Law on state guaranteed legal aid

(Law No. 198-XVI, of July 26, 2007, M.O. No. 157-160, of 05.10.2007)

Taking into consideration the need to protect the right to a fair trial guaranteed by Article 6 of the European Convention for Human Rights, including the need to ensure free and equal access to legal aid by organizing and delivering state guaranteed legal aid and by diminishing the economic and financial impediments in realizing the access to justice,

The Parliament hereby adopts the present organic law.

Chapter I
GENERAL PROVISIONS

Article 1. Object of the law
The present law sets the conditions, amount and procedure of state guaranteed legal aid delivery for the purpose of protecting human rights and fundamental freedoms and other legitimate interests of persons.

Article 2. Main definitions
In the context of the present law, the following main definitions are:

state guaranteed legal aid – delivery of legal services provided for in the present law from the financial means intended for the delivery of such services to persons that do not have sufficient financial means to pay for them and that meet the requirements provided for in the present law;
primary legal aid – provision of information regarding the legal system of the Republic of Moldova, the normative acts in force, the rights and the obligations of subjects of law, the method of enforcing and exercising the persons’ rights both in the judicial and extrajudicial proceedings; delivering counseling on legal issues; delivering assistance in drafting juridical acts; delivering other forms of legal aid that do not constitute qualified legal aid;

qualified legal aid – delivery of legal services of counseling, representation and/or defense before the criminal investigation bodies, courts of law in criminal cases, administrative offenses cases, civil cases or cases of administrative jurisdiction, as well as representation before the public administration authorities;

public defender – a person that has the right to practice law in conformity with the Law on the legal profession, selected on the basis of certain selection criteria to provide free or partially free qualified legal aid from the financial means intended for the delivery of state guaranteed legal aid;

paralegal – a person that enjoys high respect from the local community, who has incomplete legal education or complete higher legal education that does not practice law and is specially trained and qualified to deliver primary legal aid to members of the community from the financial means intended for the delivery of state guaranteed legal aid in accordance with the Rules on the status and qualification of the paralegals.

Article 3. Types of state guaranteed legal aid
State guaranteed legal aid is delivered by authorized persons, in the conditions set in the present law, in the following forms:

a) primary legal aid;
b) qualified legal aid.

Article 4. Principles of state guaranteed legal aid
State guaranteed legal aid is granted based upon the following principles:

a) of equality of the rights of all persons benefitting of state guaranteed legal aid;
b) of professional competence of persons who deliver state guaranteed legal aid;
c) of quality, efficiency and cost-effectiveness of delivered services;
d) of confidentiality;
e) of inadmissibility of conflicts of interests.

Article 5. Guarantees of the state
In order to fulfill the principle of free access to legal aid, the state ensures the organization and functioning of the institutions responsible for delivering state guaranteed legal aid and for the allocation of budgetary funds necessary for remunerating the legal services delivered in accordance with the present law.

Article 6. Persons entitled to state guaranteed legal aid
(1) State guaranteed legal aid is delivered to the citizens of the Republic of Moldova, within the limits set by the present law.
(2) Foreign citizens and stateless persons benefit from state guaranteed legal aid, according to the present law, in the proceedings and the cases that refer to the competence of the public administration authorities and of the courts of law of the Republic of Moldova.

Article 7. Forms of state guaranteed legal aid
State guaranteed legal aid can be delivered by:

a) providing information by means of counseling on and explanations of legal issues;
b) filling in juridical acts;
c) representation before the public administration authorities;
d) defending the interests of the suspect, accused and defendant in the criminal proceedings;

e) defending and representing the interests of a sentenced person in a criminal case;

f) defending and representing the interests of a person during the proceedings on administrative offences;

g) defending and representing the interests of a person during civil proceedings;

h) defending and representing the interests of a person in the court of administrative jurisdiction.

Chapter II

ADMINISTRATION OF THE PROCESS OF DELIVERING OF STATE GUARANTEED LEGAL AID

Article 8. Authorities administrating the system of delivering of state guaranteed legal aid

The administration of the system of delivering of state guaranteed legal aid shall be carried out by the:

a) Ministry of Justice;

b) The Bar Association;

c) The National Council for State Guaranteed Legal Aid and its territorial offices.

