure of their application, as well as the withdrawal of the mandates shall be carried out under the present code.

Article 11. Equality of the participants during the trial

The constitutional jurisdiction shall be exercised on the principle of equality of the parts and other participants during the trial, with regard to the Constitution and the Constitutional Court.

Article 12. Proper character of the hearings

1. The Constitutional Court shall directly examine the explanations of the parts, conclusions of the experts; it shall also read out the evidences and other official documents referred to the challenged case.
2. The written evidences handed in to all judges of the Constitutional Court and the participants in the proceedings may not be delivered in public, if their summary has been orally exposed during the session. Upon appeal of a judge or one of the parts, the Constitutional Court shall decide upon a complete or partial hearing of the written evidences.

Article 13. Publicity of the proceedings

1. The trial debates during the Constitutional Court sessions shall be held in public, except for the cases when the publicity could threaten the State security and public order.
2. Amongst the participants, at the case examination in secret proceedings, there may assist other persons invited according to the Constitutional Court judgment. At the case examination in secret proceedings, there shall be observed the procedure of constitutional jurisdiction.
3. The acts of the Constitutional Court shall be delivered in public.
4. The date, hour and agenda of the Constitutional Court sessions shall be announced in public.
5. Having the authorisation of the Constitutional Court, the representatives of radio - television companies and other mass media means shall, partially or completely, broadcast the running of sessions and make reports.

Article 14. Continuity of the process

1. The session of the Constitutional Court shall be conducted without any cessation, except for the time foreseen for the break and clearing of some circumstances that might impede the normal course of the session.

2. The Constitutional Court shall not examine other cases, until the ruling on of the judgment on the case in question or until the passing of the decision on the decline of its examination.

Article 15. Language of the constitutional jurisdiction procedure

1. The proceedings of the constitutional jurisdiction shall be held in Moldavian language.
2. The persons who do not know the language of proceedings shall be entitled to speak in court law through an interpreter.
3. The documents on the constitutional jurisdiction procedure shall be lodged with the Constitutional Court and handed over to the parts and, pursuant to the Court judgment, to other persons, in the way foreseen by the Law on the functioning of the languages spoken on the territory of the Republic of Moldova.

TITLE II

EXERCISE OF THE CONSTITUTIONAL JURISDICTION

Chapter III

SESSIONS OF THE CONSTITUTIONAL COURT

Article 16. Plenum of the Constitutional Court

1. The Constitutional Court shall exercise jurisdiction in plenary sessions (plenum).
2. The plenum of the Constitutional Court, besides the exercise of jurisdiction, shall rule the activity of the Court on the whole.

Article 17. Summons of the sessions

1. The Constitutional Court shall be convened in session by its President, upon the initiative of the latter or at the request of at least two judges of the Court.
2. The date, hour and place of the session shall be brought to the knowledge of the parties ten days at the latest before the beginning of the session, except for the extraordinary cases.
3. The parties shall be handed in the subpoenas, signed by the Chief of the Court Secretariat, as well as the relevant materials for the appeal examination.

Article 18. Working sessions

The President of the Constitutional Court shall convene the judges and Secretariat staff in working sessions on issues related to the Court and Secretariat Departments activity.

Article 19. Competence of the President of the Constitutional Court in the proceedings preparation

1. The President of the Constitutional Court shall exercise the general supervision over the preparation of the session.
2. Upon the appeal lodged by the subjects foreseen by the Law on the Constitutional Court, Article 25, the President of the Court shall order the forwarding of the appeal for the preliminary examination within the settled term to:
 - a. one or more judges of the Court;
 - b. to a Secretariat department or an assistant-judge.
1. The order of the President of the Constitutional Court shall be legalised by a special blank.
2. Following the Constitutional Court decision on the acceptance of the appeal for examination and its insertion in the agenda, the President of the Court shall designate a rapporteur-judge, settle the term for the appeal examination and report presentation, which cannot not be longer than 60 days from the date of the appeal registering. If the necessity to carry out a great amount of investigation arises, this term shall be prolonged by 30 days.
3. The President of the Constitutional Court shall solicit from the rapporteur - judge information with regard to the preparation of the case-file for examination, designate the persons to be

invited at the session, give indications on the forwarding of the documents to the judges and participants in the proceedings, as well as on their notification of the place, date and hour of the session.

