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**Law on Public Associations  
No 837 of 17.05.96**

Official Gazette No 6/54 of 23.01.1997  
The Parliament adopts this Law.

**AMENDED**

LP18-XVI of 15.02.08, MO55-56/18.03.08 art.182

\*Republished according to art. IV of the Law no.178-XVI of 20 July 2007- Official Gazette no.141-145, art.595.

The present Law regulates public relations, arising in connection with the realization of the rights of citizens to unification and specifies the principles of foundation, registration, functioning and termination of the activity of public associations.

**Chapter I  
General Provisions**

Article 1. Concept of a public association.

(1) A public association is a voluntary, independent, self-governing formation, arising as a result of free and conscious will of citizens, joined together on the basis of common professional and other interests of their members for mutual realization of economic, social and cultural rights; it is not intended to produce financial gain. Objectives and goals of public associations are determined by its Charter, provisions and other acts (onwards - Charter) which are correctly registered.

(2) Public associations are considered to be mass public movements, women organizations, veteran organizations, organizations of individuals, peace, legal protection organizations, youth and children's organizations, scientific, ecological, technical, cultural, sports and other voluntary associations, creative unions, funds, associations of fellow-countrymen and other unions of citizens.

(3) The functioning of the present Law does not apply to parties and other social-political associations, professional unions and religious organizations and their legal persons, organizations, formed by the organs of public power and local-public administration, cooperative and other organizations, pursuing commercial goals or assisting in gaining profit by other enterprises and organizations, formations of public activity (councils and committees, of micro-districts, home, street, rural committees and others), the principles of formation and functioning of which is determined by other legal acts.

Article 2. Goals of the foundation of public associations and their activity.

(1) Public associations are founded in order to realize and protect civic, economic, social and other legal rights and liberties; to develop activity and initiative of citizens, satisfy professional and amateur interests; to develop scientific, technical, artistic creative work; to protect health of the population, participate in the charitable activity; to draw into mass natural activity and sports; to carry out cultural and educational work with population; to

protect nature, monuments of history and culture; patriotic and humanistic education; to widen international contacts, to strengthen peace and friendship between nations; to fulfill other activity which is not prohibited by Law.

(2) Public associations are classified as social - useful associations and mutual associations.

(3) Social - useful associations are the ones whose activity is spread exclusively over protection of human rights, education, propagation of knowledge, health protection, social help for the population, culture, art, amateur sports, liquidation of the consequences of catastrophes, protection of environment and other fields that have public - useful aspects.

(4) Mutual associations are created for fulfilling private and corporation interests of its members.

(5) Public associations may contribute to the public power authorities for the realization of important social goals and tasks.

Article 3. Principles of foundation of public associations and their activity.

(1) Public associations irrespective of their organizational-legal form and scales of their activity are equal to the Law and perform their activity specified in their programs and Charter, according to the Constitution of the Republic of Moldova and legislation in force.

(2) Public associations are founded and function on the basis of voluntaries, independence, equality of their members (participants), self-government, legality and openness. Nobody can be forced to join public association and no one can limit one's right to leave public associations. Public association is free to define its goals, aims and principles of activity, structure of its organs, forms and methods of work, if otherwise not specified by the present Law.

(3) Participation of a citizen in the activity of a public organization cannot be the reason for limitation of his rights, condition of his holding a post in a state organization, except the grounds specified in article 4, part (4) of the present Law and also for giving him some privileges and preferences. It is not allowed to require to specify the membership in this or that public association in official documents.

(4) Activity of public associations based on the principle of absolute subordination of the members of the association to administration is prohibited.

Article 4. Restrictions on the foundation and activity of public associations.

(1) It is not allowed to found public associations, whose goal or method of activity is a violent change of constitutional system, violation of territorial integrity of the Republic of Moldova, propaganda of war, violence and cruelty, stirring up social, class as well as racial, national and religious differences, accomplishment of other punishable acts.

(2) It is prohibited to organize public military associations and armed formations.

(3) The foundation and activity of public associations, infringing upon common to all mankind values, health, morals, social moral of population, rights and safeguarded by the Law interests of citizens - is prohibited.

(4) Administrative officers, whose duties include registration and control over the activity of public associations cannot be founders and members of public associations.

Administrative officers, whose official duties include realization of state policy in

spheres, being priority for these public associations in accordance with their Charter cannot be founders and members of executive, governing and inspection organs of public associations. Laws of the Republic of Moldova can establish some other restrictions on the foundation of certain types of public associations and membership of definite groups of officials.

