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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

DRAFT LAW
ON
THE STATUS, CONDUCT AND ETHICS OF THE MEMBERS OF
PARLIAMENT
AND
INFORMATION NOTE

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Draft Law on the Status, Conduct and Ethics of the Members of Parliament

The Parliament adopts this organic law.

CHAPTER I. GENERAL PROVISIONS

Article 1. Regulatory field

(1) This law regulates the status, conduct and ethics of the Member of Parliament.

(2) The status, conduct and ethics of the Member of Parliament is regulated by Constitution and this law.

(3) Certain norms related to the exercise of the MP mandate can be also established in other normative acts.

Article 2. Principles of the activity of the Member of Parliament

The principles governing the activity of the Member of Parliament are as follows:

a) supremacy of the Constitution and the law, a principle according to which the MP must respect the Constitution and the legislation of the state;

b) public interest, a principle according to which the MP must consider the public interest over own interest, or the interest of certain individuals or groups of individuals in order to gain direct or indirect personal advantages, while exercising their mandate;

c) impartiality and independence, a principle according to which the MP, while exercising their duties, must have an objective attitude, neutral to any political, economic, religious or other interest, exercise the mandate impartially, with no external influence that could impact the exercise of the official duties;

d) integrity, a principle according to which the MP must not be asked or accept, directly or indirectly, for themselves or others, any moral or material advantage or benefit in the exercise of the mandate or abuse this mandate in any way;

e) freedom of thought and expression, a principle according to which the MP can express and substantiate their opinions, respecting the legal order and the good morals;

f) honesty and fairness, a principle according to which MPs, in the exercise of the mandate, must act in good faith and for the compliant fulfilment of the duties of the mandate;

g) openness and transparency, a principle according to which the activities carried out by the MP in the exercise of the mandate are public and may be subject to citizens' scrutiny;

h) equality and non-discrimination, a principle according to which the MP must avoid discrimination on race, nationality, ethnicity, language, religion, gender, opinion, political affiliation, wealth or social origin;

i) respect for the image of the Parliament, a principle according to which the MPs do not harm the image of other MPs and the image of the Parliament by their conduct, written or pronounced words.

CHAPTER II. MANDATE OF THE MEMBER OF PARLIAMENT

Article 3. General provisions related to the mandate of the Member of Parliament:

- (1) The MP is the people's representative and has a representative mandate.
- (2) In the exercise of the mandate, the MP is in the service of the people.
- (3) The position of the MP is a position of public dignity.
- (4) Any imperative mandate shall be void.
- (5) The mandate of the MP shall be irrevocable, and the party, the socio-political organisation or the electoral bloc on the list of which the MP was elected, shall lose the right to revoke them.
- (6) In the exercise of the mandate, the MP shall be subject to the Constitution and other normative acts.
- (7) In the exercise of the mandate, the MP shall contribute to the fulfilment of the functions of the Parliament: representative, legislative, and parliamentary control.

Article 4. Validation of the mandate of the Member of Parliament

- (1) The mandate of the MP shall start from the date of election provided it is validated.
- (2) The length of the mandate of the MP shall be 4 years and shall be effectively exercised after taking the oath within the term of the Parliament. This length can be extended by organic law pursuant to Art. 63 para. (1) of the Constitution.
- (3) After the legal constitution of the Parliament, each MP shall take the oath in front of the plenum of the Parliament, convened in solemn sitting, according to the text provided for in Article 79 para (2) of the Constitution of the Republic of Moldova.
- (4) The written oath shall be pronounced solemnly, signed by each MP and be kept in the personal file.
- (5) The refusal to take the oath leads to the invalidation of the mandate, a fact taken note of by the plenum of the Parliament.
- (6) The MP, whose mandate was validated in the course of the Parliament term, shall take the oath after the validation of the mandate pursuant to the same procedure and the same legal consequences and exercise the mandate until the end of the Parliament term.

Article 5. ID card and badge of the Member of Parliament

- (1) After the validation and taking the oath, during the exercise of the mandate, the MPs are issued the ID Card, signed by the President of the Parliament.
- (2) Each MP receives a badge – a distinctive sign of their capacity as a representative of the people, with the right to wear it throughout the exercise of the mandate.
- (3) After the termination of the mandate, the ID card and the badge can be kept by the MP, without the right to use them.
- (4) The Rules of procedure on the ID card and the badge of the MP shall be approved by the Standing Bureau.

Article 6. Termination of the MP mandate

- (1) The MP mandate shall terminate:
 - a) on the date of the legal sitting of the newly elected Parliament;
 - b) in case of resignation;
 - c) in case of the mandate removal;
 - d) in case of incompatibility;

e) in case of death.

(2) In case of resignation, removal of the mandate, incompatibility or death, the vacancy of the MP mandate occurs.

(3) The termination of the MP mandate shall be established by the Parliament through the decision voted by the majority of present MPs declaring the vacancy of the mandate.

(4) In case of the termination of the MP mandate, the documents shall be sent to the Central Electoral Commission for the initiation of the validation of the mandate of the alternate candidate.

Article 7. Termination of the mandate of the Member of Parliament on the date of the legal sitting of the newly elected Parliament

The MP mandate shall be rightfully terminated on the date of the legal establishment of the newly elected Parliament.

Article 8. Resignation of the Member of Parliament

(1) The resignation shall be a voluntary, unilateral manifestation of the will of the MP to terminate the exercise of the mandate,

(2) The application for the resignation of the MP shall be submitted to the attention of the President of the Parliament.

(3) The Parliament shall take note of the MP's application for resignation and declare the vacancy of MP mandate.

(4) In case the Parliament fails to consider the MP's application for resignation within 30 days from the date of the application submission, the MP mandate becomes vacant by law.

Article 9. Lifting of the mandate of the Member of Parliament

(1) The lifting of the MP mandate represents the forced termination of the exercise of the mandate in case of:

a) ineligibility;

b) definitive impossibility to exercise the position of the MP for more than four consecutive months;

c) groundless absence from any parliamentary activity for more than four months.

(2) The MP becomes ineligible in the following cases:

a) recognition of the incapacity for work;

b) in case of conviction for intent crimes and/or sentencing to prison (deprivation of liberty) by final and irrevocable court decision, regardless of whether the act was committed before or after the validation of the mandate;

c) loss of citizenship of the Republic of Moldova;

d) establishing, through the final act of ascertainment, of the direct or through a third person conclusion of a legal act, making or participating in the decision-making without solving the actual conflict of interests in accordance with the provisions of the legislation on the settlement of the conflict of interests;

e) failure to submit the declaration of wealth and personal interests or refusal to submit it pursuant to Law no.132/2016 on the declaration of wealth and personal interests;

f) disposition by the court, through an irrevocable decision, of the confiscation of unjustified assets;

g) refusal to take the oath.

(3) In cases provided for under para. (2) items a)-d) the mandate of the MP shall cease by law.

(4) In cases provided for under para. (2) items d)-f), the Parliament shall decide, at the request of the National Integrity Authority, on the lifting of the MP mandate.

(5) The final impossibility to exercise the position of the MP for more than four consecutive months shall be ascertained by the lead standing Committee, upon the notification by the President of the Parliament, on the basis of health certificates. The Committee shall draw up a report and propose to the Parliament the lifting of the MP mandate.

(6) In case of the groundless absence from any parliamentary activity for more than four consecutive months, the lead standing Committee shall, upon the notification from the President of the Parliament, evaluate the activity of the MP and propose to the Parliament the lifting of the MP mandate.

