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# EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

# SERGHEI PILIPENCO

judge of South Court of Appeal

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

**9 September 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 6 August 2025 and approved the following report on 9 September 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Willem BROUWER
3. Iurie GAŢCAN

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. Serghei Pilipenco (hereinafter the "subject"), a judge of the South 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 does not meet the criteria identified in Law No. 252/2023 for financial integrity.

## II. Subject of the Evaluation

4. Since 2018, the subject has served as a judge at the Cahul Court of Appeal. On 27 December 2024, this court merged with the Comrat Court of Appeal, resulting in the establishment of the South Court of Appeal. Since then, the subject has served as a judge at the newly created court.

5. Between 2017 and 2018 the subject was a judge at the Comrat Court. Between 2006 and 2017 the subject served as a judge at the Ceadîr-Lunga Court. Between 2003 and 2006 he worked as a prosecutor at the Ceadîr-Lunga Prosecutor's Office. Between 1998 and 2003 the subject was a prosecutor's assistant at the Ceadîr-Lunga Prosecutor's Office.

6. The subject received a bachelor's degree in law in 1998 from the Moldova State University.

## 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 17 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 Cahul Court of Appeal.

19. 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, these declarations are referred to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 27 November 2024.

20. On 13 December 2024, the Commission notified the subject that his evaluation file had 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 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.

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 (Energbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, Banca Socială JSC, Banca de Economii 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. 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. All four authorities responded.

25. On 7 March 2025, the Commission asked the subject to provide additional information by 17 March 2025 to clarify certain matters (hereinafter the "first round of questions"). On 17 March 2025, the subject requested an extension to respond, which the Commission granted until 24 March 2025. The subject provided answers and documents within the extended deadline.

26. On 3 April 2025, the Commission asked the subject to provide additional information by 13 April 2025 to clarify certain matters (hereinafter the "second round of questions"). On 10 April 2025, the subject requested an extension to respond, which the Commission granted until 21 April 2025. The subject provided answers and documents within the extended deadline.

27. On 2 May 2025, the Commission asked the subject to clarify some of the answers provided in the second round of questions by 5 May 2025. The subject provided clarifications within the deadline.

28. On 6 May 2025, the Commission asked the subject to provide additional information by 15 May 2025 to clarify certain matters (hereinafter the "third round of questions"). On 15 May 2025, the subject requested an extension to respond, which the Commission granted until 22 May 2025. The subject provided answers and documents within the extended deadline.

29. On 6 June 2025, the Commission notified the subject that it had identified some areas of doubt about the subject's compliance with the financial criterion and had preliminarily established a non-compliance with the ethical integrity criterion and invited him to attend a public hearing on 16 June 2025. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.

30. On 9 June 2025 the subject requested that the Commission hold the hearing in a closed session. The subject supported his request by stating that some of the issues concern third parties who do not wish to be publicly identified and some of them concern bank account balances. The Commission granted the request and determined to conduct part of the hearing in a closed session.

31. On 11 June 2025, the subject requested the Commission to postpone the hearing. He mentioned that on 11 June 2025 he signed a contract with an audit company to report on certain matters indicated in the hearing notice. The Commission granted the request.

32. On 30 June 2025, the subject requested the Commission to postpone the hearing for a date after 16 July 2025 as the audit report was not ready yet. The Commission granted the request.

33. 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 12 June 2025.

34. On 12 July 2025 the subject submitted additional information and documents. The Commission included them in the evaluation file and considered them in its analysis.

35. On 6 August 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.

36. The subject was assisted by attorney Vitalie Zama.

37. After the hearing on 6 August 2025, the subject submitted additional written explanations. The Commission included them in the evaluation file and considered them in its analysis.

## V. Analysis

38. This section discusses the relevant facts and reasons for the Commission's conclusion.

39. 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. difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2012, 2013, 2020 and 2023.

40. The identified inexplicable wealth led to the Commission's proposal of non-promotion of the evaluation.

**A. Difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2012, 2013, 2020 and 2023**

41. The Commission established an inexplicable wealth for the years 2012, 2013, 2020 and 2023. The difference between the income and the expenses (negative balance) in these years was -312,317 MDL (2012: -28,427 MDL; 2013: - 61,756 MDL; 2020: -137,388 MDL; and 2023: -84,746 MDL).

42. In ascertaining the inexplicable wealth, the Commission also analyzed several related issues. These concern unidentified potential beneficial ownership of two properties in Cahul and of an apartment in Chișinău as well as the source of cash for deposits in savings accounts for 2020.

43. The subject has expressed recurring objections regarding several issues that pertain to multiple years. These concern the reduction of the expenses related to consumption expenditure of population (hereinafter "CEP"), exclusion of expenses for the use and maintenance of a vehicle, exclusion of expenses for vacations, and exclusion of the negative balance based on a financial report. The relevant circumstances concerning these issues will be described below, before discussing the inexplicable wealth for the years identified above.

**1. Potential beneficial ownership over several properties in Cahul**

44. In his five-year declaration, the subject declared his gratuitous use of a 45.3 sq. m. apartment in Cahul at Tineretului St.