#### Article 5. The public association.

(1) A public organization is a public association, based on the fixed membership, founded for the common activity in order to achieve the objectives and goals of the Charter, as well as the protection of their common interests.

(2) The highest governing organ of the public organization is the convention (conference) or the general meeting. A permanently functioning governing organ of the public organization is the elected collective organ, accountable for the convention (conference) or the general meeting which after public movements's registration exercises the rights of legal entity on behalf of the public movement and fulfils its duties in conformity with the Charter.

#### Article 6. Unions of public associations.

Public associations can voluntarily unite in unions (associations) on the basis of Charter agreement, forming a new legal person. The rules of foundations and termination of the activity of unions (associations) of public associations is specified in accordance with the present Law.

#### Article 7. The protection of the right of association of citizens. The state protection of public associations.

(1) The right of association of citizens is protected by the state supervision on maintenance of the lawfulness by judicial or administrative way. On citizens initiative the actions of the state bodies, organizations and decision-making individuals that creates difficulties in the constitution and legal activity of public association may be sued to the court.

(2) The judicial or administrative protection may result in the reinstatement of the violated right, ceasing the actions of the state bodies, organizations and decision-making individuals that creates difficulties in the fulfillment of the right of the association of citizens, compensation of damages caused through the violation of this right.

(3) The state guarantees public associations to protect their rights and legal interests.

(4) Problems affecting interests of public associations are solved by state organs with the participation or in accordance with the corresponding public association in envisaged in the legislation cases.

(5) The protection of legal rights and interests of public association, as well as public interests are carried out on judicial basis, if the legislation does not stipulate other way.

(6) Interference of state organs and officials of state organs in the activity of public association as well as interference of public association in the activity of state organs and officials is not allowed, except those cases when it directly is envisaged by the Law.

(7) Legislation on labor, as well as legislation on social welfare and social insurance of the Republic of Moldova applies to the officials of the public association. The social welfare and social insurance of the officials of the public association - foreign citizens - ,

who have not their residence in the Republic of Moldova, are carried out under the provisions of the Law on concessions.

Article 8. Relations between the state and the public associations. The support from the state for the public associations.

(1) The state can support public organizations (based on their applications) by financing some social, scientific and cultural programs, making contracts for the execution of a specific work or services and also through making a certain social order for an unlimited number of public associations for realization of different state programs. The state contributes to the enlarging of the social - useful public associations` activity by collaborating with these in the means of financial preferential politics. The state should have fair relations with other public associations working in the same field.

(2) Social - useful public associations can have special benefits when paying taxes in accordance with the Law of the financial system basis and the present NGO Law. The public associations have benefits when renting public buildings or offices, by an order established by the Government. Benefits of other kind and also for individuals are not provided.

(3) Youth and children public associations are supported by the State both materially and financially. The state provides a full or partial use of buildings of schools, lyceums, colleges, cultural hostels, cultural palaces and houses, sports buildings by children public associations.

(4) Public associations and their juridical representatives that have supported or acted against some political parties, social - political organizations or particular candidates during the elections shall be taken away the right for state financial support, beneficiary taxation, financing and crediting. The financial sources that have been already received on state grants shall be returned to the state`s budget, based on the court`s decision and the present legislation. If the leaders of the public association were not aware of the fact that some of the members of their organization took part in the pre-electoral agitation they should declare as soon as possible about their association`s neutrality and the mass-media element should publish the `deny`. The persons that acted in the name of the association without its leader`s approval shall be persecuted in accordance with the present legislation.

(5) Public associations and their juridical representatives are not allowed to use financial support from foreign (international) natural or juridical persons for supporting political parties, social-political organizations and particular candidates during the elections. These financial sources shall be confiscated and transferred to the state`s budget following the court`s decision.

Article 9. Categories of public associations.

(1) On the territory of the Republic of Moldova there are republican, local and international public associations.

(2) A republican public association is the one whose activity, in accordance with its charter goals, is spread upon the whole territory of the Republic or the major part of its districts, cities and municipals where it has representatives and organizational structures.

(3) A local public association is the association which activates in one administrative - territorial element(piece).