Article 10. Incompatibilities

(1) The incompatibility consists in the prohibition provided by law to combine two positions, in order to ensure independence in the activity of the MP, avoid the concentration by an MP of excess prerogatives, as well as protect their professional and moral integrity.

(2) The incompatibility shall start from the moment of the mandate validation and taking the oath and involve a period of 30 days during which the MP is requested to choose between the MP mandate and the position generating the incompatibility.

(3) The mandate of the MP shall be incompatible with:

a) the position of the President of the Republic of Moldova, except the case of exercising the interim position, as well as the membership of the Supreme Security Council;

b) any position of public responsibility or public office;

c) the position of local or district councillor, MP in the People's Assembly in the TAU of Gagauzia, ambassador, assistant in the Cabinet of persons holding positions of public responsibility;

d) any position granted by a foreign state or international organisation, except for the positions provided by international treaties to which the Republic of Moldova is part, as well as the positions obtained following the activity in the standing parliamentary delegations;

e) exercising of any other paid position, except for the teaching and scientific activity, carried out outside the program established by this law.

Article 11. Declaration of incompatibilities

(1) Within 30 days from the validation of the mandate, the MP must declare in writing to the Commission on Parliamentary Ethics and Conduct about any activity that they will continue to carry out in the future.

(2) For the MP who is in the exercise of the position and later chooses another position, the situation of incompatibility will appear from the moment of entering the exercise of the other position.

(3) Any incompatibility occurred in the activity of the MP during the exercise of the mandate shall be brought to the attention of the Commission on Parliamentary Ethics and Conduct, in writing, immediately, but not later than 3 days from the occurrence thereof.

(4) The Commission on Parliamentary Ethics and Conduct shall monitor the removal, within the term established by law, of the states of incompatibility and, as necessary, notify itself with a view to its removal.

(5) If deemed necessary, the Commission on Parliamentary Ethics and Conduct notifies the National Integrity Authority pursuant to the provisions of Law no.132/2016 on the declaration of wealth and personal interests.

Article 12. Removal of incompatibility

(1) The MP who is in one of the incompatibilities stipulated in this Law, shall, within 30 days from the date of the mandate validation and the date of taking the oath, or, as appropriate, from the date of occurrence of the case of incompatibility, choose between the MP mandate and the position generating the incompatibility, and resign from one of the positions or shall, as appropriate, be suspended from the positions incompatible with the MP mandate.

(2) In the case of the submission of the application for resignation from the position of MP by the Member of Parliament in the situation of incompatibility, the MP mandate shall be terminated by law from the moment of the application submission.

(3) Upon the establishment of the new Parliament, in the case of the election of the current members of the resigned Government as MPs, they can cumulate the positions until the date of taking the oath by the members of the new Government.

(4) If the term for removing the state of incompatibility has expired and the incompatibility persists, and the MP has not submitted the application for resignation from the position of MP, their mandate shall be terminated by law on the date of expiry of the legal term established for the removal of the incompatibility state. The Commission on Parliamentary Ethics and Conduct shall inform the President of the Parliament about the termination by law of the MP mandate.

Article 13. Conflict of interests

(1) The conflict of interests represents the situation in which the MP has a personal interest that influences or could influence the impartial and objective exercise of their obligations and responsibilities according to the law.

(2) In order to avoid the conflict of interests and ensure the impartiality of the MP, due to family ties, close personal relationships or other circumstances that may cast doubt on the impartiality of the exercise of the mandate, the MP is obliged to declare the personal interest and refrain from undertaking any actions on the given cause.

(3) Personal interests of MPs, other than those provided for in Art. 2 of Law no.133/2016 on the declaration of wealth and personal interests, are notified to the Commission on Parliamentary Ethics and Conduct, which will make the appropriate entries in the Register of Interests according to Attachment no. 1.

(4) The Register of Interests is kept by the Commission on Parliamentary Ethics and Conduct, is permanently updated and published on the official web page of the Parliament in compliance with the provisions of Law no.133/2011 on the protection of personal data in relation to persons the MP has personal interests with.

(5) If necessary, the Commission on Parliamentary Ethics and Conduct notifies the National Integrity Authority in accordance with the provisions of Law no.133/2016 on the declaration of wealth and personal interests.

CHAPTER III. PARLIAMENTARY IMMUNITY

Section 1. General provisions

Article 14. General provisions on parliamentary immunity

(1) Parliamentary immunity guarantees the independence and freedom in the exercise of the MP mandate.

(2) In accordance with the constitutional provisions, the purpose of parliamentary immunity is to protect the MP against prosecution for acts unrelated to the parliamentary position and guarantee their freedom of expression.

(3) Parliamentary immunity is not subject to suspension or interruption and cannot be waived. Parliamentary immunity is imperative and of public order.

(4) Parliamentary immunity shall be lifted only by the Parliament, in accordance with the provisions of the Constitution and pursuant to the procedure provided by this Law.

(5) Parliamentary immunity is directly and inextricably linked to the MP mandate.

(6) The MP enjoys parliamentary immunity from the moment of election, under the condition of the mandate validation and until the date of termination of the MP capacity, in the cases and under the conditions provided by the Constitution and this Law.

(7) Parliamentary immunity shall not have incidence on:

a) the MP who was sent to court for a criminal offence, before the day of their election, and for MPs whose mandates were validated after the legal establishment of the newly elected Parliament, before the day of mandates validation;

b) the MP convicted by a court decision;

c) the MP in the procedure of recognition by the national courts of a final conviction decision ruled by the courts of a foreign state.

(8) For the entire duration of their mandate, the MPs shall be considered to be in the exercise of their position, which is why any aggression against them is similar to the threat or violence perpetrated against a person with a position of responsibility and shall be sanctioned according to the provisions stipulated thereto.

(9) Parliamentary immunity shall be applied to the domicile, workplace/office, personal and official vehicles, documents, correspondence, luggage and communications equipment belonging to the MP.

Article 15. Parliamentary immunity

(1) The MP cannot be detained, arrested, searched or sent to court for the commission of crimes without the consent of the Parliament, after their hearing.

(2) The consent of the Parliament represents decisions of political, not legal, nature.

(3) The parliamentary immunity shall not be applied for the actions of prosecution not involving detainment, arrest, searches or bringing to justice.

Article 16. Independence of opinions

(1) The MP cannot be prosecuted or held legally responsible for the votes or for the opinions expressed in the exercise of the mandate.

(2) The independence of the MP opinions shall only refer to the activity of an MP carried out in the exclusive exercise of the mandate and shall include:

a) declarations made in the Parliament and within the working bodies;

- b) public speeches and remarks;
- c) questions, interpellations and motions;
- d) submission of draft normative acts or formulation of amendments and proposals;
- e) their opinion expressed in the voting process and laid down in the Parliament's documents;
- f) other actions, which fall under the status of the MP.

(3) Public calls to rebellion, violence, separatism, which, according to the legislation, involve criminal liability, do not fall under the scope of the legal guarantee of the freedom of expression of MPs for their opinions.

Section 2

Procedure of lifting the parliamentary immunity

Article 17. Request for parliamentary immunity lifting

(1) If the MP has committed a felony or misdemeanour, the General Prosecutor may request the Parliament to lift the immunity of an MP in order to carry out procedural measures of detention, search, arrest or referral to court on criminal or contravention grounds. The criminal action against an MP can only be initiated by the Prosecutor General.

