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EVALUATION REPORT

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

GHENADIE LIULCA

judge of 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 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. Ghenadie Liulca (hereinafter the “subject”), a judge of 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. Since December 2014 the subject has been a judge at the North Court of Appeal and since January 2025 as Interim Vice president. This court was known as the Bălți Court of Appeal until it was renamed on 27 December 2024.
5. Between June 2006 and December 2014, the subject was a judge at the Soroca District Court.

III. Evaluation Criteria

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

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 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."

9. 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.

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 North 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, the declarations are referred to as the “five-year declaration”). The subject returned the completed five-year declaration and questionnaire on 27 November 2024.
19. On 13 December 2024, the Commission notified the subject that his evaluation file had been randomly assigned to Panel B with the 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.
20. Because the law sets out 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 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.
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, the National Office of Social Insurance, the General Inspectorate of Border Police, banks (Energbank JSC, EuroCreditBank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială 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. No complaints or information was 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 21 March 2025, the Commission asked the subject to provide additional information by 1 April 2025 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents within the deadline.
25. On 16 April 2025, the Commission asked the subject to provide additional information by 24 April 2025 to clarify certain matters (hereinafter the “second round of questions”). The subject provided answers and documents within the deadline.
26. On 6 May 2025, the Commission asked the subject to provide additional information by 14 May 2025 to clarify certain matters (hereinafter the “third 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 9 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. compliance with the conflict-of-interest regime;
 - b. potential difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2012, 2013, 2015.

A. Compliance with the conflict-of-interest regime

Facts concerning the acquisition of a Mercedes E200D, m/y 2011

32. In March 2018, the subject purchased a vehicle, Mercedes E200D, m/y 2011. The sale-purchase contract submitted by the subject identified the seller as St.G. The latter is an attorney.
33. In his 2018 NIA declaration, the subject reported a purchase price of 150,000 MDL for the vehicle and submitted the corresponding contract. In May 2025 similar vehicles were listed on online marketplaces (e.g., 999.md) at prices ranging from 11,500 EUR (est. 223,000 MDL) to 13,300 EUR (est. 258,000 MDL). Based on this information, the Commission had doubts about the real price paid in 2018 for the Mercedes E200D, m/y 2011, and questioned the subject further about it.

Examination by the subject of seven cases involving St.G. and her husband, Se.G.

34. Based on the information obtained from the Integrated Case Management System ("PIGD"), the Commission determined that, between 2015-2025, the subject, as a panel member or rapporteur, had examined or is scheduled to examine seven cases: five involving the attorney St.G. and two pending cases involving St.G.'s husband, Se.G., also as an attorney.

35. In the first case (decision of 22 April 2015), the subject upheld the prosecutor's appeal and sentenced the defendant to the same penalty as imposed by the lower court but extended the probation period.
36. In the second case (ruling of 27 July 2016), the subject considered the self-recusal declaration (*declarația de abținere*) submitted by a judge at the Șoldănești District Court, to which the case involving the attorney St.G. was assigned.
37. The above two cases predate the 2018 transaction with the vehicle and therefore have no bearing on the analysis of subject's potential lack of impartiality. They have not been further considered.
38. In the third case (decision of 14 September 2018), the subject upheld the appeal lodged by the attorney St.G., annulled the first court ruling ordering the remand in custody and ordered the house arrest of the accused.
39. In the fourth case (decision of 5 June 2019), the subject examined an appeal lodged by an attorney other than St.G. For this reason, the Commission has not further considered that case.
40. In the fifth case (decision of 17 February 2021), the subject upheld the appeal lodged by the Police Inspectorate, annulled the lower court judgement, found the perpetrator, represented by the attorney St.G., guilty of the administrative offence and terminated the procedure due to the expiration of the statute of limitations.
41. The sixth case (examination scheduled for 10 July 2025) concerns the appeal lodged by the attorney Se.G. representing one of the defendants, convicted of passive corruption by the lower court and sentenced to five years imprisonment, suspended with a probation period of three years.
42. The seventh case (examination scheduled for 9 October 2025) concerns the prosecutor's appeal. The lower court convicted the defendant of influence peddling and imposed a fine of 125,000 MDL. Before the lower court, the defendant was represented by the attorney Se.G.

The sixth and seventh cases are currently pending before the North Court of Appeal.

The subject's explanations regarding the purchase price of the vehicle

43. In response to the first round of questions (Question 29, let.r.; Question 30, let.a.), the subject stated that when he bought the vehicle, he was told it needed repairs. The subject declared he incurred repair costs of about 40,000

MDL in 2018. He presented a written declaration signed by the manager of the Bălți-based company stating the company had repaired the vehicle for the subject in 2018.