Article 9. Prerogatives of the Ministry of Justice in the field of state guaranteed legal aid

In the field of state guaranteed legal aid the Ministry of Justice carries out the following functions:

a) develops the state policy in the field of state guaranteed legal aid;

b) develops drafts of normative acts in the field of state guaranteed legal aid;

c) supervises the process of implementation of the norms in the field of state guaranteed legal aid and the process of assessing the quality of the legal aid;

d) develops and submits to the Ministry of Finances the draft budget for the delivery of state guaranteed legal aid;

e) carries out other functions, as set by the present law.

Article 10. Prerogatives of the Bar Association in the field of state guaranteed legal aid

In the field of state guaranteed legal aid the Bar Association carries out the following functions:

a) participates in the development of the criteria for the selection of lawyers who shall deliver state guaranteed legal aid;

b) participates in the establishment of the criteria for the assessment of quality of the legal aid;

c) participates in the monitoring of the activity of lawyers, who deliver legal aid;

d) applies disciplinary sanctions upon lawyers, in accordance with the Law on the Legal Profession and the present law;

e) exercises other functions, as provided by the present law.

Article 11. The National Council for State Guaranteed Legal Aid

(1) The National Council for State Guaranteed Legal Aid (hereinafter referred to as the National Council) is a collegial body with the status of a legal person of public law, formed of 7 members and established with the purpose of administrating the process of delivering of state guaranteed legal aid.
(2) The composition of the Council includes: 2 representatives delegated by the Ministry of Justice, 2 representatives delegated by the Bar Association, one representative delegated by the Ministry of Finances, one representative delegated by the Superior Council of Magistracy and one representative of the non-governmental organizations or of the academic field.

(3) As member of the National Council can be appointed a person that holds a degree in law or economy (in the case of the member delegated by the Ministry of Finances), has a 5-year working experience in the respective field and enjoys high respect from behalf of the society. The members of the National Council shall have a 4-year mandate, which can be renewed only once.

(4) The membership of the National Council ends with the expiry of the mandate, upon request or in case of death. The membership of the National Council can be revoked by the nominating body which delegated the representative, in circumstances that exclude the possibility to execute his or her mandate or upon request of the Council adopted by a 2/3 majority from the number of the members, in case of failure to fulfill or inappropriate fulfillment of his or her functions. The new member of the National Council carries out the functions of the revoked member until the expiry of the mandate.

(5) The President of the National Council is elected by secret voting from among its members, for the period of the mandate and can be revoked upon request of 1/3 of the members of the Council. The decision to revoke the President of the National Council is adopted by secret voting with a 2/3 majority of the members of the Council.

(6) The decisions of the National Council are mandatory for all its territorial offices, for the lawyers that deliver state guaranteed legal aid and for the paralegals.

(7) The Rules of the National Council are approved by the Ministry of Justice.

(8) The technical and material assistance and the secretariat of the National Council are ensured by the Ministry of Justice from the state budget and other sources that are not prohibited by law.

Article 12. Prerogatives of the National Council
(1) The National Council carries out the following prerogatives:
   a) implementation of the policy in the field of delivering of state guaranteed legal aid;
   b) insurance of the initial and continuous training, including through the National Institute of Justice, of the persons involved in the system of delivering of state guaranteed legal aid;
   c) compilation of the practice of implementation and development of the recommendations for the purpose of ensuring the uniform enforcement of the present law;
   d) record keeping of persons, who deliver state guaranteed legal aid;
   e) insurance of the functioning of the territorial offices;
   f) drafting annual reports on the activities in the system of delivering of state guaranteed legal aid and their submission to the Ministry of Justice, the Government and the Parliament;
   g) submission by the Ministry of Justice of the quarterly report on the use of the financial means allocated for the delivery of state guaranteed legal aid;
   h) cooperation with foreign organizations, international and non-governmental organizations, which are involved in the field of state guaranteed legal aid;
   i) insurance of the implementation of the pilot-models for delivering of state guaranteed legal aid.