(4) An international public association is the association that activates on the whole territory of Moldova and also on the territory of one or several foreign countries and has its organizational structures in those countries. Affiliates, sections, representatives of international public associations are considered the public associations (non-governmental, non-profit), created in accordance with the legislation of Moldova, if in their own legislation they declare themselves affiliates of the respective international public associations and admit their charter's supremacy. If the international public association, whose affiliate is being registered in Moldova, does not have a Charter, an official letter from the association to the respective department of the Republic of Moldova, is a sufficient reason to register an affiliate.

Article 10. Legislation on public associations.

(1) The legislation on public association is constituted by present Law and other legislative acts.

(2) The international unions of public associations are established, perform and terminate their activity on the territory of the Republic of Moldova on basis provided by present Law for public associations.

(3) The affiliates, sections, representatives and other organizational structures of foreign public associations (non-governmental, non-profit) are established, perform and terminate their activity on the territory of the Republic of Moldova on basis provided by present Law and other legislative acts.

(4) The philanthropic and sponsoring activity of the public associations shall be regulated by the Law of the Republic of Moldova on philanthropy and sponsoring and fiscal legislation.

(5) Subordinate legislative acts which regulate the method of implementation of the right of association of citizens and establish the Charter of distinct categories of associations, in the part in which run counter with the provisions of present Law, have no legal power.

## **Chapter II**

### **Foundation of Public Associations**

Article 11. Foundation of public associations.

(1) Public associations are founded on the initiative of their founders. The founders of public associations can be natural persons with full legal capacity and legal entities - public associations.

(2) The founders of youth organizations must be individuals with full legal capacity or public associations, specified in part 1 of the present article.

(3) Public authorities can not be founders, members of public associations.

(4) Foreign citizens and persons without citizenship, living permanently on the territory of the Republic of Moldova can found public associations with equal reason with the citizens of the Republic of Moldova, if otherwise it is not specified by the legislation of the Republic of Moldova about separate types of public associations.

(5) When constituting the public associations as public organizations, the founders become members of these with respective rights and obligations. When constituting the public associations as other organizational - juridical forms, the rights and the obligations

of the founders are established in the public associations` charters.

(6) Decisions about the foundation of a public association are made at conventions (conferences), general meetings of its organizing body, simultaneously with the ratification of its Charter and the election of the authority group and control-inspection organs.

Article 12. Membership in public associations.

(1) Members of public associations can be citizens of the Republic of Moldova, foreign citizens and persons without citizenship, if not stated otherwise in the legislation of the Republic of Moldova about separate types of public associations.

(2) The membership is registered.

(3) Members of public association are natural and legal entities that are interested in the realization of the goals and tasks of the organization, which is registered through an individual appeal or other document.

(4) Members of public associations may be individuals with full legal capacity.

(5) Members (participants) of public associations can be citizens at the age of 14.

(6) Members (participants) of youth public associations can be citizens who reached the age of 10.

(7) Legal persons can participate in public associations as collective members, if it is specified in the Charter of those associations.

(8) The members of the public association shall equally participate in the association`s activity according to good principles of democracy.

Article 13. Leaders of public associations.

(1) Leaders of a public association, as well as, the members of control-inspection organs can be only citizens of the full legal age, living on the territory of the Republic of Moldova.

(2) The leaders of a public association can not be at the same time members of the control bodies

Article 14. Name and symbols of the public association.

(1) The public association shall participate in labor relationships only under own name, indicated in the constituting documents and registered as established.

(2) The name of the association must include its legal organizational form, in the state language.

(3) The public association may not use in its name words or abbreviations which would create confusion on its legal organizational form.

(4) Public association must have different name, flags, emblems, pendants and other symbols, from the symbols of other legal entities, including those that were liquidated on the decision of the court or stopped their activity.

(5) The symbols of a public association have to be different from the official symbols of the state of Moldova and other states. It should also respect the intellectual property. The use of the official state crest on the stamps and the worksheets is prohibited.

(6) The name and the symbols of a public association cannot serve for the propaganda of goals and methods described in part (1) of the Chapter 4.

(7) A public association may use as its name somebody`s personal name only with his or



her approval. If the person is dead - based on a notarized signed testament, if there is not one - with the approval of the person's relatives. The public association decides by itself on this point only in the case when there are no relatives.

(8) The symbols of the public association are adopted by its leaders based on the association's Charter and is also supposed to be registered by the respective officials that register the public association.

#### Article 15. The public association premises

(1) The public association shall have premises, the address of which is indicated in the constituting documents.