(2) The request to lift the parliamentary immunity of the MP shall be addressed to the President of the Parliament.

(3) The President of the Parliament shall inform the MPs about the request in the plenary session of the Parliament during the meeting following the date of the submission thereof and immediately send it for examination to the lead standing Committee.

(4) If the request of the General Prosecutor provided for in para. (2) reached the Parliament in the period between the sessions, it shall be brought to the attention of MPs during the first plenary meeting of the following session.

(5) The request to lift the immunity of the MP shall be submitted for each crime separately.

Article 18. Procedure of examining the request to lift the parliamentary immunity in the lead standing Committee

(1) The lead standing Committee shall examine the request of the Prosecutor General not later than 15 days after it has been brought to the attention of MPs by the President of the Parliament and shall determine the existence or non-existence of some fundamental reasons for the request acceptance or rejection.

(2) The Prosecutor General, accompanied, if necessary, by the case prosecutor, shall be requested to submit to the lead standing Committee the case-related documents, on the basis of which the request for the lifting of immunity was submitted.

(3) The lead standing Committee shall ensure the access of the MP, with respect to whom the lifting of parliamentary immunity is requested, to the documents presented by the Prosecutor General, in order to become familiar with them. The MP shall be entitled to be assisted by a lawyer.

(4) The date and place of carrying out of the meeting of the lead standing

Committee shall be made known to the Prosecutor General and the MP with respect to whom the lifting of parliamentary immunity is requested. The groundless absence of either of them shall not prevent the examination of the request.

(5) Following the hearing of the request of the Prosecutor General and the MP with respect to whom the lifting of parliamentary immunity is requested, the Committee on Legal Affairs, Appointments and Immunities shall adopt a decision, with the secret vote of the majority of its members.

(6) After the examination of the request of the Prosecutor General, the Committee on Legal Affairs, Appointments and Immunities shall draft a report to be submitted to the Standing Bureau.

(7) The report of the lead standing Committee shall be included in the Parliament's agenda as a priority.

Article 19. Procedure of lifting the parliamentary immunity

(1) The report of the lead standing Committee shall be subject to examination and approval by the Parliament in no more than seven days following its submission to the Standing Bureau.

(2) The presence at the plenary sitting of the MP with respect to whom the lifting of the immunity is requested shall be mandatory. The reasoned absence of the MP shall entail the suspension of the request's examination. The groundless absence of the MP shall not prevent the request's examination.

(3) The Prosecutor General shall motivate the request to lift the immunity of the MP, after the MP, with respect to whom the lifting of immunity is requested, is given the floor to support their own position and answer the questions.

(4) The Chair of the lead standing Committee or another member thereof shall submit the Committee's Report on the examination of the Prosecutor General's request.

(5) Before voting, the MPs shall have the right to express their stand on the request to lift the parliamentary immunity of the concerned MP.

(6) The Parliament shall decide, by open vote of the majority of present MPs, in public sitting, on the request of the Prosecutor General regarding the approval to lift the parliamentary immunity of the MP or reject the request of the Prosecutor General.

(7) The decision of the Parliament shall be forwarded to the Prosecutor General within three days from the date of adoption.

Article 20. Informing the Parliament on the results of the examination of the case for which the parliamentary immunity was lifted

(1) The Prosecutor General shall inform on a monthly basis the lead standing Committee on the progress of the investigation.

(2) In the case of termination of criminal prosecution, of release of the person from criminal prosecution, as well as in the case of the issuance by the court of a sentence, decision of other final judicial ruling, the Prosecutor General shall be requested to inform the President of the Parliament accordingly. The President of the Parliament shall bring the relevant information to the attention of MPs in the plenary sitting of the Parliament.

CHAPTER IV. CONDUCT, ETHICS, RIGHTS AND OBLIGATIONS OF THE MEMBER OF PARLIAMENT

Article 21. General provisions on the conduct, ethics, rights and obligations of the Member of Parliament

(1) In their capacity of people's representatives, the MPs exercise their rights and honour their obligations for the whole duration of the mandate for which they have been elected.

(2) The rights can be exercised individually or collectively.

(3) The norms of parliamentary conduct and ethics shall reflect the essential values and the ethical standards of MPs throughout the exercise of their mandate.

(4) The norms of parliamentary conduct and discipline, provided for in this Law, shall be mandatory for the MPs.

Section 1. Rights and obligations of the Member of Parliament Article

Article 22. Rights of the Member of Parliament

(1) While exercising the mandate, the MP is entitled to:

a) elect and be elected in the leadership structures, in the working bodies of the Parliament, as well as participate in the meetings thereof;

b) submit draft normative acts and reasoned amendments, to be considered in the Parliament;

c) make proposals on the agenda of the plenary sitting;

d) participate in the parliamentary control, in all forms of its exercise;

e) make proposals regarding the examination, during the parliamentary sittings, of reports or information presented by the public authorities/institutions, under the control of the Parliament;

f) ask questions to the rapporteurs and co-rapporteurs during the sittings;

g) rule on procedural issues;

h) participate in debates and exercise the vote on the issues examined in the plenary sittings of the Parliament and the meetings of Parliament's working bodies of which they are members;

i) participate in the meetings of the Government, the meetings of the bodies of public authorities in which the questions, interpellations or requests of the MP are examined;

j) notify the Constitutional Court;

k) make political statements, ask questions, make interpellations;

l) organise peaceful gatherings under the terms of Law no.26/2008 on gatherings;

m) participate in collective open and free discussions, being requested to respect the diversity of opinions, conflict prevention, looking for ways to overcome divergences through discussions between members, so as to avoid the obstruction of Parliament's activity or the exercise of the rights of other MPs;

n) visit any public entity as established by the Standing Bureau;

o) address any public entity, officials in matters related to the exercise of the mandate and participate in their examination;

p) organise meetings with voters;

q) benefit from other rights provided by this Law and other normative acts;

r) benefit from access to information (including secret or confidential information) as provided by the legislation.

(2) The MPs exercise their rights through the working bodies of the

Parliament or collectively with other MPs.

Article 23. Obligations of the Member of Parliament

- (1) In the exercise of the mandate, the MPs shall be obliged to:
- a) participate in plenary sittings of the Parliament, meetings of the working bodies of which they are members, public hearings and other parliamentary activities;
 - b) submit declarations of wealth and personal interests pursuant to Law no.133/2016 on the declaration of wealth and personal interests;
 - c) avoid any conflict of interests, and in case of a conflict of interests, is obliged to notify the Commission on Parliamentary Ethics and Conduct;
 - d) respect ethics and conduct norms;
 - e) contribute through personal example to the fulfilment of civic obligations, respecting human rights, the legislation, ethical and moral norms;
 - f) ensure transparency and public control of their activity;
 - g) have a decent/official dress-code and a proper behaviour;
 - h) keep order and discipline;
 - i) not use or display abusive, offensive, discriminatory or defamatory language;
 - j) not compromise the good conduct of sittings of the Parliament and meetings of its working bodies;
 - k) address others and reply politely to questions addressed to them;
 - l) not conclude any understanding by conditioning the vote expressed in the exercise of their mandate on any financial or material benefit;
 - m) use the working time, as well as the administrative resources of the public authority, only for the purpose of carrying out activities in the exercise of their mandate;
 - n) use public money efficiently and according to destination;
 - o) not offer support in exchange for payments or other benefits or advantages, to natural persons or legal entities with a view to influence the Parliament or other public institutions;
 - p) not allow favouritism in the exercise of the mandate;
 - q) notify /report immediately to the Commission on Parliamentary Ethics and Conduct in case of being offered gifts, services, favours, invitations or any other advantage in violation of the law;
 - r) disclose any personal interest that would encroach upon the objective performance of the public duties and take measures for the solving of a potential conflict of interests to the benefit of general interest;
 - s) respect and execute the decision by which they have been sanctioned and submit to the sanctioning requirements;
 - t) be subject to the anti-terrorist control carried out by the officers of the State Protection and Guard Service while entering the premises of the Parliament.

