

**LAW**  
**on special legal status of Gagauzia (Gagauz Eri)**

**№ 344-XIII 23.12.1994**

Being governed by principles of the Constitution of the Republic of Moldova;

showing willingness and aspiration to keep good relations among peoples that has been developed for centuries;

with a view to satisfy national needs and to preserve national identity of Gagauzians, their fullest and all-round development, prosperity of language and national culture, and to ensure political and economic independence;

taking into account, that the initial bearer of status of Gagauzia (Gagauz Eri) - a place where Gagauzians live) are small Gagauzian people which live compactly on the territory of the Republic of Moldova;

considering priority of human rights, understanding the necessity to combine universal and national interests;

reiterating equal rights of all citizens who live in the autonomous territorial entity, regardless of nationality and other attributes,

the Parliament passes the present law.

**Article 1**

(1) Gagauzia (Gagauz Eri) is an autonomous territorial entity with a special status that as a form of self-determination of Gagauzians, is an integrant part of the Republic of Moldova.

(2) Gagauzia solves independently, in interests of its entire population, issues on political, economic and cultural development within the limits of its competence.

(3) In the territory of Gagauzia all rights and freedoms stipulated by the Constitution and legislation of the Republic of Moldova are guaranteed.

(4) In case of change of the status of the Republic of Moldova as an independent state people of Gagauzia have the right of external self-determination.

## **Article 2**

Gagauzia is governed on the basis of the Constitution of the Republic of Moldova, the present law and other laws of the Republic of Moldova (with exceptions provided by the present law), Regulations of Gagauzia and normative acts of the People's Assembly (Hale Toplushu) of Gagauzia, which comply with the Constitution and legislation of the Republic of Moldova.

## **Article 3**

(1) The official languages in Gagauzia are Moldovan, Gagauzian and Russian languages. In the territory of Gagauzia functioning of other languages alongside with official languages is guaranteed.

(2) Correspondence with public administration authorities of the Republic of Moldova, enterprises, organizations and institutions located outside Gagauzia, shall be done in the Moldavian and Russian languages.

## **Article 4**

Gagauzia shall have its own symbols, which shall be applied alongside with the state symbols of the Republic of Moldova.

## **Article 5**

(1) Gagauzia is composed of localities where Gagauzians make more than 50 percent of the population.

(2) The localities where Gagauzians make less than 50 percent of population can be included in composition of Gagauzia on the basis of free will of the majority of voters expressed through a local referendum, held under the initiative of at least one third of voters in the corresponding locality.

(3) Inclusion of localities in composition of Gagauzia as provided in para. (1) and (2) of this Article, shall be made on the basis of results of local referendum held in each locality by the Government of the Republic of Moldova.

(4) Localities included in Gagauzia reserve the right to secede from Gagauzia through a local referendum held on the initiative

of at least one third of voters, but not earlier than one year from the moment of entering in composition of Gagauzia.

### **Article 6**

Land and its subsoil, waters, flora and fauna, and other natural resources, movable and immovable assets on the territory of Gagauzia shall be the property of people of the Republic of Moldova and, at the same time, the economic basis of Gagauzia.

### **Article 7**

The representative authority of Gagauzia is the People's Assembly vested with right to pass normative acts and regulations within the limits of its competence.

### **Article 8**

(1) The People's Assembly of Gagauzia shall be elected in territorial constituencies through the general, equal, direct, secret and free voting for four-year term of office.

(2) The number of Members of People's Assembly shall be determined as follows: one deputy from five thousand voters, with a condition that each locality has at least one deputy.

(3) A Member of People's Assembly can be a citizen of the Republic Moldova who has reached 21 years, lives on the territory of the territorial constituency (locality) he will represent at the moment the elections are held.

### **Article 9**

The membership in the People's Assembly of Gagauzia shall be incompatible with any other salaried employment in other local authorities, public institutions and business organisations.

### **Article 10**

(1) At its first session the People's Assembly of Gagauzia shall elect the speaker of the People's Assembly (Hale Toplushu Bashi), his deputies, Presidium, and shall adopt the Assembly's Rules of Procedure.

(2) One of deputy speakers of the People's Assembly shall be

elected from among deputies of other ethnic origin than Gagauzian one.