(2) The establishment and change of the public association's premises shall be opposable to the third parties from the registration moment.

(3) The postal address of the public association is the one of the premises. The public association may have other addresses for carrying correspondence.

(4) All the documents that entered the premises of the public association shall be considered to have been received by the association.

#### Article 16. The Charter of a public association.

(1) The Charter of a public association must specify:

a. organizational-legal form of the public association;

b. name of the association;

c. legal address of the association and territory, within the limits of which they perform their activity;

d. goals and aims of the activity, methods of their achievement;

e. terms and order of enrollment in members of the public association, secession from an organization in cases, when the association has fixed membership;

f. rights and obligations of members (participants) of the public association (only for the association, envisaging membership);

g. the structure of the public association, order of its foundation, its structure, competence and terms of power of its leaders and control-inspection organs, place of their destination);

h. procedure of the adoption of the Charter, introducing changes and additions;

i. sources, practice of formation and usage of property and other assets of the public association with simultaneous fixing of the amount of the membership fees, for the associations with fixed membership, organs, competent to make decisions about acquisition, distribution and alienation of property;

j. practice and terms of the convocation of meetings, conferences, conventions;

k. rules of formation, status, structure and methods of activity of primary organizations of public associations;

l. basic parameters of the financial report and the methods of its presentation;

m. procedure of reorganization and termination of the activity of the public association.

(2) The Charter of the public association can contain the description of the symbols of the association.

(3) The Charter of the public association can envisage other provisions, referring to the activity of the public association, which do not contradict the legislation in force.

(4) The Charter shall be signed by all founding members in the moment of its constitution.

Article 17. Registration of the Charter of the public association.

(1) The Charter of the public association is to be registered at a authorized state body. The public association has the right to not register the Charter.

(2) Legal competence of the public association as a legal person arises from the moment of the registration of the Charter of the given association by the authorized state body. The public association that did not register its Charter do not have the legal capacity of the legal entity and represents an informal association of individuals, that do not subordinate to the provisions of this Law.

(3) Registration of the Charters of local, republican and international public associations is implemented by the Ministry of Justice.

(4) Registration of local public associations is made by the local officials in the area of their residence.

(5) For the registration of the Charter of the public association within a month since the date of its foundation the following papers must be presented to the registration state body and the list of these papers cannot be enlarged:

- a. application signed by all members of the governing body of the given public association with the address of residence of each of them;
- b. two copies of the Charter of the public association;
- c. copy of the minute of the constituent convention (conference) or a general meeting, which adopted the Charter of the public association - two copies. The minute has to contain information about the association's foundation, about the adaptation of its Charter and also about elections of its leaders;
- d. information about founders of the public associations (for natural persons - surname, name, date of birth, place of residence, citizenship; for a public association - copies of the certificate of registration of the public association; for unions (associations) of public associations - extracts from the minutes of the meeting of authority bodies when the decision about founders was made);
- e. application of persons mentioned in part (4), Article 17 of the present Law about their agreement to use personal name of a citizen in the name of the public association;
- f. decision of the highest organ of the public association on authorization of the members of the governing body of the association to represent public association in the process of registration;
- g. document the actual residence of the public association;
- h. bank document confirming payment of the registration fee.

(6) Changes and additions to the Charter of the public association are to be registered in the same order and in time when was registered the Charter of the public association. When registering changes and additions to the Charter no fee is paid if changes are caused by the changes of the legislation in force..

(7) Registration of the Charter of the local department, branch of the public association is implemented by the local public administration body on the basis of the presented papers of the local department, branch of the public association, mentioned in part five of the present article, certified by the central governing body of the public association, as well as copies of the certificate about state registration of the Charter of the mentioned public

association.

(8) For the registration of the Charter of a public association, changes and additions to it, a fee in amount of 90 lei has to be paid based on the present legislation. For using in the name of the association the name of the state `Moldova` or `Republic of Moldova`, as well names of regions and districts, no additional fee is to be taken.

Article 18. The decision about the registration of a public association.

Registration state body is obliged to make one of the following decisions within a month: either register the Charter of the public association and issue the founders a certificate of state registration, or postpone the registration of the public association, or to reject registration of the Charter of the public association.

Article 19. Certificate about the registration of the Charter.

(1) The document certifying the registration of the Charter of a public association is the certificate about state registration, which is implemented in three days after the decision to register the association, has been made. The form of the certificate is approved by the Government.

