

LEGAL CODE OF GAGAUZIA (GAGAUZ-YERI)

WE, plenipotentiary representatives of the multinational people of Gagauzia,
BASING on the historical traditions of Gagauz people;
SHOWING respect to the rights and freedoms of all peoples;
ACKNOWLEDGING the rule of law, civil society, democracy, justice, human rights and freedoms as superior values;
CONSCIOUS of the responsibility for our Homeland in front of present and future generations;
CONFIRMING our attachment to general values of humankind, our aspiration to live in peace and harmony in compliance with generally accepted principles and norms of international law;
WISHING to ensure the prosperity of the people of Gagauzia,
ADOPT this LEGAL CODE.

TITLE I

LEGAL STATUS OF GAGAUZIA WITHIN THE REPUBLIC OF MOLDOVA

Article 1

(1) Gagauzia is an autonomous territorial unit within the Republic of Moldova with a special legal status, reflecting the self-determination of Gagauz people, that carries out its activity in compliance with the Constitution of the Republic of Moldova, the Law on special legal status of Gagauzia (Gagauz-Yeri) and the present Legal Code.

(2) The names Gagauzia and Gagauz-Yeri are equal.

Article 2

(1) The Legal Code of Gagauzia is its basic law and possesses an exclusive legal power on the entire territory of Gagauzia. In the event of divergence between this Legal Code and other normative acts of Gagauzia, the priority shall be given to the Legal Code.

(2) The provisions of this Legal Code are directly applicable.

(3) The bodies of public administration, public officers, citizens and their associations must observe the Constitution of the Republic of Moldova, this Legal Code and the laws of Gagauzia.

Article 3

(1) The only source of power, the bearer of political and economic independence of Gagauzia is its people, which carries out its power as independently, as well as through the bodies of public administration.

(2) The referendum and elections are the senior forms of direct fulfilment of public power by the people.

Article 4

No segment of the people, no organisation or particular individual has the right to assign the power in Gagauzia. Unlawful assignment of the competences of power is the most serious crime against the people of Gagauzia.

Article 5

In Gagauzia, the human and citizen's rights and freedoms are recognized and guaranteed in accordance with the Constitution of the Republic of Moldova, with this Legal Code and the generally accepted principles and norms of the international law.

Article 6

1) The citizens, who resides on the territory of Gagauzia, have the citizenship of the Republic of Moldova.

2) The bases, the methods of acquisition and cessation of the citizenship are set up by the Law of the Republic of Moldova on the citizenship.

Article 7

The status of Gagauzia cannot be changed without the agreement of its people. In case if the status of the Republic of Moldova as an independent state changes, the people of Gagauzia shall have the right of external self-determination.

Article 8

(1) The territory of Gagauzia shall be used and protected as the basis of life and activity of the people of Gagauzia.

(2) Gagauzia includes the localities where the Gagauz people constitute more than 50 per cent of the population.

(3) The localities, where the Gagauz people constitute less than 50 per cent of the population, can be included in Gagauzia on the basis of freely expressed will of electorate, identified by a local referendum, held at the initiative of at least one third of the voters of the locality concerned.

(4) Incorporation of localities, mentioned in par. (2) and (3) of this Article, into the composition of Gagauzia shall be made according to the results of local referendum, held in each locality in compliance with the legislation of the Republic of Moldova and Gagauzia.

(5) In favour and against entering into Gagauzia there is needed the vote of at least half of electorate of the locality.

(6) The localities that entered into the composition of Gagauzia and where Gagauz people are less than 50 per cent of population hold the right to leave it by means of local referendum, held at the initiative of at least one third of electorate, but not earlier than a year from the time of entering in the composition of Gagauzia.

(7) The decision on holding and results of local referendum on incorporation or leaving the autonomy shall be adopted by the People's Assembly of Gagauzia.

(8) The results of local referendum shall be acknowledged by the Tribunal of Gagauzia.

(9) The territory of Gagauzia is determined by means of holding a local referendum on the basis of freely expressed will of the majority of its citizens, who possess the voting right, and is fixed by the Law of Republic Moldova on administrative-territorial organisation of the Republic Moldova.

Article 9

1) Gagauzia is attached to the principles of peace and good neighbourhood, respect and defence of the sovereignty and the territorial integrity of the Republic of Moldova.

2) The population of Gagauzia is obliged to contribute to the development of the friendship and the co-operation with the peoples of other countries, to strive for strengthening the peace on the basis of norms of the international law.

Article 10

The system of public administration' bodies in Gagauzia is based on the principles of separation of legislative, executive and judicial powers. In limits of their competences, the bodies of legislative, executive and judicial powers are independent and functioning in cooperation.

Article 11

(1) In Gagauzia the public and private types of property are recognised. All the types of property are equally protected and regulated by law.

(2) The private property of citizens is their own asset and is used at their discretion. The property cannot be used in detriment of human rights, freedoms and dignity.

(3) In Gagauzia, citizens have the right to own, use and manage their property as individually as well as jointly with other persons.

(4) The royalties and the intellectual property of the citizens on the territory of Gagauzia are protected by law.

