

**THE LAW**  
**for Prevention, Combating and Sanctioning Corruption**

The Parliament adopts the present organic law.

**Chapter I. General Provisions.**

**Article 1. General notions.**

Defined in the sense of the present law are the following notions:

**Corruption** is a negative social phenomenon stemming from abuse of official functions and possibilities bound with such pursuing the scope of gaining illicit profit, material or other benefits and personal advantages;

**Corruption offence** is any offence provided for by the Criminal Code and manifested through behavior of persons vested with the authority to exercise certain obligations in public or private sector and abused by the latter pursuing the scope of gaining illicit profit for himself or for some other person;

**Protectionism** is an action or failure to take action by a person vested with responsible function in public service pursuing the scope of protecting or granting assistance to persons interested in gaining certain advantages or other undeserved uses on the basis of kinship or any other similar basis irrespective of the motives by which the protector was guided;

**Act of corruption** is collusion between the subjects of corruption in regard to establishing and maintaining corrupt relations as well as the product of this collusion irrespective of the social impact produced;

**Corrupt behavior** is an action or failure to act by the subjects of corruption that do not contain elements of an offence or contravention but which prove their willingness to enter into corrupt relations with other persons;

**Improper uses** are appropriation of money, securities and other values, rendering services, appointments and promotions in the service, privileges and exemptions, other legal rights and moral distinctions illegally granted or conferred by the participants of an act of corruption

**Public servant** is a person vested with responsible function at the state level, whose appointment or election is governed by the Constitution of the Republic of Moldova or such entrusted with the authority through appointment or election by the Parliament or President of the Republic of Moldova following the procedure established by the organic laws;

**Public functionary** is a person legally entrusted through appointment to take public function in one of the structures of public service with the scope of exercising respective competencies;

**Relatives** are children (including adopted), parents (including adoptive), brothers, sisters, grandfather and grandmother on the side of one's mother and father, nephews, nieces as well as husband's/wife's relatives by marriage.

## **Article 2. Scope and application of the law.**

(1) The present law serves to establish the following:

- Properties of corruption;
- Subjects of corruption and their categories;
- Measures targeted towards preventing, combating and sanctioning corruption;
- Bodies vested with the competencies for preventing and combating corruption; organization and displaying their activity.

(2) Provisions set forth by the present law enjoy nation-wide application and overseas application within the limits and pursuant to the international treaties to which the Republic of Moldova is a signatory in regard to all persons implicated in acts of corruption, including to foreign citizens and apartides as well as to the following domains:

- Public authorities system as established by the Constitution of the Republic of Moldova;
- Economic and financial system irrespective of the type of ownership and legal form of organization;
- Political parties and other non-state organizations;
- Election system;
- Mass media, radio and TV.

## **Article 3. General principles.**

The present law is bearing on the following general principles:

- Promoting legality and state of law;
- Ensuring observance of human rights;
- Equality of all citizens before the law and justice;
- Social equity;
- Stability of democratic institutions;
- Ensuring constitutional functioning of public authorities and civil society;
- Transparency and impartiality of decision making process;
- Economical, social and political recovery of the country.

The present law is pursuing the scope of instituting measures for prevention, disclosure and sanctioning acts of corruption.

## **Article 5. Legal framework**

Legal regulation of relations between the subjects of corruption as well as counteracting facts of corruption shall take place on the basis of the Constitution of the Republic of Moldova, provisions of the present law, law of state security,

law of public service, Criminal Code, Criminal Procedure Code, Code of Administrative Contraventions and other regulatory acts as well as by the international treaties to which the Republic of Moldova is a signatory.