Article 20. Competence of the rapporteur-judge in the proceedings preparation

1. Based on the Constitutional Court decision on the acceptance of the appeal for examination and its recording in the agenda, the rapporteur-judge shall undertake the following measures:
 - a. remits to the other party a copy of the appeal and enclosed documents;
 - b. considers the possible written objections of the other party with regard to the appeal;
 - c. requires from the relevant bodies the case related materials;
 - d. solicits the performance of expertise;
 - e. undertakes other actions for the case settlement;
2. All the actions by the rapporteur- judge for the preparation of the case for examination shall be operated on behalf of the Court. The requirements of the rapporteur- judge shall be mandatory.
3. After the preliminary preparation of the issue for examination within the relevant Secretariat department, the rapporteur- judge supervises the drawing up of the case-file that shall include the following:
 - a. the decision of the Constitutional Court to accept the appeal for examination and to include it in the agenda;
 - b. the advisory opinion on the preliminary examination of the appeal;
 - c. the appeal and the enclosed documents;
 - d. the request to carry out the expertise;
 - e. the informative notes and reports drawn up during the preliminary examination of the appeal;
 - f. the expertise reports and other documents.
4. The judges of the Constitutional Court shall have the right to be acknowledged, at any stage of preparation of the case for examination, with the case-file documents.
5. After the preparation of the case for examination, 10 days at the latest prior the Constitutional Court session, the rapporteur-judge shall be empowered:
 - a. to acquaint the judges and participants in the proceedings with the place, date and hour of the session;
 - b. to remit to the judges and parties the copies of the appeal;
 - c. to deliver to the participants in the proceedings, upon their request, the case-file documents.
6. In case of settlement of pleas of unconstitutionality invoked with regard to legal acts addressed by the Supreme Court of Justice, which derive from concrete criminal or civil cases, the persons who are parties in these respective cases shall be entitled to take knowledge of all case-file documents.
7. Upon the Constitutional Court judgment, the documents of the case-file may be dispatched to other participants in the proceedings, as well as to the President of the Republic of Moldova, the Speaker of the Parliament, the Prime - Minister, the Chairman of the Supreme Court of Justice and the Prosecutor General.

Article 21. Competence of the Secretariat Chief in the proceedings preparation

On the preparation of the case for examination, the Chief of the Secretariat shall ensure:

- a. the control on the observance of the established term for the appeal examination;
- b. the elaboration of the draft - plan on the appeals examination, the introduction of the endorsed plan to the judges, assistant-judges, Secretariat departments and the control over its enforcement;
- c. the delivery of the agenda of the Constitutional Court sessions to the judges and Secretariat departments: with regard to appeals - 10 days at the latest, and other issues - 3 days at the latest prior to the session;
- d. the dispatch of the appeal copies to the judges within the term of 3 days following the Constitutional Court decision on the acceptance of the appeal for examination and its inserting in the agenda;

- e. the technical and organisational assistance of the Constitutional Court sessions;
- f. the protocol deeds.

Article 22. Drafting of the agenda (putting the cases on the roll)

1. Upon proposal of the President or judges of the Constitutional Court, it shall determine the issues that are to be examined in plenary sessions and approve the agenda.
2. The draft decisions and, if necessary, the informative notes on the cases inserted in the agenda (put on the roll) shall be handed in to the judges of the Constitutional Court 3 days at the latest prior to the session.
3. The works of the session shall be registered in a minute of proceedings.

Article 23. Insuring the order and security of the session

1. The order and security during the session shall be ensured by the administrator of the Constitutional Court.
2. The Constitutional Court shall dispose the control of the persons willing to attend the session, including the check-up of their identity cards, personal things and bodily search.
3. The participants and other assisting persons at the trial shall manifest a respectful attitude towards the Constitutional Court.
4. The lack of respect towards the Constitutional Court through the insubordination to the dispositions of the Chairman of the session and the breach of the discipline during the trial, as well as the committing of other deeds which show an obvious disregard towards the Court and the procedure of constitutional jurisdiction shall entail the liability as provided for by Article 82.

Article 24. Administrator of the Constitutional Court

1. The preservation of order within the premises of the Constitutional Court shall be the task of the administrator whose legitimate requirements are binding.
2. During the session of the Constitutional Court, the administrator shall properly fulfil the rules of the constitutional jurisdiction procedure and the orders of the Chairman of the session.
3. The administrator shall wear a gown, the design of which is approved by the Constitutional Court.

**Chapter IV
COURT OF JUSTICE. CHALLENGE.**

Article 25. Quorum

1. The quorum of the Constitutional Court plenum shall be formed of two thirds of the number of judges.
2. The judges shall not have the right to shirk from attending the sessions.

Article 26. Unalterable character of the Court

1. The case shall be adjudicated by the Constitutional Court in the same composition.
2. In case the judge cannot attend on well-grounded reasons the already started trial, the examination of the case shall pursue in the same composition, if the quorum stipulated by Article 25 is maintained.

Article 27. Challenge

1. The judge of the Constitutional Court may not take part at the case examination and shall be challenged if:
 - a. he has been acted as a decision-making factor at the adoption of the appealed act, except for the cases of elaboration and adoption of the Constitution;
 - b. he has delivered in public his opinion on the constitutionality of the contested act.

1. If there exist the conditions under para. (1), the judge of the Constitutional Court shall be compelled to declare his challenge.
2. Under the same reasons, the challenge may be launched by the parties.
3. The challenge shall be well grounded and delivered at the session opening. The challenge declaration may be also drawn up later, if the part has found out during the case examination, that there are reasons for the challenge.
4. The challenge of the Constitutional Court judge shall be performed after hearing his opinions, by a well-grounded decision of the Court.

Chapter V

PARTICIPANTS IN THE PROCEEDINGS. THEIR RIGHTS AND OBLIGATIONS.

Article 28. Participants in the proceedings

The participants in the proceedings shall be considered the parties, their representatives, the experts and interpreters.