(2) In order to accomplish its functions, the National Council shall fulfill the following main prerogatives:
   a) conducts the process of delivering of state guaranteed legal aid;
b) assesses the costs, plans the expenditures related to the delivery of state guaranteed legal aid and submits proposals to the Ministry of Justice to be included in the state budget;

c) manages the budgetary funds allocated for the purposes of delivering of state guaranteed legal aid;

d) establishes the rules on organizing the contests for the selection of the coordinators of the territorial offices and organizes such contests;

e) develops the methodology of calculating the income, determines the level that allows the delivery of qualified legal aid and proposes them to the Government for approval;

f) approves the forms of the acts for obtaining and delivering of state guaranteed legal aid, provided by the present law;

g) develops and approves the criteria for the selection of the lawyers for delivering of qualified state guaranteed legal aid, in coordination with the Bar Association;

h) determines how the contests for the selection of the lawyers, who will deliver qualified state guaranteed legal aid will be held and organizes such contests;

i) establishes the method and the conditions for the remuneration of persons that deliver state guaranteed legal aid, ensures their remuneration;

j) establishes and revises periodically the standards of activities and professional training of lawyers, paralegals, as well as other categories of people, who deliver state guaranteed legal aid;

k) develops, in coordination with the Bar Association, the criteria for assessing the quality of state guaranteed legal aid;

l) monitors the process of delivering of qualified state guaranteed legal aid, organizes the process of evaluating the quality of state guaranteed legal aid delivered by authorized persons;

m) collects and analyzes the information on state guaranteed legal aid delivered, with the view to improve the functioning of the system of delivering of state guaranteed legal aid;

(3) With a view to fulfilling its tasks, the National Council may also exercise other functions, in accordance with the present law and other normative acts in the field of state guaranteed legal aid.

Article 13. Sessions of the National Council

(1) The National Council is summoned in ordinary sessions once a trimester.

(2) Upon the request of the President of the National Council, of at least 1/3 of its members and of the Minister of Justice, the National Council is summoned in extraordinary sessions.

(3) The sessions of the National Council are headed by the President. If the President is absent, the session is headed by a member delegated by the President or, if needed, by a member selected at the session.

(4) The sessions of the National Council are deliberative, if the majority of members are present.

(5) The decisions of the National Council are adopted with the majority vote of its members and are signed by the President and the Secretary of the session, and are published on the webpage of the National Council.

(6) The works of each session of the National Council are recorded in minutes, which are signed by the members present at the sessions.

Article 14. Territorial offices of the National Council

(1) The territorial offices of the National Council (hereinafter referred to as the territorial offices) are institutions with a status of legal persons of public law and work in the cities (municipalities) where the courts of appeal are located.
(2) The territorial offices ensure the delivery of state guaranteed legal aid, in the cities (municipalities) where the courts of appeal are located, through exercising the following functions:

a) organize delivering of state guaranteed legal aid; conclude contracts with lawyers included in the lists of persons, delivering state guaranteed legal aid;

b) examine the requests and documents submitted by persons, who request state guaranteed legal aid and adopt decisions regarding the delivery of such aid;

c) delegate lawyers, who will deliver qualified legal aid, including emergency legal aid; conclude cooperation agreements with paralegals and non-governmental organizations that deliver state guaranteed legal aid;

d) collect statistical data on the needs in state guaranteed legal aid and on the level of their coverage in the territory;

e) exercise other functions in accordance with the present law.

(3) The territorial offices submit quarterly reports on activity to the National Council.

(4) The activity of ensuring the delivery of qualified legal aid is carried out directly by the coordinator of the territorial office, selected and delegated by the National Council on the basis of a contest organized in the established way.

(5) The coordinator of the territorial office works on contract basis, which stipulates his or her rights and obligations, as well as other provisions regarding his or her activity.

(6) The National Council informs the courts of law, the criminal investigation bodies and other interested authorities about the appointment of the coordinators.

(7) The Government jointly with the local public administration authorities provides the territorial offices with premises necessary for the development of their activity.

(8) Within the territorial office, work one coordinator and the administrative staff. The Rules on the functioning of the territorial offices are approved by the National Council and the limited number of staff is approved by the Ministry of Justice.

(9) Remuneration of the coordinator and of the administrative staff of the territorial office is provided out of the funds oriented for state guaranteed legal aid.

Chapter III
PRIMARY LEGAL AID

Article 15. Primary legal aid

(1) Primary legal aid is granted to persons indicated in Article 6, regardless of the level of their incomes.

(2) Primary legal aid can be granted, under the present law, by paralegals and non-governmental organizations specialized in the legal aid delivery.

(3) The coordination of the process of delivering of primary legal aid as well as the set-up of control over the quality of services are carried out by the National Council.