## **Chapter II. Properties of corruption.**

### **Article 6. Corruption.**

The present law defines corruption as an anti-social phenomenon encompassing illegal action or failure to take action in such domains as public service, social-political, and economic-financial irrespective of the type of ownership and legal form of organization, in which taking part are two or more parties represented by persons vested with responsible functions in public service or persons managing commercial, public or any other non-state organization; the parties being reciprocally interested in gaining advantages in implementation of their economic, financial, and political interests, or other such improper uses, even unilateral, like protectionism or other forms provided for by the present law that affect human rights, legal interests of the proprietor of any legal quality, public and civil society interests, state security in view of Constitutional functioning of legislative, executive and judiciary powers.

### **Article 7. Subjects of corruption and their categories.**

(1) The present law applies to the following persons:

- a) Exercising public function irrespective of the domain to which they were appointed within the framework of public authorities or public institutions;
- b) Exercising, as per law, permanently or temporary functions or errands, to the extent of their participation in decision making process or to the extent they could influence such within the framework of public service, commercial societies, national companies, cooperative enterprises or other businesses irrespective of the type of property and organizational legal form;
- c) Exercising controlling competencies in compliance with the law;
- d) Granting specialized assistance to the institutions or individuals provided for in items a) and b), to the extent of their participation in decision making process or influencing such;
- e) Rendering, carrying out control or granting specialized assistance to the extent of participation in decision making process or influencing such in regard to:
  - Operations involving circulation of capital;
  - Banking, foreign exchange or lending operations;
  - Placement operations: stock exchange, insurance, bank accounts and other such operations;
  - Domestic and international commercial transactions;
- f) Holding one of the leading functions with a party or any other social-political organization, trade union, public association, non-governmental organization, non-profit organization or foundation;

g) Holding one of the leading positions or participating in the decision making process with election bodies established by the Elections Code, election competitors (candidates) or election agents of such persons;

h) Representing state with the international or sub-national public organization as well as with their parliamentary meetings to which the Republic of Moldova is making part;

i) Members of public meeting exercising legislative or administrative powers of another state to the extent of contributing to achievement of interests pursued by the Republic of Moldova;

j) Holding position of staff (or extra staff) mass media, radio or TV correspondent to the extent of capacity to influence decisions taken by the persons mentioned in items a) – b);

k) Natural persons other than mentioned in items a) – h) to the extent of their implication in acts of corruption;

l) Legal entities displaying entrepreneurial activity under conditions of the law.

(2) functionaries to whom permanently or temporarily conferred by appointment or election, by virtue of a law or by virtue of an errand are certain rights and obligations in view of exercising function with one of the public services or in another non-state organization, being the subjects of corruption, depending on the gravity of social threat that could be generated by the corrupt person and which fact shall be taken into account when bringing charges, are broken down into the following categories:

a) Public servants (statesmen):

- Chairman of the Parliament, President of the Republic of Moldova, Prime minister, Chairman of the Supreme Council of Magistrate, Chairman of the Supreme Court of Justice, Chairman of the Constitutional Court, Procurator General, Governor of the National Bank, Chairman of the Court of Accounts, Chairman of the National Commission of Securities, Chairman of the Central Elections Commission, Director of the Information and Security Service or such persons to whom a public servant has delegated his competencies;

- Members of the Parliament and members of the Cabinet;

- Judges of the Constitutional Court, Supreme Court of Justice and Court of Appeals, members of the Supreme Council of Magistrate, members of the Court of Accounts, members of the Administrative Council of the National bank, members of the National Commission of Securities, members (permanent) of the Central Election Commission, parliamentary counsels;

- Judges with the municipal and sector courts; prosecutors and their deputies;

- Persons acting as a functionary or contractual agent, in the sense provided for by the regulation, of an international or sub-national public organization to which the republic of Moldova is making part as well as any other person affiliated (or not affiliated) by such organization and fulfilling the

functions that correspond to such performed by the functionaries or contractual agents;

- Persons, members of a parliamentary meeting of an international or sub-national organization to which the Republic of Moldova is making part;

- Persons, members of a public meeting which exercises legislative or administrative powers of a state;

- b) Elected persons that are not public servants and whose legal status is established by law;

- c) Public functionaries whose statute is established by the law of public service;

- d) Persons holding managerial functions with the enterprises, institutions and state organizations;

- e) Persons managing commercial, public or other non-state organizations.

