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# EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

## VIOLETA GÎRLEANU

candidate for the Central Court of Appeal

subject of evaluation under Article 3 para. (1) Law No. 252/2023

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12 June 2025

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Evaluation Panel A of the Commission (hereinafter the “Commission”) established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice and discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (hereinafter “Law No. 252/2023”) deliberated on the matter on 10 June 2025 and approved the following report on 12 June 2025. The members participating in the approval of the report were:

1. Andrei BIVOL
2. Lavly PERLING
3. Lilian ENCIU

The Commission prepared this evaluation report based on its work in collecting and reviewing the information, the subject’s explanations, and its subsequent deliberations.

#### **I. Introduction**

1. This report concerns Mrs. Violeta Gîrleanu, a candidate for the Central Court of Appeal (hereinafter the “subject”).
2. The Commission conducted its evaluation pursuant to Law No. 252/2023 and the Commission’s Rules of Organization and Functioning (hereinafter “Rules”).
3. The Commission concluded that the subject meets the criteria identified in Law No. 252/2023.

#### **II. Subject of the Evaluation**

4. The subject has served as a judge at the Râșcani District Court, Chisinau Municipality, and subsequently, at the Chișinău District Court since 2014.
5. Before being appointed as a judge, the subject held positions as a court clerk and judicial assistant at the Centru District Court, Chișinău Municipality, and the Supreme Court of Justice.

#### **III. Evaluation Criteria**

6. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject’s ethical and financial integrity.
7. Under Article 11 para. (2), a subject:

“[...] does not meet ethical integrity requirements if the Evaluation Commission has determined that:

a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;

b) in the last 10 years, has

admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

8. Under Article 11 para. (3), a subject:

"[...] does not meet the criterion for financial integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) the difference between assets, expenses and income for the last 12 years exceeds 20 average salaries per economy, in the amount set by the Government for the year 2023;

b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

9. The applicable rules of ethics and professional conduct for judges in the relevant period were regulated by the:

- a. Law No. 544 of 20 July 1995 on Status of Judge;
- b. Law No. 178 of 25 July 2014 on Disciplinary Liability of Judges;
- c. Judge's Code of Ethics and Professional Conduct No. 8 of 11 September 2015 approved by the Decision of the General Assembly of Judge;
- d. Judge's Code of Ethics approved by the decision of the Superior Council of Magistracy no. 366/15 of 29 November 2007;
- e. Guide on the integrity of judges No. 318/16 of 3 July 2018 approved by the Superior Council of Magistracy.]

10. The average salary per economy for 2023 was 11,700 MDL. Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.

11. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.

12. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as of persons referred to in Article 33 paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.
13. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime that were in effect when the relevant acts occurred.
14. According to Article 11 para. (2) of Law No. 252/2023 a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
15. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted concerning its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording "serious doubts" with the text "confirming evidence", the Court considered that the former implies a high probability without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).
16. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

#### **IV. Evaluation Procedure**

17. On 5 February 2025, the Commission received the information from the Superior Council of Magistracy under Article 12 para. (1) of Law No.

252/2023. The information included the subject's candidacy for the Central Court of Appeal.

18. On 7 February 2025, the Commission notified the subject and requested that she complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 10 days] from the date of notification (hereinafter, the declarations are referred as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 15 February 2025.
19. On 28 February 2025, the Commission notified the subject that her evaluation file had been randomly assigned to Panel A, which includes members Andrei Bivol, Lilian Enciu, and Lavly Perling. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
20. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten and 12 years. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2013-2024 and 2015-2024. The evaluation period for the ethical criterion includes the past five or ten years, calculated backward from the date of the notification.
21. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management.
22. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources asked to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office (hereinafter "APO"), the Prosecutor's Office for Combating Organized Crime and Special Cases (hereinafter "PCCOCS"), the Ministry of Internal Affairs, the National Anticorruption Center (hereinafter "NAC"), the National Integrity Authority (hereinafter "NIA"), the State Fiscal Service, the National Office of Social Insurance, the General Inspectorate of Border Police, banks (Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca de Economii JSC), Office

for Prevention and Fight Against Money Laundering, and the Public Service Agency. Information was also obtained from other public institutions and private entities, open sources such as social media and investigative journalism reports. No complaints or information was received from civil society. All information received was carefully screened for accuracy and relevance.