(2) In plenary sittings and meetings of the working bodies of the Parliament, the relations and collaboration among MPs shall be governed by mutual respect and be based on principles of equality and collegiality irrespective of their political affiliation.

Section 2. The Conduct of the Member of Parliament

Article 24. Conduct of the Members of Parliament in the exercise of the mandate
In their quality as representatives of the people, the MPs are obliged, by their behaviour, to

respect the professional and moral values, the principles and norms of conduct in the process of exercising their duties, contribute to increasing the credibility and good reputation of the Parliament.

Article 25. Conduct of the Member of Parliament beyond the borders of the Republic of Moldova

(1) During official trips abroad, the MP is obliged to have a behaviour, which is in line with the protocol norms, respect the laws of the host country, the norms and regulations of the organisation that has invited them and the provisions of this Law.

(2) In the cases in which the Parliament has expressed its opinion on a certain subject, by means of a decision or other means, the MPs who participate in the meetings of regional parliamentary assemblies or of international organisations as part of an official delegation of the Parliament shall be obliged to represent adequately the opinion of the Parliament on the given subjects.

(3) The MP shall be requested to have a conduct that does not prejudice the image of the country.

Article 26. Conduct of the Member of Parliament in relation to the staff of the Parliament of the Republic of Moldova

(1) The MP shall respect the tasks, the rights and the duties of the staff of the Parliament's Secretariat.

(2) The MP has no right to involve public servants of the Parliament's Secretariat in actions that are not part of their official tasks.

Article 27. Conduct of the Member of Parliament in relation to citizens

(1) The MP must meet and communicate with the citizens and take attitude with a view to solving the tackled problems.

(2) During the meetings with the citizens, the MP shall be requested to show professionalism, integrity and non-discrimination.

(3) The MP must constantly inform the citizens about the actions they are undertaking and the initiatives or standpoints they adopt in the exercise of the mandate.

Article 28. Conduct of the Member of Parliament in relation to media representatives

(1) The MP must ensure an active, correct and timely informing of media representatives about matters of public interest.

(2) The MP shall respect the limitations to the access to information, under the terms of the law, in order to protect the official information with limited access and the information classified as a state secret, private life of individuals and national security.

(3) The declarations of the MP must be correct, balanced and based on arguments.

Section 3.

Restrictions on the conduct of Members of Parliament. Absences.

Article 29. Restrictions on the conduct during sittings

During plenary sittings and sittings of the working bodies of the Parliament, the MP shall not have the right to use in their activity actions that are not allowed by this Law, such

as:

- a) voting in lieu of another MP;
- b) disturbing debates or creating agitation in the sitting room, blocking the central rostrum, blocking access to the sitting room, blocking or limiting access to microphones or creating conditions that make the continuation of the plenary sitting of the Parliament impossible;
- c) entering the premises of the Parliament and the rooms where the sittings of the plenum and of the working bodies of the Parliament are taking place with portable sound-amplifying devices and/or any other objects that might be used to disturb the order and/or interrupt the works of the Parliament's sittings;
- d) disturbing the order and discipline in the sitting room during plenary sittings by taking the floor without permission, by speaking on the phone;
- e) making defamatory declarations in respect of MPs, other dignitaries, civil servants or individuals;
- f) hurling insults, threats and defamations both from the Parliament's rostrum and the sitting hall during the plenary sitting or sittings of the working bodies of the Parliament;
- g) harming the honour, dignity and professional reputation of the MPs;
- h) using offensive, indecent and/or slanderous words and/or expressions and obscene gestures;
- i) any other actions that can impede the smooth proceeding of Parliament's works.

Article 30. Gifts

(1) The MP shall be forbidden to ask for or accept gifts, services, favours, invitations or any other advantage for themselves or their family, if the offer is connected directly or indirectly to the fulfilment of official duties.

(2) The interdiction specified in para. (1) shall not apply to gifts received on the occasion of protocol events and the value of which does not overcome the limits established by the Government. The way of declaration, evaluation, record keeping, storage, use and repayment of these gifts is regulated by the Government.

Article 31. Justified absence

(1) No MP may miss the sittings of the Parliament, of its working bodies of which they are part of except for well-founded reasons.

(2) A well-founded reason for the absence of the MP from the sittings of the Parliament or of its working bodies is considered:

- a) accomplishing a task assigned by the President of the Parliament, the Standing Bureau, the parliamentary committee or the parliamentary faction of which they are part, which makes it impossible for them to attend the sitting;
- b) official trips abroad;
- c) sick leave;
- d) personal interest leave;
- e) non-participation in sign of protest against an item on the Agenda of the day, announced in the sitting;
- f) enforcement of the sanction of the Parliament regarding the non-participation in plenary sittings.

(3) The absence of the MP from the sittings of the Parliament or the working bodies, to accomplish a task assigned by the standing committee or the political faction of which they are part shall be coordinated beforehand with the President of the Parliament.

(4) The MP who cannot attend the sitting shall be obliged to inform the President of the Parliament through the division of the Parliament's Secretariat responsible for ensuring the carrying out of plenary sittings by means of a written declaration containing the reasons for non-attendance.

Article 32. Unjustified absence

Any absence of the MP from the sittings of the Parliament's plenum, working bodies and working groups of which they are part of, for other reasons than those specified in Art.301 shall be considered unjustified absence.

Article 33. Attendance record of the Member of Parliament

(1) The standing bureau shall establish the manner of keeping the record of the MPs' attendance of the sittings of the Parliament's plenum and working bodies of which they are part.

(2) The names of the MPs absent from the sittings of the Parliament's plenum or working bodies they are part of, shall be published on the official webpage of the Parliament at the end of the Parliament's session.

Section 4.

Commission on Parliamentary Ethics and Conduct

Article 34. Commission on Parliamentary Ethics and Conduct

(1) The Commission on Parliamentary Ethics and Conduct shall be instituted by the Parliament in order to examine cases concerning the breach of parliamentary ethics and conduct norms, during the mandate of the Parliament.

(2) The members of the Commission on Parliamentary Ethics and Conduct shall exercise their tasks in accordance with the law, being free of the influence of any other public or private entities.

(3) The Chair and the members of the Commission on Parliamentary Ethics and Conduct shall be approved by Parliament's decision, on the proposal of the Standing Bureau.

(4) In its activity, the Commission on Parliamentary Ethics and Conduct shall be assisted by the secretariat of the Committee on Legal Affairs, Appointments and Immunities.

(5) The Commission on Parliamentary Ethics and Conduct shall function on the basis of the provisions of this law and the Parliament's decision on the Commission on Parliamentary Ethics and Conduct.

Article 35. The membership of the Commission on Parliamentary Ethics and Conduct

The Commission on Parliamentary Ethics and Conduct is made up of 11 members appointed as follows:

a) 4 members, MPs – on the proposal of the factions of the parliamentary majority;

b) 4 members, MPs – on the proposal of the factions of the opposition;

c) 3 members proposed by the organisations of the civil society, with a consultative voting right.