### **Article 8. Forms of corruption**

(1) Considered as form of corruption any corruption offence, provided for by the law, including as follows:

- a) **Active corruption**, i.e. an act of offering, suggesting or granting direct or indirect any improper gains to a public functionary or any other person acting as a manager or business in private sector, for the benefits of this person or somebody else so that this person would chose to fulfill or abstain from fulfilling an act while exercising his/her functions;

- b) **Inactive corruption**, i.e. an act of a public functionary or any other person acting as a manager or business in private sector through which he is soliciting or obtaining directly or indirectly any improper gains for himself or for somebody else or accepting an offer or fulfilling or abstaining from fulfilling an act while exercising his/her functions;

- c) **Traffic of influence**, i.e. an act of offering or granting directly or indirectly any improper gains as remuneration to anyone, which affirms or confirms that he could exercise influence onto decision making by any of the persons specified in Article 7 para (2), irrespective of the fact whether such is for himself or somebody else as well as the act of extortion, obtaining or accepting an offer or promise in the form of remuneration, in person or through an intermediary, for himself or somebody else, act done intentionally by a person that has influence or affirming that it has influence onto the mentioned person with the scope of making it fulfill or abstain from fulfilling an act while exercising his/her functions making part of his/her service duties irrespective of whether such actions were committed or not;

- d) **Money laundering**, i.e. conducting legal operations with monetary means or any other values obtained while being well aware that such result from an act of corruption with the scope of giving legal aspect to the source and origin of money or with the scope of concealing, disguising or distorting information on the nature, origin, movement, placement or appurtenance of such.

(2) Protectionism is assimilated with a form of corruption and pursuant to the law implies application of administrative or disciplinary sanctions to a responsible person if actions or failure to take such by this person are not the matter of an offence.

(3) Political corruption is a separate form of corruption since action or failure to take action by the persons appearing in Articles 6 and 7 para (1) take place in the field of activity displayed by the parties and other social-political organization, election system, mass media, radio and TV to the extent they are displaying their activity.

#### **Article 9. Corruption offences.**

(1) The present law establishes as offences matching the ones provided for by Articles 243 – Money laundering; 324 – Inactive corruption; 325 – Active corruption; 326 – Traffic of influence; 330 – Receipt by a functionary of an illicit remuneration; 333 – Taking bribe; and 334 – Giving bribe of the Criminal Code approved by the Law No. 1160-XV dated June 21, 2002 (Official Monitor of the Republic of Moldova No. 128-129, 2002).

(2) Also assimilated with corruption offences are the ones provided for by Articles 327 – Abuse of authority or abuse of office; 328 – Excess of authority or exceeding the limits of authority; 332- Forgery of public acts; 335 – Abuse of official position; 336 – Exceeding limits of authority of the Criminal Code approved by the Law No. 1160-XV dated June 21, 2002 (Official Monitor of the Republic of Moldova No. 128-129, 2002), if such were perpetrated together with offences appearing in paragraph (1).

(3) Directly linked to the corruption offences are any other offence that was perpetrated with the scope of concealment or helping in perpetrating an act of corruption.

### **Chapter III. Bodies vested with the competencies to prevent and combat corruption**

#### **Article 10. Bodies vested with the competencies to prevent and combat corruption.**

The following are the bodies vested with special competencies to prevent and combat corruption:

- a) Coordination Council for Solving Issues of Combating Corruption and Criminality affiliated by the President of the Republic of Moldova;
- b) Procuracy of the Republic of Moldova;
- c) Center for Combating Economic Crimes and Corruption;
- d) Central Commission and Departmental Commissions for Controlling Declarations of Income and Estate;
- e) Commission on Ethics.