(2) Registration of the Charter of the youth and children's public association and issue of the certificate about state registration can be implemented only in case of the election in governing board of the mentioned public associations persons, who reached a full legal age of 18.

Article 20. The postponement of the registration of a public association.

Registration can be postponed up to the period of three months if the order of the foundation of the public association, envisaged by the present Law is broken. Reasons of the postponement of the registration of public association are to be mentioned in the decision about the delay in registration. The public association has to be aware about this decision within three days from its adaptation.

Article 21. The refusal to register the Charter of a public association.

(1) The refusal to register the Charter of a public association is possible in the following exceptional cases:

- a. if the Charter of the public association contradicts the Constitution of the Republic of Moldova, the present Law and other legislative acts of the Republic of Moldova;
- b. if requirements, mentioned in the decision about the delay in registration are not fulfilled within a three-month period;
- c. if the Charter of the public association with the same name was registered before;
- d. if the application about registration of the Charter of public association was presented before the expiration of the year since the date of the coming into legal force the decision of the court about the termination of the activity of the mentioned public association;
- e. if the registration body has found out uncertain information in the constituent papers presented for registration;
- f. if the name of the public association insults morals, national and religious feelings of citizens.

(2) Refusal to register public association on the motives of its impracticability of its foundation or because the juridical address of it is found to be the address of a member of

the association is not allowed.

(3) In case of the refusal in registration of the public association its board is informed about it in written form within the terms specified for registration with the mentioning of the reasons of the refusal and violated legal norms.

(4) Refusal in registration of the Charter of the public association is not an obstruction for the repeated presentation of papers for registration.

(5) The examination of the repeated application to state registration body and the adoption of respecting decision are made on the general basis in the method provided by present Law, paying the registration fee.

Article 22. Appealing against the refusal to register a public association.

Refusal in registration of the public association on a due date on motives, which the founders of the public association do not consider as reasonable can be appealed judicially within 30 days from the date of communicating this decision.

Article 23. State register of public associations.

(1) Ministry of justice of the Republic of Moldova keeps the State register of public associations.

(2) Local public officials are handling the register of local public associations. Registration data are transferred to the Ministry of Justice of the Republic of Moldova within ten days since registration. An obligatory record of primary joints of republican and international public associations is also kept by their respective local public administration bodies.

(3) State register of public associations is to be published without fail in official mass media of the Republic of Moldova till the end of the second quarter of each calendar year according to the information of the last calendar year.

### **Chapter III** **Rights, Duties and Terms of Activity of Public Associations**

Article 24. Rights of the public association.

A public association has the right:

- a. to spread freely information about its activity;
- b. to found its own and to use in a specified manner state mass media;
- c. to implement publishing activity;
- d. to represent and protect legal interests of its members (participants) in state and public organs;
- e. to get from public power officials information necessary for the implementation of the Charter activity, with the exceptions regulated by the legislation in force;
- f. if necessary, to form from its funds local structural sections;
- g. to implement productive-economic activity as well as other types of entrepreneur activities, directed on the solution of Charter objectives and goals in accordance with the legislation in force;
- h. to participate in national and international competitions in order to get grants, scholarships, donations from the state and also from other states, national and

- international foundations, organizations and particular people;
- i. to make bilateral and multilateral agreements with natural and juridical people on scientific, technical, economical, financial and production collaboration, for proposing service for the realization of the main aims and goals;
  - j. to conclude with legal entities and individuals agreements of using intellectual property objects with pertain to them exclusively;
  - k. to make scientific - examining and project - constructional experiments, to run a public examination for important social projects and programs, to participate in combined commissions that study those projects if this kind of activities is mentioned in the Charter of the association.
  - l. to have its own name and symbols;
  - m. to fulfill in full powers granted to legal persons by Civil and Civil procedure Code of the Republic of Moldova and which do not contradict the legislation in force about public associations;
  - n. to organize under law, meetings and other public activities.

#### Article 25. Duties of public associations.

(1) A public association is obliged:

- a. to observe the Constitution and legislation of the Republic of Moldova, norms of international law referring to the sphere of activity of public associations, as well as norms envisaged by its charter (provision, other acts) and other constituent documents;
- b. in case of the change of the legislation of the Republic of Moldova or finding out non-conformity of constituent papers with the legislation in force it can introduce the necessary amendments to constituent documents;
- c. to inform annually the registration instance about the continuation of its activity according to its Charter (provision, other act) with the indication of the real location of the governing body, its name, symbols and information about authority group of the association in the amount included into State register of public associations;
- d. to introduce to budget and non-budget funds taxes and other obligatory payments according to legislation in force.

