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EVALUATION REPORT

approved according to Article 40
of the Rules of Organization and Functioning

IVAN PARII

candidate for the North Court of Appeal
subject of evaluation under Article 3 para. (1) Law No. 252/2023

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 Mr. Ivan Parii (hereinafter the “subject”), candidate for the North Court of Appeal.
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 been temporarily appointed as judge at the North Court of Appeal since 2024. This court was known as the Bălți Court of Appeal until it was renamed on 27 December 2024.
5. In 2017, the subject was appointed as judge at the Orhei Court (Rezina headquarters). Between 2010-2017, he was a prosecutor at the Soroca Prosecution Office.
6. The subject received a bachelor’s degree in law in 2008 and a master’s degree in law in 2010 from the Moldova State University. In 2010 the subject graduated from the National Institute of Justice.

III. Evaluation Criteria

7. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
8. 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."
9. 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."
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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).

17. 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

18. On 26 December 2024, 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 North Court of Appeal.
19. On 13 January 2025, 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. 252/2023 within 10 days from the date of notification (hereinafter, these declarations are referred to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 20 January 2025.
20. On 6 February 2025, the Commission notified the subject that his evaluation file has been randomly assigned to Panel A with members Andrei Bivol, Lilian Enciu, and Lavly Perling. He was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
21. 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.
22. 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. The subject's wife was also obligated to submit declarations in the last 12 years of the evaluation period.

23. 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 (hereinafter "SFS"), the General Inspectorate of Border Police, banks (EuroCreditBank JSC, Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, OTP Bank JSC, Banca de Economii JSC, Unibank JSC), Office for Prevention and Fight Against Money Laundering (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*), 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.
24. 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 the law to the Commission's request.
25. On 18 March 2025, the Commission asked the subject to provide additional information by 28 March 2025 to clarify certain matters (hereinafter the "first round of questions"). On 19 March 2025, the subject requested an extension until 8 April 2025 to respond, which the Commission granted. The subject provided answers and documents within the extended deadline.
26. On 30 May 2025, the Commission notified the subject that based on the information collected and reviewed, it had not identified any areas of doubt about his compliance with the financial criterion in its evaluation and had not established a non-compliance with the ethical integrity criterion. The subject was sent a written notice of the hearing. 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 sought and was provided access to all the materials in his evaluation file on 6 June 2025.

28. On 10 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

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 compliance with the wealth and personal interests declaration regime. Upon initial review, this was the only issue that raised doubts about compliance with the criteria established by law.

A. Compliance with the wealth and personal interests declaration regime

First instance

31. On 11 October 2017, the subject's wife purchased a vehicle Mitsubishi Colt, m/y 2007. In his NIA annual declarations for 2017-2020, the subject declared the price value for this vehicle as 50,000 MDL, whereas in 2021-2024 he declared 85,019 MDL.
32. Based on the market research, this type of vehicle was sold in 2016 for an estimated price of 3,500 EUR (72,905 MDL). Considering this inconsistency, the Commission asked the subject for clarification.
33. Responding to the first round of questions, the subject confirmed that the vehicle was purchased for 50,000 MDL. His wife and her father negotiated the sale price. The subject did not participate in the transaction. He stated that at the time of purchase, the vehicle required several technical repairs, including rust removal, bodywork, suspension replacement, and tire changes. According to the subject, the repairs were carried out over two to three years and amounted to approximately 35,000 MDL. This justifies the vehicle's value increase indicated in his NIA annual declarations starting with 2021.

Second instance

34. On 17 December 2019, the subject purchased a Toyota Prius, m/y 2008, for 10,000 MDL. As indicated in the sale-purchase contract, he sold it in 2021 for the same price. However, in his 2021 annual declaration submitted to NIA, the subject showed a sale price of 58,668 MDL.
35. Responding to the first round of questions, the subject stated that he purchased the vehicle for 80,000 MDL, using funds from a bank loan and family income. Regarding the purchase price of 10,000 MDL indicated in the sale-purchase contract, the subject explained that it was most probably inserted by the official from the Transport Registration Bureau at the seller's request as standard practice. At the same time, he stated that the vehicle was sold for 58,668 MDL because, after using it, he determined that it required repairs and investments in the engine and battery.
36. He mentioned that the vehicle was transferred to T.T. on 6 July 2020, when the power of attorney in her name was issued. On the same day, he received the money. The subject stated that T.T. was responsible for registering the sale and setting the sale price before the authorities. He did not participate in this procedure.
37. The subject affirmed that he did not include in his NIA annual declaration for 2019 and 2020 the real price paid for the vehicle, as the declaration form required him to indicate the value from the document certifying its provenance.
38. After receiving the Commission's questions, the subject inquired with SFS about any income tax owed due to the sale of the Toyota Prius, m/y 2008, for 58,668 MDL. He was informed of his obligation to pay taxes and penalties. On 3 April 2025, after submitting the corresponding declaration, the subject received a payment note of 8,714 MDL, which he paid on the same day. The subject submitted confirmatory documents.

