Law On the remuneration of judges and prosecutors
No. 328 of 23.12.2013
(in force on 21.01.2014)

Official Gazette No. 14-16 art.32 of 21.01.2014

Abrogated: 01.12.2018
Law no. 270 of 23.11.2018

* * *
CONTENTS

Chapter I
GENERAL PROVISIONS
Article 1. The purpose and the scope of application of the present law
Article 2. Basic principles of the system of remuneration of judges

Chapter II
THE SALARY OF A JUDGE
Article 3. Salary structure
Article 4. Base salary
Article 5. Increments for exercising the functions of president and vicepresident of a court of law
Article 6. Benefits and single premium payments

Chapter III
DETERMINING SALARIES
Article 7. Rules for determining the salary of a judge
Article 8. The salary of a judge in special circumstances
Article 9. Revision of judges’ base salaries

Chapter IV
FINAL AND TRANSITIONAL PROVISIONS
Article 10. Implementing the provisions of article 4
Article 11. Obligations of the Government
Article 12. Transitional provisions

The Parliament adopts the present organic law.

Chapter I GENERAL PROVISIONS

Article 1. The purpose and the scope of application of the present law
(1) The present law shall regulate the mode and conditions for the remuneration of judges and prosecutors, including the quantum of their base salaries, establishing a uniform system of remuneration for judges and prosecutors based on the average wage in the economy, as unit of reference, in the year preceding the accounting year in question.
The system of remuneration of judges and prosecutors sets up the general framework for applying uniform standards and procedures for determining salaries and foresees:

a) the creation of a hierarchy of salaries based on categories of judges depending on the level of the court of law;

a') the creation of a hierarchy of salaries based on categories of prosecutors depending on the level of prosecutors establishing transparent and easily applicable norms;

(3) The present law shall be applied to judges of all the courts of law, to judges and assistant-judges of the Constitutional Court, as well as prosecutors.

**Article 2.** The basic principles of the system of remuneration for judges and prosecutors

(1) The system of remuneration for judges is established taking into view the principle of separation of powers in the state, the role of judges in the process of administering justice, the incompatibilities and restrictions imposed by law on them, as well as the requirements stipulated by international acts relating to the effective functioning of the judicial system and the status of magistrates.

(1') The system of remuneration of prosecutors is established taking into view the role of the prosecutor in the execution of the act of justice, the incompatibilities and restrictions imposed by law on them, as well as the requirements stipulated by the international acts relating to the effective functioning of the Prosecutor's Office.

(2) The system of remuneration for judges and prosecutors shall be based on the following principles:

a) supremacy of law – the principle according to which, the remuneration rights are established in accordance with the current legislation;

b) proportionality – the principle according to which, the system of remuneration assures salary determination in relation to the requirements on the position, complexity of the work performed, degree of responsibility of the person, as well as incompatibilities and restrictions prescribed by law;

c) fairness and consistency - principle according to which, the system of remuneration creates equal opportunities for both judges and prosecutors by regulating principles and uniform norms for determining salaries.

**Chapter II THE SALARY OF A JUDGE AND PROSECUTOR**

**Article 3.** The components of the salary

(1) For the activity performed, a judge and a prosecutor shall be entitled to a monthly salary consisting of:

a) base salary;

b) increments for exercising senior positions;

(2) a judge and a prosecutor benefit from single premium payments established by the present law.

**Article 4.** The judge's salary

(1) The base salary of a judge shall be determined taking into view the level of the court of law in which he/she operates and the seniority in the position of a judge.
(2) The base salary of a judge of a court of law is set through a quantum of:
   a) 3.0 average salaries in the economy for a judge who has up to 6 years of work experience in the position of a judge;
   b) 3.2 average salaries in the economy for a judge who has work experience in the position of a judge from 6 to 12 years;
   c) 3.5 average salaries for a judge who has over 12 years of work experience in the position of a judge.
(3) The base salary of a judge of the court of appeals is set through a quantum of:
   a) 4.0 average salaries for a judge who has up to 15 years of work experience in the position of a judge;
   b) 4.3 average salaries for a judge who has over 15 years of work experience in the position of a judge.
(4) The base salary of a judge of the Supreme Court of Justice is set through a quantum of:
   a) 4.8 average salaries for a judge who has up to 16 years of work experience in the position of a judge;
   b) 5.0 average salaries for a judge who has over 16 years of work experience in the position of a judge.
(5) The base salary of an assistant-judge of the Constitutional Court is set through a quantum of 4.0 average salaries in the economy.
(6) The base salary of a judge of the Constitutional Court is set through a quantum of 5.0 average salaries in the economy.
(7) The base salary of the President of the Superior Council of Magistracy is set through a quantum of 5.0 average salaries in the economy.