Article 36. The tasks of the Commission on Parliamentary Ethics and Conduct

(1) The members of the Commission on Parliamentary Ethics and Conduct shall act without any influence, pressure, threats and interferences, whether direct or indirect.

(2) The Commission on Parliamentary Ethics and Conduct shall have the following tasks:

- a) monitoring the respect for the norms of ethics and conduct of the MPs;
- b) monitoring the cases of incompatibility of MPs;
- c) keeping the Register of interests. The contents and manner of keeping the register shall be regulated by decision of the Standing Bureau;
- d) evaluating the cases in which there are suspicions of breach of this law and advise the President of the Parliament with respect to possible measures to be undertaken;
- e) receiving and examining, within the established terms, the notifications regarding the breach of MPs' norms of ethics and conduct, cases of favouritism, cases leading to the occurrence of corruption acts;
- f) checking the legality of actions and their legal qualification and meeting of all legal requirements for the case;
- g) informing the MP in relation to whom the notification has been filed, as well about the opening of an inquiry against them;
- h) deciding with respect to the manner of presenting the explanations on each case separately. They may be presented in written or by convoking hearings;
- i) hearing as witness any person that holds information about any action or circumstance that can serve for the examination of the case;
- j) proposing the application of the sanctions provided for in article 44 of this law;
- k) approving and submitting the report on the MP's ethics and conduct;
- l) contributing to the solving by amicable agreement of conflicts between MPs and the staff of the Parliament's Secretariat, representatives of the mass-media, etc.;
- m) checking the respect for and the compliance by the MPs with the applied sanctions;
- n) other tasks established by Parliament's decision.

Article 37. Tasks of the Chair of the Commission on Parliamentary Ethics and Conduct

The Chair of the Commission on Parliamentary Ethics and Conduct shall have the following tasks:

- a) organising and ensuring the activity of the Commission on Parliamentary Ethics and Conduct;
- b) initiating an inquiry;
- c) requesting information, documents and materials necessary for the carrying out of tasks;
- d) submitting to the Commission on Parliamentary Ethics and Conduct, reports with respect to the manner of application of the sanctions provided for in art. 44 of this law;
- e) submitting to the Commission on Parliamentary Ethics and Conduct proposals and recommendations on the re-establishment of rights in relation to which sanctions have been applied;
- f) submitting to the Commission on Parliamentary Ethics and Conduct information on the non-respect for the norms of parliamentary conduct, courtesy and

discipline;

- g) other tasks established by Parliament's decision.

Article 38. Rights of the Chair of the Commission on Parliamentary Ethics and Conduct

In the exercise of the mandate, the Chair of the Commission on Parliamentary Ethics and Conduct shall have the right to:

- a) initiate an inquiry;
- b) ask for and receive from the public authorities, from officeholders of all levels the information, documents and materials necessary for the performance of their tasks, including official information with limited accessibility and information qualified as state secret under the conditions of the law;
- c) invite for hearings and receive from the MP the explanations and information necessary for the elucidation of the circumstances of the examined case;

Article 39. Obligations of the Chair of the Commission on Parliamentary Ethics and Conduct

The Chair of the Commission on Parliamentary Ethics and Conduct shall be obliged to:

- a) carry out their tasks in accordance with the provisions of this law;
- b) not disclose the state secret and other information and data protected by the law;
- c) abstain from any actions non-compliant with their status;
- d) publish the results of the examination of cases concerning the breach of the MP's norms of ethics and conduct.

Section 5.
Procedure for the settlement of notifications

Article 40. Form and content of the notification

(1) Any MP, group of MPs, natural or legal person may submit a notification with respect to the suspicions of breach of the norms of parliamentary ethics and conduct.

(2) Any notification regarding the non-respect for the norms of parliamentary ethics and conduct by the MPs shall be directed to the Commission on Parliamentary Ethics and Conduct.

(3) The notification shall be submitted in written and shall contain the description of the actions attributed to the MP.

(4) The notification shall be accompanied by evidence proving the breach of the norms of parliamentary ethics and conduct.

(5) Anonymous notifications shall not be examined;

(6) The Commission on Parliamentary Ethics and Conduct may make an ex officio notification.

Article 41. Procedure for the settlement of notifications

(1) The notification shall be filed with the Commission on Parliamentary Ethics and Conduct.

(2) The Chair of the Commission on Parliamentary Ethics and Conduct shall inform the MP in relation to whom the notification has been filed as well as about the

opening of an inquiry.

(3) The Commission on Parliamentary Ethics and Conduct shall check the legality of actions and their legal qualification.

(4) The Secretariat of the Commission shall include in the inquiry file the related materials, together with the demarch/argumentation note and submit it to the Commission on Parliamentary Ethics and Conduct.

(5) The Commission on Parliamentary Ethics and Conduct shall, within 30 working days, examine the materials of the file regarding the breach of parliamentary norms of ethics and conduct and decide on the case.

(6) The Commission on Parliamentary Ethics and Conduct shall decide on cases/files, which are afterwards to be examined by the Parliament's plenum and shall propose to the Standing Bureau the inclusion of the subject in the agenda of the Parliament's sitting.

(7) If the Commission on Parliamentary Ethics and Conduct decides that the actions invoked in the notification are not true, the Commission shall issue the decision on the dismissal of the case.

(8) The report of the Commission on Parliamentary Ethics and Conduct shall be presented to the concerned MP to take note thereof.

Article 42. Content of the report on parliamentary ethics and conduct

The report on parliamentary ethics and conduct shall contain the discussed subject, the proposals, recommendations, conclusions and the sanction to be applied.

Article 43. Examination of the report on parliamentary ethics and conduct

(1) The Standing Bureau of the Parliament shall propose as a priority the inclusion in the Orders of the Day of the Parliament's sitting the report on the parliamentary ethics and conduct, which is to be examined by the Parliament's plenum.

(2) After the presentation of the report of the Commission on Parliamentary Ethics and Conduct in the plenary sitting of the Parliament, the Chair of the sitting shall give the floor to the concerned MP, who shall present explanations to the Parliament with respect to the actions attributed to them and answer the questions of MPs.

(3) The Parliament shall adopt a decision stating whether the parliamentary norms of ethics and conduct have been breached and apply the sanctions provided for by this law.

Section 7.

Sanctions. Application of sanctions

Article 44. Sanctions

The breach by the MP of the provisions of this law during the sittings of the Parliament and its working bodies of which they are members, as well as during official trips on the territory of the Republic of Moldova and abroad, shall attract the following sanctions:

- a) warning;
- b) call to order;
- c) withdrawal of the right to speak;
- d) withdrawal of the right to speak and denial of the right to speak for the whole duration of the sitting;

- e) denial of the right to speak for up to 5 sittings;
- f) prohibition to participate in the plenary sittings for up to 10 sittings;
- g) removal from the sitting hall;
- h) financial sanctions;
- i) exclusion from standing parliamentary delegations to the international organisations;
- j) limitation of the right of access to confidential information.

Article 45. Application of sanctions

(1) For the breach of the provisions of this law, individually established sanctions shall be applied, according to the seriousness of the breach, its effects, as well as the frequency of the committed breaches.

(2) The sanctions provided for in art. 44 letters a) - d) for breaches committed by the MPs in the plenary sitting shall be applied by the chair of the sitting.

(3) The sanctions provided for in art. 44 letters e) - g) and i) shall be applied by the Parliament on the proposal of the Commission on Parliamentary Ethics and Conduct.

