

PROSECUTOR VETTING COMMISSION

Rules of Procedure for evaluations conducted according to the procedure and criteria regulated under Law No. 26/2022

The Prosecutor Vetting Commission, established under Law No. 252/2023 on the external evaluation of judges and prosecutor and amendments to some regulatory acts (*hereinafter* Law No. 252/2023) is required to evaluate candidates for the position of the self-administration bodies of judges and prosecutors (see Article 22 para. (12) and (13) of Law No. 252/2023). Such candidate evaluations are required to be conducted by the Commission according to the procedures and criteria regulated by Law No. 26/2022 on certain measures related to the selection of candidates for the position of member of the self-administration bodies of judges and prosecutors (*hereinafter* Law No. 26/2022).

Accordingly, these attached Rules of Procedure were approved by the Prosecutor Vetting Commission on 5 December 2023 for evaluations under Article 22 para. (12) and (13) of Law No. 252/2023 and as per Article 6 lit. a) of Law No. 26/2022. Acting in the interests of consistency and full transparency, the Prosecutor Vetting Commission approved the Rules of Procedure of the Independent Evaluation Commission in its totality with only one exception. Specifically, the Prosecutor Vetting Commission amended Article 16 para. (7) lit. a, which reads in the original as following:

“a. The Secretariat shall ensure that the evaluation materials are produced in hard copy, watermarked with the name of the Commission: ‘Pre-Vetting Commission’ and the name of the candidate ‘candidate First Name, Surname’”,

Article 16 para. (7) lit. a is replaced as follows:

“a. The Secretariat will provide copies of materials in a read-only digital format.”

**Rules of Procedure of
the Independent Evaluation Commission for assessing the integrity of candidates
for the position of member in the self-administration bodies
of judges and prosecutors, pursuant to Law No. 26/2022**

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These Rules of Procedure (hereinafter “Rules”) are adopted according to Article 6 lit. a) and Article 15 para. (4) of Law No. 26/2022 “on certain measures relating to the selection of candidates for the position of member in the self-administration bodies of judges and prosecutors” (hereinafter “Law No. 26/2022”).¹

Section I. General provisions

Article 1. Definitions

In these Rules:

- a. “Candidate” means a person as defined in Article 1 of Law No. 26/2022;
- b. “Commission” means the Independent Evaluation Commission mentioned in Article 3 para. 1 of Law No. 26/2022;
- c. “Evaluation” means assessing the integrity of candidates mentioned in Article 1 of Law No. 26/2022;
- d. “Member” means member of the Commission;
- e. “Secretariat” means the Secretariat mentioned in Article 3 para. 5 of Law No. 26/2022;
- f. “Other persons covered by the evaluation” mean persons close to the candidate as defined in the Law No. 133/2016 on the Declaration of Assets and Personal Interests and persons indicated in Article 33 para. 4 and 5 of the Law No. 132/2016 on the National Integrity Authority.

Article 2. Composition and mandate of the Commission²

1. The Commission comprises six members appointed according to Article 5 of Law No. 26/2022.
2. The Commission’s activity shall be governed by the Constitution of the Republic of Moldova, Law No. 26/2022 and other applicable normative acts, as well as these Rules.
3. The Commission is set up to conduct an ethical and financial integrity evaluation of candidates for positions as members of organs stipulated in Article 2 para. 1 of Law No. 26/2022 (hereinafter “evaluation procedure”).

¹ Adopted by the Independent Evaluation Commission at its meeting on 22 April 2022

Amended 12 May 2022 as to Articles 9 (6) and 14

Amended 11 July 2022 as to Article 5 (2), 10 (6), 15 (5) and 17

Amended 23 December 2022 as to Articles 10 (3), 13 and 15 (1)

Amended 6 September 2023 as to Articles 2 (2 and 3), 3 (4) and (5), 4 (2) and (4), 6, 7 lit. k., 8 lit. f. and g., 9 (5), 10 (4) lit. d., 11 (1), (2), (3) lit. c. -d., (4), 12 (2), 13, 14 (1), Section III Articles 16 - 19, Section IV Article 20, Section V Article 21 (1), (3 - 6)

² Article 2 para. 2 and 3 amended 6 September 2023.