Article 16. Paralegals

(1) Paralegals work in conditions of the Rules approved by the National Council.

(2) Paralegals may associate in consulting agencies.

(3) The training of paralegals is carried out by the National Council from the budgetary funds as well as from other means provided by sources not prohibited by law, allocated for this purpose.

(4) The remuneration for services delivered by paralegals is provided from the state budget as well as from other sources not prohibited by law, on the basis of the cooperation agreement concluded with the territorial office which delivers these services within its scope of activity.

(5) The local public administration authorities can provide paralegals with necessary premises and material and technical supplies.
Article 17. Delivery of primary legal aid by non-governmental organizations

(1) Non-governmental organizations specialized in the field of the legal aid delivery are entitled to provide primary legal aid.

(2) The National Council can conclude cooperation agreements with non-governmental organizations on primary legal aid delivery under the present law.

(3) The state grants to non-governmental organizations the necessary support, under the Law on Public Associations.

Article 18. The manner of primary legal aid delivery

(1) To obtain primary legal aid, the applicant addresses to the authorized persons, specified in paragraph 2 of Article 15, within the area of his or her permanent domicile, a verbal or written request.

(2) Primary legal aid is delivered immediately upon request. When the immediate legal aid delivery is impossible, the applicant shall be informed on the date and time of the meeting that is to take place within a term that will not exceed 3 days from the date when the written or verbal request was submitted.

(3) The person, who requests primary legal aid, has the right to apply with one and the same problem only once, except for cases when new relevant circumstances are discovered.

(4) If a conflict of interests is detected, the person, who delivers primary legal aid, has the right to continue the delivery of these services with the permission of the applicant, or to indicate the existing possibilities to obtain it from other authorities or competent persons.

(5) If, during the delivery of primary legal aid, it is discovered that there is a need to deliver qualified legal aid, the applicant is informed about the conditions, on which he or she can receive such aid, and, upon request, he or she shall be assisted in writing the request for qualified legal aid delivery.

(6) The recording of primary legal aid is kept by the person, who delivers it, in a register that includes the name and the surname of the applicant, his or her personal data, the domicile address, the issue, for which’s solution primary legal aid was requested, the length of the meeting and the outcome of the provided consultation. If the applicant makes a verbal request, the proof for primary legal aid delivery is recorded by his or her signature put in the registry.

Chapter IV
QUALIFIED LEGAL AID

Section 1. Criteria for providing qualified legal aid

Article 19. Persons entitled to qualified legal aid

(1) To qualified legal aid are entitled persons mentioned in Article 6, who:
   a) need legal aid in criminal cases, and the interests of justice require so, but who do not have sufficient means to pay for these services;
   b) need emergency legal aid in a case of detention during criminal proceedings or administrative proceedings;
   c) have the right to the mandatory legal aid pursuant to Article 69, paragraph 1, p. 2)-12) of the Criminal Procedure Code of the Republic of Moldova;
   d) have the right to the mandatory legal aid pursuant to Article 304 and 316 of the Civil Procedure Code of the Republic of Moldova;
   e) need legal aid in civil cases, administrative cases and cases of administrative jurisdiction, but do not have sufficient means to cover these services, these cases being complex from the legal or procedural point of view.

(2) Qualified legal aid can be requested at any stage of criminal proceedings and in civil cases even before the initiation of proceedings.

(3) The person, who benefits from qualified legal aid, is obliged to:
a) cooperate with the person authorized to deliver qualified legal aid;
b) provide truthful information concerning the case, for which qualified legal aid is requested;
c) submit in due time to the person authorized to deliver qualified legal aid or to the authority that carry out the procedural acts, any information on change of circumstances that generated the delivery of qualified legal aid.

Article 20. Delivery of qualified legal aid notwithstanding the level of income
Qualified legal aid is delivered to persons specified in Article 19, paragraph 1 b)-d), regardless of the level of their incomes.

