

LCRM – Legal Resources Centre from Moldova

OPINION on the draft Law amending Law no. 3/2016 on the prosecutor's office (enforcement of the Decision of the Constitutional Court no. 13/2020)

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The Institute for European Policies and Reforms (IPRE) and the Legal Resources Centre from Moldova (LRCM) drafted and sent to the Ministry of Justice the Opinion on the draft law amending certain normative acts (Law no. 3/2016 on the prosecutor's office).

IPRE and LRCM's conclusion is that the draft law goes beyond the initially declared area of regulation and intervenes on a series of new areas, which did not constitute the subject of constitutionality control by the Constitutional Court and set out in Decision no. 13/2020. Also, the proposed changes to the appointment of the Interim Prosecutor General need to be reviewed. We consider absolutely necessary to return to a comprehensive functional analysis before promoting changes related to the mode of access to office, transfer, reinstatement of special degrees, as well as other issues addressed in the draft law, and inclusion of additional provisions related to how to organize the contest for the position of Prosecutor General, including the scorings of candidates and their publication.

This opinion is submitted as a response to the request from the Ministry of Justice for an opinion on the draft law amending certain normative acts in the context of the enforcement of the Decision of the Constitutional Court no. 13/2020 regarding the control of the constitutionality of some provisions of Law no. 3/2016 of February 25, 2016 on the prosecutor's office, sent to IPRE and CRJM on July 4, 2020 (letter no. 03/4962).

The opinion is available in Romanian at: and in English at:

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