Article 12

(1) All the subsurface resources, air space, waters and forests, that are used in public interests, the natural resources of economic zone, the ways of connection, as well as other resources, defined by law, are exclusively the objects of public property.

(2) The public property belongs to the state and the autonomous territorial unit of Gagauzia.

(3) The land on the territory of Gagauzia can be in public or private property.

(4) In Gagauzia, the property of international organisations, foreign citizens and stateless persons is protected.

(5) Aiming at protecting the public health and ensuring the people with decent living conditions, the bodies of public administration of Gagauzia adopt local laws and undertake measures for protecting the land, subsurface, flora and fauna, waters and other natural resources.

Article 13

Gagauzia, as preserver of the culture, the historic-cultural inheritance of the Gagauz people, guarantees their preservation and development for the present and future generations.

Article 14

(1) Gagauzia has its own symbols: the flag, coat of arms and anthem, that are used along with the symbols of the Republic of Moldova.

(2) The flag of Gagauzia represents a rectangle cloth made up of three coloured bands horizontally positioned in the following consequence from top downwards: blue (blue azure) – 60 per cent of the width of the flag, white and red – each 20 per cent of the

width of the flag. Three five-pointed yellow (golden) stars are arranged in form of an equilateral triangle on blue background.

(3) The coat of arms represents an image of heraldic shield, on the lower part of which there is an yellow (golden) hemisphere of rising sun on blue background. The shield is framed by yellow (golden) spikes enlaced by the flag of Gagauzia. Under the shield there is a conventional image of vine-leaves and vine-bunches. Three five-pointed yellow (golden) stars are arranged in form of an equilateral triangle above the shield.

(4) The anthem of Gagauzia is established by a local law.

(5) The flag, coat of arms and anthem of Gagauzia are its official symbols and are protected by law.

Article 15

The town of Comrat is the administrative centre of the administrative territorial unit of Gagauzia.

Article 16

(1) The Gagauz, Moldovan and Russian languages are the official languages of Gagauzia.

(2) The Gagauz language is functioning on the basis of Latin script and is the base of the national conscience of the Gagauz people. The rebirth, preservation, development and enlargement of the field of utilisation of Gagauz language are the priority tasks of the bodies of public administration of Gagauzia.

(3) Each citizen, living on the territory of Gagauzia, has the right to indicate in IDs the surname, first name and patronymic name, the spelling of which is determined by the orthographic norms of Gagauz language.

(4) Gagauzia recognises and guarantees equal rights for preservation and development of languages and cultures of all the nationalities living on its territory and creates possibilities for their free development.

TITLE II

HUMAN AND CITIZEN'S RIGHTS, FREEDOMS AND OBLIGATIONS

Article 17

(1) In Gagauzia, the human and citizen's rights and freedoms are inalienable and belong to everyone as from the birth.

(2) The exercise of the human and citizen's rights and freedoms should not infringe the rights and freedoms of other individuals and cause any injury to public good and environment.

(3) The human and citizen's rights and freedoms are inseparable of his/her obligations.

Article 18

(1) In Gagauzia, a democratic society is being built. All the citizens are equal in front of the law.

(2) The equality of human and citizen's rights and freedoms are guaranteed regardless of sex, race, nationality, ethnical origin, language, material and official position, social origin, place of residence, attitude towards religion, occupation, political or other kind of convictions.

Article 19

Everyone has the right to life, to physical and psychological inviolability. No one shall be deprived arbitrary by his/her life.

Article 20

(1) The human life, health, the honour and dignity are protected by law. Nothing could be a reason for individual's detraction.

(2) No one should be subjected to torture, violence, other action that is cruel or degrading the dignity.

(3) No one could be, without his/her voluntary consent, subjected to medical, scientific or other experiments.

Article 21

Everyone has the right to freedom and personal inviolability. Detention and arrest shall be made only in conformity with the law.

Article 22

(1) Everyone has the right to inviolability of private life, to individual' and family's privacy, to protection of his/her life and reputation.

(2) Everyone has the right to secrecy of correspondence, phone conversations, postal, telegraphic and all the legal types of connection. Limitation of this right could be allowed only on the basis of law.

(3) Everyone has the right to react by himself/herself by legal means to violation of his/her rights and freedoms, including by applying to authorities with petitions.

Article 23

It is interdicted to gather, store, use and disseminate information about private life of an individual without his/her consent. Bodies of public administration, their public officers must ensure the familiarisation of all the citizens of Gagauzia with documents and materials that directly concern their rights and freedoms directly, unless the law stipulates otherwise.

Article 24

The habitation and residence are inviolable. No one has the right to penetrate into the house against the will of those living there, except in the cases envisaged by law.

Article 25

(1) Everyone, who is residing legally on the territory of Gagauzia, has the right to free movement, to choose his/her place of residence and habitation.

(2) The citizens, living on the territory of Gagauzia, are provided with the right to settle and to stay in any locality of the Republic of Moldova, to leave the country, to emigrate and to return back to it.

Article 26

The freedom of thought and expression are guaranteed to the citizens. The media is not subject to censorship.

Article 27

The freedom of conscience, belief and religious activity are guaranteed to the citizens, under conditions that the Constitution of the Republic of Moldova and this Legal Code are observed.