### **Article 11**

(1) Within its competence the People's Assembly of Gagauzia shall pass local laws by the majority of votes of elected deputies.

(2) The Regulations of Gagauzia shall be adopted by a vote of two thirds of elected deputies.

### **Article 12**

(1) Within the competence of the People's Assembly of Gagauzia shall be passing of normative acts which are binding on the territory of Gagauzia, and passing of the Regulations of Gagauzia as well.

(2) The People's Assembly shall pass local laws in the following areas:

- a) science, culture, education;
- b) housing and utilities, urban development;
- c) health, physical culture and sports;
- d) local financial, budgetary, and tax activities;
- e) economy and environment;
- f) labour relations and social welfare.

(3) Besides, within the People's Assembly's competence shall be:

a) to solve under the law problems of territorial organisation of Gagauzia, establishments and reclassifications of localities, borders of districts, towns and villages, and their names;

b) to take part in realization of domestic and foreign policy of the Republic of Moldova on matters concerning interests of Gagauzia;

c) to define the way of organisation and operation of local public administration authorities of Gagauzia and associations of citizens, except for parties and other social and political organizations;

d) to call, organise and hold elections of deputies to the People's Assembly and to approve composition of the Central Electoral

Committee in order to hold elections; to call elections to local public administration authorities in Gagauzia;

e) to hold local referendum on issues concerning the competence of Gagauzia;

f) to approve the regulations on symbols of Gagauzia;

g) to establish honorary titles and to approve awards;

h) to consider the matter and submit to the Parliament of the Republic of Moldova the initiative on declaration of state of emergency in the territory of Gagauzia and on establishing in this case a special form of administration for protection and safety of population of Gagauzia;

i) right of access under the law to the Constitutional Court of the Republic of Moldova in order to annul normative acts of legislative and executive authorities of the Republic of Moldova in case of violation of powers of Gagauzia.

(4) If the Constitutional Court of the Republic of Moldova declares void normative acts of the Republic of Moldova or any provisions of them in the territory of Gagauzia, legal relations resulted from these normative acts shall be regulated by the Parliament or the President of the Republic of Moldova.

(5) Action of the challenged normative act shall be suspended until the Constitutional Court adopts a corresponding decision.

(6) Normative acts of Gagauzia that contradict the Constitution of the Republic of Moldova and the present law shall be declared void.

### **Article 13**

(1) Any adopted local law shall be signed by Governor (Bashkan) of Gagauzia within 10-day term. If the Governor of Gagauzia disagrees with the adopted law, he shall recommit it for revision.

(2) If two thirds of the total number of deputies of People's Assembly vote for the local law repeatedly, it shall be deemed passed, and shall be signed by the Governor.

(3) The local law shall enter into force on the date of its publication unless it does not provide otherwise.

(4) The People's Assembly's laws and decisions shall be submitted to the Parliament and Government of the Republic of Moldova for their information within 10-day period since the date of its passing.

## **Article 14**

(1) The Governor (the Bashkan) shall be the supreme official person in Gagauzia. All public administration authorities of Gagauzia shall be subordinated to him.

(2) The Governor of Gagauzia shall be elected by universal, equal, direct, secret and free expressed vote for a 4 years term on alternative basis.

(3) The Governor of Gagauzia must be citizen of the Republic of Moldova that reached the age of thirty-five and speak Gagauzian language.

(4) The Governor of Gagauzia shall be confirmed as member of the Government of the Republic of Moldova by a decree of the President of the Republic of Moldova.

(5) The same person shall be re-eligible as Governor of Gagauzia for two consecutive terms of office.

(6) The Governor of Gagauzia shall manage the activity of public administration authorities and shall bear the responsibility for carrying out the duties assigned to him by law.

(7) The Governor of Gagauzia shall issue, according to the present Law, decisions and disposals that shall be enforceable throughout the territory of Gagauzia and shall come into effect at the date of publication.

(8) The Governor of Gagauzia shall inform the People's Assembly yearly about the activity of public administration authorities of Gagauzia.

(9) The dismissal of the Governor of Gagauzia before the expiration of his period of tenure shall be made if he does not respect the Constitution of the Republic of Moldova, the present Law, local laws and decisions of the People's Assembly or if committed an offence.