**Article 11. Coordination Council for Solving Issues of Combating Corruption and Criminality affiliated by the President of the Republic of Moldova.**

The Coordination Council for Solving Issues of Combating Corruption and Criminality affiliated by the President of the Republic of Moldova is a consultative body created pursuant to a decree of the President of the Republic of Moldova. Making part of it are the heads of the bodies vested with the competencies to prevent and combat corruption and criminality and representatives of other institutions that on the basis of their Regulation determine the concept, legislative policies and measures required to prevent and combat corruption; they are responsible for coordination of actions of public authorities, including public law enforcement bodies under conditions of the national legislation and international treaties to which the Republic of Moldova is a signatory.

**Article 12. The Procuracy of the Republic of Moldova.**

(1) Pursuant to Article 124 of the Constitution of the Republic of Moldova, the Law of Procuracy and other regulatory acts the Procuracy subjects to examination claims on acts of corruption and responds to such within the frameworks of its competencies, conducts and exercises criminal prosecution of corruption offences;

(2) The Procuracy General has its specialized subdivisions vested by the law with the following competencies:

a) Conducts and exercises in the exclusive cases criminal prosecution of corruption offences admitted by the Procuracy, internal affairs bodies and Customs service;

b) Jointly with the Center for Combating Economic Crimes and Corruption, coordinates activity displayed by the finance and banking law enforcement, controlling and other authorities responsible for prevention, disclosure, counteracting and investigative AML actions;

c) Same as the Ministry of Justice the Procuracy is the central authority vested with the competencies to send inquiries to the competent authorities of other states joining international cooperation for combating corruption; it is entitled to responds, execute or remit inquiries to the respective authorities; renders other forms of reciprocal assistance stipulated by the international treaties to which the Republic of Moldova is making part.

(3) Specialized anti-corruption Procuracy, in cases provided for by the law exercises and conducts criminal prosecution of offences perpetrated by Center for Combating Economic Crimes and Corruption and its subdivisions.

**Article 13. Center for Combating Economic Crimes and Corruption.**

(1) The Center for Combating Economic Crimes and Corruption with its specialized subdivisions exercises counteracting corruption pursuant to

conditions set forth by Article 5 para (1) b) and c) of the Law on the Center for Combating Economic Crimes and Corruption and other relevant legislative acts.

(2) Upon solicitation of the Central and departmental Commissions for control of declarations of income and estate, in cases of detecting component elements of certain violations, including offences, the Center for Combating Economic Crimes and Corruption proceeds to control declarations pursuant to provisions set forth by Article 10 para (4) and (5) of the Law on declaration and control of income and estate owned by the public servants and certain responsible persons, judges, prosecutors, public functionaries, and certain persons vested with the managerial competencies, taking decision by the results of such verification in compliance with the law.

**Article 14. Central Commission and Departmental Commissions for Controlling Declarations of Income and Estate.**

The Central and departmental Commissions for control of declarations of income and estate filed by the public servants, judges, prosecutors, public functionaries and other persons vested with managerial functions is carrying out control of such in compliance with the Law on declaration and control of income and estate owned by the public servants, judges, prosecutors, public functionaries, and certain persons vested with the managerial competencies as well as in compliance with other regulatory acts.

**Article 15. Other bodies vested with the competencies to prevent and combat corruption.**

(1) Pursuant to the law, in addition to the bodies identified in Article 10 of the present law, vested with the competencies to prevent and combat corruption are the following:

- a) Ministry of Internal Affairs;
- b) Information and Security Service ;
- c) Court of Accounts;
- d) Tax authorities;
- e) Customs authorities;
- f) Central and local public administration authorities;
- g) Administration of enterprises, organizations, institutions and other businesses irrespective of the type of ownership and organizational legal form.

(2) The authorities specified under paragraph (1) pursuant to the law and within their competencies are entitled to take measures targeted towards prevention and combating corruption.

