

# **CONSTITUTION OF THE REPUBLIC OF MOLDOVA (Excerpts)**

---

## **Chapter V. The president of the Republic of Moldova**

### **Article 77. President of the Republic of Moldova - Head of the State**

- (1) The President of the Republic of Moldova shall be the Head of the State.
- (2) The President of the Republic of Moldova shall represent the State and shall be the guarantor of national sovereignty, independence, of the unity and territorial integrity of the State.

### **Article 78. Election of the President**

- (1) The President of the Republic of Moldova is elected by freely-expressed, universal, equal, direct, and secret suffrage.
- (2) Any citizen of the Republic of Moldova may run for the office of President of the Republic of Moldova, provided that he/she has the right to vote and is over 40 years of age, had lived or has been living permanently on the territory of the Republic of Moldova for no less than 10 years and speaks the official state language.
- (3) The candidate obtaining at least half the votes cast in the presidential election shall be proclaimed as the new President.
- (4) If after the first ballot no candidate will have obtained the above-mentioned majority of votes, a second ballot shall be held to choose from the first-placed two candidates, in the order of the number of votes cast for them in the first ballot. On condition that the number of the votes cast for him be bigger than the number of the votes cast against him, the candidate obtaining most of the votes cast in the second ballot shall be proclaimed as the new President.
- (6) The procedure for the election of the President of the Republic of Moldova shall be provided for by organic law.

### **Article 79. Validation of the Mandate and Taking the Oath**

- (1) The Constitutional Court shall validate the result of election for the office of the President of the Republic of Moldova.
- (2) Within 45 days at the most following the election, the successful candidate whose election has been validated shall take the following oath before Parliament and the Constitutional Court:

"I solemnly swear to devote all my personal strength and abilities to the prosperity of the Republic of Moldova, to abide by the Constitution and the laws of the country, to defend democracy, fundamental human rights and freedoms, the sovereignty, independence, unity and territorial integrity of Moldova"

#### **Article 80. Term of Office**

- (1) The mandate of the President of the Republic of Moldova shall have a 4-year tenure which shall start on the oath-taking day.
- (2) The President of the Republic of Moldova shall exercise his/her mandate until the newly elected President is sworn in.
- (3) The mandate of the President of the Republic of Moldova may be prolonged, by organic law, in the event of war or calamity.
- (4) No person may discharge the duties of the President of the Republic of Moldova unless for two consecutive mandates at the most.

#### **Article 81. Incompatibilities and Immunities**

- (1) The office of the President of the Republic of Moldova shall be incompatible with the holding of any other remunerated position.
- (2) The President of the Republic of Moldova shall enjoy immunity. The President of the Republic of Moldova shall not be held legally liable for the opinions expressed in the exercise of his/her mandate.
- (3) Based on the majority of at least two thirds of the votes cast by its members, the Parliament may decide to indict the President of the Republic of Moldova in the event the latter commits an offence. The Supreme Court of Justice shall be ascribed the power of prosecution under the law. The President shall be legally removed from office at the date of ultimate delivery of the court sentencing.

#### **Article 84. Messages**

- (1) The President of the Republic of Moldova may attend the Parliament working sessions.
- (2) The President of the Republic of Moldova addresses the Parliament with messages related to the main issues of national interest.

#### **Article 85. Dissolution of Parliament**

- (1) In the event of impossibility to form the Government or in case of blocking up the procedure of adopting the laws for a period of 3 months, the President of the Republic of Moldova, following consultations with parliamentary fractions, may dissolve the Parliament.
- (2) The Parliament may be dissolved, if it has not accepted the vote of confidence for setting up of the new Government within 45 days following the first request and only upon declining at least two requests of investiture.
- (3) The Parliament may be dissolved only once in the course of one year.
- (4) The Parliament may not be dissolved within the last 6 months of the term of office of the President of the Republic of Moldova nor during a state of emergency, martial law or war.

#### **Article 86. Powers in the field of Foreign Policy**

- (1) The President of the Republic of Moldova shall be empowered to hold official negotiations, conclude international treaties on behalf of the Republic of Moldova and to submit them, in the manner and term established by the law, to the Parliament for ratification.
- (2) Upon proposal of the Government, the President of the Republic of Moldova accredits and recalls diplomatic representatives of the Republic of Moldova, as well as approves the setting up, cancellation or changing of the ranking of diplomatic missions.