Article 3. Chairperson³

1. The Chairperson shall:
 - a. exercise the duties enunciated in Article 3 para. 3 of Law No. 26/2022;
 - b. sign minutes of meetings, decisions, letters, and other correspondence on behalf of the Commission;
 - c. steer the Secretariat's daily work;
 - d. sign memoranda of understanding with civil society organizations, public authorities, or other organizations in support of the Commission's mandate;
 - e. perform any other duties stipulated in Law No. 26/2022, these Rules, or decisions by the Commission.
2. The Commission may at any time provide guidance or directives to the Chairperson.
3. In accordance with Article 3 para. 2 of Law No. 26/2022, the Chairperson may appoint a designated member. If the Chairperson cannot be present, including through electronic means, the designated member shall perform all duties of the Chairperson. The designated member has full signatory power as per Article 3 para. 1 lit. b) and d) of these Rules.
4. The Chairperson may also authorize another member to perform certain actions.
5. The Commission may at any time elect a new chairperson. The end of mandate as a chairperson or a designated member does not affect the status as a member.

Article 4. Language⁴

1. Meetings of the Commission and all written and electronic communication between members and between members and the Secretariat shall be in English, except for public meetings, which shall be in Romanian with simultaneous or consecutive interpretation to English.
2. Decisions and minutes shall be issued in English and Romanian.
3. The external correspondence of the Commission to Moldovan entities and to candidates shall be in Romanian language.
4. The Secretariat shall ensure that all communication with the candidate is translated into English. Upon the request of a member, the Secretariat shall ensure the translation into English in writing or orally of any materials received by the Commission (including those submitted by the candidate).

³ Article 3 amended 6 September 2023 (para. 4 added and para. 4 renumbered in 5).

⁴ Article 4 amended 6 September 2023 (para. 2 amended and para. 4 added).

Article 5. Protection of personal data

1. Personal data of the candidates and other persons shall be collected, stored, published, and otherwise processed in accordance with Law No. 26/2022, and with the personal data protection legislation of the Republic of Moldova.
2. The Commission shall submit to the institution responsible for organizing the elections or competition the decision of the Commission, as well as a de-personalized version of the decision, except for the candidate's name and surname that shall remain public, to be published on the respective institution's website according to Article 13 para. 7 Law No. 26/2022. The Commission will also publish the decisions that the candidates do not object to being published.⁵
3. When asking questions during public meetings, members shall disclose only the necessary minimum of personal data.

Article 6. Amendments⁶

The Commission may amend these Rules by a decision taken in line with Article 11 of these Rules.

Article 7. Rules of conduct

When performing their functions, the members shall:

- a. operate based on the principles of integrity, independence, impartiality, objectivity, fairness, respect for human rights and freedoms, professionalism, transparency, and public accountability;
- b. be independent and autonomous in their decisions from any person, public authority, organization, political factions, and development partners that nominated members;
- c. avoid actions or statements that may discredit or otherwise undermine the work of the Commission or raise doubts about the objectivity of its decisions;
- d. be mindful of the public character of their duties, act in the public interest and not abuse or take advantage of their position to obtain any undue benefit for themselves or anyone else;
- e. abstain from any direct or indirect contacts and communication with the candidates and their close persons, except if done according to Law No. 26/2022 or these Rules;
- f. not allow any person or organization to compromise their judgment or otherwise improperly influence them, and report without delay any such attempts to the Commission;
- g. ensure confidentiality and security of personal data obtained during the performance of their functions, and protect the confidentiality of sources of information about candidates;

⁵ Para. 2 amended 11 July 2022.

