Chapter I
General Provisions

Article 1. Purpose of the Law
The purpose of the present law is to determine the legal status of the National Institute of Justice, establish its organizational and operational principles, the mode of initial training of candidates to the position of judge or prosecutor and continuous training of judges in office and prosecutors in office, clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers who provide legal assistance guaranteed by the state, as well as the mode of initial and continuous training of other persons serving within justice sector, in cases stipulated by the legislation.

Article 2. National Institute of Justice
(1) The National Institute of Justice, (hereinafter – “the Institute”), is a public institution, which carries out the initial training of the candidates to the position of judge or prosecutor, the continuous training of judges in office and prosecutors in office, clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state as well as initial and continuous training of other persons serving within justice sector in cases stipulated by the legislation.
(2) The Institute is a legal entity, has a seal with the image of the State Emblem of the Republic of Moldova and with the name of the Institute, its own patrimony, enjoys administrative, scientific and
Article 2. Didactic autonomy.

(3) The expenses for the maintenance and operation of the Institute are covered from the funds separately provided in the state budget. Other sources of financing not prohibited by law can be allowed if they do not hinder the autonomy of the Institute, and do not preclude exercising of the duties set out in art. 4 para. (1).

(4) The Institute is not a part of the national system of education, and is not subject to the legal provisions in force concerning accreditation and licensing of higher educational institutions and those from the domain of science and innovation.

(5) The Institute operates under the present law and its Statute, approved by the Council of the Institute, hereinafter – “the Council”.

(6) The headquarters of the Institute are situated in Chisinau.

Article 3. Patrimony of the Institute

(1) In order to exercise the duties stipulated by the present law, the Institute has a patrimony consisting of:
   a) assets transferred into use according to the established procedure;
   b) assets acquired at the expense of its own means;
   c) means from the activities undertaken on a contractual basis;
   d) donations and sponsorships from individuals and legal entities, national and foreign;
   e) other sources not forbidden by law.

(2) The assets of the Institute can be alienated only with the consent of the Council, under the law.

Chapter II
Organization and Functioning of the Institute

Article 4. Duties of the Institute

(1) The Institute exercises the following basic duties:
   a) initial training of candidates to the position of judge or prosecutor;
   b) continuous training of judges in office and prosecutors in office;
   c) continuous training of clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state;
   d) organization and conducting of exams for persons who have the tenure of 5 years in legal speciality professions stipulated by Law No. 544-XIII as of 20 July 1995 on the Status of Judge and Law No. 3-XVI as of 25 February 2016 on the Prosecutor's Office, (hereinafter referred to as persons who are candidates to the position of judge or prosecutor on the grounds of their tenure in profession);
   e) training of trainers.

(2) The Institute can also exercise duties regarding:
   a) initial and continuous training for other persons serving within justice sector, on contractual basis, in cases provided by law;
   b) international cooperation in the domain;
   c) conduct of scientific research studies in the domain of law and justice, publication of the accomplished studies, didactic materials and other materials elaborated in the process of activity.

(3) The Institute can carry out other activities required for exercising of its duties.

(4) For the purposes of exercising the duties stipulated by the present law, the Institute has the right to process personal data.
Article 5. Administrative Bodies of the Institute
Administrative bodies of the Institute are the Council and the Director.

Article 6. The Council
(1) The Council is the supreme administrative body of the Institute.
(2) The Council consists of 13 members, of which:
a) 7 members are appointed by the Superior Council of Magistracy from among judges of the courts of different levels;
b) 4 members are appointed by the Superior Council of Prosecutors from among prosecutors of different levels;*

* Note: The new provisions of art. 6, para. (2), letter b) shall be in force after the expiry of the term of office of the members of the Council of the National Institute of Justice in office, currently appointed by the Prosecutor General.

c) 1 member appointed by the Minister of Justice;
d) 1 member, titular professor in law, appointed by the Council of Rectors of the Republic of Moldova. The procedure of organisation and conducting of a competition, the eligibility criteria for candidates shall be established by the Regulations approved by the order of the Minister of Justice**.

** Note: The new provisions of art. 6, para. (2), letter d) shall be in force after the expiry of the term of office of the members of the Council of the National Institute of Justice in office, currently appointed by the Senate of Moldova State University.

(3) The term of office of the members of the Council is 3 years, renewable only once.
(4) Membership of the Council shall cease upon expiry of the term of office, upon request or in case of death. The membership may be revoked by the nominating body, in case of circumstances that exclude the possibility of exercising the term of office, as well as at the request of the Council voted for by two thirds of members, in the event of failure to perform or inappropriate performing of duties.
(5) The chairperson of the Council shall be elected by the secret vote of the members of the Council for the term of office. The chairperson of the Council can be revoked at the request of 1/3 of the members of the Council. The decision on revoking of the chairperson of the Council shall be adopted by the secret vote of 2/3 of the members of the Council.
(6) Secretarial work of the Council is ensured by the Institute.
(7) For each attended meeting the Members of the Council shall receive an allowance equivalent to one tenth of the average salary in the economy for the year preceding to that of the production year as a reference unit.