Article 29. Parties

1. The parties in the constitutional jurisdiction proceedings shall be:
 - a. the official bodies or persons which, pursuant to Article 38, are entitled to lodge appeals with the Constitutional Court;
 - b. the official bodies or persons, the acts of which are disputed.
2. The official persons who are parties in the proceedings may exercise their procedural rights personally or through their representatives.
3. The public authorities, institutions and organisations shall be represented as a party in the proceedings by their steering bodies, which act within their ambit of competence granted to them under the law, or by their representatives.

Article 30. Representatives of the parties

1. As representatives of parties may participate, on the basis of a letter of attorney, lawyers, specialists in the respective field and other persons. On behalf of a party, several representatives may participate at the session.
2. The prerogatives and rights of the representative shall be indicated in the letter of attorney.

Article 31. Rights and obligations of the parties

1. The parties in the constitutional jurisdiction proceedings shall enjoy equal procedural rights.
2. The parties shall have access to the file documents, may submit their arguments and take part at their consideration, raise questions to other participants at the trial, make statements, give explanations, either in writing or orally, object to the assertions, arguments and remarks of the other participants in the proceedings.
3. The appellant shall be entitled to modify the ground or object of the appeal, to waive it, partially or totally.
4. The parties shall independently submit their arguments referred in the appeal.
5. In case more representatives of a party with the same prerogatives attend the session, the Constitutional Court may request the initiative of a representative to state the final opinion and deliver the final speech.

Article 32. Expertise. Rights and obligations of the experts

1. While preparing the case for examination, the rapporteur-judge, and in session - the Constitutional Court, may order an expertise to be performed. The order to perform the expertise shall be legalized through nominal request of the rapporteur- judge or the decision of the Constitutional Court, ascertaining the term for the written introduction of the expertise report.

2. In case several experts have been designated, they shall have the right to consult each other. If they reach the same conclusion, they shall sign a single expertise report.
3. The expert shall have access to the file documents, may solicit, if necessary, the additional data and with the consent of the session chairman may raise questions to parties.
4. The expert shall present himself when summoned by the Constitutional Court and draw up an objective expertise report.
5. Before delivering a speech in the Constitutional Court session, the expert shall take the following oath: "Being invited at the Constitutional Court as an expert, I swear to draw up an objective and scientifically well-motivated expertise report, to honestly reply to the questions, as to my knowledge and professional competence".
6. Upon the proposal of the session chairman, the expert shall read the oath, sign it and hand it over to the court clerk in order to be enclosed in the minutes of proceedings.
7. The expertise report shall not be binding upon the Constitutional Court. The Court shall assess it, having its own belief, established during the examination under all aspects of the case circumstances and being guided only by the Constitution.

Article 33. Interpreter. His rights and obligations

1. The interpreter shall be appointed by the Constitutional Court or the rapporteur-judge in order to translate to the trial participants, which do not know the Moldavian language.
2. The interpreter shall present himself when summoned by the Constitutional Court or the rapporteur-judge.
3. In case of an unmotivated default at the session, refusal to carry out his duties or a fraudulent translation, the interpreter shall be held liable under the law.

Chapter VI TERM OF PROCEEDINGS

Article 34. Settlement of the term of proceedings

The term of proceedings shall be settled from the date of the appeal registering.

Article 35. Cessation and continuity of the term of proceedings

1. The term of proceedings shall be interrupted following the cessation of the process, as a result of ascertaining of some circumstances deemed as a ground for judgement's delaying.
2. The term of proceedings shall continue from the date of the resumption of the process.

Article 36. Prolongation of the term of proceedings

Upon appeal of a judge or of the participants at the process, the Constitutional Court or its President shall prolong the term of proceedings.

Article 37. Restoring in the term of proceedings

As a result of some reasons considered by the Constitutional Court as being well grounded, the persons, who failed to carry on a proceeding act in the established term, shall have the right to be restored in term.

Chapter VII APPEAL TO THE CONSTITUTIONAL COURT

Article 38. Subjects entitled to address the Constitutional Court

1. The Constitutional Court shall exercise the constitutional jurisdiction upon appeal of the following subjects:
 - a. President of the Republic of Moldova;
 - b. Government;
 - c. Minister of Justice;

- d. Supreme Court of Justice;
 - e. Economic Court;
 - f. Prosecutor General;
 - g. Member of the Parliament;
 - h. Parliamentary fraction;
 - i. Ombudsman;
 - j. People's Assembly of Gagauzia (Gagauz-Yeri) - in cases of exercising the review of constitutionality over laws, regulations and decisions of the Parliament, decrees of the President of the Republic of Moldova, decisions and orders of the Government, as well as the international treaties the Republic of Moldova is a party to, which infringes upon the powers of Gagauzia.
2. The subjects foreseen by para. (1) may petition the Court on issues related to their competence, except for the appeals on:
- a. the revision of the Constitution, that shall be undertaken by the subjects provided for by Article 141 of the Constitution;
 - b. the ascertaining of the circumstances which justify the dissolution of the Parliament, that shall be operated by the President of the Republic of Moldova;
 - c. the ascertaining of the circumstances which justify the suspension from office of the President of the Republic of Moldova or the interim office of the President of the Republic of Moldova, that shall be submitted on the basis of the Parliament decision, signed by its Speaker;
 - d. issue dealing with the constitutionality of a political party, that shall be lodged by the President of the Republic of Moldova, the Speaker of the Parliament, the Government, the Minister of Justice or the Prosecutor General. The Speaker of the Parliament may petition the Court on the basis of a Parliament decision, the Prosecutor General - on the basis of a decision issued by the Board of the General Prosecutor's Office and the Minister of Justice - on the basis of a decision issued by the Ministry of Justice Board.
3. The results of the republican referendum, the elections of the Parliament and the President of the Republic of Moldova shall be confirmed following the examination of the report delivered by the Republican Commission on the conduct of the referendum or of the Central Electoral Commission.
4. The documents on declaring the substitute candidate as a member of Parliament shall be submitted to the Constitutional Court by the Central Electoral Commission.

