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EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

DIANA CORLĂTEANU

candidate for the Central Court of Appeal

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

12 June 2025

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Evaluation Panel B 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. Scott BALES
2. Willem BROUWER
3. Iurie GAȚCAN

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. Diana Corlăteanu (hereinafter the “subject”), a candidate for the Central 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 a judge of Hâncești District Court, Ialoveni premises, since 2020. In December 2024, she was temporarily transferred to the Central Court of Appeal. This court was known as the Chișinău Court of Appeal, until it was renamed on 27 December 2024.
5. Between 2019 and 2020, the subject worked as a senior consultant within the Secretariat of the Superior Council of Magistracy. From 2014 to 2019, she served as judicial assistant at the Supreme Court of Justice, and between 2010 and 2014, the subject held various positions within the Chișinău Court of Appeal.
6. The subject received a bachelor’s degree in law in 2006 from the Moldova State University. In 2007, the subject received a master’s degree in international law from the same university. She is currently pursuing a second master’s degree

in criminal sciences and forensics at "Dunărea de Jos" University of Galați, Romania (2023–present).

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 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.
19. 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 to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 15 February 2025.
20. On 28 February 2025, the Commission notified the subject that her evaluation file has been randomly assigned to Panel B with members Scott Bales, Willem Brouwer and Iurie Gațcan. She 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 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.
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 husband also had an obligation to submit declarations in the years 2012-2014 and 2020-2021.

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, the National Office of Social Insurance, the General Inspectorate of Border Police, banks (Eximbank JSC, Moldinconbank JSC, MAIB JSC, BCR Chișinău 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 (hereinafter "PSA"). Information was also obtained from other public institutions and private entities, open sources such as social media and investigative journalism reports. Two petitions were received from individuals. These were included in the evaluation file. 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 Law No.252/2023.
25. On 7 April 2025, the Commission asked the subject to provide additional information by 17 April 2025 to clarify certain matters (hereinafter the "first round of questions"). On 14 April 2025, the subject requested an extension until 23 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 in its evaluation any areas of doubt about her 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.

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 Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and the ethics questionnaire. She also stated that she 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 matters which, upon initial review, raised doubts as to compliance with the criteria established by law:
 - a. compliance with the wealth and personal interests declaration regime;
 - b. potential ethical breaches regarding the subject's participation in the "Prima Casă" program;
 - c. compliance with the conflict-of-interest regime.

A. Compliance with the wealth and personal interests declaration regime

31. In the first round of questions, the subject declared having cash savings of 150,000 MDL in 2019. However, in her 2019 asset declarations submitted to the NIA, she did not report any cash savings. In response to the Commission's questions, the subject acknowledged this omission and explained that it was unintentional, stating that she had no intention of concealing assets.
32. In 2020, the subject submitted two asset declarations to the NIA for the year 2019. The first, an annual asset declaration, was submitted on 6 February 2020. The second declaration was submitted on 2 November 2020, following her appointment as a judge. The declaration of 6 February 2020 falls outside the five-year term stipulated in Article 11 para. (2) lit. a) of Law No. 252/2023 (see § 21). In contrast, the declaration of 2 November 2020 falls within the applicable five-year period.
33. According to Article 4 para. (1) lit. d) of Law No. 133/2016 (in force at the time) the subjects of declaration were obliged to declare savings exceeding 15 average salaries per economy. Pursuant to the Government Decision

approving the projected average gross monthly salary for 2019, the threshold for declaration in that year was 104,625 MDL¹.

34. The Commission notes that, in accordance with the above provision, the subject was obliged to declare the cash savings held in 2019. Consequently, the Commission must assess whether this omission was a serious violation of the rules of ethics and professional conduct as referenced in Article 11 para. (2) of Law No. 252/2023. In this regard, the Commission will consider the purpose of both Law No. 133/2016 and Law No. 252/2023, as well as the specific circumstances of the case.
35. The subject explained that the failure to declare the cash savings was unintended. The Commission notes that the subject's incoming financial flow in 2019 was sufficient to allow for the accumulation of such savings. Specifically, she had a total incoming financial flow of 1,061,041 MDL composed of cash savings carried over from the previous year, salaries, and a cash donation of 150,000 MDL received from her parents. Her total outgoing financial flow was 894,781 MDL (excluding the undeclared 150,000 MDL in cash savings), resulting in a positive balance of 166,260 MDL. Therefore, the Commission finds that the subject had the financial capacity to accumulate 150,000 MDL in cash savings. The non-declaration appears to reflect an oversight rather than deliberate misconduct.
36. Considering these factors, and the purpose of Laws No. 133/2016 and 252/2023, the Commission concludes the non-declaration was not a serious violation of the rules of ethics and professional conduct as referenced in Article 11 para. (2) lit. a) of Law No. 252/2023.

B. Potential ethical breaches regarding the subject's participation in the "Prima Casă" program

37. On 5 June 2019, the subject purchased an apartment of 45.2 sq.m, located on Ginta Latină Street, Chişinău, for 776,406 MDL. The payment was made in two installments through the "Prima Casă" program. At the time of this purchase, the subject was already a co-owner of another apartment on Alecu Russo Street, Chişinău, which she had jointly acquired with her parents through privatization in 1995 (when she was a minor). The subject had been living in the Alecu Russo apartment with her parents until June 2019, when she moved into the newly purchased apartment on Ginta Latină Street.

