

**THE LAW OF THE REPUBLIC OF MOLDOVA
ON COMBATING CORRUPTION AND PROTECTIONISM
No. 900 of 27.06.1996**

**Official Monitor of the Republic of Moldova
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The Parliament adopts the present Law.

**Chapter I
GENERAL PROVISIONS**

Article 1. The scope of the present law.

The scope pursued by the present law is to protect citizens' rights and freedoms and public interests, to ensure state security, compliance with the Constitution and other laws adopted by the legislative, executive and judiciary powers, ensure proper functioning of administrative bodies and execution of competencies by the public servants and persons assimilated with such by averting, tracing out and preventing acts of corruption by clearing consequences of such and punishing the culpable ones, as well as by averting, tracing out and preventing protectionism.

Article 2. Notions

For the purpose of the present law:

corruption shall be interpreted as an anti-social phenomenon implying illegal collusion entered by two parties one of which is offering or promising illegitimate benefits while the other, making part of public service, agreeing or accepting such in exchange of executing or non executing certain functional actions, which comprise elements of defiance stipulated by the Criminal Code;

protectionism shall be interpreted as an action or failure to take action by the decision maker offering protection in resolving certain problems in favor of the interested persons by showing favorable attitude towards such irrespective of the motives by which the latter have been guided, which do not contain elements of offense.

Article 3. Subjects of the acts of corruption and protectionism

The following are considered the subjects of the acts of corruption and protectionism: functionaries to whom temporarily or permanently extended, by virtue of the law, by appointment or election, or by virtue of an errand, have been the rights and obligations in view of exercising services with a public or any other institution, or with state-owned enterprise or organization; functionaries exercising prescribed administrative and organizational-economic actions, persons holding positions implying high responsibility, whose appointment or election is governed by the Constitution and the organic laws as well as such to whom authority of act was delegated by the person holding responsible position, who have committed illegal actions that in compliance with the effective legislation are subject to disciplinary, administrative or criminal punishment.

Article 4. Scope of application of the present law

Coming within the purview of the present law shall be relations making part to which are public authorities, public functionaries, functionaries employed by other state-owned enterprises and organizations of both central and local subordination as well as other persons vested with the authority of exercising administrative functions and whose activity is governed by the effective legislation.

Article 5. The public authorities vested with the authority of combating corruption and protectionism.

(1) The public authorities shall exercise corruption and protectionism combat within the frameworks of their competencies set out under the effective legislation.

(2) The specialized system for corruption and protectionism combat includes specialized subdivisions affiliated by the Center for Combating Economic Crimes and Corruption, Information and Security Service, General Prosecutor's Office and Court of Auditors.

[Par. 2 as modified by Law No. 1146-XV of 20.06.2002]

[Par. 2 art. 5 as modified by Law No. 390-XV of 20.07.2001]

[Par. 2 art. 5 as modified by Law No. 754-XIV of 23.12.99]

Chapter II MEASURES TO PREVENT CORRUPTION AND PROTECTIONISM

Article 6. State guarantees designed to prevent corruption and protectionism.

Corruption and protectionism prevention can be achieved through the following measures:

a) strict legal regulation imposed onto the activities displayed by public authorities, ensuring publicity of such activities as well as state and public control over such;

b) improving the structure of public service as well as the procedure of solving problems concerning interests of natural and legal entities;

c) ensuring that public functionaries are paid such salaries and privileges from the state budget that would match their competencies and responsibilities and offer them and their families a decent living standards;

d) ensuring state and judiciary protection of the legitimate rights of persons vested with the authority of exercising administrative functions;

e) restricting, on the basis of the effective legislation, certain rights and liberties of public functionaries to the extent it looks feasible in order to secure constitutional provisions, the rights and legitimate interests of both natural and legal entities as well as of non-governmental organizations and public associations benefiting on the services rendered by the public authorities;

f) carrying out certain measures of financial and fiscal control so as to exclude legalization (laundering) illicit proceeds accumulated due to bribing persons vested with the authority to exercise administrative functions;

[Item f) as amended by Law No. 390-XV of 20.07.2001]

g) rehabilitation of natural and legal entities towards which admitted was act of injustice as well as clearing other dangerous consequences of corruption and protectionism.

