

PUBLIC APPEAL

5 January 2016

The signatory organizations consider that yesterday's declaration of the Speaker of the Parliament regarding the failed attempt to inaugurate the Government due to lack of quorum is without basis and call the Parliament to convene a repeated special session in order to debate upon the list of the Government composition and its activity program that was proposed by Ion Sturza, the appointed candidate for the position of Prime Minister.

On 21 December 2015 the President appointed the candidate for the position of Prime Minister. On 4 January 2016 the Parliamentary session should have been held to debate the Government program for 2016-2018 and the investiture of the new Government. The Parliament session did not take place because of lack of quorum. There were present only 47 out of the 101 deputies. On 4 January 2016, during the parliamentary session, the Speaker [declared](#) that according to the Constitutional Court jurisprudence, the lack of quorum represents a failed attempt to inaugurate the Government and the President of the Republic of Moldova should initiate consultations regarding the new appointment of the candidate for the position of Prime Minister.

The absence of deputies from the Parliamentary session does not represent a rejection of the activity program of the Government or a distrust vote for the government. According to Art. 98 par. (3) of the Constitution, "The Government list and the activity program shall be debated in the Parliamentary session. It gives the confidence vote to the Government by the majority of the elected deputies." According to Art. 101 para. (1) of the Parliament Rules, deputies are required to attend the proceedings of Parliament and to sign the attendance register.

From Art. 98 par. (3) of the Constitution it is clear that the vote can be expressed only after the list of Government and of the activity program is debated in a Parliamentary session. The debate of the activity program and the Government list can only take place in deliberative sessions. Furthermore, the Parliament may express itself regarding the Government appointment only through a decision, which in case of the distrust vote would be sent to the President of the Republic of Moldova for the initiation of the process of appointing a new Prime Minister. By the Constitutional Court's Judgment No. 45 of 18 December 2000, the lack of quorum in the Parliament attracts the invalidity of the session and therefore it is unable to adopt such a decision. Moreover, Art. 85 para. (2) and Art. 98 para. (2) of the Constitution expressly mention the "vote" of confidence of Parliament for the Government appointment. Voting can be expressed only in the presence of a quorum. Similarly, in case of lack of quorum, the draft laws are not rejected, but their vote is postponed for another date. We believe that the Parliament should convene again and decide by vote whether or not to grant the confidence vote to the activity program and the list of the Government.

Art. 98 para. (2) of the Constitution provides a term of 15 days for the designated Prime Minister to request a vote of confidence. From the text of this norm, it is clear that this term is set for the designated Prime Minister to request a vote of confidence from the Parliament. The very confidence vote can take place later. The legislation does not set a deadline in this regard.

Given the above, the signatory organizations call:

a) The Parliament - to convene in a special session to express through vote on the activity program and the list of Government Sturza;

b) The President - to initiate consultations to designate another candidate for prime minister only in case of receiving the Parliament's decision not to give a vote of confidence to the Sturza Government and it's activity program.

Signatories:

- BIOS Association
- Women's Association for the Environment Protection and Sustainable Development (AFPMDD)
- "Eco-TIRAS" International Environmental Association of River Keepers
- Small Business Association of Moldova
- Association for Participatory Democracy (ADEPT)
- Association for Efficient and Responsible Governance (AGER)
- Association of Independent Press (API)
- Association Promo-LEX
- Women's Law Center
- Journalistic Investigations Centre
- Legal Resources Centre from Moldova (LRCM)
- Recourses Centre "Dialog-Pro"
- Resources Center "Tineri si Liberi"
- National Environment Center
- The Independent Journalism Center
- Rehabilitation Centre for Torture Victims "Memoria" (RCTV "Memoria")
- The Regional Environmental Centre (REC Moldova)
- Legal Clinic Bălți
- National Youth Council of Moldova (CNTM)*
- NGO Council**
- "Millenium" Training and Development Institute
- Institute for Development and Social Initiatives (IDIS)
- Public Policy Institute (IPP)
- Platform for Gender Equality***
- Transparency International Moldova
- The Union of People with Disabilities from the Republic of Moldova

The list of signatures remains open

*CNTM is a associative structure of 30 youth organizations.

** The NGO Council is an informal representative body, designated by the NGO Forum of Moldova, which has the purpose to consolidate the efforts of the NGOs in promotion of the development of the civil society in Republic of Moldova.

*** The Platform for Gender Equality is comprised out of 20 non-governmental organizations and private persons.