⁶ Article 6 amended 6 September 2023 (for editorial purposes).

- h. other than for the evaluation purposes and as required by Law No. 26/2022 and these Rules, not use, transfer, or disclose confidential information about candidates and other persons which became known to them during the performance of their function;
- i. disclose to the Commission information obtained from external sources where the member believes that the information is credible and relevant to the evaluation of the candidate;
- j. be courteous and respectful in dealings with others, including other members and the Secretariat;
- k. be mindful of conflicts of interests or circumstances affecting their impartiality, as further elaborated in Article 10 of these Rules below, and shall immediately bring any conflicts or circumstances which might affect their impartiality to the attention of the Commission;⁷
- l. ensure continuous access to emails, accessibility by phone, and immediately notify the Head of Secretariat and all members of any change of their email address and mobile telephone number.

Section II. Meetings and decisions

Article 8. Matters considered⁸

1. The following matters shall be considered by the Commission only at meetings:
 - a. change of these Rules;
 - b. adopt any other rule the Commission may determine necessary;
 - c. election of the Chairperson;
 - d. the declaration form as per Article 9 para. 2 of Law No. 26/2022;
 - e. decisions on candidates as per Article 13 of Law No. 26/2022 (preliminary, partial, or final evaluation findings);
 - f. reviewing conduct of members for compliance with Article 7 of these Rules in accordance with the procedure set forth in Article 5 para. 11 of Law No. 26/2022;
 - g. declaring the termination of a member's mandate as per Article 5 para. 11 of Law No. 26/2022.
2. The Commission may consider any other matter as requested by a member or as proposed by the Head of Secretariat.

Article 9. Meetings of the Commission

1. The Chairperson, or at least two members may convene a meeting.
2. Meetings shall be convened by email to all members with the indication of the date, time and place, as well as a suggested agenda.

⁷ Article 7 lit. k. amended 6 September 2023 (for editorial purposes).

⁸ Article 8 amended 6 September 2023 (word "considered" added in the title, lit. f. (for editorial purposes) and g. (word "member" added before the word "mandate")).

3. The Commission may amend the agenda at any time at the proposal of any member.
4. Meetings shall be held at the place agreed by the Commission, or via videoconferencing. The members may be physically present at the meeting place or via videoconferencing as facilitated by the Secretariat.
5. Members may not delegate their powers to any other person, including other members.⁹
6. Meetings shall be held in camera, except for hearings¹⁰ with the candidates, which shall be conducted in public meetings.

Article 10. Conflict of interest

1. Cases of conflict of interest or other circumstances that may affect the objectivity or impartiality as a member as mentioned in Article 7 lit. d of Law No. 26/2022 may lead to a conflict-of-interest decision.
2. A call for a conflict-of-interest decision, by the affected member, other members, or candidates, must be reasoned and submitted in writing or email to the Chairperson at the earliest possible time during any stage of the evaluation. The Commission shall consider the application for recusal in the presence of the respective member. The respective member may provide explanations.
3. In case a call for recusal of one or more members would undermine the quorum as per Article 11 para. 2 of Law No. 26/2022, all members take part in the consideration and decision of the recusal. If the affected member(s) are not required to participate in order to maintain the quorum, the decision on recusal shall be made by the members of the commission outside the presence of the affected member(s).¹¹
4. In case the Commission decides for a recusal, the respective member shall, concerning specifically the respective candidate:
 - a. have no access to the non-public information;
 - b. refrain from taking part in collecting information;
 - c. shall not participate in preparation of materials;
 - d. shall not vote, unless due to the recusal the quorum for taking a decision is undermined.¹²
5. The recusal shall apply throughout all subsequent stages of the evaluation procedure, even if not declared again explicitly.
6. The Commission shall adopt guidelines on conflicts of interest concerning the Secretariat.¹³

⁹ Article 9 para. 5 amended 6 September 2023 (the word “other” added before the word “person”).