Article 7. Duties of the Council
(1) The Council exercises the following main duties in the domain of organisation of the activity of the Institute:
a) approves the development strategy of the Institute as well as the action plan for its implementation;
b) approves the internal Regulations and other documents necessary for the good operation of the Institute;
c) approves the structure, staff list and maximum headcount of the Institute;
d) organizes the competition for filling in the vacancy for the position of the Director;
e) appoints and dismisses the Director and the Deputy Director under conditions of art. 9;
f) orders temporary appointment for the position of the Director and Deputy Director, in case of
vacancy of the position until the vacancy is filled in as stipulated by the law;
g) approves the Statute for trainers;
h) approves the results of the contest for filling in the vacancies for trainers;
i) approves and submits to the Ministry of Finances the annual draft budget of the Institute, according to the established procedure;
j) authorizes agreements/memoranda on cooperation with similar institutions from other states and on donor's contributions;
k) annually, by July 31, approves the report on the activity of the Institute that shall be submitted to
the Superior Council of Magistracy, Superior Council of Prosecutors and the Ministry of Justice for the purposes of informing and published on the web-site of the Institute;
l) approves the Methodology for the quality assessment of the training programmes.

(2) In the domain of ensuring the initial training of the candidates to the position of judge or prosecutor, continuous training of judges in office and prosecutors in office, clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers who provide legal assistance guaranteed by the state, as well as in the domain of organising the examination for persons running for a position of a judge or prosecutor based on the tenure in profession, the Council has the following basic duties:

a) annually, by March 31, approves the number of places offered for the next year admission contest for the initial training of candidates to the position of judge and prosecutor, taking into consideration available funds and proposals of the Superior Council of Magistracy and the Superior Council of Prosecutors;
b) approves the Regulations on the organization and conduct of the admission contest for the initial training of candidates to the position of judge and prosecutor;
c) approves the composition of the Admission Examination Commission, Graduation Examination Commission and Appeals Commission;
d) approves the results of the admission contest for the initial training of candidates to the position of judge and prosecutor and lists of candidates for the initial training who have passed the contest;
e) approves annually, but not later than by September 1, the training syllabus and subjects curricula of the initial training courses for candidates to the position of judge and prosecutor;
f) approves the results of the graduation exam for the initial training courses for candidates to the position of judge and prosecutor and results of the exam for persons running for a position of a judge or prosecutor based on the tenure in profession;
g) approves the methodology of determination of needs in the initial and continuous training;
h) annually, by November 30, approves the training syllabus for continuous training;
i) approves the model of the certificate for the initial training courses, the certificate for the continuous training courses and the certificate certifying the passing of the examination before the Final Examination Commission by the persons who are candidates to the position of judge or prosecutor based on the tenure in profession;
j) annually, by November 30, approves the training syllabus for trainers.

(3) The Council has the following basic duties concerning the initial and continuous training of other persons serving within justice sector:
a) approves the syllabus for the initial and continuous training of other persons serving within justice sector;
b) approves the Regulations on the procedure of organisation and conditions of providing the initial and continuous training of other persons serving within justice sector.
(4) The Council also exercises other duties stipulated by the present law.
(5) It is mandatory to consult the opinion of the Superior Council of Magistracy, Superior Council of Prosecutors, Ministry of Justice and National Legal Aid Council prior to the approval of decisions on issues stipulated by para. (1) letter l), and para. (2) letter b), e), h), i) and j).
(6) It is mandatory to consult the opinion of the Superior Council of Magistracy, Superior Council of Prosecutors prior to the approval of decisions on issues stipulated by para. (2) letter a), and prior to the approval of decisions stipulated by para. (3) it is mandatory to consult the opinion of the self-administration bodies of the professions related to the justice system.

Article 8. Meetings of the Council
(1) The ordinary meetings of the Council shall be convened once a quarter.
(2) At the request of the chairperson of the Council or 1/3 of its members the Council shall be convened in extraordinary meetings.
(3) The members of the Council shall be informed on the date, time and place of the meeting, agenda, draft documents to be approved and relevant materials at least 3 days before the meeting. In case of extraordinary meetings, the members of the Council shall be informed on the materials at least one day before the meeting.
(4) The meetings of the Council shall be chaired by the chairperson of the Council. In the absence of the chairperson, the meeting shall be chaired by a member appointed by the chairperson of the Council, or, where applicable, by the member, elected from those present at the meeting.
(5) The meetings of the Council are open to public. By the reasoned request of the chairperson of the Council or by at least 5 members of the Council, the Council can decide that the meeting shall be closed for public. The meetings are legally qualified, if the majority of the members are present.
(6) The Director shall attend all meetings of the Council and has the right of a consultative vote.
(7) At the request of the chairperson of the Council or 1/3 of its members the representatives of donor institutions and invited experts can attend the meetings of the Council.
(8) The decisions of the Council shall be adopted by a majority vote of the members of the Council and shall be signed by the chairperson of the Council. Decisions on training programs for judges and prosecutors are considered to be adopted if they have been voted for by the majority of the members of the Council from among judges or from among prosecutors, respectively.
(9) The proceedings of the Council meetings are recorded in a meeting minutes that shall be signed by the chairperson and the secretary.
(10) All decisions adopted by the Council shall be published on the official website of the Institute. The Regulations approved by the Council in order to exercise the duties stipulated under art. 4 shall be also published in the Official Gazette of the Republic of Moldova.

Article 9. The Director
(1) The candidacy for the position of the Director shall be selected through a contest from among persons with a university degree in law, public administration or management or its equivalent, who have corresponding professional skills and work experience within last 7 years for exercising the duties of the Institute*.
(2) The Director shall be appointed for the office by the Council, for a term of 5 years, without the possibility of exercising two consecutive terms *.
(3) The Director ceases his/her activity at the expiry of the term of office, upon resignation or in the
event of his/her death. The Director can be dismissed by the decision of the Council, at the proposal of one third of the members of the Council, in cases of severe violation of the legislation, ascertained insufficient qualification or systematic disciplinary misconducts.