Article 39. Pattern and content of the appeal

- 1. The appeal shall be presented in written form in Moldavian language.
- 2. The appeal shall be motivated and shall include:
 - a. the name of the Constitutional Court as a claimed body;
 - b. the name and address of the applicant;
 - c. the object of appeal;
 - d. the circumstances on the basis of which the applicant submits its demands;
 - e. the claims of the appeal;
 - f. other data related to the object of appeal;
 - g. the catalogue of the attached documents; ¶h. the signature of the applicant, its code and stamp.

Article 40. Admissibility of the appeal

- 1. After the appeal has been lodged with the Constitutional Court, it shall be tabled to the Court President. ¶2. In case the appeal meets the requirements of Article 39, the President of the Constitutional Court shall undertake the deeds stipulated by Article 19.
- 3. In case the appeal runs counter to the requirements under Article 39, the President of the Constitutional Court shall accept the appeal, suggesting to the applicant to settle the drawbacks or shall decline the appeal.

Article 41. Withdrawal of the appeal

1. The appeal may be withdrawn by its applicant at any stage of the case examination.
2. The appeal inserted in the agenda shall be declined by a decision of the Constitutional Court.

Article 42. Repeated appeal

1. Repeated appeal shall not be allowed, in case the Constitutional Court has, partially or on the whole, passed a decision regarding a normative act.
2. In the event the applicant has withdrawn the appeal, a repeated appeal shall be allowed only after 9 months.

Article 43. Colligation of the files

Each appeal shall be deemed, as a rule, a separate case. If the appeals dwell on the same issue, the Constitutional Court shall dispose to colligate the files.

Article 44. Preliminary examination of the appeal

1. The preliminary examination of the appeal shall be carried out by the Constitutional Court judge or the assistant-judge.
2. The results of the preliminary examination of the appeal shall be legalised through an advisory opinion.
3. After the introduction of the advisory opinion on the preliminary examination of the appeal, the President of the Constitutional Court shall submit the documents in the Court session.

Chapter VIII

EXAMINATION OF THE APPEAL IN SESSION

Article 45. Opening of the session

The session shall start with the court clerk order: "Please rise, the judges of the Constitutional Court are entering." After this solemnity, the chairman of the session shall refer to the case, which are to be examined.

Article 46. Chairing of the session

1. The session of the Constitutional Court shall be presided over by the Court President.
2. The remarks of the session chairman shall be binding upon the participants in the proceedings or other persons attending the session.
3. The chairman of the session shall remove from the proceedings everything not related to the case examination and the exercise of the Constitutional Court prerogatives. He shall be also entitled to interfere, after warning, with any participant's speech, to reject any question or explanation, which do not refer to the case, the proceedings or the Constitutional Court competence; he may deprive of the right to take the floor the participant who breaches the debate order, has no a disciplinary behaviour, encroaches upon other rules of the constitutional jurisdiction procedure; shall be entitled to order the removal from the session room of any person who breaches the order and ignores his dispositions.
4. The chairman of the session shall preside over the deliberations of judges of the Constitutional Court in the council room and ensure the proper conditions for free examinations of their opinions.

Article 47. Checking the attendance at the session

1. The chairman of the session shall ascertain the attendance of the participants at the session, the reasons of their absence, he/she shall check up, if necessary, the authorizations of the decision-making factors and the representatives of the parties.
2. The chairman of the session shall present the composition of the Constitutional Court, the name of the court clerk, experts and interpreter.

Article 48. Explanation of the rights and obligations of the participants in the proceedings

The chairman of the session shall explain to the participants in the proceedings their procedural rights and obligations. He shall bring to the experts' attention the liability they might entail for the unsatisfactory fulfilment of their obligations.

Article 49. Default of the parties at the session

1. The default of a party at the Constitutional Court session, preliminary informed on the date, hour and place of the session, pursuant to the Secretariat Regulations, shall not impede the case to be examined and the judgment or advisory opinion to be handed down.
2. In case the party has declared its intention to take part at the session, but failed to attend, because he had not received the summons or had received it with delay, or in case the Constitutional Court has no confirmation that the summons reached its destination, the session of the Court shall be postponed.
3. The session of the Constitutional Court shall be also adjourned in case of non-appearance of both parties, the reasons of their default being unknown, but with their preliminary expression of the intention to attend the proceedings, or in case when both parties request the Court to postpone the session.