(4) The decision regarding the application of sanctions to the Members shall be adopted by the Parliament.

(5) The Member shall be obliged to comply with the demands of the chair of the sitting and the decision of the Parliament.

(6) The sanctions applied to the Members during the plenary sittings shall be recorded in the stenography of the sitting.

(7) The sanctions provided for in art. 44 letters h) and k) shall be applied by the President of the Parliament on the proposal of the Commission on Parliamentary Ethics and Conduct.

(8) The sanctions applied to the Members shall be published on the webpage of the Parliament.

Article 46. Warning

By virtue of this law, the warning shall mean public call on the MP's attention on the deviations from the rules and norms of conduct.

Article 47. Call to order

The chair of the sitting shall call to order the MPs that disturb the smooth proceeding of the sitting or whose behaviour impedes the ordinary proceeding of the Parliament's works by:

- a) disregarding the warning of the chair of the sitting and continuing to deviate from the rules set in this law;
- b) arguing with other MPs or participants in the sittings;
- c) using offensive gestures and language;
- d) deviating from the discussed subject;
- e) disturbing the order of the sitting in another manner.

Article 48. Cases when the sanction of calling to order is not applied

(1) The chair of the sitting may, before calling to order a Member, invite them to withdraw or explain their words that have generated an incident and can lead to the

application of the sanction.

(2) In case the acts or words are withdrawn or regretted, or the given explanations are considered by the chair of the sitting to be satisfactory, the sanction shall not be applied.

Article 49. Withdrawal of the right to speak and denial of the right to speak

(1) The chair of the sitting may withdraw the right to speak of MPs who:

- a) after the warning or call to order, continue to disturb the order of the sitting;
- b) continue their address over the given time and do not respect the instructions of the chair of the sitting to end the address;
- c) deviate from the subject and do not take into consideration the warning of the chair of the sitting to speak to the point.

(2) The MPs shall be obliged to refer exclusively to the matter for which they have asked for the floor, except for political declarations, to be made during the time slot assigned for that, in accordance with the schedule.

(3) The chair of the sitting may deny the Member the right to speak for the whole duration of the plenary sitting if they, after their right to speak has been withdrawn, in the same sitting, commit breaches provided for in para (1) of this article.

(4) If the Member, after having been denied the right to speak for the whole sitting, continues to defy the authority of the Chair or refuses to obey the measures imposed by the Chair of the sitting, the Parliament, on the proposal of the Commission on Parliamentary Ethics and Conduct, may deny the Member the right to speak for a period of up to 5 sittings.

(5) If, during the same session, the Member commits repeated breaches or refuses to comply with the sanctions applied as per this law, the sanction provided for in para (4) may be doubled.

Article 50. Removal from the sitting hall

(1) The Member may be removed from the sitting hall if they:

- 1) disregard the sanctions applied by the chair of the sitting and continue to:
 - a) deviate from the Rules of Procedure of the Parliament;
 - b) disobey and defy the authority of the chair of the sitting;
 - c) hurl public insults, calumnies or threats at the President of the Republic of Moldova, MPs, members of the Government and other persons;
 - d) disregard the call to order and continue to argue with other MPs or participants in the sittings;
 - e) use offensive gestures and language;
 - f) block, by various methods, the rostrum or the microphones in the hall;
 - g) disturb the order of the sitting in another manner;
 - h) make public appeal to rebellion, violence or other actions;
 - i) spread, incite to hatred, war, mass upheaval, group disobedience, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance or discrimination on the grounds of sex, race, nationality, religion, disability or sexual orientation;
 - j) justify wars of aggression, war crimes and crimes against humanity;
 - k) use violence or threats;
 - l) vote by electronic means on behalf of another Member;

(2) The Member to whom the sanction of removal from the sitting hall has been

applied shall be obliged to comply immediately with the sanction and may not come back to the plenary sitting until its conclusion.

Article 51. Execution of the sanctions of removal from the sitting hall or the prohibition to attend the sittings of the Parliament

(1) The failure to execute the demand of the chair of the sitting to leave the sitting hall shall be penalised with the loss of 25% of the monthly salary and other benefits and compensations.

(2) The failure to execute the repeated demand of the chair of the sitting to leave the sitting hall shall be penalised with the loss of 50% of the monthly salary and other benefits and compensations.

(3) Sanctions laid down in paras (1) and (2) shall be applied by the President of the Parliament.

(4) If, even after the application of the sanction laid down in para (2), the Member does not leave voluntarily the sitting hall, the chair of the sitting shall announce a break. In this case, the sanctioned Member is considered removed from the sitting hall for the whole duration of the sitting.

Article 52. Prohibition to participate in plenary sittings

(1) If the Member penalised with the removal from the hall does not leave voluntarily the sitting hall or if they have been repeatedly sanctioned for the same breach, in the same session, the Parliament may apply the sanction of prohibiting to participate in plenary sittings for a period of up to 10 sittings.

(2) The sanction of prohibiting to participate in plenary sittings may be removed by the Parliament at any moment, on the proposal of the President of the Parliament, the Commission on Parliamentary Ethics and Conduct, following a written or public address of the sanctioned Member, in which they communicate their regretting the committed acts and engage in respecting the rules established by this law and the order during the sitting.

Article 53. Immediate measures

(1) If agitation stirs up and it compromises the continuation of debates, the President may decide, with a view to re-establishing the order, to interrupt the live broadcast of the sitting in case an MP resorts to calumnious, racist or xenophobic language or behaviour.

(2) In case the situation is not remedied, the President shall suspend the sitting for a certain period of time or close it. If the President cannot make themselves heard, they shall leave the Chair's seat, and this shall bring about the suspension of the sitting. The sitting is resumed on the convocation of the President.

(3) The competences laid down in paras. (1)-(2) are attributed, *mutatis mutandis*, to the chair of the sitting of the working bodies of the Parliament.

Article 54. Exclusion from the standing parliamentary delegations to international organisations

The Member may be excluded from the standing parliamentary delegations to international organisations, interparliamentary delegations, interparliamentary conferences or any interinstitutional forum, for a period of up to one year, in the following cases:

- if during the official trip abroad, the Member displays conduct that damages the image and reputation of the Republic of Moldova;

- if they display conduct that does not comply with the protocol norms;
- if they do not respect the laws of the host state, the norms and regulations of the organisation that has invited them and the provisions of this law.

Article 55. Application of financial sanctions

(1) For the failure to execute the demand of the chair of the sitting to leave the sitting hall, the sanction shall be carried out in accordance with art.51 of this law.

(2) The Member who is penalised with the interdiction to participate in plenary sittings shall not receive salary, benefits and compensations for the whole period of the sanction, from the day of the sanctioning on.

Article 56. Application of the sanction of limiting the right of access to confidential information

(1) The failure of the Member to execute the obligations of confidentiality of the information protected by law, shall be penalised with the limitation of the Member's right to confidential information, for a period of up to one year.

(2) The sanction shall be applied by the President of the Parliament on the proposal of the Commission on Parliamentary Ethics and Conduct.

Article 57. Interference with the activity of the Commission on Parliamentary Ethics and Conduct

(1) Interference with the activity of the Commission on Parliamentary Ethics and Conduct, intentionally disregarding its notifications and recommendations, as well as hindering in any manner its activity, shall be penalised with the loss of 25% of the monthly salary and of other benefits and compensations.