Article 7. Special requirements to public functionaries

(1) When hiring a person with the office the latter shall voluntarily accept restrictions imposed through the law and other regulatory acts so as not to commit any actions that may lead to using official status and authority for stisfying personal or group interest as well as any other interests other than service ones.

(2) Public functionary shall not be entitled to proceed as follows:

a) interfere, by making use of his official status, authority and connections generated by such, into the activities displayed by other government and non governmental bodies, unless such interference has been stipulated as part of his competencies;

b) participate with the voting or decisive right in the examination or solutioning of problems concerning his own interests or such concerning his close relatives;

c) render groundless preference to certain natural or legal entities when elaborating and taking decisions;

d) render to any person any kind of assitsance that was not envisaged under the regulatory acts in the entrepreneurship or other type of activity displayed by such persons, to be business representative for the third party with the public authority that has hired him for the service or with the one to which he is subordinated or the one in which he is entrusted to control the activities displayed;

e) use in his own or group interests information obtained as a result of his service attributions in case when such is not allowed to be divulged;

f) refuse offering to any of the natural or legal entities information allowed for disclosure under legislative acts, delaying presentation of such or rendering incorrect or selected information;

g) transfer to elction funds of certain candidates and social-political organizations any of the financial resources and materials referred to state ownership;

h) violate procedure stipulated by the regulatory acts in examining and resolving petitions lodged by natural or legal entities, as well as other such problems within his competencies;

i) betting or staking on races or taking part in any other games of chances implying cash or other values.

Article 8. Interdictions

(1) Public functionary shall be aware of the interdictions as follows:

a) obtain for the fulfillment of his service duties any rewarding in cash, services, etc., from any natural or legal entity as well as from non-governmental organizations and public associations;

b) obtain, by virtue of his social position, gifts and services, except for symbolic signs of attention according to the commonly recognized standards of politeness and hospitality as well as symbolic souvenirs during protocol actions and other officially displayed actions, provided their value does not exceed the size of one minimum salary. Gifts with the value exceeding one minimum salary obtained for the fulfillment of service duties (without knowing the real value of gifts) from foreign natural or legal entities shall be transferred to a special state fund following the procedure stipulated by the law;

c) accept invitations for a touristic trip, health improvement and treatment abroad at the expense of natural or legal entities (residents and non residents) except for such trips made at the invitation of close relatives or in cases stipulated by the international agreements;

d) use for personal, group and other type of interest other than that of service premises, means of transportation and telecommunication, computers, cash and other state ownership found at their disposal for exercising service duties unless otherwise stipulated by other regulatory acts;

e) benefit on privileges to obtain for himself and other persons loans and borrowings, to procure securities, real estate and other assets, profiting on his service position;

f) undertake other actions, profiting on the service position in order to gain income and material or other advantages or to accept illegitimate services.

(2) Members of public functionary's family shall not be entitled to receive gifts and services, invitations for a touristic trips, health improvement and treatment, etc. at the expense of natural and legal entities (both residents and non-residents) if such have service relations with the public functionary. The public functionary, in compliance with the law, is obliged to transfer to the special state fund goods illegitimately obtained by his family members.

(3) Violation by public functionary of interdictions stipulated under the present article, provided it does not constitute sanctionable penal case, implies resignation from the office.

Article 9. Other measures to prevent corruption and protectionism

Envisaged under the Law of Civil Service can be measures meant to prevent corruption and protectionism other than those specified under Art. 7 and 8.

Article 10. Financial control as corruption prevention measure

(1) When hired with the public service and every year afterwards the functionaries shall submit declaration on their income, movable and

immovable assets, bank deposits and securities, financial liabilities, including such abroad. Refuse to submit declaration or inclusion of incorrect data into such implies turning down service application or resignation.