(4) The Director shall ensure the current management of the activity of the Institute and has the following main duties:

a) to represent the Institute in relations with public authorities, natural and legal persons, both national and foreign;

b) to ensure the organizational activity of the Council;

c) to organize the execution of Council's decisions;

d) to appoint the trainers after the approval by the Council of the contest results for filling in these positions;

e) to ensure the elaboration of the internal Regulations and other documents necessary for the good operation of the Institute;

f) to issue orders on the enrolment, promotion and expulsion of the attendees of the initial training courses;

g) to ensure the elaboration and implementation of training syllabus;

h) to organize and implement the system of financial management and internal control, to be liable for the management of the budget of the Institute and of the public patrimony under management;

i) to ensure drafting of the budget of the Institute and its submission to the Council for approval;

j) to ensure elaboration of the annual activity report of the Institute and its submission to the Council for approval;

k) to ensure drafting of the staff list and minimum headcount of the Institute;

l) to appoint and dismiss the administrative and support personnel of the Institute;

m) to conclude agreements/memoranda on cooperation with similar institutions from other states and on donor's contributions authorized by the Council; to maintain relationships with international bodies in matters within the terms of reference of the Institute, with subsequent approval by the Council;

n) to exercise other duties necessary for good organization and conduct of the activity of the Institute.

**Article 10. The Deputy Director**

(1) The Director is assisted by a Deputy Director, appointed by the Council at the proposal by the Director, from among persons with a university degree in law and who have corresponding professional skills and work experience within last 5 years for exercising the duties of the Institute*.

(2) The Director of the Institute shall establish the duties of the Deputy Director by the order*.

(3) Whenever the Director is absent, the Deputy Director shall exercise his/her duties.

**Article 11. The Structure and the Staff of the Institute**

(1) The structure of the Institute, staff list and maximum headcount of the Institute shall be approved by the Council.

(2) The staff of the Institute consists of trainers, administrative and support staff.

(3) The trainers of the Institute shall be selected on the basis of a contest, in accordance with a transparent procedure set out by the Council, and shall be included in the network of trainers of the Institute.

(4) The trainers shall be selected from among the best professionals that are judges, prosecutors, teaching staff of the higher education institutions specialised in law, as well as other specialists.
active in the domain that is the subject of the initial or continuous training courses organised by the Institute.

(5) The selection of trainers shall be made based on the following criteria:
   a) teaching experience in the domains specified in the training syllabus approved by the Council;
   b) professional experience;
   c) published works;
   d) irreproachable reputation in the domain of activity;
   e) integrity.

(6) Specialists from a specific domain shall be invited in order to ensure initial training or continuous training. The Director of the Institute orders their invitation on a contractual basis.

(7) The rules established for the teaching staff of higher education system shall apply to the trainers of the Institute whenever special rules are not provided for. The teaching load for the trainers of the Institute shall be established by the Government.

(8) Judges and prosecutors can be seconded to work at the Institute.

(9) The rights and duties of the staff of the Institute shall be established by the internal Regulations of the Institute.

**Article 12. Remuneration of the Staff of the Institute**

(1) The Director, the Deputy Director, the administrative and support staff shall be remunerated in accordance with the provisions of Law no. 355-XVI as of 23 December 2005 on Pay System in the Budgetary Sector.

(2) Judges and prosecutors seconded to perform some duties within the Institute shall be remunerated in accordance with the provisions of the special laws governing their status.

(3) If within the period of exercising his/her duties the judge or prosecutor designated for the position of the Director or Deputy Director of the Institute resigns the office of the judge or prosecutor due to the age limit for retirement, but continues his/her activity within the Institute, the latter is paid the salary under conditions of para. (1).

(4) The Director, the Deputy Director and other administrative staff within the Institute who meet the conditions set for the trainers can practice teaching activity on a part-time basis.

(5) The trainers of the Institute shall be remunerated on contractual basis according to the procedure established by the Government.

**Chapter III**

**INITIAL TRAINING OF THE CANDIDATES TO THE POSITION OF JUDGE AND PROSECUTOR, CONTINUOUS TRAINING OF ACTING JUDGES AND PROSECUTORS AND EXAMINATION FOR PERSONS RUNNING FOR THE POSITION OF A JUDGE OR PROSECUTOR BASED ON THE TENURE IN PROFESSION**

**Section 1**

**Admission Contest and the Procedure of Organisation and Conduct of the Initial Training for Candidates to the Positions of Judge and Prosecutor**

**Article 13. Initial Training of Candidates to the Position of Judge or Prosecutor**

(1) Initial training of candidates to the position of judge or prosecutor is one of the obligatory conditions for designation to the office of judge and prosecutor for persons who do not have the tenure of 5 years in legal speciality professions stipulated by Law No. 544-XIII as of 20 July 1995 on the Status of Judge and Law No. 3 as of 25 February 2016 on the Prosecutor's Office.

(2) The duration of initial training courses for candidates to the position of judge or prosecutor is 18
Article 14. Admission Contest for the Initial Training of the Candidates to the Position of Judge and Prosecutor

(1) Admission for the initial training of the candidates to the position of judge and prosecutor is contest-based.