(2) If new information is not presented to the State register of public associations for two years these public associations can be excluded from the State register of public associations, and this is the reason of forfeiting the status of the public association and of the legal person, specified by the present Law and on the basis of the court=s decision.

#### Article 26. Public association's economic activity

(1) A public association can carry out its productive-economic and other entrepreneur activity exclusively for the realization of objectives and goals specified in its Charter.

(2) A public association has the right to found enterprises and economic organizations, having the right of the legal person.

(3) Public association has the right to acquire property complexes, intended for the carrying out scientific, technical, pedagogical, cultural, sports, entrepreneur and other activity allowed by the legislation. Public associations of invalids have the right to establish specialized enterprises in order to employ the labor force of invalids in accordance with the Law on social protection of invalids.

(4) Enterprises of the public association function according to the Law "About

entrepreneur activity and enterprises" and in accordance with the Charters of the public associations.

(5) The income obtained from productive-economic and other entrepreneur activity of public associations cannot be redistributed between the members(participants) of these associations and are used exclusively for implementation of goals and objectives specified by the Charter of the public association. It is allowed to use income for charitable goals, even if it is not mentioned in the Charter of the public association.

(6) Enterprises and other economic organizations of public associations introduce payments to the budget in the order and amount specified by the legislation in force.

(7) Public associations and their juridical representatives for productive- economical and other entrepreneur activities are obliged to get licenses for certain kind of activities that require one.

## **Chapter IV**

### **Property of Public Associations and Governing of Property**

Article 27. Property of public associations.

(1) Property of a public association is protected by Law.

(2) A public association can have as its property any assets (buildings, structures, dwellings, transport, equipment, sports and health property) necessary for material provision of activity, specified by the Charter of the public association excluding structures, which according to the legislation in force or in accordance with the international agreement can be only the property of the state.

(3) A public association can have as its property enterprises, publishing houses, organizations, institutions, charitable institutions founded and acquired at the expense of means of public associations according to its goals specified in the Charter.

(4) The enterprise of the public association has the right of full economic activity on property assigned to it. Relations of the owner (public association) and an enterprise of the public association are based on the agreement signed between them.

Article 28. Sources for formation of the property of the public association.

Property of a public association are formed from:

- a. entrance and membership fees;
- b. voluntary donations;
- c. receipts from delivering lectures, exhibitions, lotteries, auctions, sports and other activities;
- d. income from productive-economic, publishing and other entrepreneur activity;
- e. income from civil-legal operations;
- f. income from foreign trade operations;
- g. income from sponsors and benefactors ( tax free ) in accordance with the Law on philanthropy and sponsorship;
- h. other revenues which are not prohibited by the legislation.

Article 29. Subjects of the right of property of public institution.

(1) A public institution receives property in the form of prompt governing from the

founder - public association. As for the mentioned property, public institution exercises a right of possession, right to use and manage within the limits specified by the legislation in force in correspondence with the goals, determined by the Charter.

(2) A public association (founder) - owner of the property and monetary funds given to public institution has the right to withdraw property which is not used as it was prescribed and can use it in its own way.

(3) A public institution does not have a right to alienate or to manage property which is assigned to it and acquired from funds given to it from budget without written permission of the owner - public association.

## **Chapter V**

### **Certification of Public Associations**

Article 30. The concept of certification of public associations.

(1) According to the present Law the certification of public associations is the procedure of checking and proving the public utility and non - profit characteristics of their activity, as well the neutrality of the association, as well as of their legal entity in supporting political parties, social-political organization, electoral blocs and independent candidates during the elections of state power bodies. The goal of the certification - the state - support for public associations in their activities.

(2) The certification has to be run not any earlier than six months after the registration of the public association based on the analysis of all documents, association`s activity and the report of the State Tax Inspection.

Article 31. The Certification Commission.

(1) The Certification Commission contains 9 members and is named by the President of the Republic of Moldova ( 3 people ), the Parliament ( 3 people ), and the Government ( 3 people ). At least one of each three presented should represent a public association and at the same time not be a state employee.

