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EVALUATION REPORT

approved according to Article 25
of the Rules of Organization and Functioning

IURIE CHIRICA

candidate for the Supreme Court of Justice
subject of evaluation under Article 3 para. (1) Law No. 65/2023

12 June 2025

Contents

I. Introduction.....	3
II. Subject of the Evaluation.....	3
III. Evaluation Criteria.....	3
IV. Evaluation Procedure.....	5
V. Analysis.....	7
A. Potential inexplicable wealth for 2014	7
VI. Conclusion.....	9
VII. Further action and publication	9

The Vetting Commission established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice (hereinafter “Law No. 65/2023”) deliberated on the matter on 9 June 2025 and approved the following report on 12 June 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Andrei BIVOL
3. Willem BROUWER
4. Lilian ENCIU
5. Iurie GAȚCAN
6. Lavly PERLING

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

I. Introduction

1. This report concerns Mr. Iurie Chirica, a candidate for the position of the Supreme Court of Justice (hereinafter the “subject”).
2. The Commission conducted its evaluation pursuant to Law No. 65/2023 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. 65/2023 for ethical and financial integrity.

II. Subject of the Evaluation

4. The subject has been an attorney-at-law since 2002.
5. The subject received a bachelor’s degree in law in 1995 from the Moldova State University.

III. Evaluation Criteria

6. Under Article 11 para. (1) of Law No. 65/2023, the Commission evaluates the subject’s ethical and financial integrity.
7. Under Article 11 para. (2), a subject:

“[...] does not meet the criterion of ethical integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) in the last 5 years, they seriously violated the rules of ethics and professional conduct of judges, prosecutors or, as the case may be, other professions, 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 for Human Rights;

b) in the last 10 years, has admitted incompatibilities and conflicts of interest incompatible with the office of judge of the Supreme Court of Justice in his/her work.”

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, in total, 20 average salaries per economy, in the amount set by the Government for the year in which the judge's evaluation began;

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 in which the judge's evaluation began.”

9. Under Article 20 para. (1):

“Candidates for the office of judge of the Supreme Court of Justice shall be evaluated in accordance with the provisions of this law.”

10. The average salary per economy for 2024 was 13,700 MDL. Thus, the threshold of 20 average salaries is 274,000 MDL and the threshold of five average salaries is 68,500 MDL.

11. Article 11 para. (4) of Law No. 65/2023 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. 65/2023 directs the Commission to also 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. Finally, according to Article 11 para. (2) and (3) of Law 65/2023, the Commission determines that a subject does not meet the ethical and financial integrity criteria 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 with reference to 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 15 para. (1) of Law No. 65/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

17. On 21 October 2024, the Commission received the information from the Superior Council of Magistracy under Article 21 para. (5) lit. a) of Law No. 65/2023. The information included the subject’s candidacy for the Supreme Court of Justice.
18. On 7 November 2024, the Commission notified the subject and requested that he complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 65/2023 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 17 November 2024.
19. 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, respectively. 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.

20. In the last 12 years, the subject did not have 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.
21. 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 State Fiscal Service, the National Office of Social Insurance, the General Inspectorate of Border Police, banks (Comerțbank JSC, EuroCreditBank JSC, Eximbank JSC, Moldincombank JSC, MAIB JSC, BCR Chișinău JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC, Unibank 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 were received from civil society. All information received was carefully screened for accuracy and relevance.
22. 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. 65/2023.
23. On 11 March 2025, the Commission asked the subject to provide additional information by 23 March 2025 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.

24. On 3 April 2025, the Commission asked the subject to provide additional information by 13 April 2025 to clarify certain matters (hereinafter the “second round of questions”). The subject provided answers and documents within the deadline.
25. 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 hearing notice and an invitation to attend a public hearing on 9 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, adopt a decision on passing the evaluation.
26. As provided in Article 24 para. (4) of the Rules, the subject sought and was provided access to all the materials in his evaluation file on 30 May 2025.
27. On 9 June 2025, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of his answers in the five-year declaration and the ethics questionnaire. He also stated that he did not have any corrections or additions to the answers previously provided to the Commission’s requests for information.