(2) The admission contest for the initial training of the candidates to the positions of judge and prosecutor (hereinafter, admission contest) is organized by the Institute in compliance with the principles of transparency, equality of rights and is based on the skills of the participants in the contest.

(3) The date, place, way of conducting of the admission contest and the number of places offered are made public by means of a contest announcement that is published on the official web-page of the Institute and in mass media at least 60 days before the date of contest.

Article 15. Conditions of Enrolment to the Admission Contest

(1) The right to participate in the admission contest have only the persons who meet the conditions stipulated by Law No. 544-XIII as of 20 July 1995 on the Status of Judge, in case of running for the position of judge and, accordingly, Law No. 3 as of 25 February 2016 on the Prosecutor's Office, in case of running for the position of prosecutor. The persons applying for admission to the initial training courses for candidates to the position of judge or prosecutor should have the tenure of at least 2 years in legal speciality professions.

(2) The application for the enrolment to the admission contest shall be submitted to the Institute within the terms indicated in the contest announcement. The following documents should be enclosed to the application:
   a) a copy of identity card;
   b) a copy of the Master's degree diploma in law speciality or its equivalent; [Art.15 para. (2), letter b) as worded by Law no 137 of 27.09.18, in force since 19.10.18]
   c) a copy of work record card (where applicable);
   d) criminal record;
   e) reference letter from the last place of work (where applicable).

(3) Only the candidates who submitted complete files, in accordance with the conditions stipulated by par. (2), shall be admitted to the admission contest.

(4) At the time of submitting the set of documents, the candidate shall be requested to agree to the medical examination, in the case of passing the admission exam, such consent s/he has to express in writing.

(5) The medical certificate on health condition shall be issued by the specialized commission of the Ministry of Health, Labour and Social Protection.

Article 16. The Procedure of Running the Admission Contest

(1) The admission contest is held in front of the Admission Examination Commission that is formed based on the decision of the Council for the period of running the contest and consists of 7 members including two members appointed by the Superior Council of Magistracy, two members appointed by the Superior Council of Prosecutors and three members appointed from among university professors holding the degree of the Doctor in Law or a higher degree in the domain of law regarding the subjects of the contest examinations. University professors are selected by the Institute.

(2) The Admission Examination Commission has the following duties:
a) to assess the works by the participants of the contest and assess the participants of the contest at each stage of the admission contest;
b) to announce the results of the admission examinations;
c) to undertake measures on preventing the access of unauthorised outsiders to the premises where the contest is held;
d) to prepare and submit to the Council for approval the lists of participants who have passed the admission contest in the descending order of the average mark obtained at the oral and written exams, and the report on conducting the examination;
e) to exercise any other duties necessary for good organisation and conducting of the admission contest.

(3) The Admission Examination Commission cannot include members of the Superior Council of Magistracy, Superior Council of Prosecutors, Commission for Selection and Career of Judges, Board for Selection and Career of Prosecutors and persons who are in conflict of interest. Members of the Commission shall sign a declaration of personal responsibility in this regard.
(4) In case when the incompatibility is revealed subsequently to the appointment of the members of the Commission, the concerned member shall withdraw and immediately inform the Council about this situation with the view to be replaced as stipulated by para. (1).

Article 17. The Assessment Procedure Regarding the Results of the Admission Contest

(1) The admission contest shall be conducted in the form of admission examinations that consist of the written and oral testing.
(2) The participant in the contest is assessed with grades from 1 to 10 for each test. It shall be considered that the participant has passed written or oral test, if s/he obtained at least grade 5 (five) for each of them.
(3) The oral test shall be recorded in audio and video format. The audio and video records of the oral test and written tests of the participants in the contest shall be kept at the Institute until the procedure of appeals examination stipulated by art. 18 is over, afterwards they shall be destroyed following the procedure stipulated by the legislation.
(4) Cheating at the examination entails withdrawal from the admission contest.
(5) While assessing the candidates at the admission exams the Admission Examination Commission takes into account the following criteria:
a) quality of presentation and argumentation of the answer to the respective subjects;
b) capacity to interpret and apply the substantive and procedural law;
c) capacity to analyse and summarize;
d) capacity to answer the questions promptly and correctly.

Article 18. Announcement, Appeal against and Approval of the Admission Examination Results

(1) The Admission Examination Commission announces the results of examination not later than within 24 since their closing, and the information regarding the results of examination shall be immediately displayed at the office of the Institute and on its official website. The information shall contain complete surname and name of the participants in the contest and grades they obtained for each test.
(2) The results of the admission examinations can be appealed against within 48 hours since the publication of results to the Appeal Commission that is appointed by the Council and carries out its activity in accordance with the regulations approved by the Council.
(3) The appeals shall be examined by the Appeal Commission within 3 days since the date of appeal registration. The Commission shall draw up a report on the outcome of the appeal examination,
which shall be brought to the attention of the appellant under his/her signature.
The decisions taken by the Commission are final.
(4) The grade obtained as a result of appeal is definitive and cannot be lower than the appealed grade.
(5) Taking into account the decisions on appeals, the Admission Examination Commission draws up the lists and the report referred to in art. 16 para. (2) letter d) and submits them to the Council.
(6) The participants in the contest, who obtained the average grade rounded to the hundreds place, allowing them to fall within the limits of the number of places put up for the contest, shall be considered as having passed the admission contest.
(7) If the candidates for the initial training have obtained equal average grades, the biggest tenure in the legal speciality, the Doctor's degree in law, the Master's degree studies in law or other studies shall be used as the criteria for choosing between candidates.
(8) The Council approves the results of the admission contest and lists of candidates for the initial training who have passed the contest.
(9) The lists of candidates for the initial training who have passed the admission contest shall be displayed at the office of the Institute and published on the official websites of the Superior Council of Magistracy, Superior Council of Prosecutors and of the Institute within 24 hours since their approval by the Council.

