



Funded by
the European Union



Position Paper

Additional opinion on the draft law on the amendment of some normative acts - revision of the judicial map

AUTHOR:

Angela Popil, member of the Justice Expert Group (GEJ)

Reviewed by:

Adrian Ermurachi,
Co-Executive Director IPRE

Date: February 5, 2024

#Justice4Moldova

The project is funded by the European Union
and cofunded by Soros Foundation Moldova



DISCLAIMER

This position paper was prepared within the project "Ensuring the Integrity, Efficiency, and Independence of the Justice System in Moldova – #Justice4Moldova," implemented by the Institute for European Policies and Reforms (IPRE) in partnership with the Institute for War and Peace Reporting (IWPR), funded by the European Union and co-financed by the Soros Foundation Moldova. The content of this study is the sole responsibility of the author and cannot, under any circumstances, be considered as representing the official position of the European Union, or the Soros Foundation Moldova.

Ministry of Justice of the Republic of
Moldova Str. 31 August 1989, 82 mun.

Chisinau Email:

secretariat@justice.gov.md

ina.cintaret@justice.gov.md

POSITION NOTE:

Additional opinion in the context of the repeated endorsement of the draft law for the amendment of some normative acts (on the revision of the judicial map) no. unique 1109/MJ/2023

The Institute for European Policies and Reforms (IPRE) has received, for repeated approval, the draft law for the amendment of some normative acts (on the revision of the judicial map) with unique registration no. 1109/MJ/2023, communicated as an annex to the letter of the Ministry of Justice no. 03/877 of January 30, 2024.

Analyzing the text of the draft law submitted for repeated approval in correlation with the Opinion of the Group of Experts in the field of Justice (GEJ), IPRE of December 22, 2023¹, formulated on the initial text of this draft, we find that our recommendations were taken into account and, where it was considered judicious, the draft law was amended according to our proposals.

By this letter of response to the invitation of the Ministry of Justice to examine the draft law after the processing of the opinions received during the primary opinion, following the examination of the draft law proposed for repeated approval, the AO Institute for European Policies and Reforms communicates the absence of objections on the interventions already made in the text of the draft law communicated for approval. However, the experts of the Group of Experts in the Field of Justice (GEJ), IPRE recommend the analysis of the opportunity to amend the draft law in the sense of transferring the Orhei Court (with all its seats) from the district of the Court of Appeal Chisinau (Center) to the district of the Court of Appeal of Balti (North).

This recommendation comes in the context of the discussions held at the meeting of the Advisory Council of the Ministry of Justice that took place on January 11, 2024 and during which this draft law and the reasoning that justified the interventions in the structure of the judicial map were discussed.

Analyzing once again the arguments of the authors of the respective draft law, we understand that one of the main objectives of this draft law is to relieve the Chisinau Court of Appeal (Center) of excessive workload and proportional sharing of the workload among the courts of appeal.

Public statistical data show the existence of a disproportionately large volume between the Chisinau Court of Appeal (Center) and the Balti Court of Appeal (North), both in terms of the number of cases, the volume of cases per judge's position, and the number of population.

¹ IPRE, Position note on the draft law for the amendment of some normative acts (on the revision of the map judicial), of 22.12.2023, available in RO at: <https://ipre.md/2023/12/29/nota-de-pozitie-cu-privire-la-proiectul-de-lege-for-amending-some-normative-acts-reviewing-judicial-papers/>

In 2022, the Chisinau Court of Appeal (Center) examined a total of 42,595 cases, and in 2023 it examined 43,177 cases, while the Balti Court of Appeal (North) examined a total of 8,961 cases in 2022, and in 2023 it examined 9,261 cases.

At the same time, according to data from the Agency for the Administration of Courts, the Orhei Court had 17,114 cases under examination in 2022, and in 2023 it had 17,488 cases under examination, being the third court of first instance with the highest volume of work in the country.

According to the number of population, we note that the constituency of the Chisinau Court of Appeal (Center) comprises 1,405,500 population, while the constituency of the Balti Court of Appeal (North) will cover only 759,100 population, including the population of Ungheni and Nisporeni districts, which are proposed to be assigned to this Court of Appeal through the analyzed draft law.

Thus, if it is decided to assign the Orhei Court to the Balti Court of Appeal (North), the number of population in the district of this court of appeal will increase to 944,400, and the number of population in the district of the Chisinau Court of Appeal (Center) will decrease to 1,220,200.

With reference to the possibility of litigants to move from the headquarters of the Orhei Court to the Court of Appeal of Balti (North), we will mention that the distance between mun. Balti and town. Rezina is 101 km, compared to the distance from the city of Rezina. Rezina in mun. Chisinau, which is 104km, the distance between the city of Chisinau. Telenești and mun. Balti is 50 km, while the distance between the city of Balti is 50 km. Telenești and mun. Chisinau is 91 km, and in the case of Soldanesti town, we notice that the distance between Soldanesti and Soldanesti municipality. Balti is 84 km long, and between the city of Balti. Soldanesti and mun. Chisinau the distance is 113km.

Analyzing the road transport infrastructure between the headquarters of the Orhei Court and mun. Balti where the Balti Court of Appeal has its headquarters, we notice that between Soldanesti town, Balti town. Rezina, or. Telenești and town. Orhei and mun. There are frequent intercity routes in Balti, both direct and transit. For example, in the case of the city. Rezina There are 4 intercity routes operated daily, of which 2 direct routes through the city. Soldanesti (<https://ro.scribd.com/document/373652221/doc148-doc>), and in the case of the town. There are 6 intercity routes². Although the distance between the town. Orhei and mun. Chisinau (53km) is smaller than between the city of Chisinau. Orhei and mun. Balti (84km), due to the intense traffic and traffic jams in Chisinau municipality. Chisinau, the trip to the headquarters of the Chisinau Court of Appeal (Center) takes up more time than the time needed to cover the distance between the city of Chisinau. Orhei and the headquarters of the Balti Court of Appeal (North). The infrastructure of the national roads on the Orhei – Balti route is satisfactory, it has been renovated in the last 10 years, the last section of the road put into operation in 2023 being the section of the ring road. Sângerei (30km), which ensures the timely movement of litigants to and from the headquarters of the Balti Court of Appeal (North) to their localities of residence.

As a consequence, following the intention and purpose proposed by the analyzed draft law, it is proposed to the Ministry of Justice, jointly with the competent authorities (the Superior Council of Magistracy and the Agency for the Administration of the Courts) to analyze our recommendation to amend the draft law in the sense exposed.

² <https://telenesti.md/2021/01/13/orarul-circulatiei-autobuselor-pe-rutele-interurbane-si-suburbane-care-curseaza-prin-statia-auto-telenesti/>.