44. The subject also provided copies of advertisements from the 999.md platform, dated December 2021 and February 2022, indicating that similar vehicles were valued at 9,200 EUR (est. 192,000 MDL) and 9,500 EUR (est. 198,000 MDL).

The subject's explanations regarding the relation with St.G. and Se.G.

45. In response to the third round of questions (Question 2), the subject stated that neither he nor his family has had any personal or professional relationship with St.G. or Se.G. His exact statement, suggesting the only interaction with the seller St.G. occurred at the PSA Bălți during the formal signing of the sale-purchase contract, is below.

"I found the Mercedes E200D, m/y 2011, at the Bălți car market. A man was selling it and explained the existing deficiencies. We tested the car and agreed on the price. Later, I learned that the seller was actually the father of the owner, whom I met at the Bălți vehicle registration office (*SÎTCCA Bălți*). I interacted with St.G. on 3 March 2018 at the *SÎTCCA Bălți*, where the sale-purchase contract for the Mercedes E200D, m/y 2011, was drawn up and signed."

46. According to the subject, he did not submit a self-recusal or notify the parties involved, as he did not consider the vehicle transaction to raise any doubts regarding his impartiality.

The Commission's assessment

47. The Commission found no evidence of a personal relationship or other close connection between the subject and the seller that would suggest potential bias. The subject's explanation on this matter appears credible.
48. The purchase in question was a common transaction (the subject had three cars in the evaluation period), not a complex one, and did not involve interaction beyond the signing of the sale-purchase contract.
49. There is no evidence that the subject paid a price other than was identified in the sales-purchase contract and his NIA declaration, such as a subsequent resale at a significantly higher value (the subject still owns the Mercedes E200D), or any other indicators (customs value, CASCO insurance etc.).

50. There is no information indicating that the subject purchased the vehicle at unwarranted reduced price or otherwise received an improper economic benefit from the transaction.
51. In view of the above considerations and information, the Commission concludes that, although the subject could have informed the parties in the cases about the 2018 vehicle acquisition, his prior engagement in a common transaction with the seller did not violate the ethical criteria under Article 11 para. (2) of Law No. 252/2023.

B. Potential inexplicable wealth (2012, 2013, 2015)

52. In its analysis of the subject's household income and expenses, the Commission identified potential inexplicable wealth for 2012, 2013, and 2015, totaling -139,673 MDL. The differences between the incoming and outgoing financial flows (negative balances) per year were: - 17,668 MDL in 2012, -10,414 MDL in 2013, and -111,591 MDL in 2015.
53. This preliminary calculation was based on available data to the Commission and on the estimates of subject's cash savings at the end of every year during 2011 – 2023. In response to the first round of questions (Question 4 let.a)), the subject stated he had estimated the cash savings based on his recollection.
54. In the second round of questions, the Commission presented to the subject its calculation regarding the identified negative balances in 2012, 2013 and 2015. In response (to Question 1 let.a, Question 2 let.a, Question 3 let.a.), the subject admitted that because he had relied on memory, some of his previously provided estimates of cash savings were inaccurate. He submitted revised estimates only for 2012-2015, as is reflected in table 1 below. The subject emphasized that if the revised estimates are considered, the financial outflows are equal to the inflows.

Table 1. Estimates of cash savings provided by subject

Relevant years	1st round of questions	2nd round of questions
end of 2012	24,000 MDL	6,332 MDL
end of 2013	41,000 MDL	12,918 MDL
end of 2014	60,000 MDL	50,000 MDL
end of 2015	190,000 MDL	67,659 MDL
end of 2016	235,000 MDL	164,192 MDL

55. While the Commission acknowledges the inherent imprecision of such estimates, it notes that the declared savings were provided under the subject's own responsibility. The subject contested these estimates only after

being confronted with the preliminary calculation of inexplicable wealth. The Commission generally does not accept this type of change of statement. Therefore, in this case, the Commission will also base its assessment on the initial estimates of cash savings provided in the first round of questions.

56. Based on the foregoing, even if the total negative balance for 2012, 2013 and 2015 of -139,673 MDL had been 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.
57. Furthermore, if the Commission considers the revised cash savings estimates provided by the subject for 2012, 2013 and 2015, the recorded negative balances in those years would be eliminated. This alternative calculation would instead create a negative balance for 2016.
58. During the third round of questions (Question 1 let. a), when presented with the Commission's calculation indicating a negative balance of -110,808 MDL in 2016, the subject revised the estimated cash savings for that year (see table 1 above). He also offered additional clarifications regarding the repair costs of his apartment in Bălți.
59. Even under the subject's updated calculation, the negative balance recorded for 2016 would be below the 234,000 MDL threshold. Therefore, the Commission will not recalculate the financial flow for that year.

VI. Conclusion

60. 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

61. 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.
62. 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.
63. 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.

64. 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.
65. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B