Article 28

(1) Citizens have the right to elect and to be elected.

(2) The right to elect pertains to the citizens of the Republic of Moldova, who live on the territory of Gagauzia and who reached, by the day of election, the 18-age, except those who were deprived of this right in accordance with law.

(3) The right to be elected pertains to the citizens of the Republic of Moldova, living on the territory of Gagauzia, possessing the right to vote and who comply with electoral conditions stipulated by law.

(4) The following persons cannot elect:

1) those who do not comply with the par. (2) of this Article;

2) those who are acknowledged as incapable or deprived of the voting right by a court' decision that entered legally into force;

3) those who are sentenced to imprisonment by a court' decision that entered legally into force.

(5) The following persons cannot be elected:

1) militaries of regular term;

2) those whose position is incompatible with elected position, until the termination of such incompatibility;

3) those who are mentioned in par. (4) of this Article.

Article 29

Citizens can freely unite in parties, public-political and public organisations in accordance with the law.

Article 30

(1) Citizens have the right, under the conditions envisaged by law, to meet peacefully and without weapons, to hold meetings and demonstrations.

(2) The right to strike is recognised. Strikes can be organised only aiming at defending the professional interests of economic and social nature. A strike is not authorised if it threatens the life and health of people or breaks down the functioning of services that assure the activity of the society.

Article 31

(1) Citizens have the right to freely use their aptitudes for work, to choose their occupation and profession. The forced labour is prohibited, except the cases stipulated by law.

(2) Each person has the right to a job in conditions that satisfy the requirements of safety and hygiene, to a remuneration of labour without any kind of discrimination and that is no lower than the minimal wage, as well as the right to protection against unemployment.

Article 32

In Gagauzia, the employment of population is guaranteed, there are carried out state programmes of professional teaching and training taking into account the social needs and personal abilities.

Article 33

(1) The family, maternity, childhood and the old age are protected by the state, society and bodies of public administration of Gagauzia.

(2) The care for children, their education and maintenance are equally the rights and obligations of parents.

(3) Major children, who are capable to work, must take care about their incapacitated parents.

Article 34

(1) Citizens have the right to protection of their health and to health care.

(2) The minimal level of state medical care is free of charge.

Article 35

(1) Citizens have the right to a favourable environment, to receive veridical information about its state and to compensation for the damage caused to their health or property by ecological offence. Concealment by public officers of factors and circumstances, that contain a threat to people's life and health, entails the responsibility stipulated by law.

(2) Every person must protect the environment, preserve the natural resources and treat humanly fauna and flora reigns.

Article 36

The citizens are guaranteed with social security on ageing, disability, loss of the breadwinner and unemployment, for educating the children and in other cases envisaged by law.

Article 37

(1) Citizens have the right to housing. No one could be arbitrarily deprived of housing.

(2) There are established in Gagauzia the conditions for executing the right for housing. The bodies of public administration develop and fulfil programmes for supporting the young families, assist them to obtain a habitation under advantageous conditions.

Article 38

(1) Citizens have the right to a free state education.

(2) The right for preschool education, to receive the gymnasium education and the possibility to receive the high-school and professional education. Everyone has the right to receive the highest education on competitive basis in accordance with his/her aptitudes.

(3) A system of national education, which does not infringe the rights and legitimate interests of citizens, is being created in Gagauzia.

Article 39

The defence of the homeland is a sacred right and obligation of citizens. The order of calling to military or alternative service is established by law.

Article 40

Citizens, who live or work on the territory of Gagauzia, are obliged to take part in public expenses by paying taxes and dues in conformity with the law.

Article 41

Preservation and protection of the monuments of history and culture of Gagauzia constitute an obligation of every citizen.

TITLE III

ORGANISATION AND COMPETENCES OF THE BODIES OF PUBLIC ADMINISTRATION IN GAGAUZIA

Chapter I People's Assembly of Gagauzia

Article 42

The People's Assembly of Gagauzia (Gagauzianin Khalk Toplushu) is the representative and legislative body of Gagauzia

Article 43

The People's Assembly of Gagauzia is composed by 35 deputies, elected on the basis of general, equal and direct suffrage by secret and free voting for the mandate of four years.

Article 44

The order of holding the elections of the deputies of the People's Assembly of Gagauzia are set out by this Legal Code and the local law.

Article 45

The elections of the deputies of the People's Assembly of Gagauzia shall be held no later than in three month after the expiry of the mandate of the previous People's Assembly.

Article 46

The People's Assembly of Gagauzia shall execute its competences until the legal convocation of the new composition of the People's Assembly.

Article 47

The Tribunal of Gagauzia, on the proposal of the Central Electoral Committee of Gagauzia, adopts the decision on acknowledgement of the mandate of the deputies or on non-recognition, if there is a violation of the legislation on elections.

Article 48

(1) To the position of deputy of the People's Assembly of Gagauzia there can be elected any citizen of the Republic of Moldova, who reached the age of 21 years, possesses the voting right and who, at the time of elections, resides on the territory of the district that he/she represents.

(2) Deputies of the People's Assembly of Gagauzia, whose position is payable, cannot carry out other remunerable activity, except for teaching and scientific activity. As a rule, the deputies of the People's Assembly of Gagauzia carry out their competences on professional basis.