Article 19. Admission for the Initial Training of the Candidates to the Position of Judge and Prosecutor
(1) The person who has passed the admission contest shall submit the declaration through which s/he assumes the obligation to participate after the accomplishment of the initial training course in all contests for filling in the vacant position of judge or prosecutor within the period of 5 years, to accept the offered position and to work in this position for at least 3 years.
(2) The persons who have passed the admission contest and have signed the declaration stipulated by para. (1) are enrolled to the Institute based on the order of the Director and benefit a monthly scholarship in the amount of the average salary in the economy for the year preceding to that of the production year.
(3) The persons who have passed the admission contest obtain the status of the initial training course attendees since the moment the order on enrolment has been issued by the Director.

Article 20. Rights and Obligations of the Attendees of the Initial Training Courses
(1) The attendees of the initial training courses have the right:
a) to have theoretical and practical training in accordance with the subject’s curricula and training syllabus approved by the Council;
b) to benefit from the material and technical basis of the Institute;
c) to express their opinion regarding the quality of theoretical and practical lessons;
d) to make suggestions for the improvement of the training process;
e) to participate in the scientific research activity, to publish scientific articles, to participate in the elaboration of other materials;
f) to participate in the conferences, symposia and other activities;
g) to exercise other rights stipulated by the law.
(2) The attendees of the initial training courses have the following obligations:
a) to attend the lessons in accordance with the established timetable and to participate in internships;
b) to study continuously and to fulfil in due time the tasks stipulated by the training syllabus;
c) to participate in the specified scientific activities;
d) to comply with the internal regulations of the Institute and of the institutions where the
internships will take place;
e) to use the resources and material means which are made available to them, according to their
intended purpose, exclusively with the aim of acquiring the professional knowledge;
f) to abstain from any actions which preclude other attendees from their learning of theoretical and
practical material;
g) to fulfil other obligations stipulated by the law.
(3) It is prohibited to the attendees of the initial training courses:
a) to be a part of a party or to carry out any political activity;
b) to carry out any remunerated activities except for didactic, scientific or creative activities
practised outside the schedule of the initial training.

**Article 21. Disciplinary Liability of the Attendees of the Initial Training Courses**

(1) The attendees of the initial training are disciplinary liable for the faults regarding their duties
under the law and internal Regulations of the Institute.
(2) Disciplinary faults involve:
a) conduct of public activities of political nature or demonstration of political creed during the
training period;
b) indecent attitude towards colleagues, trainers or staff of the Institute as well as towards persons
contacted within the internship period;
c) unjustified absences from the study and internship hours if they exceed 8 academic hours per
month;
d) cheating at the examinations.
(3) The absences from the study and internship hours in case of illness of the attendee or in the case
of death of a relative up to and including the IV grade, confirmed by documents, shall be considered
justified.
(4) Disciplinary sanctions involve:
a) warning;
b) reduction of the scholarship by up to 15% for a period from one to three months.
c) expulsion from the Institute;
(5) The sanction stipulated by para.(4), letter a) shall be set out by the Director in writing, applied by
the Director and can be appealed against to the Council.
(6) The sanctions stipulated by para.(4), letters b) and c) shall be applied by the decision of the
Council and can be appealed against as stipulated by law.
(7) In case the attendee of the initial training course has committed the disciplinary offences
stipulated in para. (2) letter d) the disciplinary sanction of expulsion from the Institute shall be
applied.

**Article 22. Termination of the Status of the Initial Training Courses Attendee**

(1) The status of the initial training courses attendee shall terminate in the following cases:
a) submission of the corresponding application by the attendee of the initial training courses;
b) repeated negative assessment of the attendee of the initial training courses for the same subject or
failure at the final examination;
c) announcement of the final conviction judgement regarding the initial training courses attendee;
d) finding of the fact that the attendee of the initial training courses does not any more meet the
requirements for to be a candidate to the position of the judge or prosecutor;
e) application of the disciplinary sanctions stipulated by art. 21 para. (4) letter c);
f) graduation of the initial training courses;  
g) death of the attendee of the initial training courses.

(2) In the cases mentioned in para.(1), letters a) - e) the Council issues the decision on expulsion from the Institute and orders the reimbursement of the monthly scholarship paid under the law during the initial training period. In case of refusal to reimburse the received scholarship, it shall be exacted based on the court ruling upon the request by the Institute.

(3) The Council shall not order to exact the scholarship received during the period of the initial training in the case of death of the initial training courses attendee, establishing the judicial protection measure in his/her respect or because of his/her health condition, stated by the decision of the bodies of competent medical expertise of vitality, which will not subsequently allow him/her exercising of functions of the judge or prosecutor.

[Art.22 para. (3) as amended by Law no 238 of 08.11.18, in force since 30.12.2018]

(4) In the case mentioned in para.(1), letter c) the Council issues the decision on graduation from the initial training courses.

**Article 23. Organization of the Initial Training Courses**

(1) The initial training courses are carried out in accordance with the training syllabus and subjects curricula approved by the Council.

(2) The Council is entitled to decide on the formation of mixed groups of the candidates to the position of judge and prosecutor.