(10) Decision of removing the Governor of Gagauzia from office shall be taken by vote of two thirds of representatives elected

to the People's Assembly, and decision of removing other official persons of public administration authorities shall be taken with the majority of votes of the members of People's Assembly.

### **Article 15**

(1) If for reasons of health or other objective reasons the Governor of Gagauzia is unable to carry out his functions, the Prime Vice-Chairman of the Executive Committee (Bakannik Komiteti) of Gagauzia shall hold office as Interim Governor.

(2) In case of removal or resignation of the Governor of Gagauzia his duties shall be delegated to the Prime Vice-Chairman of the Executive Committee.

(3) New elections shall be hold not later than three months after the function of the Governor of Gagauzia became vacant.

### **Article 16**

(1) The Executive Committee shall be the standing executive body of Gagauzia, which is established by the People's Assembly at the first session for the period of office.

(2) The People's Assembly shall approve the composition of the Executive Committee with the majority of votes of his members on the proposal of the Governor of Gagauzia.

### **Article 17**

(1) The Executive Committee of Gagauzia shall ensure:

a) the enforcement and observance of the Constitution and laws of the Republic of Moldova, as well as normative acts of People's Assembly;

b) the participation in the activity of central public administration authorities of specialty of the Republic of Moldova in matters concerning the interests of Gagauzia;

c) the regulation of the relations of ownership throughout the territory, the management of economics, social-cultural construction, local financial and budgetary system, environment protection and rational usage of natural resources, according to the law;

d) the determination of structure and priority directions of developing economy and technical and scientific progress;

e) the working out of programs on economical, social, national and cultural development, environment protection and their implementation after being approved by the People's Assembly;

f) the working out and presentation of the Gagauzian budget in order to be approved by the People's Assembly and its execution;

g) the solving of issues concerning ecological security, rational usage, protection and revival of natural resources, the establishment of quarantine and declaration of zones of natural calamities;

h) the elaboration and accomplishment of programs in the spheres of education, culture, health care, physical culture and sport, social assistance, as well as the protection and valorization of the monuments of history and culture;

i) the equality in citizens' rights and freedoms, national and civil conciliation, protection of legality and public order;

j) the elaboration and promotion of a scientific based demographic policy, drawing up of programs of urbanization and development of communal household and housing;

k) the functioning and developing of national cultures and languages on Gagauzian territory.

(6) The Governor of Gagauzia shall manage the activity of public administration authorities and shall bear the responsibility for carrying out the duties assigned to him by law.

(7) The Governor of Gagauzia shall issue, according to the present Law, decisions and disposals that shall be enforceable throughout the territory of Gagauzia and shall come into effect at the date of publication.

(8) The Governor of Gagauzia shall inform the People's Assembly yearly about the activity of public administration authorities of Gagauzia.

(9) The dismissal of the Governor of Gagauzia before the expiration of his period of tenure shall be made if he does not respect the Constitution of the Republic of Moldova, the present Law, local laws and decisions of the People's Assembly or if committed an offence.

(10) Decision of removing the Governor of Gagauzia from office shall be taken by vote of two thirds of representatives elected to the People's Assembly, and decision of removing other official



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c) the regulation of the relations of ownership throughout the territory, the management of economics, social-cultural construction, local financial and budgetary system, environment protection and rational usage of natural resources, according to the law;

d) the determination of structure and priority directions of developing economy and technical and scientific progress;

e) the working out of programs on economical, social, na-

tional and cultural development, environment protection and their implementation after being approved by the People's Assembly;

f) the working out and presentation of the Gagauzian budget in order to be approved by the People's Assembly and its execution;

g) the solving of issues concerning ecological security, rational usage, protection and revival of natural resources, the establishment of quarantine and declaration of zones of natural calamities;

h) the elaboration and accomplishment of programs in the spheres of education, culture, health care, physical culture and sport, social assistance, as well as the protection and valorization of the monuments of history and culture;

i) the equality in citizens' rights and freedoms, national and civil conciliation, protection of legality and public order;

j) the elaboration and promotion of a scientific based demographic policy, drawing up of programs of urbanization and development of communal household and housing;

k) the functioning and developing of national cultures and languages on Gagauzian territory.