Article 49

A deputy of the People's Assembly of Gagauzia on the territory of Gagauzia cannot be detained, arrested, be subject of search, except the retention on the place of crime, or brought to trial without the consent of the People's Assembly of Gagauzia, expressed after the hearing of the deputy.

Article 50

The newly elected People's Assembly of Gagauzia shall be convened no later than in 30 days after the elections.

Article 51

Within the competences of the People's Assembly of Gagauzia fall the following:

1) to adopt the Legal Code of Gagauzia and to amend it;

- 2) to adopt local laws in the fields of:
 - a) science, culture, education;
 - b) housing and utilities, development;
 - c) health care, physical culture and sport;
 - d) local budgetary-financial and taxation activity;
 - e) economy and ecology;
 - f) labour relationship and social security;
- 3) to interpret local laws;
- 4) to decide in certain legal order on the issues of administrative-territorial organisation of Gagauzia;
- 5) to participate in carrying out the domestic and external policy of the Republic of Moldova in issues concerning Gagauzia;
- 6) to approve, on the proposal of the Governor of Gagauzia (Bashkan), the structure and composition of the Executive Committee of Gagauzia, as well as to express the consent on appointment and dismissal of the heads of administrations of the districts of Gagauzia;
- 7) to establish the organisational procedure and activity of the local public administration' bodies;
- 8) to dismiss from their positions the public officers of the local public administration' bodies of Gagauzia;
- 9) to cancel fully or partially the decrees and ordinances of the Executive Committee and other bodies of public administration of Gagauzia in the event if they enter into contradiction with this Legal Code and local laws;
- 10) to propose the judges of the judicial bodies for purposes of their appointment and dismissal in accordance with the legislation of the Republic of Moldova;
- 11) to approve programmes on economic, social and national-cultural development, environmental protection;
- 12) to call for and to hold the elections of the People's Assembly of Gagauzia, the Governor of Gagauzia, the bodies of local public administration, to approve the composition of the Central Electoral Committee on elections of the People's Assembly, Governor of Gagauzia and bodies of local public administration;
- 13) to call for and to hold local referendum on issues that fall under the competences of Gagauzia;
- 14) to adopt laws on symbols of Gagauzia;
- 15) to approve decorations and to establish the honorary titles of Gagauzia;
- 16) to examine and to initiate in the Parliament of the Republic of Moldova the issue on declaring on the territory of Gagauzia the state of emergency and siege and on instituting a special form of governance aiming at defending and ensuring the security of the population of Gagauzia;
- 17) to apply, under conditions envisaged by law, to the Constitutional Court of the Republic of Moldova with an inquiry about the constitutionality of legislative and executive acts of the Republic of Moldova in case if these would infringe the competences of Gagauzia;

18) to approve the budget of Gagauzia, to supervise its execution and to rectify the budget;

19) to settle by legislative means the method of owning, managing and using the land and other natural resources that are situated on the territory of Gagauzia.

Article 52

(1) In order to assure the activity of the People's Assembly of Gagauzia, there shall be elected the President, his/her Deputies and the Presidium of the People's Assembly.

(2) The President of the People's Assembly and his/her Deputies shall be elected among the deputies by a secret poll with majority votes of elected deputies for the term of mandate of the People's Assembly.

(3) One of the Deputies of the President of the People's Assembly is elected among the representatives of another ethnic origin than the Gagauz one.

Article 53

The President of the People's Assembly of Gagauzia must have a command of the Gagauz language.

Article 54

This Legal Code of Gagauzia and the Rules of procedure of the People's Assembly of Gagauzia establish the method of election, the entry in function of the President of the People's Assembly of Gagauzia and his/her competences.

Article 55

(1) The President of the People's Assembly of Gagauzia:

1) carries out the general management of the activities of the People's Assembly;

2) chairs the sessions of the People's Assembly, rules the activity of the Presidium of the People's Assembly, provides the deputies with statements about the situation in Gagauzia and about the issues of domestic and external policy of the legislative body;

3) signs the decisions adopted by the People's Assembly ;

4) represents the People's Assembly in relations with bodies of public administration and other bodies of the Republic of Moldova;

5) coordinates the activity of the People's Assembly;

6) issues the ordinances concerning the activity of the secretariat of the people's Assembly.

(2) President of the People's Assembly of Gagauzia can be recalled from the position by the People's Assembly by means of a secret poll with two thirds of votes of the elected deputies;

Article 56

(1) The operating procedures of the People's Assembly of Gagauzia, its Presidium, standing Committees and secretariat are established by the Rules of Procedures of the people's Assembly.

(2) The financial sources of the People's Assembly of Gagauzia are stipulated by the budget of Gagauzia.

(3) The People's Assembly cannot be dissolved during one year after the elections for the reasons stated in par. 10) of Article 67 of this Legal Code, as well as during the last six months before the expiry of the mandate of the Governor of Gagauzia.

(4) The Legal Code of Gagauzia is adopted by two thirds of the votes of the elected deputies.

(5) The laws are adopted through a majority vote of the elected deputies.

(6) The decisions are adopted through a majority vote of the deputies present at the meeting when the quorum is reached.

