

MEDEL Statement on MOLDOVA

As Medel recalled in its statement on 24 July 2024, financial security is an essential component of judicial independence and a necessary precondition for the proper functioning of the judiciary as a whole.

In this perspective, European standards and several international sources require guarantees for ensuring and maintaining a level of remuneration commensurate with the importance of the functions and responsibilities entrusted to the judiciary.

In its recent judgment setting out the EU law criteria governing judges' remuneration, the CJEU reaffirmed that the determination of judges' salary must have a legal basis and meet the criteria of objectivity, foreseeability, stability and transparency, so as to exclude any arbitrary intervention of the legislative and executive powers¹.

Despite the clear frame of principles on this regard, financial security remains in Europe a critical issue. Beside Hungary, Moldova stands as another clear example of the worrying trend that seriously undermines the independence of judiciaries, due to the absence of a legislative framework that guarantees the adequacy of remunerations and their periodic review to avoid the so-called "passive" reduction caused by the erosion of the real value of salaries.

The decision of the Constitutional Court of 2022, requiring that judges' salaries be adjusted annually, at least according to the average annual inflation rate when the state budget law is adopted, has not been fully implemented; the new reference value for 2025 introduced by the Parliament is applicable only once obtained the positive assessment by the new evaluation board, which is set to evaluate over 200 judges, making the implementation of the new salary value in the coming years hardly manageable.

All this while the Constitutional Court emphasized that judges' salary adjustments should not depend solely on the executive or legislative power but must be autonomously guaranteed. Due to the lack of a clearly defined mechanism for adjusting judges' salaries, this issue will instead recur every year, affecting the stability and predictability of incomes for all persons serving in the judiciary: without a properly functioning mechanism, salaries will continue to depend on yearly decisions of the executive and legislative authorities, perpetuating the prejudice to the functional independence of the judiciary and creating inequalities in the treatment of judges.

¹ Judgment of the Court-Grand Chamber, 25 February 2025, in joined cases C-146/23 and C-374/23

Against this backdrop MEDEL, while continuing to closely monitor the situation regarding the judiciary in Moldova:

- expresses its concerns about the encroachments on judicial independence deriving from the absence of financial security for judges in Moldova;

- appeals to national authorities for the full implementation of the standards of financial security and of the Constitutional Court's decisions in order to guarantee a fair and predictable salary system;

- fully supports its Moldovan member association in all initiatives aiming at contributing to an independent and fair Justice system.

March 28th, 2025