(2) The sanction shall be applied by the President of the Parliament on the proposal of the Commission on Parliamentary Ethics and Conduct.

Article 58. Application of the sanctions at the sittings of the working bodies of the Parliament

(1) With a view to maintaining the order during the sittings of the working bodies of the Parliament, their Chairs shall be entitled to the same rights as those of the Chair of the plenary sitting and may apply sanctions laid down in art. 44 in accordance with the provisions of their activity rules.

(2) The sanctions applied to Members during the sittings of the working bodies of the Parliament shall be recorded in the minutes of the sitting and shall be included in the report on the Member's ethics and conduct.

Article 59. The rights and obligations of the sanctioned Members

(1) The Member in relation to whom it is proposed to apply the sanctions laid down in art. 44 para (1) letters e)-g) and i) has the right to present explanations to the Parliament within 3 minutes.

(2) The Member is obliged to comply with the demands of the Chair of the sitting, the decisions of the Parliament and the decisions of the Commission on Parliamentary Ethics and Conduct.

CHAPTER V. ENSURING THE EXERCISE OF THE MP MANDATE AND RELATED GUARANTEES

Article 60. Basic principles of the MPs' guarantees

(1) The system of social guarantees for the MPs is established taking into account the checks and balances principle, the exercise of the MP mandate on behalf of the people, the incompatibilities and restrictions laid down in this law.

(2) The system of MPs' guarantees is based on the following principles:

a) the rule of law – the principle according to which the payment rights are established under the conditions of this law;

b) proportionality – the principle according to which the payment system ensures the establishing of the salary in relation to the level of requirements in the exercise of the MP's function;

c) fairness and coherence – the principle according to which the payment system creates equal opportunities for the exercise of the function of MP.

Article 61. MPs' Guarantees

(1) The guarantees ensuring the exercise of the MP's mandate include:

- a) salary rights;
- b) rights to benefits and compensations;
- c) right to length of service;
- d) right to health service;
- e) right to protocol and promotion expenditures;
- f) right to transport;
- g) right to diplomatic passport;
- h) right to being provided with a living space;
- i) right to leaves.

(2) Salary rights and other types of monetary rights of the MPs shall be included in the budget of the Secretariat of the Parliament.

Article 62. Salary rights

(1) The Member shall benefit of salary rights and other monetary rights from the day of the legal establishment of the Parliament and the taking of the oath.

(2) For the efficient exercise of the mandate, the MP is entitled to monthly salary, monthly increment for holding a scientific title, single and annual bonuses.

Article 63. Benefits and compensations

(1) In the exercise of the mandate the MP has the right to:

- a) non-taxable monthly benefit for the rent of living space;
- b) non-taxable monthly compensation for expenses related to the carrying out of their official tasks, protocol and promotion expenses;
- c) non-taxable monthly benefit for transport;
- d) non-taxable monthly compensation for treatment expenditures.

(2) Benefits and compensation payments shall be established in the amounts

provided for by the Standing Bureau, shall not be included in the monthly salary and shall not be taken into account when establishing the amount of social benefits.

Article 64. Right to diplomatic passport

(1) For the duration of the exercise of the mandate, the MP shall be released a diplomatic passport free of charge.

(2) Upon termination of the MP's mandate, the diplomatic passport shall be annulled de jure and returned to the Parliament's Secretariat.

Article 65. Right to transport

(1) The President of the Parliament shall benefit of office transport.

(2) The MP, upon request, shall benefit of office transport or a non-taxable monthly allowance for transportation. The amount and method of transfer of the transportation allowance shall be established by the Standing Bureau.

Article 66. The right to being provided with a living space

(1) The Member who has no living space in the Municipality of Chişinău is entitled to official accommodation for the duration of their mandate.

(2) In case the MP is not granted official accommodation or from safety or other type of reasons, refuses the accommodation, they shall be granted a non-taxable monthly allowance for the rent of living space, the amount and the manner of transfer shall be established by the Standing Bureau.

(3) The MP who benefits of official accommodation shall pay themselves for the shared and individual utility bills.

(4) Upon termination of the MP mandate, the MP, the members of their family shall leave the apartment within 3 months and shall obligatorily pay the rent and shared and individual utilities.

Article 67. MPs' leaves

(1) MPs are entitled to annual paid leave, to unpaid leave for personal interests and to medical leave.

(2) Any leave, except the medical leave, shall be granted to MPs by order of the President of the Parliament.

(3) The annual paid leave shall be granted to MPs for a period of 42 calendar days, and may be granted integrally or may be divided in parts based on a written request of the MP. The annual paid leave shall be granted only during the break between sessions.

(4) The unpaid leave for personal interests shall be granted to the MPs for a duration of 10 days at the most, during one session.

Article 68. The loss of salary rights, benefits and compensations

(1) The unjustified absence of the MP during one month from the sittings of the Parliament or/and from the sittings of the Parliament's working bodies of which they are a member shall be penalised with the loss of 50% – for 3 absences, or 75% – for 4 and more absences, of the monthly salary, as well as with the loss of 50% or 75% of the non-taxable monthly benefit for transport for the next month or with the suspension of the right to office transport.

(2) In case of unjustified absence from any parliamentary activity during at least

one month consecutively, the Standing lead committee shall, on the notification of the President of the Parliament, evaluate the activity of the Member and may propose to the President of the Parliament to issue an order for the non-payment of salary, benefits and compensations for the whole duration of the unjustified absence.

(3) The MP's remand in custody or home arrest shall lead to the *de jure* suspension of salary, benefit and compensation rights.

(4) The payment of salary, benefits and compensations shall be resumed from the date of the participation of the MP in the plenary sitting or sitting of the committee of which they are part, or, as the case may be, of the termination or revocation of the custody or home arrest.

(5) In case the MP is discharged from criminal prosecution or is acquitted by final court decision, they will be compensated all salary, benefit and compensation rights suspended *de jure*.

Article 69. Social guarantees related to the expiry of the mandate of the MP

(1) Upon expiry of the mandate or in case of resignation, the Member shall receive a single benefit of two basic salaries.

(2) The benefit specified in para. (1) shall not be awarded in the case when the MP:

- a) has worked in this office for less than 2 years;
- b) has been revoked or dismissed from office for imputable reasons, indicated in the administrative act of revocation from office;
- c) is suspended from the previous workplace and re-engaged under the conditions of art.18 para (2) of Law no. 199/2010 on the status of persons holding public offices.

(3) The President of the Parliament shall, in case of mandate expiry, of resignation or definite impossibility to exercise their responsibilities, additionally benefit of:

- a) health assistance for life and free spa treatment once a year;
- b) security guard services for one year;
- c) vehicle for the duration of one year;
- d) diplomatic passport.

CHAPTER VI. FINAL AND TRANSITORY PROVISIONS

Article 70. Entry into force

(1) This law shall enter into force on

(2) On the date of the entry into force of this law, Law no.39/1994 on the status of the Member of Parliament is abrogated.

Article 71. Application of the law

(1) This law shall be applied in corroboration with the provisions of the Rules of Procedure of the Parliament adopted by Law no. 797/1996. In case of contradictions between these normative acts, the provisions of this law shall apply.

(2) The Standing Bureau of the Parliament shall, within 12 months, approve the normative acts necessary to execute this Law.