(2) Income declaration by top level officials as well as by other decision makers, whose appointment and election is governed by the Constitution, shall be published on annual basis by the official press of public authorities. Likewise published shall be income declarations submitted by the persons intending to take the office (candidates).

(3) Center for Combating Economic Crimes and Corruption, Information and Security Service, General Prosecutor's Office, State Tax Service, Court of Auditors and other authorities vested with the state control functions are entitled to have access to declarations submitted with public administration bodies, to receive, if necessary, copies of such declarations and to use information obtained within the limits of their competencies only.

[Par.3 as modified by Law No. 1146-XV of 20.06.2002]

[Par.3 art. 10 to read as amended by Law No. 390-XV of 20.07.2001]

Chapter III RESPONSIBILITY FOR ACTS OF CORRUPTION AND PROTECTIONISM

Article 11. Responsibility for acts of corruption and protectionism

(1) Public functionaries found guilty of perpetrating acts of corruption shall be brought to trial in compliance with the Criminal Code and dismissed, while being deprived of the right to take office with public service for a period of 5 years.

(2) Public functionaries found duitly of perpetrating acts of protectionism shall bear administrative responsibility and dismissed.

[Par.2 art. 11 as modified by Law No. 390-XV of 20.07.2001]

[Par.2 art. 11 as modified by Law No. 1375-XIII of 19.11.97]

Article 12. Responsibility of the managers of public authorities, other institutions, state enterprises and organizations for failure to observe provisions set out under the present law.

(1) Managers of public authorities, other state institutions and organizations are obliged to take rigorous measures to those of their subordinated functionaries that were found guilty of perpetrating certain acts of corruption and protectionism and to bring such to the attention of the controlling bodies specified under Art. 5 par. (2).

(2) Deliberate dodging by the managers of public authorities, other state institutions, enterprises and organizations from complying with the measures set out under par. (1) implies responsibility in conformity with the effective legislation.

[Par. 2 art. 12 as modified by Law No. 390-XV of 20.07.2001]

[Par. 3 art. 12 excluded by Law No. 390-XV of 20.07.2001]

Chapter IV
ELIMINATING CONSEQUENCES INFLICTED BY THE ACTS OF CORRUPTION AND
PROTECTIONISM

Article 13. Prosecuting illegitimately acquired assets or the value of illegitimately rendered services.

In all cases of gaining wealth through perpetrating acts of corruption, the illegitimately gained assets or value of illegitimately rendered services shall be turned into state benefit based on the court ruling.

Article 14. Canceling acts and actions perpetrated through corruption and protectionism.

The acts and actions perpetrated through corruption and protectionism are subject to cancellation by the authority or by the decision maker vested with the competency of approving or canceling respective acts, or by the judiciary instance, at the request lodged by the Center for Combating Economic Crimes and Corruption, interested natural or legal entities or prosecutor.

[Art. 14 as modified by Law No. 1146-XV of 20.06.2002]

Chapter V
FINAL PROVISIONS

Article 15. Supervision over the observance of the present law.

Supervision over strict and uniform observance of the present law shall be exercised by the General Prosecutor's Office as well as by its subordinate prosecutors.

Article 16. Control over the execution of provisions set out under the present law.

The Parliamentary Commission for state security and ensuring public order shall exercise control over the execution of provisions set out under the present law and coordinate activities displayed by public authorities vested with the competencies to combat corruption and protectionism.

Article 17. Effectiveness

The present law becomes effective as of the date of its publication.

Article 18. Bringing regulatory acts in conformity with the present law:

To that end, the Government, within one month from the date of publication shall:

- submit to the Parliament proposals on bringing the effective legislation in conformity with the present law;
- bring its reegrator acts in conformity with the present law.

CHAIRMAN OF THE PARLIAMENT

Petru LUCINSCHI

Chisinau, June 27, 1996.
No. 900-XIII.