**Chapter IV. Measures of preventing and combating corruption.**

**Article 16. Preventing corruption with persons exercising public function.**



(1) Public servants, elected persons that are not public servants, public functionaries and persons vested with managerial functions at the enterprises, state institutions and organizations submit declarations on their material status within the established terms on the grounds and procedure provided for by the Law on declaration and control of income and estate owned by the public servants, judges, prosecutors, public functionaries, and certain persons vested with the managerial competencies.

(2) Upon recruitment, a candidate for a public function shall submit to the Central, or whenever applicable to the departmental, commission for control of declarations on income and estate certificate proving no tax arrears as well as declaration on income and estate owned by him and by other members of his family for the year preceding recruitment.

(3) During three years after resignation, the public functionaries shall submit annually to the Central (or departmental) Commission for control of declarations on income and estate declarations on their material state as well as on such of their family members pursuant to the Law on declaration and control of income and estate owned by the public servants, judges, prosecutors, public functionaries, and certain persons vested with the managerial competencies; same provisions apply during one year to elected persons that are not public servants.

(4) Public servants, elected persons that are not public servants and public functionaries are not entitled to sign civil contracts in the name of the third parties using pseudonym or anonymously.

(5) Gifts in case their value exceeds the cap established by the law offered without functionary's awareness of it or received for the fulfillment of official competencies from natural person or legal entity from other states shall be remitted to a special state fund following the procedure provided for by the Regulation approved by the Government.

(6) Public servants, elected persons that are not public servants and public functionaries, when opening personal bank account with the national or foreign bank are obliged within three days to notify in writing the tax service at their residence on the number of account and bank requisites.

(7) Members of the families of public servants, elected persons that are not public servants and public functionaries have no right to receive presents and services, traveling invitations for tourist, spa or leisure purposes at the expense of natural persons or legal entities in their own country and from other states if the public functionary has service relations with such. Following the procedure

approved by the government the functionary is obliged to remit values obtained by members of his family to the special state fund.

**Article 17. Activities incompatible with exercising public functions.**

(1) Public servants, elected persons that are not public servants and public functionaries are not allowed to combine functions they exercise with the following:

a) any foreign enterprise, institution or organization or any local enterprise, institution or organization with foreign capital;

b) any state bodies, enterprises with different type of ownership and organizational legal forms if their activity is found in subordination or under control of the body in which the functionary in question is displaying his activity.

(2) Public servants, elected persons that are not public servants and public functionaries have not right to display entrepreneurial activity unless such cases are stipulated by law, to be members of a managerial body of a financial institution, commercial company or enterprise irrespective of their type of ownership and organizational legal form or to participate personally or via their representative in voting on the basis of acquire shares; upon recruitment, within one months from the date of taking the office, they shall suspend their membership with the aforementioned organizations and to hand over to their agent all securities, bank deposits and other values and notify in writing on the fact the tax authority at their residence.

(3) Public servants, elected persons that are not public servants and public functionaries have the right to deal in teaching, science and arts.

**Article 18. Inadmissibility of conducting joint activity with relatives.**

(1) The public functionaries cannot take positions that are found in their direct subordination, control or management within the same authority that hires their relatives. In case such situation appear the persons in question shall be transferred to another function, which excludes direct subordination; in case such transfer is impossible, the person that was recruited at a later date shall be dismissed.

(2) Public servants, elected persons that are not public servants and public functionaries have no right to participate in recruitment and appointment of persons with whom they are connected.

**Article 19. Facts of corrupt behavior.**

The following facts in behavior of public servants, elected persons that are not public servants and public functionaries are deemed as corrupt behavior:

a) Implication into the activity displayed by other bodies, enterprises, institutions and organizations irrespective of the type of ownership and organizational legal form in case when such does not refer to their competencies, or when there is an abuse of official position that may lead to the conflict of interests;

b) Participation with voting or decisional right in the examination and resolving of problems representing their personal interests or such of their relatives;

c) Granting support to any person if such was not provided for by the regulatory acts in the entrepreneurial or any other private activity or to any third party with the public authority in which they perform their activity or which are subordinated or controlled by them;