¹⁰ Amended 12 May 2022 – “interviews” changed to “hearings”.

¹¹ Para.3 completed 23 December 2022.

¹² Article 10 para. 4 lit. d. amended 6 September 2023.

¹³ Para. 6 added 11 July 2022.

Article 11. Voting¹⁴

1. Decisions are adopted by simple majority vote of the participating members.
2. Votes are cast “for” or “against”. Abstentions are possible in cases of and in line with Article 10 of these Rules.
3. In case of parity of votes, decisions are adopted in line with the votes supported by (in the following order),
 - a. two members appointed per Article 5 para. 1 lit. a of Law No. 26/2022 (parliamentary factions) and one member appointed per Article 5 para. 1 lit. b of Law No. 26/2022 (development partners), in the alternative
 - b. two members appointed per Article 5 para. 1 lit. b of Law No. 26/2022 (development partners) and one member appointed per Article 5 para. 1 lit. a of Law No. 26/2022 (parliamentary factions), in the alternative
 - c. the member designated by the Chairperson as per Article 3 para. 2 of Law No. 26/2022 and one member appointed by another body (Article 5 para. 1 lit. a or b of Law No. 26/2022), in the alternative
 - d. the Chairperson and one member appointed by another body (Article 5 para. 1 lit. a or b of Law No. 26/2022), in the alternative
 - e. the Chairperson.
4. The Chairperson shall announce the vote of all members on each decision.

Article 12. Minutes

1. Summary minutes shall include the day and time, participating members, information about other participants, the matters dealt with, decisions taken including the vote of each member (except for secret ballots where only the total of votes “in favor” and “against” shall be noted), and any statement a member requests to be included.
2. The Chairperson shall distribute draft minutes to the members via email as soon as possible and within three business days at the latest. The minutes are approved via email, when, there is no objection within two business days, or if all members approve. The minutes can also be approved by majority decision as per Article 11 of these Rules, reflecting all statements declared by members objecting. The Chairperson shall sign the minutes within one business day after approval.¹⁵
3. Once approved and signed, the Head of Secretariat shall, without any delay, send the minutes to all members via email.

¹⁴ Article 11 amended 6 September 2023 (para. 1 added “vote of participating members”, para. 2 amended for editorial purposes, para. 3 lit. c. - e. - the word “Chair” changed to “Chairperson”, para. 4 deleted and para. 5 renumbered in para. 4).

¹⁵ Para. 2 amended 6 September 2023 (for editorial purposes).

Article 13. Transparency of Commission's activity ¹⁶¹⁷

The Secretariat shall ensure publication of these Rules and other Rules adopted pursuant to Article 8 para.1 lit. b of these Rules, announce information about public meetings and provide regular updates about the Commission's work on Commission's website.

Article 14. Email coordination

1. The Commission may coordinate its work by email. Decisions taken pursuant to Article 8 of these Rules may only be adopted at meetings.¹⁸
2. Any member may initiate email coordination by addressing all other members via email and may choose to copy the Head of Secretariat.
3. The Chairperson shall moderate email coordination and, if not provided by the initiating member, set a deadline for matters requiring a vote. Each member submits his/her vote by email to all members. All members shall respond as soon as possible.¹⁹
4. A decision shall be considered adopted by email coordination when the minimum number of votes as per Article 11 para. 2 of Law No. 26/2022 have been cast.
5. The Chairperson announces decisions adopted via email to all members as soon as possible.

Article 15. External communication

1. Members coordinate among each other any information request to candidates and third parties to avoid duplications or contradictions. Contacts by phone shall be summarized in an email to the Chairperson and Secretariat²⁰.
2. The Commission shall communicate to the public through the Chairperson. Members shall avoid contacts with the media concerning evaluations unless explicitly authorized by the Chair. The Commission may decide on guidance, directives, or concrete statements.
3. Without prior authorization of the Chairperson, the Secretariat staff may neither disclose any information nor comment on the work of the Commission or Secretariat to third parties.
4. The Commission may maintain its own internet presence, including on social media.
5. The Commission shall communicate with candidates via email.²¹

¹⁶ Title amended 23 December 2022, para.1-2 changed, para.3 excluded.