(2) The Executive Committee shall have the right to legislative initiative within People's Assembly.

(3) The decisions and dispositions of the Governor and the Executive Committee of Gagauzia shall be submitted to the Government of the Republic of Moldova for its information within 10 days after being adopted.

## **Article 18**

(1) Gagauzian budget shall be formed of all types of payments established by the legislation of the Republic of Moldova and the People's Assembly.

(2) The relation between the Gagauzian budget and State budget shall be established according to the Laws of the Republic of Moldova on budgetary system and on State budget for the appropriate year in the shape of fixed payments from all types of taxes and pays.

## **Article 19**

The leaders of branch divisions shall be included into the

colleges of the ministries and departments of the Republic of Moldova on the proposal of the Governor of Gagauzia.

## **Article 20**

(1) The Court of Appeal, with its headquarters in Comrat town, shall be a court of second degree compared to the next superior courts and shall examine the most difficult civil, administrative and criminal cases as a court of first instance.

(2) The judges of Gagauzian Courts shall be appointed by the decree of the President of the Republic of Moldova on the proposal of the People's Assembly of Gagauzia, with the consent of the Superior Council of Magistracy.

*(part (2) is declared unconstitutional according to DCC №24 of 05.06.99, MO 53-54/34 of 05.27.1999)*

(3) The chairman of the Court of Appeal, with its headquarters in Comrat town, shall be a member ex officio of the Supreme Court of Justice.

## **Article 21**

(1) The Prosecutor's Office of Gagauzia shall activate according to the Law on Prosecutor's Office of the Republic of Moldova (with the exceptions stipulated by the present law).

(2) The Prosecutor of Gagauzia shall be appointed by the General Prosecutor of the Republic of Moldova on the proposal of People's Assembly and shall be a member ex officio of the College of General Prosecutor's Office of the Republic of Moldova.

(3) Hierarchically inferior prosecutors of Gagauzia shall be appointed by General Prosecutor of the Republic of Moldova on the proposal of Gagauzian Prosecutor with the consent of People's Assembly.

## **Article 22**

(1) The head of Gagauzian Department of Justice shall be appointed and dismissed by the Minister of Justice of the Republic of Moldova on the proposal of People's Assembly.

(2) The head of Gagauzian Department of Justice shall be a member ex officio of the College of the Ministry of Justice of the

Republic of Moldova.

### **Article 23**

(1) The head of the Department of Information and Security of Gagauzia shall be appointed and dismissed by the director of the Information and Security Service of the Republic of Moldova on the proposal of the Governor of Gagauzia after being approved by People's Assembly.

(2) The head of the Division of the Information and Security Service of the Republic of Moldova for Gagauzia shall be a member ex officio of the College of Information and Security Service of the Republic of Moldova.

### **Article 24**

(1) The Head of the Internal Affairs Department of Gagauzia shall be appointed and dismissed by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia, with the consent of People's Assembly.

(2) The Head of the Internal Affairs Department of Gagauzia shall be a member ex officio of the College of the Ministry of Justice of the Republic of Moldova.

(3) The police inspectors of the Police Stations of Gagauzia shall be appointed and dismissed by the head of the Internal Affairs Department of Gagauzia on behalf of the Minister of Internal Affairs of the Republic of Moldova.

(4) The head of the municipal police of the Internal Affairs Department of Gagauzia shall be appointed and dismissed by the Governor of Gagauzia on the proposal of the head of the Internal Affairs Department of Gagauzia and shall be in his operative subordination.

(5) The commandant of the sub-unit of riflemen troops (internal troops) shall be appointed and dismissed by the Minister of the Interior of the Republic of Moldova on the proposal of the Governor of Gagauzia.

### **Article 25**

The Republic of Moldova shall be the guarantor of full and

unconditional implementation of the powers of Gagauzia established by law.

**Article 26**

Administrative Center of Gagauzia shall be established through a local referendum.

**Article 27**

- (1) The present law shall be an organic law.
- (2) The present law shall be amended and completed with the vote of three fifths of the representatives elected to the Parliament of the Republic of Moldova.

SPEAKER OF THE PARLIAMENT

Petru LUCINSCHI

Chisinau, 23 December 1994.  
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