Article 50. Settlement of the approaches

1. The approaches of the participants in the proceedings, delivered in written form, after their preliminary hearing in session, shall be registered in a file. The oral approaches shall be recorded in the minutes of proceedings.
2. The approaches shall be settled during the session, by a decision of the Constitutional Court.
3. The Constitutional Court shall dispose, by a decision or disposition, to summon new persons at the session.

Article 51. Information delivered by the rapporteur-judge

1. The examination of the case-file shall start with the information delivered by the rapporteur-judge on the essence of the issue, the ground on which the Constitutional Court shall examine it and the documents on the preparation of the case for examination.

Article 52. Explanations of the parties

1. After the information of the rapporteur- judge has been presented, the chairman of the session shall propose to the parties to express their views.
2. The first to lay before his/her viewpoint shall be the applicant, then the floor is open to the other party.
3. In case when a party insists that all its representatives to be heard, the Constitutional Court shall offer them this opportunity, if the representatives are assigned well determined powers.
4. The parties shall not make use of their right to take the floor before the Constitutional Court for political propaganda. They shall be compelled to a disciplinary behaviour and to obey the rules of the constitutional jurisdiction procedure.
5. After the party has expressed its viewpoint, the judges of Constitutional Court and the other party may address questions.
6. The experts shall have the right to raise questions only on the elaboration of the expertise report.
7. The chairman of the session shall decline the questions with an obvious answer.

Article 53. Hearing of the experts

1. The Constitutional Court shall hear, if necessary, the experts. The order by which the experts follow to be heard shall be established by the Court.
2. The judges of the Constitutional Court and the participants in the proceedings may raise questions to the expert.

Article 54. Concluding speech of the parties

1. The parties shall deliver a concluding speech, in which they may analyse the materials examined during the session of the Constitutional Court.
2. Upon request of the parties, the Constitutional Court shall offer them the necessary time for drawing up the concluding speech, for which the break of the session shall be announced.

Article 55. Deliberation

1. The judges of the Constitutional Court shall deliberate in the council room.
2. The deliberation shall take place in secret. The judges of the Constitutional Court shall not be entitled to disclose the content of the deliberation.
3. The chairman of the session shall offer to the judges of the Constitutional Court the opportunity to freely express their opinion on the examined issue. During the deliberation, the judges may define their opinions.
4. After the deliberation, the chairman of the session shall put to vote the proposals of the rapporteur- judge and other judges and the drafts of the Constitutional Court acts.

Article 56. Resumption of the case examination

In the event, after the concluding speech of the parties or in the council room, the necessity to examine new arguments or circumstances essential for the case examination arises, the Constitutional Court shall decide on the resumption of the case examination. In such cases, the Constitutional Court shall announce the break of the session or shall adjourn the case consideration.

Article 57. Minutes of proceedings

1. The sessions of the Constitutional Court shall be registered in the minutes of proceedings and it shall contain:
 - a. the place and date of the session, the time of its opening and closure;
 - b. the name of the chairman of the session, the attending judges and the court clerk;
 - c. the agenda;
 - d. the information about the parties and other participants in the proceedings;
 - e. the deeds of the Constitutional Court keeping the order of their display, the passed decisions;
 - f. the approaches, declarations and explanations of the parties;
 - g. the expertise report, questions and answers;
 - h. the speeches of other persons;
 - i. the deeds and circumstances the registering of which in the minutes of proceedings have been requested by the participants in the proceedings;
 - j. the warnings, fines and other deeds of the chairman of the session;
 - k. the issues submitted to vote and its results;
1. the registered decisions ruled by the Constitutional Court.
 1. The minutes of proceedings shall be drawn up by the court clerk. He shall validate each page of the minutes of proceedings and shall be held responsible for its correctness.
 2. The minutes of proceedings shall be drawn up and signed by the chairman of the session and the court clerk within 5 days at the most from the date of the session closure.

Article 58. Ethics of the constitutional jurisdiction procedure

1. The sessions of the Constitutional Court shall carry on in a solemn atmosphere, abiding by the ethics of the constitutional jurisdiction procedure.
2. In the session room shall be placed the State Coat of Arms, the State Flag and the Constitution of the Republic of Moldova.
3. During the session, the judges of the Constitutional Court shall wear gowns, the design of which has been approved by the Court.

4. The audience shall rise when the judges of the Constitutional Court enter or leave the session room.
5. The participants in the proceedings shall stand while addressing to the Constitutional Court, putting forward their requests and declarations, presenting explanations and answering the questions. Exceptions may be made with the chairman of the session consent.
6. The participants in the proceedings shall not have the right to raise questions to the judges of the Constitutional Court.
7. The participants in the proceedings shall address to the Constitutional Court or to the judges with the wording: "Honoured Court", "Your Highness" and to other persons with the wordings: "Dear Sir", "Dear Lady".
8. The infringement of the ethics of the constitutional jurisdiction procedure shall represent the lack of consideration towards the Constitutional Court and shall entail liability under the present Code.