23. Before approving its report, the Commission asked the General Prosecutor's Office, APO, PCCOCS and NAC to confirm that there were no changes in their previous responses. PCCOCS, NAC and APO responded, but the Prosecutor's General Office has not responded within the deadline provided by Law No. 252/2023.
24. On 20 March 2025, the Commission asked the subject to provide additional information by 30 March 2025 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.
25. On 14 April 2025, the Commission asked the subject to provide additional information by 23 April 2025 to clarify certain matters (hereinafter the "second round of questions"). The subject provided answers and documents within the deadline.
26. On 30 May 2025, the Commission notified the subject that, based on the information collected and reviewed, it had not identified in its evaluation any areas of doubt about his compliance with the financial criterion and had not established a non-compliance with the ethical integrity criterion. The subject was sent a written notice of the hearing and an invitation to attend a public hearing on 10 June 2025. The notice stated that if the subject declined to participate, but confirmed the accuracy of the information previously provided, the Commission would, absent any new information or developments, approve a report on passing the evaluation.
27. As provided in Article 39 para. (4) of the Rules, the subject could have requested access to all the materials in her evaluation file at least seven days before the hearing. However, the subject decided not to exercise this right
28. On 10 June 2025, the subject confirmed the accuracy and correctness of the information provided in the declarations, the ethics questionnaire, and subsequent answers. She also declined participation in the hearing.

## V. Analysis

29. This section discusses the relevant facts and reasons for the Commission's conclusion.

30. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications on the difference between the assets, expenses, and income (hereinafter “unjustified or inexplicable wealth”). This was the only issue which, upon initial review, raised doubts about compliance with the criteria established by law.

**A. Potential inexplicable wealth**

31. In evaluating the subject’s inexplicable wealth, the Commission examined, among other things: (1) the source of funds for a deposit and (2) receipt of a property by donation and its subsequent sale at a possibly deflated price. The following sections will describe the relevant circumstances of the two aspects mentioned, with the issue of inexplicable wealth per year being addressed thereafter.

**1. Source of funds for a deposit**

32. According to the subject’s 2013 annual NIA declaration, she declared an interest income of 7,164.58 MDL from a deposit. The subject also declared a deposit of 112,670 MDL held at MAIB, with an annual interest rate of 7%.
33. In her response to the first round of questions, the subject explained that the source of funds for the deposit was a prior deposit opened in 2010. She submitted a bank account statement confirming the opening of a deposit account in the amount of 25,000 MDL on 15 September 2010. According to the subject, this amount represented her savings from salary.
34. The same bank statement indicates that on 15 March 2013, the deposit account was supplemented with an additional 87,670 MDL, resulting from a foreign currency exchange transaction involving 5,500 EUR.
35. In her responses to the second round of questions, the subject clarified the origin of the 5,500 EUR. She stated that the amount was composed of two sources: (i) 70,000 MDL in cash savings held at the end of 2012 and (ii) 15,000 MDL received from the sale of non-residential property in Soroca. The property sale is confirmed by official records obtained from the Cadaster database.
36. Based on the subject’s explanations and the supporting documentation, the Commission considers that the sources of funds for the declared deposit of 112,670 MDL in 2013 are plausibly justified and are consistent with the subject’s declared sources of income.