(2) The Certification Commission is created under the Ministry of Justice, for a period of five years and acts based on the present Law and the regulation adopted by the Ministry of Justice.

(3) The president of the Certification Commission is elected from its members.

(4) The Certification Commission has the following powers:

a. makes the certification for republican, local and international public associations that are registered and act on the territory of the Republic of Moldova, by studying their activity;

b. receives and examines petitions of respective competence from natural and juridical people;

c. gives state certificates or rejects the applications for such certificates;

d. perform, according to the regulation, the control of the certified public associations' activity, and if discovering an infringement, may withdraw the state certificate after examining of the control materials and the public association's file;

e. publish the list of certified public associations on the Ministry of Justice's web site.

Article 32. The state certificate.

(1) The state certificate, given by the Certification Commission, is an official document proving the non - profit and public - utility characteristics of the activity of the public association and its neutrality during any political preelection campaigns. The form of the state certificate is adopted by the Government.

(2) The state certificate is given for a period of three years.

(3) The state - certificate is a reason for a full or a partial relieve of the public association from paying certain kinds of taxes and fees, and also for according special benefits due to the present Law and other legislating acts.

(4) The public association that does not have the state certificate is not getting any fiscal benefits.

Article 33. Discussions over the Certification Commission's decision.

The negative decision of the Certification Commission about the certification of a public association can be sued in the court on the initiative of the public association in the period of three months after the decision has been made.

## **Chapter VI**

### **Termination of the Activity of Public Association**

Article 34. Termination of the activity of a public association.

(1) Termination of the activity of a public association can be implemented by means of:

- a) reorganization (fusion, separation, transformation);
- b) liquidation.

(2) The order of the termination of the activity of a public association is specified by the founder (founders) and is defined in the Charter of the public association.

Article 35. Reorganization of a public association.

(1) Reorganization of a public association is implemented by the decision of the convention (conference), general meeting of the public association. Registration of the Charter of the newly organized after reorganization public association is performed in the order specified in article 19 of the present Law.

(2) After reorganization of a public association its property passes into the hands of the newly organized legal persons in the order envisaged by the Civil Code.

Article 36. Liquidation of a public association.

(1) Liquidation of a public association is implemented according to the decision of the convention (conference), general meeting or on the basis and in the order specified by article 41 of the present Law.

(2) Property remained as a result of the liquidation of the public association, after satisfying the demands of creditors is directed to objectives, specified in the Charter of the public association, in the absence of the corresponding parts is the Charter of a public association - it is directed to goals, specified by the decision of the convention (conference), general meeting about the legislation of the public association, or by the decision of the court.



(3) If after the liquidation of the public association by the convention (conference), general meeting the problem of the property is not solved, then after the demands of the creditors are satisfied this property is directed to objectives specified in the charter of the public association. Decision of the usage of the property is published in press.

(4) A public association can be liquidated on the decision of court in cases of:

- a. preparation (or) and implementation of actions directed to violent change of the constitutional system or territorial integrity of the Republic of Moldova;
- b. preparation and (or) implementation of actions directed to overthrow by force legally formed organs of public power and governing;
- c. stirring up social, racial, national or religious hatred and hostility;
- d. violation by its actions rights and liberties of citizens, protected by the legislation of the Republic of Moldova;
- e. formation in its structure military groups;
- f. repeated warning of the public association within a year by the organ which registered the Charter of the public association about elimination of violation of the legislation in force.

(5) According to the decision of the court, property of the liquidated public association can become without return the property of the state after satisfying the demands of creditors.

Article 37. Order of appealing against the decision of the court about the liquidation of a public association.

- (1) Decision of the court about the liquidation of a public association can be appealed by its governing organ in higher court in a due legislative order. Decision of the Highest Court of the Republic of Moldova about the liquidation of the public association is final and cannot be appealed.
- (2) Recognition of the decision of the court about the liquidation of the public association as contradictory to the present Law brings about the recall of the given decision and reimbursement by the state damages to the public association in connection with legal liquidation.

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## **Chapter VII**

### **Responsibility for the Violation of the Legislation**

Article 38. The control of public association's activities.

(1) The organ which registered a public association controls its activity and observes it is in accordance with goals specified in the Charter. Officials who registered this public association have the right to participate in all actions of these associations, study their papers and get information about Charter activity of public associations.

(2) The income control of public associations, amount of funds obtained, tax payment and other financial activity is implemented by state finance and tax organs. The order of finance control of the public association is specified by the legislation of the Republic of Moldova.