Article 59. Adjournment of the session

1. The session of the Constitutional Court may be adjourned in case:
 - a. the Court infers that the file is not ready for examination;
 - b. the parties, a party, the expert, whose presence is mandatory, failed to attend the session;
 - c. the adjournment of the session is requested by a judge, a party, and the Court shall consider the motivation of the request as convincing;
 - d. there is no the quorum for holding the session, for reasons of the judge illness or his/her motivated absence;
 - e. there are other circumstances that cannot be removed during the break and which impede the normal proceeding of the session;
1. The decision on the adjournment of the session shall be endorsed by the majority vote of the Constitutional Court judges. In this case, the Court may hear the experts in the presence of the parties.
2. The Constitutional Court shall resume the examination of the case after clearing off the circumstances, which have caused the adjournment of the session.

Article 60. Cease of the proceedings

The Constitutional Court shall order the suspension of the proceedings, if:

- a. the appeal has been withdrawn;
- b. the appeal does not belong to the competence of the bodies and persons which have addressed it;
- c. the settlement of the appeal does not fall under the Constitutional Court competence;
- d. the plea of unconstitutionality of the contested normative act has been settled out;
- e. there is a previous judgment of the Constitutional Court on the contested issue;
- f. parity of votes has been registered upon adoption of a judgment, decision or advisory opinion in cases foreseen by Article 66, paragraph (5).

Chapter IX

THE ACTS OF THE CONSTITUTIONAL COURT

Article 61. Acts of the Constitutional Court

1. The Constitutional Court shall pass judgments, decisions and shall issue advisory opinions.
2. In case of settlement of the appeal on merits, there shall be passed a judgment or shall be issued an advisory opinion.
3. In case of non-settlement of the appeal on merits, there shall be passed a decision, drawn up as a separate act, or it shall be registered in the minutes of proceedings.

Article 62. Judgments

By a judgment, the Constitutional Court shall:

(1) rule on the constitutionality of laws, regulations and decisions of the Parliament, the decrees of the President of the Republic of Moldova, the decisions and provisions of the Government, as well as the international treaties the Republic of Moldova is a party to;

- a. interpret the Constitution;
- b. confirm the results of the republican referenda;
- c. confirm the results of elections of the Parliament and the President of the Republic of Moldova;
- d. solve the pleas of unconstitutionality of the judicial acts having been claimed by the Supreme Court of Justice;
- e. rule on other cases within its competence.

Article 63. Advisory opinions

By an advisory opinion the Constitutional Court shall rule on:

- a. the initiatives of revising the Constitution;
- b. the circumstances which justify the dissolution of the Parliament;
- c. the circumstances which justify the dismissal from office of the President of the Republic of Moldova;
- d. the circumstances which justify the interim office of the President of the Republic of Moldova;
- e. the issue dealing with the constitutionality of a party;
- f. other cases under its competence.

Article 64. Decisions

The decisions shall be passed by the Constitutional Court, the President and judges of the Court on issues stipulated by the procedure of constitutional jurisdiction, except for the cases, which request a judgment or an advisory opinion.

Article 65. Dispositions

The President of the Constitutional Court, in the exercise of the office, shall deliver dispositions.

Article 66. Passing of judgments, decisions and issue of advisory opinions

1. The Constitutional Court shall pass judgments, decisions and shall issue advisory opinions by open vote. Upon the Court decision, some acts shall be adopted by secret vote.
2. The open vote shall be performed by the nominal hearing of the judges of the Constitutional Court. The chairman of the session shall be the last to vote.
3. The chairman of the session shall submit to vote the proposals of judges of the Constitutional Court keeping the order of their submission. As a result, the act shall be voted on a whole.
4. The judge of the Constitutional Court shall not be entitled to refrain from deliberations or from vote.
5. In case that for the adoption of the judgment on the constitutionality of the normative act or the international treaty the parity of votes is recorded, the normative act or the international treaty shall be presumed constitutional, and the procedure shall be ceased. In other cases of the parity of votes, the judgment, decision or the advisory opinion shall be considered as being not adopted, and the examination of the case shall be ceased excepting the cases foreseen by Article 4, paragraph (1). letters d), e), f) and h) when examination is to be adjourned.
6. Upon proposal of the chairman of the session, the judgment, decision and the advisory opinion shall be laid down in written form by the rapporteur- judge or any other judge.

Article 67. Dissenting opinion of the judge

1. The judge of the Constitutional Court who has disagreed with the delivered judgment or the issued advisory opinion may express in written form his/her dissenting opinion.
2. Upon the judge's request, his/her dissenting opinion shall be attached to the adopted act.

Article 68. Elements of the judgment and advisory opinion

1. The judgment and the advisory opinion shall contain:
 - a. the name, date and place of its adoption;
 - b. the composition of the Constitutional Court, the name of the court clerk;
 - c. the information about the parties and their representatives;
 - d. the provision of the Constitution pursuant to which, the appeal shall be examined;
 - e. the requirements of the applicant;
 - f. the name of the normative act, the constitutionality of which is considered;
 - g. the circumstances cleared up by the Court;
 - h. the arguments in favour of the delivered judgment or issued advisory opinion, and, if the case, the arguments which reject the parties' opinions;
 - i. the ordinance;
 - j. the manner and term of their enforcement;
 - k. the note on their binding and final nature;
 - l. the date of their entrance into force;

Article 69. Elaboration of the judgment and advisory opinion

1. The judgment and the advisory opinion shall be drawn up as separate acts.
2. The Constitutional Court may adjourn the elaboration of the judgment and advisory opinion, but no later than 5 days. The ordinance of the adopted act shall be drawn up in written form, delivered at the same session and attached to the file. After the elaboration of the judgment and advisory opinion, the Constitutional Court shall bring them to the knowledge of the participants in the proceedings.
3. The judgment and the advisory opinion shall be signed by the President of the Constitutional Court and shall be enclosed in the register of the Court.