(7) The local laws are submitted for signature to the Governor of Gagauzia and enter into force from the day when they are officially published, if no otherwise provided by the text of the law.

(8) In ten days after the adoption, the laws and decisions of the People's Assembly of Gagauzia are sent to the Parliament of the Republic of Moldova for information.

Article 57

The right for legislative initiative in the People's Assembly of Gagauzia belongs to the deputies of the People's Assembly, to the Governor and to the Executive Committee of Gagauzia.

Chapter II

The Governor of Gagauzia

Article 58

The Governor (Bashkan) of Gagauzia is the senior public officer in Gagauzia. All the bodies of public administration of Gagauzia are subordinated to him/her.

Article 59

(1) The Governor of Gagauzia is guarantor of the execution of this Legal Code and of ensuring the human and citizen's rights and freedoms.

(2) The Governor of Gagauzia ensures the preservation of the status of Gagauzia and the coordinated functioning and co-operation of its bodies of public administration.

Article 60

The Governor of Gagauzia represents the autonomy on the territory of the Republic of Moldova and in international relations.

Article 61

(1) The Governor of Gagauzia is elected for the term of four years on the basis of general, equal and direct suffrage with secret and free voting on alternative basis.

(2) The election of the Governor of Gagauzia shall be considered invalid if the first round of elections was attended by less than a half of voters, and the second round - less than one third.

(3) The results of the elections of the Governor of Gagauzia shall be validated by the Tribunal of Gagauzia.

Article 62

(1) Any citizen of the Republic of Moldova, who reached the age of 35 years, resides or resided on the territory of Gagauzia and has a command of the Gagauz language, can be the Governor of Gagauzia.

(2) One and the same person cannot exercise the function of the Governor of Gagauzia for more than two consecutive mandates.

Article 63

(1) The procedures of elections, the entry into position of the Governor of Gagauzia and his/her competences are defined by this Legal Code and local laws. The competences of the Governor of Gagauzia cannot be used in detriment of the people of Gagauzia.

(2) Other elections or appointment to the position, as well as the self-assigning of the competences of the Governor of Gagauzia, are unlawful and invalid.

Article 64

(1) When the Governor of Gagauzia takes the position, he/she makes the following oath:

“I solemnly swear to faithfully serve the people of Gagauzia, to respect and protect the human and citizen’s rights and freedoms, to observe strictly the Constitution of the Republic of Moldova, the Legal Code and the laws of Gagauzia, to fulfil consciously the high responsibilities of the Governor of Gagauzia invested on me”.

(2) The oath shall be made not later than in 30 days after the official announcement of the results of elections, in framework of solemn ambiance during a special meeting of the People’s Assembly and the Tribunal of Gagauzia in Gagauz language.

Article 65

(1) The Governor of Gagauzia takes up the position on the day when it makes the oath.

(2) The Governor of Gagauzia fulfils his/her competences until the newly elected Governor makes the oath.

(3) The mandate of the Governor of Gagauzia can be prolonged by law in the event of state of emergency, siege or military operations.

Article 66

By a decree of the President of the Republic of Moldova, the Governor of Gagauzia is confirmed as a member of the Government of the Republic of Moldova.

Article 67

The Governor of Gagauzia enjoys the inviolability and cannot be brought to trial for opinions expressed within the framework of the execution of his/her mandate.

Article 68

The Governor of Gagauzia (Gagauz Yeri):

- 1) represents Gagauzia at the settlement of internal and foreign policy issues of the Republic of Moldova that concern the interests of Gagauzia;
- 2) rules the Executive Committee of Gagauzia in conformity with the law;
- 3) submits the structure and composition of the executive Committee to the People's Assembly of Gagauzia for approval;
- 4) forms the administration of the Governor of Gagauzia;
- 5) signs local laws;
- 6) issues decrees and ordinances, which have executory force on the territory of Gagauzia;
- 7) fulfils the leadership of the bodies of public administration in Gagauzia and assures their co-operation;
- 8) after consultations with the People's Assembly of Gagauzia, appoints and dismisses from their positions the heads of administrations of the districts of Gagauzia;
- 9) has the right to initiate the issue of holding a local referendum under the conditions stipulated by the law of Gagauzia;
- 10) has the right to dissolve earlier the People's Assembly of Gagauzia in case of impossibility to form the Executive Committee of Gagauzia in 45 days after the presentation of the proposal on its composition or in case when during two months the draft law on the budget of Gagauzia is blocked. The People's Assembly can be dissolved after the consultations between the Governor and the parliamentary factions and the Presidium of the People's Assembly. The Assembly can be dissolved only when the proposal of the Governor on the composition of the Executive Committee was rejected at least two times;
- 11) constitutes in accordance with the law and chairs the Coordinating Council of Gagauzia on fight against criminality;
- 12) addresses statements to the people of Gagauzia;
- 13) presents to the People's Assembly of Gagauzia annual information about the activity of the bodies of public administration;
- 14) decorates with decorations and confers honorary titles;
- 15) possesses the right of legislative initiative in the People's Assembly of Gagauzia;
- 16) appoints and dismisses the Chief of municipal police at the proposal of the Head of the Division of Internal Affairs of Gagauzia.