Article 21. Delivery of qualified legal aid depending on the level of income
(1) In cases stipulated in Article 19, paragraph 1 a) and e), qualified legal aid is granted to persons, whose income is lower than the level of income established by the Government, in order to benefit from legal aid in accordance with the present law.
(2) During the calculation of income of the applicant for state guaranteed legal aid, there will be taken into consideration the average monthly incomes and profits for the last 6 calendar months prior to the month when the request has been submitted.
(3) The methodology of calculating the income and the level of income that allows the delivery of qualified legal aid, as well as the form of the income statement are approved by the Government.
(4) The level of income that allows the delivery of qualified legal aid is being periodically determined, taking into consideration, mainly, the indexation of financial incomes.
(5) In order to benefit from qualified legal aid, persons from the category specified in paragraph 1 shall submit their income declaration in the form established by the Government.

Article 22. Partially free qualified legal aid
(1) Qualified legal aid is also provided in the case when the person, whose income is bigger than the level of income, established by the Government in the view of receiving legal aid, in accordance with the present law. In such case, qualified legal aid can be delivered with the financial contribution of the beneficiary, if this contribution does not exceed his or her financial and material possibilities.
(2) The way and conditions of the delivery of the partially qualified legal aid are established by the National Council.

Article 23. Reimbursement of expenses for qualified legal aid delivery
(1) In case of delivery of judicial decisions in civil cases or in administrative jurisdiction cases in favor of the beneficiary of qualified legal aid, the party that lost the trial shall pay out the expenses for qualified legal aid delivery.
(2) The beneficiary, who received qualified legal aid by submitting false or untrue information, including about his or her financial situation, misleading the territorial office, is obliged to reimburse the expenses for the delivery of legal aid.
(3) If, during the trial or during the enforcement of the judicial decision, the financial situation changed and the person has totally or partially lost the right to qualified legal aid, he or she is obliged to reimburse the expenses for the delivery of legal aid.
(4) The amounts of the reimbursement of expenses specified in paragraph (1)-(3) are transferred on the account of the territorial office.

Article 24. Grounds for refusing the delivery of qualified legal aid
(1) Qualified legal aid shall not be delivered to persons specified in this section, if:
   a) the request for the delivery of legal aid is manifestly ill-founded;
   b) they do not have the right, for which the legal aid is requested, and this fact results from the submitted documents;
c) the value of the action is considerably smaller than the expenses for the delivery of qualified legal aid;
d) they are able to fully cover the expenses for the delivery of legal services from his or her own property, except for the goods, which in accordance with the legislation in force, can not be impounded.

(2) The refusal to deliver qualified legal aid has to be motivated and can be appealed in administrative jurisdiction proceedings within 15 working days since the communication of the decision.

Section 2. Manner of delivering of qualified legal aid

Article 25. Request for the delivery of qualified legal aid
(1) The request for the delivery of qualified legal aid shall be submitted by the person, who meets the requirements specified in Article 19.
(2) The request for the delivery of qualified legal aid shall be drafted in accordance with the model approved by the National Council.
(3) In order to benefit from qualified legal aid, persons specified in Article 19 paragraph (1), a) and e) must attach to the request an income declaration.
(4) The request for the delivery of qualified legal aid can be submitted to the territorial office also by relatives or representatives of the applicant, in person or by mail.

Article 26. Submission of application or request for the delivery of qualified legal aid
(1) In the case specified in Article 19 paragraph (1) a), the person applying for qualified legal aid shall submit the request to the territorial office, to the criminal investigation body or to the court of law. The criminal investigation body or the court of law shall send the request, with attached documents, to the territorial office within 3 working days at most from the date of its receipt. The decision on the delivery of qualified legal aid is taken by the Coordinator of the territorial office and is brought to the attention of the applicant within 3 working days at most.
(2) In the case specified in Article 19 paragraph (1) b), the person, who carried out the detention, shall within one hour request from the territorial office to appoint a duty lawyer. The Coordinator of the territorial office shall appoint the duty lawyer and shall bring his or her name to the knowledge of the person or the authority that carried out the detention within 3 hours from the moment of receipt of the request for the duty lawyer appointment.
(3) In cases specified in Article 19 paragraph (1) c) and d), the criminal investigation body or the court of law shall submit to the territorial office a request for a defender appointment, with no need to submit a request specified in Article 25. The decision of the Coordinator of the territorial office on the delivery of qualified legal aid is brought to the attention of the applicant in the course of one day from the date of its adoption.
(4) In cases specified in Article 19 paragraph (1) e), the applicant for qualified legal aid shall submit to the territorial office a request in accordance with Article 25. The decision on the delivery of qualified legal aid shall be taken by the Coordinator of the territorial office and shall be communicated to the applicant in the course of 3 working days.