**Article 24. Internships**

(1) The attendees of the initial training courses undertake the internships in accordance with internship curriculum under the guidance of the supervisor designated by the Institute, based on the proposal of the Superior Council of Magistracy, Superior Council of Prosecutors or the head of the criminal prosecution body.

(2) The internships shall be undertaken within the framework of court instances, prosecutor's offices and criminal prosecution bodies.

(3) The leadership of the court instances, prosecutor's offices and criminal prosecution bodies shall ensure the necessary conditions for a good conduct of the internship.

(4) The supervisors of the internship shall have the tenure in the corresponding activity of at least 5 years and have an irreproachable reputation. On designation of the supervisor of the internship the criteria stipulated by the present law for trainers shall be also taken into account.

(5) The supervisor of the internship is remunerated at the level of a trainer. The maximum amount of the monthly salary is 2,5 academic hours per week for a internship trainee.

(6) At the end of the internship the supervisor of the internship draws up a report regarding the activity of the internship trainee that shall correspond to the requirements stipulated by the Council.

(7) Annually the Institute organises the training for the supervisors of the internship.

**Article 25. Assessment of Knowledge during the Initial Training Courses**

(1) Attendees of the initial training courses shall be periodically assessed and the subjects for which they are assessed as well as the modality of assessment are stipulated by the Council.

(2) The attendees' knowledge shall be assessed in a transparent, objective and impartial way, taking into consideration the following criteria:

a) abilities to analyse, summarise and interpret the substantive and procedural legislation;

b) skills in drafting of procedural documents, in assessment and settlement of the case situations;
a) quality of presentation, accuracy and argumentation of the answer.
(4) In case of repeated negative assessment for the same subject, the attendee of the initial training courses can be expelled from the Institute at the proposal of the Director through the decision of the Council.
(4) The results of the assessments can be challenged under the conditions of art. 18.

Article 26. Final Examination at the Initial Training Courses
(1) After the termination of initial training courses the attendees take final examination which shall be taken in front of the Final Examination Commission.
(2) Final Examination Commission cannot include members of the Superior Council of Magistracy, Superior Council of Prosecutors, Board for Selection and Career of Judges, Board for Selection and Career of Prosecutors, Admission Examination Commission and husband or wife, relatives or affinity up to the fourth degree of relation of persons who take the examination. Members of the Commission shall sign a declaration of personal responsibility in this regard.
(3) The date, place, way of conducting of the final examination are made public on the official webpage of the Institute, Superior Council of Magistracy and Superior Council of Prosecutors.
(4) Final examination tests and subjects for it are determined by the Council. Examination tests are registered by means of audio and video records.
(5) The results of the final examination shall be displayed at the office of the Institute and on its official website within 24 hours after the end of each examination and can be appealed against under the procedure and terms stipulated by art. 18.
(6) The attendee who did not pass the final examination or who was absent on reasonable grounds at the final examination can be admitted to take this examination once again during the next session organized by the Institute.
(7) In the event of unjustified absence of the attendee from the final exam, or failure to pass the examination at the repeated session s/he is obliged to reimburse to the Institute the scholarship paid under the law during the initial training period. In case of refusal to reimburse the received scholarship, it shall be exacted based on the court ruling upon the request by the Institute.
(8) The graduates of the Institute are issued a certificate stating the year of graduation and average grade obtained. Based on this certificate they will participate in the contest for filling in the vacant position of judge or prosecutor under conditions of law.

Article 27. Participation in the Contest for Filling in the Vacant Position of Judge or Prosecutor
(1) Upon graduation from the initial training courses the graduate of the Institute is obliged to participate in the contests for filling in the vacant position of a judge or prosecutor as stipulated by Law No. 544-XIII as of 20 July 1995 on the Status of Judge, and, accordingly, as stipulated by Law No. 3 as of 25 February 2016 on the Prosecutor's Office.
(2) If the graduate of the Institute does not take part in the contests for filling in the vacant position of judge or prosecutor during 5 years after graduation from the initial training courses or unjustifiably refuses maximum twice the proposed vacant positions, s/he is excluded from the Register of competitors for filling in the vacant position of judge or prosecutor and is obliged to reimburse the scholarship paid under the law during the initial training. An exception is done for those who do not participate in contests for objective reasons. In case of refusal to reimburse the received scholarship, it shall be exacted based on the court ruling upon the request by the Institute, Superior Council of Magistracy or, where applicable, Superior Council of Prosecutors or the Ministry of Justice. The Superior Council of Magistracy and the Superior Council of Prosecutors inform the Institute and the Ministry of Justice about the persons who have not honoured their
commitments, as well as about filing of a claim regarding the reimbursement of the scholarship paid under the law during the initial training.  

[Art.27 para. (2) as amended by Law no 137 of 27.09.18, in force since 19.10.18]

(3) The graduate of the National Institute of Justice who has worked as a judge, prosecutor or other public official less than 3 years since appointment is obliged to reimburse the scholarship paid under the law during the initial training period. In case of refusal to reimburse the received scholarship, it shall be exacted based on the court ruling upon the request by the Institute, Superior Council of Magistracy or, where applicable, Superior Council of Prosecutors or the Ministry of Justice in compliance with the procedure of informing stipulated by para. (2).