¹ https://www.legis.md/cautare/getResults?doc_id=112063&lang=ro

38. The Commission examined whether the subject met the eligibility criteria for the “Prima Casă” program, considering that she was already the co-owner of the apartment on Alecu Russo Street. The subject stated that she submitted all the required documentation, including a certificate issued by the PSA confirming her eligibility under Article 4 para. (2) of Law No. 293/2017. She also disclosed to the relevant authorities that she was the co-owner of the Alecu Russo apartment.
39. Under Article 4 of Law No. 293/2017 on certain measures for the implementation of the State Program “Prima Casă” (“First Home”), one of the eligibility conditions, besides age, citizenship and income, was that the applicant must not own (individually or jointly with family members) a home with a living space exceeding 9 m² per person within the 12 months prior to the loan application. An exception applied to properties located in a village or commune that were acquired through inheritance or donation.
40. Furthermore, para. (2) of the same Article defines family members as the beneficiary's spouse and their child who has not reached the age of 18 at the time of the loan application.
41. Therefore, under the above legal provisions, the subject's parents did not qualify as family members within the meaning of Law No. 293/2017. As a result, their joint ownership of the Alecu Russo apartment did not affect the subject's eligibility for the program.
42. Based on the above findings, the Commission concludes that the doubt regarding the subject's eligibility for the purchase of the apartment on Ginta Latină Street has been removed.

C. Compliance with the conflict-of-interest regime.

43. In the ethics questionnaire, the subject informed that she was mentioned in a social media article in the context of a report by Transparency International Moldova. The article stated that she is the judge who examined the case of A.P. against the President of the Republic of Moldova. The Commission analyzed the existence of a potential conflict of interests related to the examination of the case.

Facts of the case

44. A.P. is one of the 40 judges whose confirmation in office was refused by the President of the Republic of Moldova, Maia Sandu, in November 2022.
45. Judge A.P. contested the President's refusal of 8 November 2022, by which rejected the Superior Council of Magistracy's (hereinafter “SCM”) proposal to

confirm his appointment as a judge until reaching the age limit. He argued that the decision was unlawful, arbitrary, and unsubstantiated.

46. The case was assigned to the subject before August 2023, and in October 2023, she declared the claim inadmissible. However, in January 2024, the Court of Appeal annulled the ruling and sent the case back for retrial.
47. In its judgment of 21 August 2024, the first instance court (with the subject as the assigned judge) dismissed the claim as unfounded. The court noted among others that the President was entitled, under the Constitution and the Law on the Status of Judges, to reject a judicial appointment if credible concerns about legality, compatibility, or procedural irregularities existed. It also held the President's refusal was an intermediate administrative step not subject to judicial review, emphasizing presidential discretion and separation of powers, and noting that the request for renewed nomination remained pending, rendering the claim premature.
48. According to the NIA's 2024 annual declaration, the subject's husband has been a member of the political party "PAS" in Mereni since June 2023. The subject stated that they began cohabiting in May 2024 and formally registered their marriage in July 2024.
49. When asked by the Commission whether she had informed the parties of her husband's political affiliation or considered it grounds for self-recusal, she acknowledged to not have done so.
50. She explained that she did not consider this information relevant, as her husband was a passive member and, after losing the local mayoral elections, did not participate in meetings. She further noted that although the "PAS" party was founded by Maia Sandu, the President had ceased to be a member since 2020.
51. The subject stated that she informed the parties about being criticized in a social media article (see § 42 above) and inquired whether they still trusted her to try the case. According to the subject, the parties did not object and agreed to proceed. She also informed the Commission that she had submitted a self-recusal, due to her prior professional and friendly relationship with A.P. during their time as judicial assistants at the Supreme Court of Justice. Her request was rejected, and she was therefore required to proceed with the case.

Legal principles

52. Under Article 202 para. (1) of the Administrative Code, a judge is obliged to refrain from examining the case when there are reasons affecting the judge's impartiality.
53. Article 4 para. (4) and (5) of the Code of Ethics provides:
- “The judge shall refrain from making decisions, when his/her interests, those related by blood, adoption, affinity, or other persons who have close ties with his/her family, could influence the correctness of decisions.”
54. The Commentary of the Code of Ethics further states:
- “[...] if a judge finds a conflict of interest, his task is to disclose this fact to the appropriate parties, taking all necessary steps to eliminate the conflict of interest and/or to refrain from judging the case”.
55. According to the well-established case-law of the ECtHR, impartiality is evaluated based on: (1) a subjective test, which considers the personal conviction and behavior of a particular judge, that is, whether the judge held any personal prejudice or bias in a given case; and also (2) an objective test, that is to say by ascertaining whether the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality. Under the objective test, appearance of bias is assessed from the standpoint of a reasonable observer.

The Commission's assessment

56. The Commission considered whether the fact that the subject is married to a member of “PAS” would lead a reasonable observer to believe she might be biased in a lawsuit challenging an action by the President.
57. The Commission acknowledged that the President's actions in refusing to confirm judges was not an action involving the political party, regardless of whether the President may still be perceived as the “informal” party leader.
58. Given the politically sensitive nature of the case and the potential appearance of bias, particularly considering her declaration to the NIA identifying her husband's party membership, her opportunity to inform the parties about her husband must be assessed in context. The husband did not hold any formal or active role within the political party, and the subject took other reasonable steps to address perceived conflicts.

59. The subject did submit a request for self-recusal based on her prior working relationship and friendship with A.P., which demonstrates awareness of a potential conflict and an intention to comply with ethical obligations. She also informed the parties about the media criticism related to her initial decision, which further reflects transparency. These elements support the conclusion that the subject did not act in bad faith.
60. In view of the above considerations and information, the Commission concludes that, although the subject did not inform the parties about her husband, her actions did not violate the ethical criteria under Article 11 para. (2) of Law No. 252/2023.

VI. Conclusion

61. 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

62. 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.
63. 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.
64. 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.
65. 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.

66. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B