## 2. Receipt of a property by donation and its subsequent sale at a possibly deflated price

37. According to data from the Cadaster database, the subject owned a 41.1 sq.m. apartment located on Miron Costin Street, Chişinău Municipality. Ownership was registered in 2007, based on a donation transaction concluded on 9 October 2007.
38. The donation contract indicates that the subject, acting as the representative of a third party (T.C.), donated the apartment to herself. According to the same database, T.C. had purchased the apartment on 7 February 2006 and subsequently donated it to the subject on 9 October 2007.
39. In her response to the first round of questions, the subject stated that she received the apartment as a donation from her aunt, T.C., her father's sister. She explained that the donation was motivated by a close family relationship and a verbal understanding between T.C. and the subject's parents that the subject would care for her aunt if needed. The subject submitted T.C.'s death certificate, confirming her passing in 2013.
40. In her response to the second-round response, the subject clarified that T.C. had initially purchased the apartment with the intention of relocating from Soroca to Chişinău for employment. However, at the suggestion of the subject's mother, T.C. later moved to Italy to work. The subject further explained that the decision to donate the apartment was influenced both by familial ties and her personal circumstances at the time—namely, having a young family, including a minor child, and living in rented accommodation. According to the Cadastre database, the subject did not own any property at that time.
41. Based on the information the subject provided, the apartment donation appears plausible. The subject offered consistent explanations supported by the familial context, the donor's lack of heirs, and the verbal agreement regarding future care. There is no indication of concealment or simulation of the transaction.
42. According to the subject's 2015 annual declaration submitted to the NIA, she declared an income of 183,163 MDL from the apartment sale. In her answers to the first round of questions, the subject confirmed that this was the actual transaction price. The sale price matched the valuation of the apartment recorded in the Cadastre database in 2004. The same amount was stated in the sale-purchase contract dated 30 October 2015.

43. According to real estate evaluation data provided by LARA, the market value of a 41.1 sq.m. apartment in the Râșcani district of Chișinău in 2015 was estimated at 470,430 MDL (equivalent to 11,446 MDL per sq.m.). Therefore, the sale price declared by the subject was approximately 60% below the estimated market value.
44. In her explanations, the subject stated that the apartment was in fact a dormitory-style unit located on the fifth and top floor of the building, at a corner location. She added that a bathroom and a small kitchen had been installed inside the unit to avoid using the shared facilities. The apartment was not connected to the gas supply network. The subject also submitted photographs showing the condition of the property, including a mold-affected ceiling and a hallway with access to multiple separate units, suggesting a dormitory-type configuration.
45. In the second round of questions, the subject submitted a report on living conditions issued by the Râșcani District Office of Chișinău Municipality on 4 January 2011. The report indicated that the apartment was located on the fifth floor of a five-story building, was in poor condition, and included a recommendation for evacuation. It also specified that the effective living space was 31.0 sq.m.
46. Based on the cited report, the subject's explanations and the photographic evidence, it is most likely that the condition of the property did not allow for a sale at the average market value. Accordingly, the potential discrepancy between the market valuation and the sale price has been mitigated.

### **3. Potential inexplicable wealth for 2013 and 2016**

47. The years 2013 (–8,451 MDL) and 2015 (–21,230 MDL) were the only years in which the Commission initially identified a negative balance between financial inflows and outflows for the subject's household, totaling –29,681 MDL.
48. Considering the relatively small amounts identified as negative balances, the Commission accepts that these discrepancies may be partly attributable to the limitations of the consumption expenditures estimated by the National Bureau of Statistics (Judgment of the Supreme Court of Justice, *Rodica Chirtoacă v. Superior Council of Magistracy*, 16 August 2024, §§ 51, 52). The negative balances may also be attributed to the estimated nature of the cash savings declared by the subject.
49. Even if the negative financial flow for these years were treated as unjustified wealth, the total would not exceed the threshold of 234,000 MDL established

under Article 11 paragraph (3) letter a) of Law No. 252/2023. Accordingly, the Commission did not request further explanations on this matter.

## **VI. Conclusion**

50. Based on the information it obtained and the subject's explanations, the Commission proposes that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 252/2023.

## **VII. Further action and publication**

51. As provided in Article 40 point (4) of the Rules, this evaluation report will be sent by e-mail to the subject and the Superior Council of Magistracy. The Commission will publish the evaluation's result on its official website on the same day.
52. No later than three days after the approval, a printed paper copy of the electronically signed report will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the evaluation file containing all the evaluation materials gathered by the Commission.
53. This report will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other persons, within three days after the expiry of the appeal period against the decision of the Superior Council of Magistracy or after the Supreme Court of Justice issues its decision rejecting the appeal or ordering the promotion or non-promotion of the evaluation.
54. This evaluation report was approved by a unanimous vote of the Panel members on 12 June 2025 and signed pursuant to Articles 33 point (2) and 40 point (5) of the Rules.
55. Done in English and Romanian.

Andrei Bivol

Vice-chairperson of the Commission

Chair of Panel A