President of the Parliament

Information Note regarding the Draft Law on the Status, Conduct and Ethics of the Members of Parliament

1. Author's name and, if applicable, the names of the participants in the drawing up of the draft

In accordance with Article 73 of the Constitution of the Republic of Moldova, which stipulates the subjects with the right of legislative initiative, the authors of the draft Law on the Status, Conduct and Ethics of the Member of Parliament of the Republic of Moldova are a group of MPs of the Parliament of the Republic of Moldova.

2. Circumstances underlying the drawing up of the draft legislative act and the aims pursued According to the Constitution of the Republic of Moldova, national sovereignty belongs to the people of the Republic of Moldova, who exercise it directly or through their representative bodies in the forms established by law. The Members of Parliament are the elected representatives of the people, exercising their tasks in accordance with the Constitution and the laws of the country. Currently, the status and activity of the MPs are regulated by Law no. 39/1994 on the Status of Members of Parliament and the Rules of Procedure of the Parliament, adopted by Law no. 797/1996. The legal norms regulated by these normative acts have been subject to constitutionality review several times. Based on the rulings and addresses of the Constitutional Court in this field, the provisions in force, which create confusion in their application, were analysed. The current legislation does not regulate the norms and principles of parliamentary behaviour for MPs in the exercise of their entrusted mandate, although Members of Parliament have a duty to act with honour and discipline, respecting the principles of checks and balances, transparency, moral probity, accountability and respect for Parliament's reputation.

Similarly, the drafting of the law was guided by the need to ensure the implementation of European standards regarding the strengthening of the legislative procedure, the fight against corruption, the avoidance of conflicts of interest, which will emphasise the creation of a political culture, responsibility and honest behaviour of MPs. The recommendations of the Group of States against Corruption (GRECO), to which the Republic of Moldova adhered by Law no. 297-XV of 22.06.2001, are also relevant. These include:

- improving the capacity of its members to fight corruption by monitoring the carrying out of the commitments undertaken in this field;
- identifying the gaps and deficiencies in national mechanisms for preventing and combating corruption, which, to be overcome, should be followed by the initiation of legislative and institutional reforms and implementation of various anti-corruption practices.

In 2006, the OSCE Parliamentary Assembly adopted a declaration encouraging parliaments to develop and publish rigorous norms of ethics and official conduct for legislators and their staff; to establish effective mechanisms for public disclosure of financial information and potential conflicts of interest by MPs and their staff; and to establish a public entity to which grievances/complaints about misconduct by parliamentarians and their staff can be submitted. As a member of the OSCE PA, the Parliament of the Republic of Moldova should adopt its own norms for Members in accordance with these provisions.

International practices and the opportunity to transpose these practices into domestic legislation concerning the MPs' status, parliamentary immunity, ethics and parliamentary conduct were examined. It is also necessary to harmonise the draft law with the numerous recommendations of the European Commission for Democracy through Law (Venice

Commission), related to democratic institutions, e.g., civil society and media recommendations, which concern the openness, transparency and accessibility of the legislative process.

3. Compatibility degree for drafts aiming at harmonisation of domestic legislation with European Union legislation

The draft does not fit into the category of national legislation to be harmonised with European Union law but aims to harness best parliamentary practice based on democratic principles.

4. Key provisions and highlighting new elements

Despite some differences and challenges resulted from distinctions in size, traditions and constitutional grounds, most EU parliaments have adopted best practices to balance the need for effective decision-making with the need for debate, control and representation. This means balancing the mandate received by the majority in elections with the rights of the factions of the parliamentary minority. This is important in ensuring transparency and public confidence in the democratic process.

Status of the Member of Parliament

Throughout the past years, the Constitutional Court has received repeatedly demands to interpret the articles of the Constitution of the Republic of Moldova concerning the MPs' status. Therefore, the conclusions of the constitutional jurisdiction body, reflected in Decision no.8 of 19.06.2012, as well as in Decision no.2 of 20.01.2015, refer to the components related to the exercise of the mandate by Members who are "in the service of the people"; the nullity of the imperative mandate, the irrevocability of representative mandate; the cases of immunity and termination of the Member's mandate, etc. The Court found that the Parliament has not adopted so far regulations on the cases in which the mandate of a Member of Parliament may be *de jure* withdrawn or terminated. The Court underlined in the Address PCC-01/6b of 20 January 2015 the importance and necessity of expressly regulating the grounds and rules governing the termination of the mandate of a Member of Parliament, in the forms and within the limits provided for by the Constitution, also considering the reasoning outlined in the above-mentioned judicial decisions. For the implementation of this demand, the draft contains provisions referring to the mandate of the MP, the *de jure* termination of the MP quality, the resignation of MPs, reasons for withdrawing the mandate of the MP, incompatibilities and the procedure for their declaration and removal, the absolute and relative parliamentary immunity, the procedure for waiving parliamentary immunity.

Parliamentary Ethics and Conduct

At the legislative level, the draft law establishes norms of conduct for MPs in the exercise of the public office and in the fulfilment of parliamentary duties.

The draft stipulates general rules of behaviour inside the Parliament, the conduct of the MP in the exercise of their mandate, restrictions of conduct during parliamentary sittings, the conduct of the MP abroad, the conduct of the MP in relation to the staff of the Secretariat of the Parliament, the conduct of the MP towards the public, the conduct of the MP in relation to media representatives.

The Commission on Parliamentary Ethics and Conduct shall be established by the Parliament in order to investigate cases concerning the breach of the norms of parliamentary ethics and conduct, during the mandate of the Parliament.

The Commission on Parliamentary Ethics and Conduct will consist of 11 members as follows:

a) 4 members, Members of Parliament – on the proposal of the factions of the parliamentary majority;

b) 4 members, Members of Parliament – on the proposal of the factions of parliamentary opposition;

3 members proposed by civil society organisations.

The members of the Commission on Parliamentary Ethics and Conduct shall exercise their duties in accordance with the law, free from the influence of any other public or private entity.

The members of The Commission on Parliamentary Ethics and Conduct, as well as the Chair of the Commission shall be approved by Parliament's decision, on the proposal of the Standing Bureau.

The Commission on Parliamentary Ethics and Conduct shall be assisted by the Secretariat of the Committee on Legal Affairs, Appointments and Immunities.

The competences of the Commission on Parliamentary Ethics and Conduct are defined in Article 36 of the draft.

Ensuring the exercise of the MP mandate and related guarantees

The draft law establishes the system of guarantees for Members of Parliament, taking into account the principle of the separation of powers in the state, the exercise of the mandate of MP acting on behalf of the citizens, incompatibilities and restrictions. Therefore, the guarantees for the exercise of the MP mandate include rights to salary, per diems, increments, benefits and other payments, length of service, health assistance, protocol expenses, transport, diplomatic passport, living space, leaves.

The draft law states that the MP who benefits of official accommodation shall pay for utilities (electricity, heat, natural gas, cold and hot water supply, telephone, radio, television, sewerage, waste disposal, etc.) at their own expense. In case of unpaid utility bills, the amount of the debt for public utilities is charged to the MP's own salary.

Upon expiry of the MP mandate, family members shall vacate the living space with the obligatory payment of arrears on utilities.

5. Economic and Financial Statement

The implementation of this draft does not require the allocation of financial resources.

6. Alignment of the act with the existing normative framework

Amendments to other normative acts should be made after adopting the proposed draft.

7. Draft approval and public consultation

Pursuant to Law no.239/2008 on the transparency of the decision-making process, the draft law is published on the official website of the Parliament of the Republic of Moldova for public consultations.

8. Legal and anti-corruption expertise findings

The draft has to be submitted to anti-corruption expertise.