Article 27. Decision on delivery of qualified legal aid
(1) The decision on the delivery of qualified legal aid shall contain:
a) date and place of adoption of the decision;
b) name and surname of the person, who took the decision;
c) name of the body;
d) name and surname of the person, who submitted the request;
e) form of legal aid requested;
f) grounds for granting or refusing to grant qualified legal aid;
g) name, surname and contact data of the lawyer assigned to deliver qualified legal aid;
h) the procedure and the term for appealing against the decision;
i) other relevant information.

(2) While assigning a defender, the Coordinator of the territorial office shall take into account the applicant’s request to appoint a certain defense lawyer, his or her degree of involvement in the enforcement of other decisions on the delivery of qualified legal aid, as well as other relevant circumstances.

(3) The rights and the obligations of the defense lawyer, delivering qualified legal aid, shall be attested by the decision on the delivery of legal aid, taken under the present law.

(4) The defense lawyer, assigned for the delivery of qualified legal aid in a certain case, can be replaced by the decision of the Coordinator of the territorial office in following cases:
   a) upon a written and grounded request of the applicant for qualified legal aid;
   b) upon a written and grounded request of the defense lawyer, delivering qualified legal aid;
   c) in case if a conflict of interests is detected or in other circumstances that exclude the possibility of the assigned defense lawyer’s participation in the delivery of qualified legal aid in a certain case.

**Article 28. Emergency legal aid**

(1) In cases when a person needs emergency legal aid in accordance with Article 19 paragraph (1) b), upon request of the person or of the body that carried out the detention the territorial office shall be obliged to deliver emergency legal aid by assigning a defense lawyer on duty. The territorial office can delegate the competence to appoint duty lawyers in other regions, but the ones of residence, to other persons, informing the courts of law, the criminal investigation bodies and other interested authorities about this in advance.

(2) The defense lawyer included on the list of lawyers, delivering qualified legal aid, provided for in Article 33, shall be included, with his or her consent, in the list of lawyers on duty. The consent cannot be given for less than one month and it shall manifest the defense lawyer’s availability to be appointed as a lawyer on duty anytime during 24 hours a day.

(3) Each territorial office shall maintain its own list of defense lawyers on duty.

(4) Request for the assignment of a lawyer on duty shall be submitted to the territorial office in written form, including by fax or by phone.

(5) The defense lawyer on duty shall deliver legal aid during the period of detention.

**Section 3. Persons authorized to deliver qualified legal aid**

**Article 29. Persons authorized to deliver qualified legal aid**

(1) Qualified legal aid shall be delivered by public defenders and by lawyers, who deliver legal aid upon request.

(2) Selection of lawyers, who shall deliver qualified legal aid, shall be done on the basis of a contest organized by the National Council.

(3) The selection criteria for lawyers, who shall deliver qualified legal aid, shall be established by the National Council in coordination with the Bar Association.

(4) To insure the delivery of qualified legal aid the territorial offices shall conclude contracts with public defenders or with lawyers, who shall deliver such services upon request, following the model approved by the National Council.

(5) The contract specified in paragraph (4) shall provide for the obligations of lawyers, who shall deliver legal aid, the procedure and conditions of fulfilling these obligations, the right of the State to carry out survey of the quality of the delivered services.

(6) The National Council shall organize initial and continuous training for lawyers authorized to deliver qualified legal aid, including in the National Institute of Justice.
(7) Lawyers, delivering qualified legal aid, shall work on the basis of standards of quality and workload set by the National Council and benefit from guarantees of independence provided in the Law on the Legal Profession.

**Article 30. Public defenders**
(1) In the places of residence of territorial offices, qualified legal aid is delivered by public defenders. In case of necessity, the National Council can select public defenders for other regions as well.
(2) Public defenders work on the basis of the Rules on the activity of public defenders, approved by the National Council.
(3) Public defenders work in individual or associated lawyer offices, established in accordance with the Law on the Legal Profession.