[Art.27 para. (3) as worded by Law no 137 of 27.09.18, in force since 19.10.18]

Section 2

The Procedure of Organisation and Conduct of the Examination for Persons who are Candidates to the Position of Judge or Prosecutor based on the Tenure in Profession

Article 28. Examination for Persons who are Candidates to the Position of Judge or Prosecutor based on the Tenure in Profession

(1) Examination for persons who are candidates to the position of judge or prosecutor based on the tenure in profession shall be organized by the Institute simultaneously with the final examinations for attendees of the initial training courses and shall be taken in front of the Final Examination Commission.

(2) To participate in the examination, the persons specified in para. (1) shall submit to the Final Examination Commission an application for participation in the examination, enclosing the copy of the work record card.

(3) Final Examination Commission shall verify, if the candidates to the position of judge or prosecutor based on the tenure in profession fulfil the conditions stipulated by art. 6, para. (2) of Law no. 544-XIII as of 20 July 1995 on the Status of Judge and, accordingly, art. 20, para. (3) of the Law No. 3 as of 25 February 2016 on the Prosecutor's Office and shall approve the list of persons allowed to take the examinations.

Article 29. Organization and Conduct of the Examination for Persons who are Candidates to the Position of Judge or Prosecutor based on the Tenure in Profession

The procedure of organisation and conduct of the examination for persons who are candidates to the position of judge or prosecutor based on the tenure in profession shall be established by the Regulations, approved by the Council.

(2) The examination for persons who are candidates to the position of judge or prosecutor based on the tenure in profession is taken under the same conditions stipulated for the final examination taken by the attendees of the initial training courses of the Institute, under appropriate application of the provisions of art. 26.

(3) The results of examination shall be indicated in the minutes and approved by the Council.

(4) After the validation of the results of examination, persons who are candidates to the position of judge or prosecutor based on the tenure in profession are issued a certificate that confirms taking the examination in front of the Final Examination Commission and states the year of taking it and average grade obtained.

(5) The results of the examination taken in front of the Final Examination Commission are valid within 5 years. After the expiration of the period of 5 years, the persons who are candidates to the position of judge or prosecutor based on the tenure in profession have to retake the examination in front of the Final Examination Commission.
Section 3
Continuous Training of Judges in Office and Prosecutors in Office

**Article 30.** Continuous Training of Judges in Office and Prosecutors in Office
(1) Continuous training of judges in office and prosecutors in office consists of at least 40 hours annually.
(2) The Institute organises continuous training of judges in office and prosecutors in office in accordance with the training syllabus, annually approved by the Council.
(3) The syllabus of continuous training for judges in office and prosecutors in office is elaborated in accordance with the Methodology of determination of needs in the continuous training of judges in office and prosecutors in office, based on the requests of judges in office and prosecutors in office, proposals delivered by the Board for Performance Evaluation of Judges, the Board for Selection and Career of Prosecutors, the Superior Council of Magistracy and the Superior Council of Prosecutors.
(4) The syllabus of training can include obligatory courses for judges and prosecutors proposed by the Superior Council of Magistracy and the Superior Council of Prosecutors.
(5) The approved syllabus of continuous training of judges in office and prosecutors in office shall be published on the official web-page of the Institute and is communicated to the Superior Council of Magistracy and the Superior Council of Prosecutors in December of the year preceding to the organization of training courses.

**Article 31.** Organisation of Continuous Training for Judges in Office and Prosecutors in Office
(1) The Superior Council of Magistracy and the Superior Council of Prosecutors are obliged to delegate judges and prosecutors for participation in continuous training courses taking into account the options of judges and prosecutors.
(2) Continuous training is provided in the form of seminars, multidisciplinary courses, thematic courses, conferences, etc.
(3) The procedure of organization and conduct of continuous training for judges in office and prosecutors in office is regulated by the present law and regulations approved by the Council. The institution that delegates a judge or a prosecutor for continuous training courses shall preserve his/her place of employment (position) and average salary, and ensure refunding of per diem expenses including those for transport, in accordance with the provisions of the legislation in force.
(4) Expenses related to organisation and conduct of the continuous training courses shall be covered by the budget of the Institute.
(5) The Institute can organise remote continuous training of judges in office and prosecutors in office in accordance with the training syllabus, annually approved by the Council.
(6) Judges in office and prosecutors in office who participate in the continuous training are issued a certificate on participation that must state the title of continuous training activity, its duration in hours and period within which continuous training activity took place.
(7) The data on the continuous training activities organized by the Institute, attended by the judges in office and the prosecutors in office, are entered into the electronic database of the Institute regarding the continuous training. It includes information on the number of hours of continuous training accumulated each year by each judge or prosecutor, the title of the activities attended, and other data on continuous training.
(8) The Superior Council of Magistracy, the Board for Performance Evaluation of Judges, the Superior Council of Prosecutors, and the Board for Selection and Career of Prosecutors have access to data concerning the continuous training in which judges and prosecutors have participated.
Chapter IV
CONTINUOUS TRAINING OF CLERKS OF THE COURT, JUDICIAL ASSISTANTS, HEADS OF THE COURT SECRETARIAT, PROSECUTOR'S COUNSELLORS, PROBATION COUNSELLORS, LAWYERS PROVIDING LEGAL ASSISTANCE GUARANTEED BY THE STATE AND INITIAL AND CONTINUOUS TRAINING OF OTHER PERSONS SERVING WITHIN JUSTICE SECTOR

Article 32. Continuous Training of Clerks of the Court, Judicial Assistants, Heads of the Court Secretariat, Prosecutor's Counsellors, Probation Counsellors, Lawyers Providing Legal Assistance Guaranteed by the State

(1) The Institute organises continuous training of clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state in accordance with the training syllabus approved by the Council, upon its coordination with the Superior Council of Magistracy, Superior Council of Prosecutors, Ministry of Justice and the National Legal Aid Council.