V. Analysis

28. This section discusses the relevant facts and reasons for the Commission’s conclusion.
29. 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”) for 2014. This was the only issue which, upon initial review, raised doubts about compliance with the criteria established by law.

A. Potential inexplicable wealth for 2014

30. The Commission identified a potential misbalance of 207,000 MDL in 2014, which primarily stemmed from the subject’s acquisition of a Volvo XC90, m/y 2014, for 373,221 MDL.
31. In response to the Commission’s inquiries, the subject explained that the funds used to acquire the vehicle were a donation of 20,000 EUR from his parents, made during the same year.

32. The Commission requested further details regarding the source of the parents' funds and the motivation and circumstances of the donation.
33. According to the subject, the donated funds originated from the sale in 2013 of a house in Chișinău for approximately 970,000 MDL. Although the property had been formally registered under the subject's brother's name since 2000, the subject maintained that his parents were the *de facto* owners, having resided there continuously until its sale.
34. The subject clarified that the house had been acquired in 2000 using proceeds from the parents' sale of an apartment the prior month. At that time, the family agreed that the subject's brother would receive the house (registered in his name), and the subject would, in turn, receive parental assistance to purchase a four-room apartment. However, in 2003, the parents supported the subject's brother in acquiring an apartment in Chișinău, and the parents became the *de facto* house owners.
35. The subject emphasized that both parents held well-paid and stable employment. His mother has served as the director and deputy director of two major companies. The subject's father is a retired engineer and the founder of two currency exchange offices. Their long-standing financial stability enabled them to invest in multiple real estate assets, including apartments.
36. After the sale of the house in 2013, the subject stated that his parents donated 20,000 EUR to him in 2014 to purchase the vehicle. He submitted a donation contract signed by both parents.
37. The subject mentioned that his parents also donated part of the proceeds from the sale of the house to his brother, although he does not know the exact sum. To emphasize that his brother likewise received financial support, the subject explained that, aside from previous transactions, his parents concluded two investment contracts in 2006 for two apartments on Renașterii Naționale Boulevard in Chișinău. One apartment was contracted in the mother's name and the second in the father's. The second apartment was intended for the subject's brother. According to the subject, his parents financed the investments from their savings, with additional contributions from the brother's business activities, the proceeds from an apartment sold by his brother, and possibly gifts received on the occasion of his brother's wedding.
38. The subject indicated that he was not involved in these transactions and does not know the exact amounts invested. Following their mother's death in

2020, he donated his inherited share in both apartments to his father and brother, confirming that the apartment rightfully belonged to his brother. The subject submitted a copy of the notarized donation contract regarding the inherited share.

39. The Commission notes that the chain of transactions and transfers of rights—particularly the distinction between formal ownership (*de jure*) and factual control (*de facto*)—introduces a level of complexity. However, the overall narrative presented is consistent, and the repeated financial support of both children by the parents appears credible and plausible.
 - a. The house was sold in 2013, before the claimed donation in 2014.
 - b. The subject provided a detailed explanation of the familial real estate transactions and relationships, sufficient to trace the origin of the funds.
 - c. The subject's parents carried out income-generating professional and entrepreneurial activities. They engaged in multiple real estate investments over the decades. These facts make it credible that they had substantial financial resources, independent of the subject's earnings.
 - d. The subject's explanation that his brother also received financial support from their parents is credible and supported by evidence, including the notarized donation contract of the subject's inherited share.
40. Given the above, the Commission concludes that the donation most likely took place, which eliminates the initially identified negative balance.
41. Nevertheless, even if the Commission found the declared donation implausible, the resulting financial imbalance would be 207,000 MDL, below the threshold set by Article 11 para. (3) lit. a) of Law No. 65/2023.

VI. Conclusion

42. Based on the information obtained from the subject and other sources, the Commission proposes that the subject promote the external evaluation made according to the criteria set in Article 11 of Law No. 65/2023.

VII. Further action and publication

43. As provided in Article 25, point. (3) 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.

44. No later than three days after the approval, a printed paper copy of the report, electronically signed by the Chairperson, 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.
45. 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.
46. This evaluation report was approved by a unanimous vote of the participating members on 12 June 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 65/2023.
47. Done in English and Romanian.

Scott BALES

Chairperson