Article 69

The Governor of Gagauzia has the right, in case of disagreement with an adopted local law, to deliver it, no later than within 10 day, to the People's Assembly of Gagauzia for re-examination. If the People's Assembly will repeatedly vote for that local law with two thirds of the votes of elected deputies, the law shall be considered adopted and the Governor of Gagauzia shall sign it.

Article 70

(1) The competences of the Governor of Gagauzia can be stopped earlier if he/she does not observe the Constitution of the Republic of Moldova, the Law on special legal status of Gagauzia (Gagauz Yeri), this Legal Code and the local laws and decisions of the People's Assembly of Gagauzia, as well as in case if he/she commits a crime, confirmed by a court's decision.

(2) The proposal for dismissal of the Governor of Gagauzia can be made by at least one third of the deputies of the People's Assembly and must be submitted for notification to the Governor of Gagauzia so that he/she could give explanations on the charges carried against him/her.

(3) If the People's Assembly adopts the decision to dismiss the Governor of Gagauzia, no later than in 30 days there should be held a referendum on the issue of the dismissal of the Governor of Gagauzia. Local law establishes the procedure of holding the referendum.

Article 71

(1) If the Governor of Gagauzia, due to his/her health state or other reasons, is not able to fulfil his/her duties, then the First Deputy of the Chairperson of the Executive Committee shall be temporary entrusted with the fulfilment of his/her duties;

(2) The new elections of the Governor of Gagauzia shall be held no later than in three months deadline after the vacancy opens.

Chapter III

The Executive Committee of Gagauzia

Article 72

(1) The Executive Committee, created by the People's Assembly of Gagauzia, is the permanent executive power of Gagauzia.

(2) At the proposal of the Governor of Gagauzia, the People's Assembly through a majority vote of the deputies approves the composition of the Executive Committee of Gagauzia for the term of its mandate.

(3) Within fifteen days after the approval of the Executive Committee of Gagauzia, the Governor of Gagauzia presents to the People's Assembly the programme of activity of the Executive Committee.

Article 73

The Executive Committee of Gagauzia organises its activity in compliance with the Constitution and laws of the Republic of Moldova, this Legal Code and local laws, decisions of the People's Assembly, decisions and decrees of the Governor of Gagauzia.

Article 74

(1) The composition of the Executive Committee of Gagauzia includes: the First Deputy and Deputies of the Chairperson of the Executive Committee, the Heads of Divisions of Gagauzia, heads of administrations of the districts of Gagauzia.

(2) On the proposal of the Governor of Gagauzia, the heads of the relevant sectorial divisions of Gagauzia shall be included into the composition of the colleges of ministries and departments of the Republic of Moldova.

3) The Head of Legal Affairs Division of Gagauzia is appointed and dismissed from the position by the Minister of Justice of the Republic of Moldova on the proposal of the People's Assembly of Gagauzia and, due to his/her position, is a member of the college of the Ministry of Justice of the Republic of Moldova.

4) The Head of the Division of National Security of Gagauzia is appointed and dismissed from the position by the Minister of National Security of the Republic of Moldova on proposal of the Governor of Gagauzia after his/her approval by the People's Assembly of Gagauzia and, due to his position, is a member of the college of the Ministry of National Security of the Republic of Moldova.

(5) The Head of the Division of Internal Affairs of Gagauzia is appointed and dismissed from the position by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia after his/her approval by the

People's Assembly of Gagauzia and, due to his position, is a member of the college of the Ministry of Internal Affairs of the Republic of Moldova,

(6) The Commander of the detachment of carabinieri (interior forces), dislocated on the territory of Gagauzia, is appointed and dismissed from the position by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia.

Article 75

(1) In its activity, the Executive Committee of Gagauzia is accountable to the People's Assembly of Gagauzia.

(2) The Executive Committee fulfils its competences starting from the day when its members make the oath in front of the Governor of Gagauzia.

Article 76

The end of the mandate of the Governor of Gagauzia entails the resignation of the Executive Committee. The Executive Committee continues to fulfil its mandate until its new composition is constituted.

Article 77

The Executive Committee of Gagauzia ensures:

1) execution and observance of the Constitution and laws of the Republic of Moldova, this Legal Code, local laws, decisions of the People's Assembly of Gagauzia, decisions and decrees of the Governor of Gagauzia;

2) participation in the activity of the bodies of central sectorial public administration of the Republic of Moldova with regard to the issues that concern the interests of Gagauzia;

3) regulation of the relations concerning the property on all the territory of Gagauzia in conformity with the law, management of the economy, the socio-cultural development, the local budgetary-financial system, the social security, the remuneration of labour, local taxation, environmental protection and rational utilisation of natural resources;

4) definition of the structure and the key-direction of the development of economy and scientific-technical progress;

5) preparation of the programmes of economic, social and national-cultural development, environmental protection and their implementation;

6) preparation of the budget of Gagauzia and its implementation;

7) resolution of the issues concerning the environmental safety, rational use, protection and reproduction of the natural resources, the introduction of quarantine and announcement of the areas of calamities;

8) preparation and realisation of the programmes in the field of education, culture, health care, physical culture and sport, social security, as well as preservation and utilisation of the historic and cultural monuments;

9) development and carrying out of scientifically grounded demographic policy, creation of the programmes in the field of construction and development of housing and utilities conditions;

10) functioning and development of the Gagauz languages and other national languages and cultures on the territory of Gagauzia;

11) equal rights and freedoms, national and civil understanding, lawfulness and public order.