d) Giving unfounded preference to any natural or legal entities when drafting or issuing a decision;

e) Benefiting on privileges for obtaining for themselves or for any other person loans and borrowings, acquiring securities, real estate and other values by profiting on their official position;

f) Using in their own interests public assets placed in their disposal for exercising their official duties;

g) Using information obtained through exercising official service in their personal interests or in the interests of other persons in case when such information is confidential and should not be divulged;

h) Failure to inform on time or failure to deliver exhaustive information to natural or legal entities in case when such serves to regulate their rights or their relations with public institutions and public functionaries;

i) Solicitation of information from natural and legal entities if such is not envisaged by the regulatory acts;

j) Managing material resources and public finances contrary to their destination pursuing their own or any other persons or relatives;

k) Obtaining from any natural or legal entity gifts or other gains for the fulfillment of their official duties or by virtue of their social status as well as offering such to any other responsible person unless these are just symbolic signs of attention or souvenirs distributed when conducting certain official actions;

l) Other restrictions set forth by the codes of professional deontology and by the similar regulatory acts.

## **Article 20. Preventing corruption in the field of public procurements and auctions.**

It is forbidden for public functionaries to participate in public procurement tenders and auctioning of assets if the latter were involved in

sequestration, expertise and evaluation of objects or in the process of organization and display of tender or auction or if they were members of the tender or auction commissions or if they are the employees of public procurement agency, of interested tax and/or criminal prosecution authorities, judiciary instances and their relatives.

**Article 21. Preventing corruption amongst political parties and other social-political organizations.**

(1) Public authorities, enterprises, institutions and organizations owned by the state or joint ventures in which the state is holding a stake more than 20 % in their statutory capital and non-registered associations of citizens have no right to offer direct or indirect gifts, material assistance or any forms of financing to any of the political parties or other social-political organizations. Pursuant to the law these could be financed by the state only for their participation in the elections to the representative bodies of the state power.

(2) It is forbidden to the parties and other social political organizations to receive gifts, material aid or any other form of financing from the anonymous persons, while such received under conditions set forth by the law, irrespective of their value shall be accompanied by the acceptance report sealed and signed by the authorized persons and registered pursuant to the established procedure.

(3) Political parties or other social-political organizations have no right receive, directly or indirectly, gifts or material aid from foreign states, foreign natural or legal entities or apartides.

(4) It is forbidden to use public property in the interests of a political party or social-political organization outside such provisions as established by the law.

(5) Political parties or other social-political organizations are obliged to conduct auditing of their financial activity once a year, including audit of their own enterprises and organizations founded on the basis of the law and publish the reports on the sources if financing and expenditures so as to ensure transparency.

(6) Political parties or other social-political organizations have no right to open bank accounts with the banks displaying activity in the territory of another state, other than the republic of Moldova. Financial operations conducted through such accounts is deemed as an act of corruption.

**Article 22. Preventing election corruption.**

(1) The state is granting material support to election competitors and ensures equal chances in the election scrutiny.

(2) The maximum admissible cap on expenditures earmarked for the election competitors is established by the Central Election Commission with due observance of the law. Receipt, redemption and repayment of loans granted by the state shall be done by the election competitors only in conditions provided for by the law while any deliberate abatements or use of any other material and financial resources is banned, including use of such from the state funds, and deemed as an act of corruption.

(3) Election competitors shall keep accurate record of expenditures incurred with election campaign. Within one month from the closure of election campaign the competitors shall submit to the Central Election Commission integral calculations accompanied by expenditures justification documents. In its turn the Commission shall verify the accuracy of calculation and in case of detecting any violations shall submit the respective materials to the Center for Combating Economic Crimes and Corruption.

(4) Any form of buying or selling votes of electorate in favor of one of the election competitors is qualified as an act of corruption.

(5) Members (deputies) elected on the list of political parties or election blocks bear responsibility for the legality of activity displayed by the party or election block for the entire period of election campaign.