¹⁷ Article 13 amended 6 September 2023 (para. 2 excluded, text of the article (formerly para. 1) amended).

¹⁸ Para. 1 amended 6 September 2023 (for editorial purposes).

¹⁹ Amended 12 May 2022 to correct numbering.

²⁰ Para.1 amended 23 December 2022.

²¹ Para. 5 added 11 July 2022.

Section III. Evaluation procedure²²

Article 16. Stages

1. The main stages of the evaluation are as follows:
 - a. Initiation of the evaluation procedure. Request by the Commission for submission of the asset and personal interests declaration and the declaration of the list of closed persons, as per Article 9 para. 2 of Law No. 26/2022 and the submission of the declarations by the candidate. Upon request by the Commission, a candidate shall submit the above declarations within seven days as required by Law No. 26/2022. Request for voluntary submission of responses to an ethics questionnaire within the time limit set by the Commission.
 - b. Accumulation of information. Accessing information systems and requesting documents and information necessary to perform the evaluation from legal entities of public or private law, as per Article 10 para. 2 and para. 3 of Law No. 26/2022.
 - c. Questions and requests for documents sent to the candidate to the extent necessary to clarify ethical and financial integrity issues. The candidate is to respond within the time limit set by the Commission. The candidate shall ensure that any document or information submitted by him/her or upon his/her request, which is not in Romanian, is accompanied by a Romanian translation.
 - d. Additional requests for documents and information from individuals and legal entities of public or private law, to the extent necessary.
 - e. Invitation of the candidate to a public hearing.
 - f. Upon request by the candidate, access provided to the evaluation materials.
 - g. Public hearing.
 - h. Decision on evaluation outcome.
2. Deadlines indicated by the Commission in communication with candidates are counted by calendar days including weekends and bank holidays, starting the day after the event setting the deadline in motion, such as the date on which the Commission sends an email to the candidate. Candidates can request an extension of the deadline for justified reasons.
3. Members may work (in teams) as rapporteurs to prepare different stages of the evaluation, but any decisions on the evaluation of a candidate shall be taken by the Commission only.
4. The Head of Secretariat is mandated to answer questions from candidates about filling out the declarations as per Article 9 para. 2 of Law No. 26/2022.
5. The Head of Secretariat is mandated to make requests on behalf of the Commission to public and private legal and natural persons to obtain documents and information as per Article 10 para. 2 and 3 of Law No. 26/2022.

²² Section III articles 16-19 added and the numbering of sections and articles from section III forward changed by amendment of 6 September 2023.

6. A candidate is precluded from calls for recusal that were not submitted at the earliest opportunity and not later than two days before the hearing, and not in conformity with Article 10 of these Rules. If considered justified, the Commission may allow for exceptions.

7. Access to evaluation materials by the candidate will be provided by the Secretariat at the request of the candidate, as per Article 12 para. 4 lit. c) of Law No. 26/2022.

a. *The Secretariat will provide copies of materials in a read-only digital format.*

b. Prior to providing access to the evaluation materials, the Secretariat shall require the candidate to sign a notice regarding the obligation to respect the confidentiality of personal data included in the evaluation materials. In addition to the notice, the candidate shall sign a document confirming the receipt of evaluation materials, which includes his/her name, surname, IDNP, signature and date of receipt.

c. The candidate may also request access to evaluation materials when s/he has failed the evaluation and intends to lodge an appeal, if s/he has not exercised his/her right to request access to evaluation materials prior to the Commission's hearing(s). Provisions of paragraphs a. and b. hereinabove shall apply *mutatis mutandis*.

