



COMISIA DE EVALUARE A JUDECĂTORILOR
JUDICIAL VETTING COMMISSION
str. Alexei Mateevici 75, mun. Chișinău,
MD-2009, Republica Moldova
+373 22 820 882 | +373 60 246 352
secretariat@vettingmd.eu | www.vettingmd.eu

EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

ANDREI CAȘCAVAL

candidate for the Central Court of Appeal

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

12 June 2025

Contents

I. Introduction.....	3
II. Subject of the Evaluation.....	3
III. Evaluation Criteria.....	4
IV. Evaluation Procedure.....	6
V. Analysis.....	8
A. Potential inexplicable wealth (2014 and 2015).....	8
B. Potential ethical breaches related to the subject's decisions.....	10
VI. Conclusion.....	11
VII. Further action and publication	11

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 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. 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 Mr. Andrei Cașcaval (hereinafter the “subject”), a candidate for the Center 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 at the Anenii Noi District Court since December 2019. In June 2024, he 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. Prior to that, the subject was a judicial assistant at the Supreme Court of Justice (2013-2019) and at the Chișinău (Buiucani) District Court (2012-2013). Between 2010 and 2012, he was a consultant at the Chișinău (Buiucani) District Court, and during 2009-2010, he was a translator at the same court. Previously, the subject worked as an in-house lawyer with two legal entities (2005-2009) and clerk at the Chișinău (Central) District Court (1997-2003).
6. The subject received a bachelor’s degree in law in 2003 from the Law Academy in Moldova.

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 Central 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, the declarations are referred to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 22 January 2025.
20. On 6 February 2025, the Commission notified the subject that his evaluation file has been randomly assigned to Panel B with members Scott Bales, Willem Brouwer, and Iurie Gațcan. 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 spouse also had an obligation to submit declarations in the last seven years.

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, OTP Bank JSC, Banca Socială 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 two companies. 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 the entity's 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 28 March 2025, the Commission asked the subject to provide additional information by 8 April 2025 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.
26. On 15 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.
27. 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. 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.

28. 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 3 June 2025.
29. 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

30. This section discusses the relevant facts and reasons for the Commission's conclusion.
31. 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. potential difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2014 and 2015;
 - b. potential ethical breaches related to the subject's judicial decisions.

A. Potential inexplicable wealth (2014 and 2015)

32. In its analysis of the subject's household income and expenses, the Commission identified potential differences between the incoming and outgoing financial flows (negative balances) for only two years: -4,127 MDL in 2014 and -12,191 MDL in 2015, thus forming a total inexplicable wealth of -16,318 MDL.
33. In evaluating the subject's inexplicable wealth, the Commission also examined the potential deflated purchase price of a Toyota Auris, m/y 2016.

Acquisition by the subject's wife of a vehicle at a potentially deflated price

34. Based on the information from PSA, the vehicle Toyota Auris, m/y 2016, was imported on 21 February 2021, by a third party, with a declared customs value of 130,000 MDL and additional import duties of 26,911 MDL. On 21 April 2021, the subject's wife purchased the vehicle at a contractual price of 75,000 MDL (approximately 3,500 EUR¹). In the 2021-2024 NIA declarations, the subject

¹ At the NBM average exchange rate for April 2021.

reported the vehicle at a value of 11,300 EUR. According to data from the 999.md marketplace, vehicles of similar model, manufacture year and technical specifications were sold in April 2025 for an average price of 12,380 EUR.

35. The Commission asked the subject about the actual purchase price and the reasons for the reduced price indicated in the contract. In response to the first round of questions (Question 20 letters a, b), the subject stated that the actual purchase price was the one declared in the NIA annual declarations. He presented a receipt (*recipisă*) signed by the buyer confirming payment of 11,300 EUR. The subject explained that the seller insisted on indicating a lower price in the contract. His exact statement reads:

“A lower price was indicated in the sale-purchase contract at the insistence of the seller. The transaction involved the [subject’s] wife, who had no prior experience with such matters, and the seller. When the [subject’s] wife asked why the actual price was not to be included, the seller responded that he wished to avoid certain personal and family issues. To avoid transaction failure and to proceed with acquiring the desired car, the wife agreed on the condition that a receipt be issued.”

36. Considering the information available and the subject’s explanations, several mitigating circumstances apply regarding the deflated price stated in the contract:
- a. the subject disclosed the actual value of the vehicle in the NIA annual declarations;
 - b. the declared value corresponds to the average market price of similar vehicles in terms of model and manufacture year;
 - c. the subject informed the Commission of the actual purchase price and provided a receipt confirming full payment. His explanations are consistent with the seller’s refusal to reflect the actual price in the contract and the decision of the subject’s wife to proceed under those conditions;
 - d. while the inclusion of a reduced price in the sale-purchase contract may have facilitated the seller’s non-payment of taxes for capital increase, this conduct does not amount to a serious violation of ethical rules, as provided by Article 11 para. (2) lit. a) of Law No. 252/2023.
37. In light of the above, even if the total negative balance identified for 2014 and 2015 (see § 32 above), was treated as unjustified wealth, it would not exceed the threshold of 234,000 MDL under Article 11 para. (3) lit. a) of Law No. 252/2023. Accordingly, the Commission did not request further explanation on this issue.

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

38. The Commission received two petitions complaining about the decisions issued by the subject. Upon analyzing the cases, the Commission notes that, in general, the complaints reflect dissatisfaction with judicial outcomes rather than providing evidence of ethical misconduct. However, one case was further reviewed for potential ethical breaches.

LLC A. case

39. This case involves the MAIB bank, which granted loans totaling 3 million USD and 5,7 million MDL to LLC A., secured by pledges and mortgages. After the debtor defaulted, the bank initiated legal proceedings to recover the debt. Meanwhile, another creditor triggered the debtor's insolvency proceedings. Although the bank filed a claim for 64 million MDL, the insolvency administrator rejected it.
40. The rejection was based on an extrajudicial expert report, ordered by the debtor, claiming the bank caused damages of around 102 million MDL. Using this report, the debtor unilaterally set off its alleged claim against the bank, effectively transforming itself into a creditor of the bank with a 37,5 million MDL balance.
41. The bank challenged the set off in the insolvency court, arguing that the extrajudicial expert report improperly stated conclusions outside the expert's competence. The bank presented counter-expert and audit reports. The court of first instance and the Court of Appeal (including the subject) upheld the set-off, citing the conclusions of the report obtained by the debtor.

The Commission's assessment

42. With regard to the ethical integrity requirements under Article 11 para. (2) lit. a) of Law No. 252/2023, the Constitutional Court has clarified that the term "seriously violated" sets a high threshold for establishing breaches of ethical and professional rules applicable to judges and prosecutors (Constitutional Court Judgement No. 2 of 16 January 2025, § 185). Additionally, the Court has noted that the Commission should not rule on the legality of the decisions issued by the judges.
43. Considering the evidence provided by the petitioners or otherwise gathered by the Commission, the Commission concludes that concerns about the subject's conduct in this case reflect at most professional error or competence issues rather than a serious violation of ethical standards as required under

Article 11 para. (2) lit. a) of Law No. 252/2023 (see Commission's previous practice, e.g. *Anton*, Report of 8 April 2025, §§ 50-52).

VI. Conclusion

44. 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

45. 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.
46. 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.
47. 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.
48. 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.
49. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B