Article 5. Increments for exercising the functions of president or vice-president of a court of law.
(1) For exercising the functions of president or vice-president of a court of law, a judge may benefit from an increment calculated in percentage ratio to the base salary in the amount of:
   a) 20% – for exercising the functions of president of the Supreme Court of Justice, president of the Constitutional Court or president of the Superior Council of Magistracy;
   b) 15% – for exercising the functions of president of the Court of Appeals;
   c) 10% – for exercising the functions of the presiding judge in a court of law;
   d) 15% – for exercising the functions of vice-president of the Supreme Court of Justice;
   e) 10% – for exercising the functions of vice-president of the collegium of the Supreme Court of Justice;
   f) 10% – for exercising the functions of vice-president of the Court of Appeals;
   g) 5% – for exercising the functions of deputy presiding judge in a court of law.
(2) The increment shall be paid on a monthly basis, calculated in proportion to the actual time worked.
Article 5. The prosecutor’s salary

(1) The salary of a prosecutor is established in dependence of judge’s salary, according to the present law and Law no. 3 of 25 February 2016 regarding the Prosecutor's Office, taking into view the level of the Prosecutor's Office in which he/she carries out his activity and years of service in the position of prosecutor.

(2) The salary of the prosecutor in the territorial prosecutor's office and the prosecutor's office of the autonomous territorial unit of Gagauzia is set in the amount of:
   a) 2.7 average salaries in the economy for a prosecutor who has up to 6 years of work experience in the position of a prosecutor;
   b) 2.88 average salaries in the economy for a prosecutor who has from 6 to 12 years of work experience in the position of a prosecutor;
   c) 3.15 average salaries in the economy for a prosecutor who has over 12 years of work experience in the position of a prosecutor.

(3) The base salary of a prosecutor of the General Prosecutor's Office is set through a quantum of:
   a) 4.32 average salaries in the economy for a prosecutor who has up to 16 years of work experience in the position of a prosecutor;
   b) 4.5 average salaries in the economy for a prosecutor who has over 16 years of work experience in the position of a prosecutor.

(4) The salary of the President of the Superior Council of Prosecutors is set at 4.5 average salaries per economy.

(5) The members of the Superior Council of Prosecutors elected from among the prosecutors shall be established a salary at the level of that of the Prosecutor of the General Prosecutor's Office or, as the case may be, they shall be kept the salary for the post of prosecutor detained until the detachment if it is higher.

Article 5. Increments for exercising the managerial functions of the Prosecutor Office and the Superior Council of Prosecutors

For exercising the managerial position, a prosecutor may benefit from an increment calculated in percentage ratio to the base salary in the amount of:
   a) 20% – for exercising the functions of the General Prosecutor or the president of the Superior Council of Prosecutors,
   b) 15% – for exercising the functions of the Deputy Prosecutor General or Chief Prosecutor of the Specialized Prosecutor's Office;
   c) 12% – for exercising the functions of the chief prosecutor of the General Prosecutor’s Office or deputy chief prosecutor of the specialized prosecutor's office;
   d) 9% – for exercising the functions of the chief prosecutor of the department of the General Prosecutor's Office or the chief prosecutor of the territorial prosecutor's office;
   e) 7% – for exercising the functions of the deputy of the chief prosecutor of the territorial prosecutor's office.

Article 6. Benefits and single premium payments

(1) The judges and prosecutors shall be paid on an annual basis a single premium payment in the amount of one base salary. In the event of dismissal or resignation of the judge or prosecutor from function, the benefits already paid shall be recalculated in proportion to the time worked in the respective capacity in the year in question.

(2) The judges and prosecutors may benefit from single premium payments on the occasion of jubilees, professional holiday “Day of jurists” and non-
working holidays, which shall be paid out of savings of financial means destined for remuneration of labour, allocated for the given year.

(3) The judges and prosecutors who in the course of the year have committed digressions which resulted in disciplinary action taken against them, in accordance with the legislation, are not eligible to benefit from single premium payments.

(4) The aggregate of single premium payments granted to a judge or a prosecutor in the course of a budgetary year may not exceed his/her base salary.

Chapter III DETERMINING SALARY FOR A JUDGE AND A PROSECUTOR

Article 7. General rules for determining the salary of a judge and a prosecutor

(1) The salary of a judge and the salary of a prosecutor shall be determined and paid for the work performed in the period of a calendar month, during normal working hours, in proportion to the time actually worked.

(2) The salary of a judge is set in the limits and conditions stipulated by the present law and the normative acts for the implementation of the latter, through an administrative act of the president of the court of law where the judge carries out his/her activities, whereas in the case of judges and assistant-judges who operate in the Constitutional Court – through an administrative act of the president of said Court.

(3) The salary of a prosecutor is set in the limits and conditions stipulated by the present law and the normative acts for the implementation of the latter, through an administrative act of the General Prosecutor.

(4) The detached judge under Law no. 544/1995 on the status of judge:

a) in order to perform a position within the Secretariat of the Superior Council of Magistracy or within the National Institute of Justice or the Inspector-Judge function in the Judicial Inspection, he / she retains his/her assigned salary for the post from which he/she was detached;

b) as a member of the Superior Council of Magistracy, during the period of detachment, benefits from all the salary rights provided for by the law for the post in which he/she is posted. If the salary provided for the position of member of the Superior Council of Magistracy is lower, the judge shall benefit from the salary set for the post from which he was detached.