Article 17. Public hearing

1. The schedule of hearings as decided by the Commission shall be published online before the date of the hearing.

2. A candidate shall be invited by email to a hearing with at least seven days' notice. Within two days of the invitation, a candidate shall confirm participation in the hearing and shall submit, if the candidate considers it necessary, a reasoned request for an in-camera hearing as per Article 12 para. 2 of Law No. 26/2022. The Commission will decide upon such a request with a reasoned decision. The mere possibility of disclosure of the candidate's or another person's personal data shall not be sufficient to close the hearing or any part of the hearing.

3. Members of the public and mass media may attend public hearings by giving prior notice to the Secretariat's email address or phone contact. Attendance may be restricted if the number of participants cannot fit in the premises where the hearing takes place. Priority will be given based upon the sequence of the notices to the Secretariat and taking into consideration public interest.

4. A candidate may not provide information, documents or other materials during the hearing if the Commission requested them earlier and the candidate did not provide them within the time specified. If considered justified, the Commission may allow for exceptions.

5. The hearings, including any closed part, are recorded. Recordings of the public parts of hearings, in Romanian and English, are published on the Commission's website.

6. In the event of a candidate's refusal to attend the hearings, the Commission's meeting shall be held in his/her absence and the candidate shall be evaluated on the basis of information gathered by the Commission.

7. Each hearing consists of an opening by the Chairperson, followed by questions by members, aimed at clearing up the circumstances about which the Commission has serious doubts. At the end of the hearing, a candidate has the opportunity for a brief final statement.

8. Upon prior request by the Commission, a candidate shall produce at the hearing originals of documents submitted earlier as copies.
9. Candidates and other persons who are present at the hearing shall maintain proper order during the proceedings. In the event of a violation of this rule, following a warning, the Chairperson may exclude the person from the hearing.
10. The Commission deliberates on the results of the hearings in a closed meeting without the presence of the candidate.
11. After the hearings, to the extent necessary, the Commission may send additional questions and requests for documents. Article 16 para.1 lit. c) of these Rules shall apply *mutatis mutandis*.

Article 18. Decision

1. The Commission shall take a reasoned decision on a candidate's passing or failing the evaluation. If necessary, the Commission may delay the adoption of the decision until it receives additional information or clarification.
2. Members dissenting from the Commission decision shall submit a written reasoning to all other members within two business days after the decision was taken. If, based on the dissenting opinion, the members voting in favor of the decision believe that the decision should be corrected or that a comment should be added to the decision to address issues raised in the dissent, the majority may do so within two business days after the dissent was submitted. The dissenting opinion, unless withdrawn, shall be published along with the decision of the Commission.
3. The decision is sent to the candidate in accordance with Article 13 para. 7 of Law No. 26/2022. On the same day, the Commission will announce on its website the fact that a decision on a candidate's compliance or non-compliance has been issued. A decision will be published on the website of the Commission only when a candidate has not notified the Commission of his/her refusal to publish the decision, pursuant to Article 13 para. 7 of Law No. 26/2022.

Article 19. Rules for conducting resumed evaluation

1. If the Commission resumes the evaluation of a candidate in accordance with a Supreme Court of Justice decision, the provisions of Law No. 26/2022 and of these Rules regarding the evaluation procedure shall apply accordingly. Further, upon a resumed evaluation:
 - a. the candidate may present new evidence regarding only the issues that were addressed by the Supreme Court of Justice and referred to the Commission for re-evaluation. The candidate may only present such evidence if s/he was in the impossibility to present previously at the evaluation stage and before the Supreme Court of Justice, as per Article 12 para. 4 lit. d) of Law No. 26/2022, and the candidate provides sufficient justification to the Commission.
 - b. the Commission may send questions and requests for documents and information to the candidate to the extent necessary to clarify the issues derived from the Supreme Court of Justice decision. Article 16 para. 1 lit. c) of these Rules shall apply *mutatis mutandis*.