Article 78

(1) The Executive Committee of Gagauzia issues decisions and ordinances, that have executory force on the territory of Gagauzia, and ensures their implementation.

(2) The Executive Committee of Gagauzia has the right to cancel the decision of any body of local public administration of Gagauzia, if it contravenes to the legislation in force and interests of the society, and to adopt decisions on dismissal of public officers of the public administration' bodies.

3) Decisions and ordinances of the Executive Committee of Gagauzia can be cancelled by the Governor of Gagauzia or the People's Assembly of Gagauzia in the event if they contravene to this Legal Code, local laws, decisions of the People's Assembly, decisions and decrees of the Governor of Gagauzia.

4) In ten days from their adoption, the decisions and ordinances of the Executive Committee of Gagauzia shall be sent to the Government of the Republic of Moldova for information.

Article 79

(1) The People's Assembly of Gagauzia has the right, by a majority vote of the elected deputies, to adopt the decision on dismissal of public officers of public administration' bodies of Gagauzia from their positions.

(2) After the adoption by the People's Assembly of Gagauzia of the decision on dismissal of public officer of public administration' bodies from his/her position, the Governor of Gagauzia has the right to announce about his/her dismissal or to disagree with that decision. If, within three month, the People's Assembly repeatedly adopts the decision on dismissal of that public officer, the Governor of Gagauzia, within five days, announces about his/her dismissal.

TITLE IV

ECONOMY AND FINANCES OF GAGAUZIA

Article 80

(1) The budget of Gagauzia is made up of all types of payments, established by the legislation of the Republic of Moldova and Gagauzia.

(2) The relations between the budget of Gagauzia and the state budget are established in conformity with the legislation of the Republic of Moldova in form of fixed payments from all types of taxes, receipts and other obligatory payments. The sizes of payments shall be defined by the joint decisions of the Government of the Republic of Moldova and the Executive Committee of Gagauzia with its subsequent approval by the People's Assembly of Gagauzia and the Parliament of the Republic of Moldova.

3) The revenues and expenditures of the budget of Gagauzia must be balanced. Local law sets up the maximally acceptable deficit. The People's Assembly of Gagauzia has no right to examine draft laws that entails increasing of the budgetary expenditures without stipulating the resources of their financing.

4) The expenditures for maintenance of the public administration' bodies of Gagauzia can be made only in conformity with the approved articles of the budget.

5) Detailed reports on revenues and expenditures of the budget must be published annually.

TITLE V

LOCAL PUBLIC ADMINISTRATION

Article 81

(1) The local public administration is carried out by representative and executive bodies of power, as well as in form of direct democracy.

(2) Representative bodies of local public administration in the villages and cities of Gagauzia are constituted in accordance with the legislation of the Republic of Moldova and Gagauzia.

(3) Organisation and activity of the bodies of local administration is carried out on the basis of:

- 1) delimitation of competences between various levels of local power and administration;
 - 2) combination of principles of appointment and electivity when constituting the bodies of local public administration;
 - 3) taking into consideration the local, regional and general state economic, financial, social and other interests.
- (4) The names of the local public administration' bodies are established by the laws of Gagauzia.

Article 82

- (1) The public administration in the districts (dolay) carries out their administration. The heads of districts' administrations are officials, fulfilling the administrative, managerial, organisational and control functions on their subordinated territories.
- (2) The competences and order of activity of the heads of administrations and administrations of districts are established by the local law.
- (3) The local public administration' bodies prepare and approve their budget and fulfil it. The resources of the local public administration' bodies cannot be confiscated, except the cases stipulated by law.

TITLE VI

JUDICIAL BODIES

Article 83

- (1) In Gagauzia, justice is carried out in the name of the law and exclusively by the judicial bodies.
- (2) The judicial bodies of Gagauzia are: the Tribunal of Gagauzia and the courts.
- (3) Specialised courts can be established in Gagauzia in conformity with the legislation of the Republic of Moldova.

Article 84

- (1) The Tribunal of Gagauzia, as a part of the judicial system of the Republic of Moldova, examines, in limits of its competences, the most difficult civil, administrative and penal cases.

(2) The Tribunal of Gagauzia is a court of second degree compared to the lower courts and examines the cases in order of appeal and cassation, as well as in exceptional order of appeal and protest.

Article 85

The Tribunal gives interpretation to this Legal Code, examines the appeals concerning the legality of the normative acts of the People's Assembly, the Governor and the Executive Committee of Gagauzia, and also fulfils other competences stipulated by law.

Article 86

(1) The judges of the judicial bodies of Gagauzia are independent and are subordinated to the Constitution of the Republic of Moldova, this Legal Code and the laws of Gagauzia.

(2) The judges of the judicial bodies of Gagauzia are appointed and dismissed from the position through a decree of the President of the Republic of Moldova, on the proposal of the People's Assembly of Gagauzia, in coordination with the Supreme Council of the Magistrates of the Republic of Moldova.

