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EVALUATION REPORT

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

GRIGORI COLEV

judge of South 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. Grigori Colev (hereinafter the “subject”), a judge of the South Court of Appeal (Comrat headquarters).
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. Since July 2015, the subject has served as a judge at the Comrat Court of Appeal, since August 2016 as vice president, and since June 2019 as interim president. On 27 December 2024, this court merged with the Cahul Court of Appeal, establishing the South Court of Appeal. Since then, the subject has served as a judge at the newly created court.
5. Between June 2007 and July 2015, the subject was a judge at the Comrat District Court. During 2001-2007, he served as deputy prosecutor at the UTA Găgăuzia Prosecutor’s Office (Ceadîr-Lunga). Previously, the subject was interim assistant to the prosecutor (1999-2000).
6. The subject received a bachelor’s degree in law from the State University of Cahul in 1998 and a master’s degree in law from the same university in 2010.

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 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 18 October 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 as a judge of the South Court of Appeal.
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. 252/2023 within 20 days from the date of notification (hereinafter, both declarations referred together as the "five-year declaration").

The subject returned the completed five-year declaration and questionnaire on 26 November 2024.

19. On 13 December 2024, 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.
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 2012-2023 and 2014-2023. 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 was obliged 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, Procurators, Civil Servants, and managers.
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 (hereinafter "SFS"), the National Office of Social Insurance (in Romanian: *Casa Națională de Asigurări Sociale*, hence hereinafter – "CNAS"), the General Inspectorate of Border Police, banks (Energbank JSC, Eximbank JSC, Moldinconbank JSC, MAIB 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 (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*, hence hereinafter – "SPCSB"), and the Public Service Agency (hereinafter "PSA"). 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.

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 25 March 2025, the Commission asked the subject to provide additional information by 6 April 2025 to clarify certain matters (hereinafter the "first round of questions"). On 4 April 2025, the subject requested an extension until 14 April 2025 to respond, which the Commission granted. The subject provided answers and documents within the extended 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 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. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.
26. 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 2 June 2025.
27. On 30 May 2025 the subject confirmed the accuracy and correctness of the information provided in the declarations, the ethics questionnaire and subsequent answers, as well as he declined participation in the hearing.

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 potential ethical breaches related to the subject's judicial decisions. This was the only issue that, upon initial review, raised doubts as to compliance with the criteria established by law.

A. Potential ethical breaches related to the subject's judicial decisions

30. This issue arose from public discussion concerning the initial refusals by the former President of the Republic of Moldova, N.T., to promote the subject to the Comrat Court of Appeal, in 2015, and later to appoint him as vice president of this

court, in 2016.¹ The refusals seemed to be based on a 2015 advisory opinion from the Security and Intelligence Service (hereinafter "SIS") that reported "aspects indicating risk factors" related to actions that do not align with the interests of the public position.

31. SIS issued advisory opinions (*avize consultative*) based on Law No. 271/2008 on the verification of public office holders and candidates, which is intended to combat corruption and prevent individuals who pose a threat to national security from holding public office.
32. The Commission recalls that certain provisions of that law, specifically those relating to the verification of the candidates and the holders of the position of judge, were later declared unconstitutional. The Constitutional Court analyzed several problematic elements of that law. These included the inability of affected individuals to separately challenge in court the SIS's advisory opinion, the automatic nature of the Superior Council of Magistracy's decision to declare an incompatibility with the office of judge upon identification of risk factors, and the discretionary involvement of an external body in the judicial system, which is contrary to the Constitution (see Constitutional Court Judgement No. 32 of 5 December 2017, §§ 98, 101, 115). Furthermore, referencing the Venice Commission's Joint opinion², the Constitutional Court noted that SIS's advisory opinions risked being employed as a "political weapon" against judges, given the legal consequences those opinions may entail (§ 110).
33. In the present case, the above "aspects indicating risk factors" were not disclosed to the Superior Council of Magistracy because they are classified. For the same reason, the Commission's previous attempt to obtain this information was unsuccessful (e.g. *Starciuc*, Decision of 7 November 2024, § 34). Accordingly, the Commission did not further carry out its investigation on this issue, in accordance with Article 14 para. (10) of Law No. 252/2023.
34. As regards the subject's judicial decisions reported by the public sources³, it can be inferred that both decisions issued in 2014 – one concerning the annulment of the decision to elect the director of a local tele radio association and the other ordering a remand in custody – fall outside the five-year reference period under the ethical

¹ [Judecătorii respinși de președinte nu renunță – Ziarul de Gardă](#)

² Venice Commission's joint opinion on the law amending certain legislative acts of Ukraine in relation to the prevention of abuse of the right to appeal (Venice, 15-16 October 2010, [CDL-AD\(2010\)029](#)), §45.

³ [Independent investigative journalistic report. Judge – Grigori Colev - IPRE „Păcatele” judecătorilor care nu au plăcut președintelui – Ziarul de Gardă](#)

criterion, as provided in Article 11 para.(2) let. a) of Law No. 252/2023. The Commission therefore did not further analyze them.

VI. Conclusion

35. 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

36. 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.
37. 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.
38. 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.
39. 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.
40. Done in English and Romanian.

Andrei Bivol

Vice-chairperson of the Commission

Chair of Panel A