Article 70. Passing of the judgment and advisory opinion

1. The judgment and the advisory opinion shall be delivered, as a rule, at the same session, after the deliberation of the Constitutional Court judges. While passing the act, the chairman of the session shall not disclose the voting results, except for the cases when a judge has a dissenting opinion. In such cases, the dissenting opinion shall be delivered after the judgment and the advisory opinion have been passed.
2. The judgments and the advisory opinions shall be passed on behalf of the Republic of Moldova.

Article 71. Irrevocable nature of the judgment and advisory opinion

The judgment and the advisory opinion of the Constitutional Court shall be final and cannot be appealed against.

Article 72. Review of the judgment and advisory opinion

1. The review of the judgment and advisory opinion shall be performed only at the initiative of the Constitutional Court, by a decision adopted with the majority vote of the judges, in case when:
 - a. there appeared new circumstances, unknown at the date of the judgment delivery and the advisory opinion issue, and if these circumstances may essentially change the judgment and the advisory opinion;

- b. the provisions of the Constitution, laws and other normative acts on the basis of which the judgment had been passed and the advisory opinion had been issued, have been modified;
1. The review of the judgment and advisory opinion shall be performed in observance with the procedure of constitutional jurisdiction.

Article 73. Correction of the inaccuracies

1. The Constitutional Court shall be entitled to correct, ex officio or, at the request of the participants in the proceedings, the inaccuracies in names, designations and editorial mistakes.
2. The correction of the inaccuracies and editorial mistakes shall be undertaken only during the session of the Constitutional Court, following the delivery of the respective decision.

Chapter X

ENFORCEMENT OF JUDGMENTS AND ADVISORY OPINIONS

Article 74. Dispatch of the judgments and advisory opinions

1. The judgments and the advisory opinions of the Constitutional Court shall be sent off to:
 - a. parties;
 - b. public authorities and decision making factors, the normative acts of which have been examined by the Constitutional Court.
1. The judgments and the advisory opinions of the Constitutional Court shall be also sent off to:
 - a. the President of the Republic of Moldova;
 - b. the Parliament;
 - c. the Government;
 - d. the Supreme Court of Justice;
 - e. the Court of Audit;
 - f. the Prosecutor General;
 - g. the Minister of Justice.

Article 75. Enforcement of judgments and advisory opinions

1. The judgments and advisory opinions shall be enforced in the terms established by the Constitutional Court.
2. The damages caused to legal and natural persons by the enforcement of a normative act acknowledged as unconstitutional shall be repaired under the terms of the law.
3. The Constitutional Court shall be notified on the judgment and advisory opinion enforcement within the established term.
4. The decision-making factors that failed to enforce within the ascertained term the judgment and the advisory opinion shall be held responsible according to Article 82.

Article 76. Control over the enforcement of judgments and advisory opinions

The control over the enforcement of judgments and advisory opinions of the Constitutional Court shall be carried out by the Secretariat Staff, under the leadership of the rapporteur-judge and in pursuance to the Regulations of the Constitutional Court Secretariat.

Article 77. Publishing of the judgments and advisory opinions

1. The judgments and advisory opinions of the Constitutional Court shall be published in "Monitorul Oficial"(Official Gazette) of the Republic of Moldova within 10 days from the date of their adoption.
2. The judgments and advisory opinions may be also published in other mass-media means.

Chapter XI COURT COSTS

Article 78. Court costs

1. The Court costs shall include the amounts of money paid to the experts and interpreters and other expenses related to the case examination.
2. The Court costs shall be covered from the Constitutional Court budget.
3. The experts' service shall be remunerated under the terms of the law.
4. The experts shall be paid the travelling and accommodation costs and daily allowances as provided for by the law.
5. The interpreter shall be paid for his/her performed service, if it does not belong to his/her office duties.
6. The legal charges related to the appeals' settlement shall be restored to the Constitutional Court budget by the party, the legal act of which has been ruled as unconstitutional.
7. The legal charges shall be cashed by the decision of the rapporteur- judge. This decision may be disputed before the Constitutional Court.
8. The legal charges related to the enforcement of the Constitutional Court judgments shall be covered from the budget of public authorities, institutions and organisations mentioned in the Court's judgment.

Chapter XII ADDRESSES AND REPORTS

Article 79. Address

1. While examining a case the Constitutional Court ascertains the existence of certain legislative loopholes due to the non-implementation of some provisions of the Constitution, it shall draw the attention of the respective bodies, through an address, on the settlement of these loopholes.
2. The appealed bodies shall inform the Constitutional Court, in the established term, the results of the address examination.