### **Article 23. Corruption prosecution procedures.**

(1) Pursuant to the law, acts of corruption are prosecuted by the bodies specified by Article 10 b), C) and Article 15 para (1) a), b), c), d) and e) of the present law within the frameworks of their competencies.

(2) The following measures of prosecution are applied in case when there are grounded indicators of perpetrating corruption offence with the scope of producing evidence and identifying the offender and ensuring restitution of material prejudices on the basis of the law:

a) Placing under supervision bank accounts and accounts assimilated with such;

b) Producing notary legalized or privately supplied deeds or other banking, financial or accounting documents, including documents containing information referred to banking or commercial secret;

- c) Placing under supervision telephone lines or intercepting communications, phone conversations, radio or other communications or using other such technical devices;
- d) Ensuring access to electronic informational system;
- e) Using other operative measures of investigation provided for by Article 6 of the Law of operative investigation, pursuant to the provisions set forth by the present law;
- f) Searching and suppressing objects and documents;
- g) Sequestration of bank accounts, goods or other gains and products of corruption with the scope of ensuring eventual application of sanctions provided for by the law.

(3) Evidence of the acts of corruption collected prior to launching criminal procedure provided collection of such was done with due observance of the provision of the Code of Criminal Procedure and other relevant legislative acts, that could be recognized as admissible evidence by the judiciary instance.

**Article 24. State protection of the employees of law enforcement bodies, persons cooperating with the law enforcement bodies, witnesses and victims of corruption.**

(1) Employees of criminal prosecution bodies, prosecutors and judges involved in examination of corruption combating cases shall benefit on state social insurance, the right to wear gun on them, other special means of individual protection and in case of threat to life, bone or property – to have personal bodyguard to themselves and members of their families, guarding their residence and property.

(2) Persons cooperating with the law enforcement bodies and grant support in combating corruption shall be protected by the state as provided for by paragraph (3). Information on these persons is deemed as state secret and could be disclosed only to such persons as designated by the Law of state secret.

(3) Witnesses, victims of corruption and their relatives shall benefit on state protection pursuant to the law on state protection of injured party, witnesses and other persons extending assistance to the criminal process.

**Article 25. Limitation of interdictions.**

(1) Provisions stipulated by the legislation on banking or commercial secret cannot serve as an impediment against obtaining by the bodies specified in Article 10 and Article 15 para (1) a), b), c), d) and e) information containing banking or commercial secret manifesting features of an act of corruption.

(2) Supply, pursuant to the law. of financial information referred to the banking or commercial secret to the authorities appearing in Article 10 and Article 15 pare (1) a), b), c), d), e) cannot be deemed as divulging of banking or commercial secret.

(3) Financial institutions and their employees shall not be legally liable for exercising provisions of the present law even if exercising such inflicted material or moral prejudices as well as in case when criminal, administrative or civil lawsuit was suspended pursuant to the law.

(4) The authorities appearing in Article 10 and Article 15 pare (1) a), b), c), d), e) of the present law as well as persons vested with responsibility functions and their employees are liable pursuant to the law for divulging banking, commercial or confidential information obtained in the process of exercising official function.

## **Chapter V. Sanctioning corruption.**

### **Article 26. Responsibility borne by the natural persons.**

(1) The persons appearing in Article 7 of the present law that have perpetrated an act of corruption or a deed of corrupt behavior and provided their actions reveal features of an offence shall bear criminal responsibility pursuant to provisions set forth by the Criminal Code; in case act of corruption constitutes elements of administrative contravention they should bear responsibility pursuant to the provisions of the Code of administrative contraventions.

(2) Managers of enterprises with private capital for the failure to observe provisions set forth by the law of entrepreneur and enterprise, the law of financial institutions and other regulatory acts concerning annual auditing of the activities performed by the respective economic units and implementing results of such audits bear administrative responsibility.