**Article 31. Lawyers who deliver legal aid upon request**
(1) Lawyers, who deliver legal aid upon request, are the persons who, in accordance with the Law on the Legal Profession, have obtained the right to practice law and who can be asked to deliver qualified legal aid out of the financial means intended for the delivery of state guaranteed legal aid.
(2) The lawyer, who wishes to be included in the list of lawyers, who deliver legal aid upon request, will submit the necessary documents to the National Council.
(3) The territorial office shall conclude contracts with the lawyers, who are included in the list of lawyers, who deliver legal aid upon request, in accordance with Article 29 paragraph 4. Such contracts can be concluded with lawyers who work in individual or associated lawyer offices.

**Article 32. Remuneration for the delivery of services of qualified legal aid**
(1) Lawyers shall be remunerated for the delivery of qualified legal aid in accordance with the contracts provided for at paragraph (4) of article 29.
(2) Public defenders shall be paid in fixed amounts.
(3) Lawyers who deliver qualified legal aid upon request shall be paid in fixed amounts, set for each particular case, depending on tariffs approved by the National Council.

**Article 33. List of the lawyers**
(1) The National Council drafts and maintains the list of public defenders, as well as the list of lawyers, who deliver legal aid upon request, according to the area of activity of the territorial offices. Periodically, by June 30 and December 31, the lists are updated and made public.
(2) The territorial office drafts and maintains on monthly basis the list of lawyers on duty and the schedule of their work, which are brought to the attention of the courts of law, the criminal investigation bodies and other interested authorities.

**Article 34. The Register of delivered services and filing of reports**
(1) The lawyer, who delivers qualified legal aid, is obliged to keep written evidence of all activities performed based on or connected with the assigned case.
(2) The lawyer is obliged to keep the record of the delivered services, in which there are included details on the identity of the person requesting legal aid, the procedural actions carried out by indicating the date, place, parties, other relevant information, the number of hours spent for the accomplishment of the necessary activities, other important notes. The lawyer is obliged to record in the registry all the activities performed within a term that does not exceed 3 working days since their accomplishment.
(3) The form of the registry and the length of keeping the information are established by the National Council.
(4) The lawyers file reports on their activity, annually or upon request of the territorial office, in the form established by the National Council.

**Article 35. Delivery of qualified legal aid by non-governmental organizations**

(1) Non-governmental organizations are entitled to provide qualified legal aid, with the exception of representation in criminal and administrative trials.

(2) Through the territorial offices, the National Council can conclude contracts with non-governmental organizations with the view to deliver qualified legal aid in the conditions set by the present law.

**Article 36. Control over the quality of services delivered by lawyers**

(1) The National Council insures the quality of qualified legal aid by monitoring, by requesting and by verifying the information from the territorial offices on the amount and type of the legal aid delivered, by examining complaints from the beneficiaries of qualified legal aid and from other interested institutions, by controlling the quality of services.

(2) Control over the quality of legal aid is performed in accordance with the procedure and terms established by the National Council.

(3) The National Council monitors, with the participation of the Bar Association, the process of the delivery of qualified legal aid by lawyers. The data obtained as a result of the monitoring and controlling of activities are delivered to the Bar Association and can serve as grounds for applying to lawyers the disciplinary sanctions, provided for in the Law on the Legal Profession.

(4) The failure to deliver qualitative legal aid can serve as a basis for dissolution of contracts provided for in Article 29 paragraph (4) and Article 35 paragraph (2).

**Chapter V**

**FINAL AND TRANSITORY PROVISIONS**

**Article 37.**

(1) The present law enters into force while the necessary conditions are created, but not later than July 1, 2008, with the exception of Article 19 paragraph (1) e), which will enter into force on 1 January 2012.

(2) In the course of 6 months after the publication of the present law, the entities provided for in Article 11 paragraph (2) shall appoint the members of the National Council, and in the course of 10 days from the date of appointment of all members, the Ministry of Justice shall convocate the first session of the Council.

(3) In the course of 6 months after the publication of the present law, the Ministry of Justice shall elaborate and approve the Rules of the National Council on State Guaranteed Legal Aid.

(4) The National Council shall elaborate and approve the acts that are necessary for the enforcement of the present law before the inception of granting of state guaranteed legal aid.

(5) In the course of 6 months after the publication of the present law, the Government:

a) shall present to the Parliament proposals for the amendment of current legislative acts in line with the present law;

b) shall bring its normative acts into compliance with the present law.

THE PRESIDENT OF THE PARLIAMENT
MARIAN LUPU

Chisinau, July 26, 2007.
No. 198-XVI.