(2) Clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state are obliged to follow continuous training courses.

(3) The number of hours which must be accumulated annually by the of clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state is established by the Council, upon consultation with the Superior Council of Magistracy, Superior Council of Prosecutors, Ministry of Justice and the National Legal Aid Council.

(4) The institution which delegates persons mentioned in para. (2) to the continuous training courses shall preserve the place of employment (position) and average salary of the delegated person, and ensure refunding of per diem expenses including those for transport, in accordance with the provisions of the legislation in force.

(5) Expenses related to organisation and conduct of the continuous training courses shall be covered by the budget of the Institute, and the maximum amount of these expenses shall be determined by the Government.

(6) Clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state who participate in the activities on continuous training are issued a certificate on participation that must state the title of continuous training activity, its duration in hours and period within which continuous training activity took place.

(7) The Institute can organise remote continuous training of clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state in accordance with the Regulations approved by the Council.

(8) Data regarding the activities on continuous training in which clerks of the court, judicial assistants, heads of the court secretariat, prosecutor's counsellors, probation counsellors, lawyers providing legal assistance guaranteed by the state took part are included in the electronic database of the Institute regarding continuous training. It includes information on the number of hours of continuous training accumulated each year by each participant, the title of the activities attended, and other data on continuous training.

Article 33. Procedure of Organization of Initial and Continuous Training for Other Persons Serving
within Justice Sector
(1) Procedure of organization of initial and continuous training courses for other persons serving within justice sector shall be established by the Regulations, approved by the Council. The expenditure norms for the organisation of these courses shall be established by the Government.
(2) Initial or continuous training courses for other persons serving within justice sector shall be organized on contractual basis, at the request or on the initiative of the Institute.

Article 34. Conduct of the Initial and Continuous Training Courses for Other Persons Serving within Justice Sector
(1) Initial training courses shall be organized by the Institute for other persons serving within justice sector for whom the legislation in force stipulates obligatory graduation from the initial training courses and are run according to the training syllabus and subject’s curricula approved by the Council upon their coordination with the self-administration bodies of the professions related to the justice system.
(2) Subjects curricula, elaborated or, as the case may be, reviewed by trainers, shall be examined and approved annually by the Council of the Institute.
(3) After the termination of the initial training courses the attendees take final examination.
(4) Attendees who have passed the examination are issued a certificate on completion of the initial training courses that makes a part of the set of documents filed in order to be accepted for the profession.
(5) Continuous training courses for other persons serving within justice sector shall be conducted in accordance with the training syllabus, annually approved by the Council upon its coordination with the self-administration bodies of the professions related to the justice system. The Institute can organise continuous training for other persons serving within justice sector in accordance with the Regulations approved by the Council.
(6) Persons who participated in the continuous training courses organized by the Institute are issued a certificate on participation that must state the title of continuous training activity, its duration in hours and period within which continuous training activity took place.
(7) The Institute annually transmits to the legally founded professional associations of persons serving within justice sector the list of persons who have attended training courses within the framework of the Institute indicating the number of hours of training accumulated by each person.

Chapter V
EVALUATION OF THE QUALITY OF TRAINING PROGRAMS ORGANIZED BY THE INSTITUTE AND EVALUATION OF THE TRAINERS PERFORMANCES

Article 35. Procedure of the Quality Assessment of Continuous Training Programmes
(1) The evaluation of the quality of the training programs shall be carried out by the Institute in accordance with the Methodology for the quality assessment of the training programmes approved by the Council.
(2) The Council shall analyse the results of the evaluation, make proposals to improve the training syllabus and, where appropriate, recommend application of new training methods.

Article 36. Evaluation of the Trainers Performances
(1) Evaluation of the trainers’ performance is carried out once in 2 years. Criteria and procedure of the trainers’ evaluation are established by the Council.
(2) The trainers of the Institute must benefit from the training in the domain of educational methods and techniques, if they did not attend such a course within the last 2 years.

(3) In case of repeated negative evaluation or failure to participate in the training activities on unjustified reasons, the trainer shall be revoked by the decision of the Council.

Chapter VI
Final and Transitory Provisions
Article 37.

(1) Initial training is one of the obligatory conditions for designation to the office of judge or prosecutor for persons who do not have the tenure of 5 years in legal speciality professions stipulated by the law on the date of approval by the Council of the final exams results for the first graduates of the Institute.

(2) The number of hours of continuous training stipulated by art. 30 para. (2) is mandatory starting with 1 January 2008.

(3) The authorities referred to in art. 6 para. (2) shall appoint the members of the Council within 2 months since the publication of the present law. Within 10 days since the appointment of all members, the Ministry of Justice shall convene the first meeting of the Council.

(4) The Council shall be obliged to organize the contest for filling in the position of the Executive Director within 45 days since the date of appointment of all members of the Council.

(5) The National Institute of Justice shall start operating on 1 September 2007 at the latest.

(6) The Government, within 6 months:
shall submit to the Parliament proposals on bringing the legislation in line with the present law;
shall bring its regulatory acts in line with the present law.

PRESIDENT OF THE PARLIAMENT Marian LUPU

No. 152-XVI. Chisinau, 8 June 2006.