(3) The Chairperson of the Tribunal of Gagauzia, due to his/her position, is a member of the Supreme Court of Justice of the Republic of Moldova.

Article 87

The judicial procedure in the Tribunal and courts shall be held in Gagauz, or Moldovan, or Russian languages. The people involved in the case shall be provided with the right to get acquainted with all the materials of the case and to participate in the judicial activities assisted by an interpreter and the right to speak in trial in the mother tongue.

TITLE VII

PROSECUTOR'S OFFICE

Article 88

(1) The Prosecutor of Gagauzia and the prosecutors subordinated to him/her carry out the supervision on the general, exact and uniform execution and application of the laws and international legal acts in force on the territory of Gagauzia by all the bodies of power, public associations, their officers and citizens.

(2) The Prosecutor's Office of Gagauzia carries out its activity in conformity with the Law of the Republic of Moldova on Prosecutor's Office, this Legal Code and laws of Gagauzia.

(3) The Prosecutor of Gagauzia is appointed and dismissed from the position by the General Prosecutor of the Republic of Moldova, on the proposal of the People's Assembly of Gagauzia, and is, due to his/her position, a member of the college of the General Prosecutor's Office of the Republic of Moldova.

(4) The subordinated prosecutors of Gagauzia are appointed and dismissed from the position by the General Prosecutor of the Republic of Moldova, on proposal of the Prosecutor of Gagauzia, in coordination with the People's Assembly.

TITLE VIII

LAWFULNESS AND PUBLIC ORDER

Article 89

(1) The observance of law and public order on the territory of Gagauzia is assured by the legislative and executive bodies of power, judicial bodies, prosecutor's office and citizens. The division of competences of the bodies assuring the lawfulness and public order is provided by the laws of the Republic of Moldova and Gagauzia.

(2) Detachments of National Guard and civil society provide assistance to the law-enforcement bodies in protecting the lawfulness and public order, as well as the rights and freedoms of citizens.

Article 90

The legal assistance is provided to the citizens and organizations by lawyers. The exercise of the lawyer's profession is regulated by the legislation of the Republic of Moldova.

TITLE IX

AMENDMENTS TO THE LEGAL CODE OF GAGAUZIA

Article 91

The initiative to revise this Legal Code can be proposed by:

- a) at least one third of the deputies of the People's Assembly of Gagauzia;
- b) Governor of Gagauzia;
- c) at least 15,000 voters. Those citizens, who propose the initiative to revise the Legal Code, have to represent at least a half of the localities of the autonomy, in which at least 500 signatures in support of this initiative should be gathered, and in the localities with less than 500 voters – signatures of at least 50 per cent of voters.

Article 92

The provisions of Titles I, II and paragraph 3) of the Article 91 of this Legal Code can be revised by the People's Assembly of Gagauzia only following the results of a local referendum.

Article 93

(1) The Legal Code of Gagauzia can be modified by law adopted by the People's Assembly of Gagauzia following a referendum or at its own initiative.

(2) The draft law on amending the Legal Code is examined by the People's Assembly not earlier than in six months after the presentation of such a proposal. The law shall be adopted by two thirds of the votes of elected deputies.

(3) The law on amending the Legal Code of Gagauzia shall be signed by the Governor of Gagauzia within 10 days and shall be officially published.

TITLE X

FINAL AND TRANSITORY PROVISIONS

Article 94

This Legal Code of Gagauzia is adopted by the People's Assembly of Gagauzia with two thirds of the votes of elected deputies.

Article 95

The Code of Gagauzia enters into force from the day it is signed by the Governor of Gagauzia.

Article 96

The day when the People's Assembly adopts the Legal Code of Gagauzia is proclaimed the Day of the Legal Code.

Article 97

The laws and other legal acts of the People's Assembly, Governor and Executive Committee of Gagauzia, operating on the territory of Gagauzia, shall be applicable in that part that does not contravene to this Legal Code.

Article 98

(1) The People's Assembly and the Governor of Gagauzia, elected in accordance with the Law on special legal status of Gagauzia (Gagauz Yeri), carry out their competences until the end of term for which they were elected.

(2) Since the day of entering into force of this Legal Code, the People's Assembly, the Governor and the Executive Committee of Gagauzia are invested with the rights, duties and responsibility, which are set up by this Legal Code.

Article 99

The local bodies of public administration continue to exert their functions until the expiry of their mandate.

Article 100

The People's Assembly of Gagauzia submits to the Parliament and the Government of the Republic of Moldova proposals for bringing, within a year, the judicial bodies of Gagauzia in compliance with the law on special legal status of Gagauzia (Gagauz Yeri) and this Legal Code.

Article 101

The Title X "Final and transitory provisions" is an inalienable part of this Legal Code and regulates the issues concerning its entry into force.

The People's Assembly of Gagauzia adopts the Legal Code on 14th of May 1998.
28 deputies attended the voting.
The Legal Code was adopted unanimously.

*Governor (Bashkan)
of Gagauzia (Gagauz Yeri)
G.D. Tabunshik.*

City of Comrat, 5th of June 1998

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