Article 80. Report

1. The report on the constitutional jurisdiction implementation shall be drawn up by the Secretariat Staff of the Constitutional Court under the direct monitoring of its head, on the basis of the examined by the Court documents. After being elaborated, the report shall be handed over to the judges of the Constitutional Court and to the members of the Court Scientific - Advisory Board. The final report shall be considered during the Court session.
2. The report shall contain:
 - a. its name, the date and place of its endorsement;
 - b. the provisions of the Law on the Constitutional Court and the present Code, on the basis of which it has been drawn up;
 - c. the analysis of the examined documents;
 - d. the circumstances cleared up during the documents' examination;
 - e. the conclusions and recommendations;
3. The report on the constitutional jurisdiction implementation shall be approved by a Constitutional Court judgment and signed by its President.
4. The report shall be annually sent off, in January, to the competent authorities entitled to appoint judges of the Constitutional Court.

Chapter XIII

ENSURANCE OF THE CONSTITUTIONAL JURISDICTION EXERCISE

Article 81. Ensurance of the constitutional jurisdiction exercise

1. In order to protect the dignity of the Constitutional Court judges, of the participants in the proceedings and to secure the appropriate conditions for the constitutional jurisdiction implementation, the Court shall be entitled to undertake the measures foreseen by Article 82.
2. In the event the expert encroaches upon the legal oath and the interpreter does not properly fulfil his/her duties, they shall be held responsible under the law.

Article 82. Liability for breaching the constitutional jurisdiction procedural rules

1. With the view of ensuring the constitutional jurisdiction exercise, there shall be stipulated an administrative liability, by imposing a fine amounting to 25 minimal salaries at the most, for:
 - a. the unconstitutional declarations, regardless their way of expression;
 - b. the interference with the proceedings activity of the Constitutional Court judges, attempt to influence them by non-procedural methods;
 - c. a groundless non-fulfilment in the established manner and terms of the requirements of the Court judges, non-enforcement of the Court judgments and advisory opinions;
 - d. the infringement of the judicial oath;
 - e. the lack of respect towards the Constitutional Court by disregarding the dispositions given by the chairman of the session, by breaching the session order, as well as by committing other deeds that show an obvious lack of consideration towards the Court and the constitutional jurisdiction procedure.
2. The measures for ensuring the appropriate conditions in the exercise of the constitutional jurisdiction shall be undertaken by a decision of the session chairman, which shall be registered in the minutes of proceedings or attached to it.
3. The fine shall be paid within 15 days from the date of notice of the penalised person about its application. If the penalised person refuses to pay the fine or does not pay it in the established term, the decision of the Constitutional Court shall be enforced under the law, on the basis of the extract from the minutes of proceedings or the decision of the session chairman.

Chapter XIV

DISCIPLINARY RESPONSIBILITY OF THE JUDGES

Article 83. Disciplinary responsibility of the judges

The judges of the Constitutional Court shall be held responsible for the guilty infringement of the provisions under the Law on the Constitutional Court and the present Code.

Article 84. Disciplinary pursuit and disciplinarily sanction

1. A disciplinary pursuit against the judge of the Constitutional Court can be brought only on the basis of a written complaint, signed by the competent authority to appoint judges of the Court.
2. On receiving this complaint, the President of the Constitutional Court shall appoint a commission for disciplinary investigation, consisting of two judges in order to examine the appeal. If the complaint refers to the President of the Constitutional Court, the Court shall appoint the commission for the disciplinary investigation and the judge who performs the functions of the President of the Constitutional Court in his/her absence shall convoke it. One of those two judges shall be designated as Chairman of the commission for disciplinary investigation.
3. In case when the commission for disciplinary investigation ascertains that the complaint is groundless, the process shall be ceased by a decision of the President of the Constitutional Court or the Court itself.

4. In case the commission for disciplinary investigation considers that the complaint is well - grounded, it shall draw up a report, which shall be delivered to the Constitutional Court for examination.

5. The hearing before the Constitutional Court shall be binding upon the guilty summoned judge.

6. Depending on the gravity of the breach of duty, the Plenum of the Constitutional Court shall apply to the judges the following disciplinary sanctions:

a. warning;

b. reprimand;

c. cessation of the mandate of the Constitutional Court judge.

1. The sanctions shall be enforced by a decision, endorsed by the majority votes of judges of the Constitutional Court. The decision shall be irrevocable and cannot be appealed.

Chapter XV

ACTIVITY OF THE SECRETARIAT AND THE ADVISORY-SCIENTIFIC BOARD

Article 85. Secretariat of the Constitutional Court

The Secretariat of the Constitutional Court shall operate in pursuance to its Regulations, approved by the Constitutional Court.

Article 86. Advisory - Scientific Board of the Constitutional Court

The Advisory - Scientific Board of the Constitutional Court shall perform its activity in pursuance to its Regulations, approved by the Constitutional Court.

TITLE III

FINAL AND TRANSITORY PROVISIONS

Article 87.

The present Code shall enter into force at the date of its publication.

Article 88.

The Government shall lay before the Parliament, within a month from the publication date of the present Code, proposals on bringing the legislation in force in line with the Law on the Constitutional Court and the Code of Constitutional Jurisdiction.

Article 89.

The Supreme Court shall be entitled to address the Constitutional Court, on behalf of the Supreme Court of Justice before its foundation, and on behalf of the Court of Audit - by the Court of Arbitration of the Republic of Moldova.