(3) Other forms of interference in the activity of public associations is prohibited.

Article 39. The basis of responsibility.

(1) Violation of legislation about public association brings about disciplinary material, administrative, criminal and other responsibility according to the legislation in force of the Republic of Moldova.

(2) Basis and order of calling to account in disciplinary, material, administrative and criminal spheres are regulated by the corresponding Codes of legislation in force.

Article 40. Equality on the basis of responsibility.

(1) The state, on the behalf of the organs of public power and management, entrepreneur and other economic subjects, public associations and separate natural persons have equal responsibility for the observance of the present Law and other legislation about public association.

(2) The state on the behalf of organs of public power, entrepreneur and other economic subjects, public associations and separate natural persons whose rights, mentioned in the present Law were violated, has the right to apply to judicial and administrative organs about calling to account guilty persons.

Article 41. Responsibility of the organs of public power for violation of legislation about public associations.

Organs of public power and management as well as officials performing registration, administrative, tax and financial control or influencing in some other way foundation and activity of public association bear responsibility, material, administrative, criminal and other types of responsibility, specified by the legislation in force if they are guilty in violation of legislation about public association.

Article 42. Responsibility of public associations violating the legislation.

(1) The public association bears all responsibility specified by the mentioned legislation in case of violation the legislation in force.

(2) Public association which performed material or moral damage to citizens or legal persons by its illegal actions is obliged to reimburse this damage in the order specified in the legislation of the Republic of Moldova.

(3) In case if a public association performs actions which violate the legislation in force, the governing organ of the association may be warned in written form by the organ which registered the Charter of the public association (provision, other act), or by the public prosecutor.

Article 43. Consequences of the stoppage of the activity of the public association.

(1) In the case when the public association receives a warning from the organ that registered the association, demanding the elimination of the detected violations of the Law and does not pay attention to it within ten days, its activity may be suspended for a period of six months by the court's decision.

(2) In cases when the activity of a public association is suspended, its following rights are suspended:

a. of a founder of mass media;

b. organization of conventions, meetings (conferences), demonstrations, pickets, rallies and other public activities;

c. usage of all types of bank deposits with the exception of accounts with counteragents on productive-economic and other entrepreneur activity; payments on individual labor agreements (contracts); on reimbursement of damages performed by the public association; payment of fines (penalty, surcharge).

## **Chapter VIII International Contacts of Public Associations**

Article 44. Right to international contacts.

Public association according to its Charter (provision, other act) can enter international public (non-government nonprofit) organizations, have direct international contacts and ties, sign corresponding agreements as well as participate in implementation of action which do not contradict international obligations of the Republic of Moldova.

Article 45. International agreements.

(1) If the international agreement of the Republic of Moldova has other rules, which differ from those of the Moldovan legislation about public associations, then the rules of the international agreement are used.

(2) International agreements, ratified by the Republic of Moldova can specify additional rights and obligations for public associations in the corresponding sphere of activity.

## **Chapter IX Transitional and Final Provisions**

Article 46.

(1) The present Law comes into force since the moment of its publication.

(2) Public associations that applied for their registration to the respective legislative instances before this Law was adopted, shall be registered in the order used at the time. In the same order are registered the public associations mentioned in the part (3) of the Article 1.

(3) Public associations that are under this Law`s activity but were registered before it was adopted, shall be reregistered under its criteria in the period of one year. In this case they can keep the old name and symbols, bank accounts and other requisites. The date of foundation of the association remains the same in the certificate of state registration. The registration fee this time is not collected. The public association that was not reregistered in one year from the adaptation of this Law, loses its judicial status.

(4) Trade unions and employers unions previously registered shall activate, until the adoption of the respective laws, according to the registration certificates issued at the moment of their setting up.

(5) For the Government:

- in three months to change its normative acts according to the present Law;
- in one year to make the re registration for the public associations that are under this Law`s activity, according to its criteria;
- to re register the public association that subordinate to the provisions of present Law in

conformity of its provisions;

- to develop and present to the Parliament the projects of the Laws that handle the foundation and the activity of non-commercial organizations and employer-institutions;
- will develop the project of the budget for 1997 and later on, yearly, to provide in the budget-projects measures for stimulating the public associations` activity.

The President of the Parliament

Petru Lucinschi

Chisinau, May 17th, 1996.

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