



Updated in April 2020

## The Judicial Officer in the World

### MOLDOVA

Name (singular and plural): **Executor judecătoresc / Executori judecătorești**

#### Presentation

##### Generalities

Approx. 160 judicial officers are appointed within approx. 160 offices. They work together with approx. 250 staff. All are liberal or self-employed professionals.

##### Training

###### Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: five years of law studies or equivalent (Master 2 or equivalent).

There is an initial training for the future judicial officers. This training is normally compulsory. Duration: 18 months.

An ongoing training is available for the judicial officers. This training is compulsory.

###### Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. The judicial officers are appointed by the Ministry of justice. There is a limited number of judicial officers. A judicial officer can exert his activities within a structure including another or several other judicial officers. Under a few exceptions, all the judicial officers exert individually.

The profession is represented at national level by: **Uniunea Națională a executorilor judecătorești din Moldova.**

##### Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest, ...).
- Cases and conditions in which the judicial officer must exert his activities personally.
- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial officer.
- The obligation to operate in compliance with the rules of fair competition.



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- Bookkeeping.
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation of counsel towards citizens in the framework of the activities of the judicial officer.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

## Activities

### Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- -. Setting up of a provisional judicial security on a business of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the judicial officer.



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- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### **Service of judicial or extrajudicial documents**

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. When serving documents, the judicial officer has access to information to locate and/or search the addressee.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.

### **Voluntary public auction sales**

The judicial officer is empowered to proceed with the voluntary auction of goods, at the request of the mortgagee or pledgee, as a service.

<b>Other activities (X = yes)</b>	
Debt collection	<b>X</b>
Statements of facts	<b>X</b>
Sequestration of goods	<b>X</b>
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	<b>X</b>
Mediation	<b>X</b>
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	