Article 8. The salary of a judge in special circumstances

(1) The judge who exercises, ad-interim, the functions of president or vicepresident of a court of law has the right, during the ad-interim period, to an increment to the base salary determined in accordance with Art. 5.

(2) In the event of a transfer for a limited period of time to another court of law, the judge shall benefit, for the duration of the transfer, from all the remuneration rights foreseen by law for the function into which he /she was transferred. In the event where the salary foreseen for the function into which he/she was transferred is smaller, the judge shall benefit from the salary established for the function from which he/she was transferred.

(3) The judge who is transferred for a limited period of time to another court of law, upon expiry of the transfer period, shall retain the base salary established for the function from which he/she was transferred.

(4) A judge detached in accordance with the provisions of the Law on the status of judges:
a) in order to perform a position within the secretariat of the Superior Council of Magistracy or within the National Institute of Justice or the position of inspector-judge in the Judicial Inspection, he/she retains the salary for the function he/she was detached;

b) as a member of the Superior Council of Magistracy, during the period of detachment, benefits from all the salary rights provided for by law for the office in which he/she is detached. If the salary provided for the position of member of the Superior Council of Magistracy is lower, the judge shall benefit from the salary set for the post from which he/she was detached.

[Art.8 as amended by Law no. 48 of 07.06.2018, in force as of 29.06.2018]

(5) During the period of detachment, the judge shall benefit, in addition to the base salary, from other remuneration rights granted to judges in accordance with the provisions of the present law.

(6) The remuneration rights granted for the duration of the judge’s detachment shall be assured by the public authority to which he/she was detached. In the event where the public authority to which the judge was detached is unable to assure his/her remuneration rights, the payment shall be made by the authority which detached the judge.

**Article 8**. The salary of a prosecutor in special circumstances

(1) The prosecutor who ensures the interim position of the chief-prosecutor or the deputy chief-prosecutor is entitled, during exercising of the interim office of these positions, to an increase in the salary of a position established under art. 5.

(2) The Deputy chief-prosecutor who, for a determined period of time, exercises the powers of another Deputy or the Chief Prosecutor, shall not be paid the supplement to the salary stipulated in paragraph (1).

(3) In the case of detachment or delegation to another function for a limited period, the prosecutor shall benefit, during the period of detachment or delegation, all the salary rights provided by law for the position in which he/she is detached or delegated. If the salary provided for the position in which he/she was detached or delegated is lower, the prosecutor shall be entitled to the salary set for the position from which he/she was detached or delegated.

(4) During the period of detachment, the prosecutor benefits, besides his/her salary, from the other salary rights granted to prosecutors under the present law.

(5) The salary rights granted during the detachment of the prosecutor are paid by the institution to which he/she was detached. If the institution to which the prosecutor has been detached is unable to pay his/her salary rights, payment shall be made by the Prosecutor’s Office.

[Art.8 amended by Law no 152 of 01.07.16, OG 245-246/30.07.16 art.517; in force as of 01.08.16]

**Article 9.** Revision of judges’ base salaries

The base salaries of judges and prosecutors established in accordance with the provisions of the present law may be revised depending on the specific economic situation in the country and the possibilities afforded by the national public budget.

**Chapter IV FINAL AND TRANSITIONAL PROVISIONS**

**Article 10.**

The provisions of Art.4 of the present law shall be applied as follows:

a) as of 1 January 2014, the base salaries of judges shall be paid in the amount of 80% of the base salaries as foreseen in article 4;
b) as of 1 April 2015, the base salaries of judges shall be paid in the amount of 90% of the base salaries as foreseen in article 4;
c) as of 1 April 2016, the base salaries of judges shall be paid in the full amount as foreseen in article 4.

Article 10

(1) The salaries of judges and prosecutors established by Art. 1 shall be reviewed annually from 1 April, within the limits of the allocations provided for this purpose in the national public budget.

[Art.10 the phrase „within the limit of the allocations provided for this purpose in the national public budget” is unconstitutional by the HCC15 of 02.05.17, OG190-200/16.06.17 art.68; in force as of 02.05.17]

(2) The monthly average salary in the previous year is presented annually by the Ministry of Finance to be published in the Official Gazette of the Republic of Moldova.

[Art.10 para. (2) as amended by Law no. 79 of 24.05.18, in force as of 15.06.18 ]

Article 11.

Within a period of 6 months since the publication of the present law, the Government shall:

a) submit to the Parliament proposals for harmonizing the current legislation with the present law ;

b) put its normative acts in compliance with the present law.

Article 12.

Until full compliance of the current legislation with the present law is achieved, the current legislative acts, as well as other normative acts on the remuneration of judges shall apply to the extent that they do not contravene the present law.

PRESIDENT OF THE PARLIAMENT Igor CORMAN

Chişinău, 23 December 2013.

No. 328.