(3) Any form of buying or selling votes of electorate in favor of one of the election competitors during elections to the respective state power bodies is charged with criminal responsibility.

(4) Failure by public servants, elected persons that are not public servants and by public functionaries to observe interdictions set forth by Articles 16, 17 and 19 of the present law implies disciplinary responsibility including destitution or, if necessary, revoking from the function pursuant to the law if application of any other disciplinary measure cannot liquidate corrupt situation in question.

**Article 27. Responsibility borne by the legal entities.**

(1) Legal entity displaying entrepreneurial activity, in case of perpetrating corruption offence bears responsibility pursuant to Criminal Code and in case when an act of corruption does not contain elements of an offence, responsibility depends on the gravity and nature of perpetrated act, such could be deprived of the right to display certain activity or liquidated pursuant to the law. Sanctioning legal entity does not exclude responsibility borne by its employee that was the instigator or accomplice in perpetrating act of corruption.

(2) During the period of criminal proceedings the entrepreneurial activity displayed by the legal entity could be suspended by the competent judiciary instance at the inquiry of the prosecutor.

**Article 28. Nullifying decisions, conventions or other deeds.**

(1) Decisions, conventions and other deeds that were adopted or signed or any clause of any convention having act of corruption as its object are nullified at their incipient stage and do not have legal effect for either of the parties irrespective of the fact whether these were perpetrated in full knowledge of the fact or not.

(2) Any part of convention the consent of which was invalidated through an act of corruption could denunciate pursuant to the law implementation of this convention without inflicting prejudices to the right of reparation.

**Article 29. Confiscation of gains and products of corruption.**

(1) Pursuant to the law all types of real estate and securities, other gains and products of corruption shall be confiscated in favor of the state.

(2) In case when a functionary or any other persons that have benefited on the product of corruption refuse to voluntarily transfer to the state illegally gained assets, to settle cost of illegally offered services or to settle their value such assets (goods) shall be confiscated in favor of the state on the basis of an action instituted by judiciary instance or by the competent authorities. The competent authorities for the period prior to pronouncing court verdict are entitled to confiscate estate, cash or other values owned by the person in question for the duration of case examination.

(3) Financial resources, other material values, in cases when such were consumed – their value obtained by the political parties or social-political organizations as well as by the election competitors from the sources banned by the law shall be confiscated in favor of the state upon solicitation of the competent authority based on court decision.



(4) The state guarantees to the victims of corruption reparation on behalf of natural or legal entities that have committed or failed to take effective measures to prevent act of corruption and in case when the guilt lies with public authority or one of the public (authority) functionaries – at the expense of the state covering legal assistance and costs incurred with the trial under conditions of the effective law.

**Article 30. Responsibility borne by the managers of public authorities, enterprises, institutions and organization.**

Failure by the managers of public authorities, enterprises, institutions and organizations irrespective of the type of their ownership and organizational legal form to observe restrictions set forth by the present law, if such have lead to perpetrating an act of corruption implies administrative or criminal responsibility pursuant to the provisions of the effective legislation.

**Article 31. State guarantees.**

The state guarantees the following:

a) Organizing and displaying within the educational system measures targeted towards training in the matter of law in application to democratic institutions, civil and public authorities right and obligations and strengthening moral basis of the society;

b) Ensuring adequate conditions and independence in the activity displayed by mass media, radio and TV with the scope of promoting transparency and impartiality in the process of giving coverage to corruption.

**Chapter VI. Final and Transitory Provisions.**

**Article 32.** The present law comes into effect as of the date of its publication.

**Article 33.** As of the date of effectiveness of the present law, the Law No. 900-XIII dated July 21, 1996 of corruption and protectionism complete with subsequent changes and amendments is abrogated.

**Article 34. The Government:**

- within a term of 3 months shall submit to the Parliament suggestions on harmonizing the effective legislation with the present law;
- shall bring its regulatory acts in conformity with the present law.

Chairman of the Parliament