(3) The President of the Republic of Moldova receives the letters of accreditation and of recall of foreign diplomatic representatives in the Republic of Moldova.

#### **Article 87. Powers in the Field of National Defence**

(1) The President of the Republic of Moldova is the Commander-in-Chief of the armed forces.

(2) Upon prior approval of Parliament, the President of the Republic of Moldova may declare partial or general mobilization of the armed forces.

(3) In the event of armed aggression against the country, the President of the Republic of Moldova shall undertake the necessary steps to repulse the aggression, as well as he shall declare a state of war and acknowledge this state of affairs to the Parliament without delay. If the Parliament is not in session, it shall be legally convened within 24 hours from the aggression unleash.

(4) The President of the Republic of Moldova may take other due measures to ensure national security and public order within the limits and according to the law.

#### **Article 88. Other Powers**

The President of the Republic of Moldova also fulfils the following duties:

- a) awards decorations and titles of honour;
- b) awards supreme military ranks as provided for by the law;
- c) settles the issues on the citizenship of the Republic of Moldova and grants political asylum;
- d) appoints public officials, in terms provided for by the law;
- e) grants individual pardon;
- f) may request the people to express their will on matters of national interest by way of referendum;
- g) awards diplomatic ranks;
- h) confers superior degrees of qualification to officers holding positions within prosecuting bodies, courts of law and to other categories of civil servants, according to the law;
- i) suspends the acts of the Government which are contrary to the legislation until the delivery of the final judgment of the Constitutional Court;

*[Rectification introduced by the MO no.1, part II of 19.08.1994 (Art. 88 was supplemented with section i); section i) becomes section j)]*

- j) exercises other powers as provided for by the law.

#### **Article 89. Suspension from Office**

(1) In case of committing serious offenses infringing upon constitutional provisions, the President of the Republic of Moldova may be suspended from office by the Parliament with the vote of two - thirds of its members.

(2) The motion requesting the suspension from office may be initiated by at least one third of the members, and it must be brought to the knowledge of the President without delay. The President may give explanations on the actions for which he is being censured before Parliament.

(3) If the motion requesting suspension from office meets with approval, a national referendum shall be organized within 30 days to remove the President from office.

#### **Article 90. Vacancy of Office**

(1) The vacancy of office of the President of the Republic of Moldova shall be declared as consequence of expiry of the mandate, resignation, removal from office, definite impossibility of executing his/her functional duties or death.

(2) The request for resignation of the President of the Republic of Moldova is brought before the Parliament, which shall express its opinion over it.

(3) The impossibility of the President of the Republic of Moldova to exercise his/her duties for more than 60 days shall be confirmed by the Constitutional Court within 30 days from the date of the submission of application.

(4) Within 2 months following the date of vacancy of office of the President of the Republic of Moldova, new presidential elections shall be conducted, according to the law.

#### **Article 91. Interim Office**

In the event the office of the President of the Republic of Moldova becomes vacant or the President has been removed, or finds himself/ herself in temporary impossibility to execute his/her duties, the interim office shall be ensured, in the given order, by the President of the Parliament or by the Prime Minister.

#### **Article 92. Responsibility of the Interim President**

Should the person acting as interim President of the Republic of Moldova commit grave offences infringing upon the constitutional provisions, Article 89, para. (1) and Article 91 is applied.

#### **Article 93. Promulgation of Laws**

(1) The President of the Republic of Moldova promulgates the laws.

(2) The President of the Republic of Moldova is entitled, whenever he has certain objections regarding a law, to submit it within two weeks at the most to the Parliament for reconsideration. Should the Parliament abide by its previously adopted decision, the President promulgates the law.

#### **Article 94. Acts of the President**

(1) In the exercise of his/her powers, the President of the Republic of Moldova issues decrees which are mandatory enforceable throughout the entire territory of the State. The decrees are published in "*Monitorul Oficial al Republicii Moldova*".

(2) The decrees issued by the President in the exercise of the powers laid down in Article 86 para. (2) and Article 87 para. (2), (3) and (4) shall be countersigned by the Prime-Minister.

#### **Article 95. Financial Resources of the Staff of the President, Indemnity and Other Rights**

(1) Financial resources of the staff of the President of the Republic of Moldova are approved by Parliament and are included in the state budget.

(2) The indemnity and other rights ascribed to the President of the Republic of Moldova shall be established by the law.