Third instance

39. On 6 August 2020, the subject purchased from V.D. a Toyota Prius, m/y 2008, for 5,000 MDL. Previously, V.D. purchased this vehicle from Spain in 2018 for 4,000 EUR (79,360 MDL) and paid 12,223 MDL customs duties.
40. Considering that the subject declared the price of 5,000 MDL in the 2020 NIA declaration and 117,336 MDL in 2021-2024 NIA declarations, the Commission questioned whether the purchase price had been deflated.

41. In his response to the first round of questions, the subject contended that the real price paid for the vehicle was 117,336 MDL. He submitted a receipt signed by V.D. confirming that the latter received 6,200 EUR (117,336 MDL). He explained that the price in the sale-purchase contract was inserted by the official from the Rezina Transport Registration Bureau, as a standard practice. The subject stated that he did not pay attention to the amount inserted in the contract, as he was not required to pay any taxes for the purchase of the vehicle.

Fourth instance

42. In 2023, the subject and his wife purchased from M.R. a construction land plot of 0.15 ha located in Egoreni village, Soroca district. In his annual declarations for 2023 and 2024 submitted to NIA, he indicated a value of 10,000 MDL for the land and a market value of 60,000 MDL. Market research indicates that similar land plots have a market value ranging between 300,000 and 350,000 MDL.
43. In response to the first round of questions, the subject mentioned that 10,000 MDL represented the actual price he proposed and paid. He explained that the seller, M.R., was his wedding godfather, a person very close to his family and also his former teacher. He described their relationship as that of a father and son, particularly following his father's death. He acknowledged that the market value of similar lands is much higher, which is why he indicated the market value in his annual declarations.
44. Initially, M.R. intended to donate this plot to the subject, but for personal reasons, the latter insisted on formalizing the ownership through a sale-purchase contract. The subject proposed and paid the price of 10,000 MDL, which he confirms was a real transaction.
45. The Commission identified that indeed M.R. was the owner of the land and acquired the ownership in 2007.

The Commission's assessment

46. The Commission notes that all four instances fall within the 5-year term provided by Article 11 para. (2) lit. a) of Law No. 252/2023. The Commission considered them from an ethical perspective.

47. Considering the available information, the Commission sees no reason why the subject should have been motivated to include a reduced price in the purchase contracts, given that he did not have to pay taxes at the time of purchase. Also, the Commission notes that the real purchase values did not affect the subject's positive financial balance.
48. Moreover, following the Commission's questions, the subject made sure he paid the taxes on the income (capital increase) he received after selling the vehicle, Toyota Prius, m/y 2008 (§ 38).
49. In relation to the first instance, the Commission accepts that the value of the vehicle could be diminished by its poor condition.
50. Concerning the second and third instances, the Commission notes that, as a judge, the subject is expected to have a higher level of legal knowledge than an ordinary person. By admitting such actions, he may have facilitated the non-payment of taxes by the seller of the vehicle.
51. In relation to the fourth instance, considering the arguments presented by the subject and the information otherwise gathered by the Commission, the initial doubts were dispelled. Moreover, the Commission did not identify any construction efforts on the land.
52. The Commission does not condone the failure to indicate the real price in the sale-purchase contracts. However, it did not identify any indications that the subject intended to commit fraud or engage in illicit activities. This was a civil matter, formalized in a bilateral contract. Due to the nature of the contract, the subject could not decide alone.
53. The subject's explanations and information obtained by the Commission addressed the questions concerning its doubts. He cooperated, confirmed, and disclosed the real purchase prices and presented the available confirmatory documents.
54. The Commission notes that until 29 October 2021, Law No. 133/2016 on the declaration of assets and personal interests required the subjects of declaration to indicate the value of the good according to the document certifying its provenance. Afterwards, it required to indicate the actual price paid for the good and the cost of improving or repairing it. Analyzing the subject's declarations submitted to NIA for the evaluation period, the Commission concluded that the subject complied with the law.
55. In this case, the Commission did not find serious ethical breaches that would lead to the subject's non-promotion, according to Law No. 252/2023.

VI. Conclusion

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

VII. Further action and publication

57. As provided in Article 40 para. (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.
58. 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.
59. 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.
60. This evaluation report was approved by a unanimous vote of the Panel members on 12 June 2025 and signed pursuant to Articles 33 para. (2) and 40 para. (5) of the Rules.
61. Done in English and Romanian.

Andrei Bivol

Vice-chairperson of the Commission

Chair of Panel A