c. unless the Commission has issued a decision passing the candidate, it will present a statement of facts and serious doubts to the candidate and a request for the candidate to indicate whether the candidate wishes to participate in a public hearing. The candidate will have seven days to respond. A hearing will be scheduled not less than three days after the candidate's reply.

d. access to the materials collected during the resumed evaluation will be given to the candidate in the same manner as in the evaluation procedure.

e. the Commission may determine, in accordance with a Supreme Court of Justice decision, either at the request of a candidate or proprio motu, to hear a person to address an issue about which the Commission has indicated it has serious doubts. If the candidate requests the Commission to hear a person, s/he shall identify the issues about which the person is proposed to testify and the relevance of that testimony to the issues under consideration. The candidate shall provide the full name, ID number, telephone and email address of the person. No costs shall be paid by the Commission in relation to the hearing of that person. These hearings shall take place in a public session unless the Commission decides to conduct a part of the hearing in a closed meeting pursuant to Article 12 (2) of Law No. 26/2022 and Article 17 of the present Rules.

2. If at any point during the resumed evaluation the serious doubts about a candidate's ethical or financial integrity have been removed, the Commission shall issue a decision passing the candidate.

3. During the resumed evaluation, the Commission shall not be obliged to examine circumstances other than those that led to upholding the candidate's appeal to the Supreme Court of Justice.

Section IV. Archiving the accumulated information²³

Article 20. Transmitting the information on evaluated candidates and archiving²⁴

1. The information accumulated by the Commission in the process of the integrity evaluation of candidates is retained by the Commission throughout the period of the application of Law No. 26/2022.

2. The Commission shall retain, archive, delete and destroy the accumulated information in accordance with applicable normative acts.

3. In accordance with Article 10 para. 12 and 13 of Law No. 26/2022, the information on the subjects referred to in Article 2 para. 1 lit. a) – d) of Law No. 26/2022 shall be transmitted to the evaluation Commission established under Law No. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice and the information on the subjects referred to in Article. 3 para. 1 lit. e) – h) of Law No. 26/2022 to the prosecutors' evaluation Commission established under Law No. 252/2023 on the external evaluation of judges and prosecutors and amendment of certain normative acts.

²³ Section IV (formerly section III) title amended 6 September 2023, formerly article 16 excluded.

²⁴ Article 20 (formerly 17) amended 6 September 2023.

Section V. Secretariat²⁵

Article 21. General provisions²⁶

1. The Secretariat assists the Commission in exercising its duties.
2. The Head of Secretariat shall report to the Chairperson regarding everyday operations, notwithstanding his/her responsibility to the entire Commission.
3. All staff contracted by development partners pursuant to Article 3 para. 5 of Law No. 26/2022 or staff seconded or delegated by public authorities and institutions pursuant to Article 3 para. 7 of the Law No. 26/2022 will work only under the independent directive of the Commission.
4. Secretariat staff shall receive access to all information about candidates in order to process it and prepare materials for members. Translators/interpreters shall have access to the extent it is necessary for translation of documents and interpretation during meetings and hearings.
5. Staff of the Secretariat shall not disclose any information about deliberations and voting of the Commission, preparation of its decisions, information about candidates and other persons collected during the evaluation process without the consent of the Commission.
6. The Head of Secretariat is mandated to execute all decisions of the Commission, and to respond to all information requests of members as per Article 15 of these Rules, and to manage all necessary steps for communication with third parties.

Article 22. Duties and conduct

1. The Secretariat staff shall assist the Commission in facilitating its work as defined by these Rules and Law No. 26/2022, including assistance in the collection, verification, and analysis of information on the candidates.
2. Secretariat staff shall adhere appropriately to the Rules of Conduct for members.

²⁵ The number of the section V (formerly IV) changed by amendment of 6 September 2023.

²⁶ Article 21 (formerly 18) para. 1 and 3-6 amended 6 September 2023.