45. In the first round of questions, the subject stated that, starting in 2021, he lived at this address on a temporary basis to avoid the daily commute from Ceadîr-Lunga to Cahul. He stated that this apartment belongs to a friend, V.S., who lives in Germany. The subject stated that the prior tenants of this property ran up large utility debts and that its owner offered this property to the subject, free of charge, on the condition that he pay the utilities and take care of the apartment. The subject provided a declaration signed by V.S.

for confirmation. According to V.S. the utility debts (approx. 4,000 MDL) were repaid by his stepfather who is looking after the apartment.

46. In the second round of questions, the subject clarified that he lived at this apartment throughout the full work week and said that on weekends he would commute to Ceadîr-Lunga.

47. According to information available to the Commission, the property in question was acquired by V.S. in November 2017. However, according to the SFS, in the period 2015-2018, V.S. had no income. This may reflect that he, according to the subject, resided in Germany.

48. Initially, the Commission’s doubts related to the subject’s residence at this property stemmed from the lack of a typical tenancy agreement between the subject and V.S. The subject lived at this address at least in 2021-2023. No utilities agreements or payments between the subject and any service providers were identified. In the hearing, the subject mentioned that he paid the utilities based on the contracts signed by the owner of the apartment V.S. Even so, it remains unclear why the rent for a livable property for at least two years would not entail more than the mere payment of utilities.

49. In the second round of questions, the subject clarified that from the end of 2018 until October 2019, he lived in an apartment in Cahul, at Costachi Negruzzi St., based on a tenancy agreement. Although the subject did not provide a copy of the tenancy agreement, he did provide confirmation of the registration of the tenancy agreement with the SFS. No such property was declared in the subject’s NIA declarations or declarations to the Commission. In the first round of questions, when asked to describe his household’s living arrangements, the subject did not indicate his tenancy at this property.

50. In addition, the subject did not definitively mention where he in fact resided during October 2019-2021. In the second round of questions, the subject stated that he did not remember when he exactly started to use the apartment at Tineretului St.

51. Nevertheless, considering the above-mentioned facts, the Commission's chief concerns regarding the subject's connection with these properties and the potential negative impact on his financial balance have been mitigated by the absence of evidence pointing to beneficial ownership. However, considering that the Commission’s assessment of inexplicable wealth for 2020 and 2023 did not reflect any rent-related expenses, the negative balance between financial flows in these years would have been higher if amounts had been attributed for his use of these properties.

52. The property at Matei Basarab St., Cahul (100.2 sq. m. house) was registered with the PSA as the subject's formal place of residence in the period 28 September 2022 – 2 February 2023. This property was not registered as the place of residence of the subject's spouse or son.

53. In the first round of questions, the subject stated that he registered his residence at the Matei Basarab St., Cahul property purely for formal reasons. In the second round of questions, he specified that he registered his residence at this property because his identity card had expired. He explained that this was necessary because the owner of the property at Tineretului St. Cahul, V.S., was abroad and the subject was unable to commute on working days to the Ceadîr-Lunga PSA. In the hearing the subject specified that he registered his residence at this property after requesting the services of an individual who offered to assist him in obtaining Romanian citizenship. When asked, the subject said that no payments were made for the residence registration or the individual's services.

54. According to information available to the Commission, A.V. acquired this property via a sale-purchase contract in 2017. Additionally, satellite imagery shows that there were no buildings on the property when it was purchased in April 2017.

55. Furthermore, neither A.V. nor her husband received any income in the three years preceding the purchase of this property 2014-2016, nor did they receive any income in the succeeding four years 2017-2020. In the period 2021-2023, A.V. and her husband had a net income of approximately 1,135,000 MDL. In 2024, they acquired a new high-end vehicle (BMW X5, m/y 2024). Thus, they may have used income from 2021-2023 to make this purchase. From the foregoing, it appears that A.V. did not have the financial capacity to purchase the property at Matei Basarab St., Cahul in 2017 and that she and her family did not have sufficient capacity to develop it thereafter.

56. In the third round of questions, the subject denied any association with this property. The subject declared his lack of awareness as to how A.V. acquired the property and the funds she used to build the house on it. He further noted that he paid no utilities for this property and that there were good reasons of convenience to register his formal residence at property, pointing to access to the family physician in Cahul and other benefits that accompany formal registration at the place of actual residence. The subject further explained that he met Mr. and Ms. V. six months prior to his formal registration on this property and that this acquaintance had no relation to his

judicial function. As the owners saw no reason not to grant the subject formal residence at this property, the subject took advantage of this possibility.

57. Nevertheless, prior to the hearing, at the subject's request, the PSA confirmed that 54 other individuals have registered their residence at this address. Accordingly, in the absence of other evidence, and considering the subject's explanations, the doubt regarding the subject's beneficial ownership of this property has been dispelled.

**2. Potential beneficial ownership over an apartment in Chișinău**

58. On 14 September 2019, the subject's brother, R.P., acquired an apartment in Chișinău, Nicolae Zelinski St., for 60,000 EUR (equivalent of 1,171,284 MDL). According to the sale-purchase contract, the subject purchased this property in his brother's name based on a power of attorney.

59. The subject's brother did not earn any income in the Republic of Moldova throughout the evaluation period. Moreover, R.P. Individual Enterprise ceased its activity in 2001. In the first round of questions, the subject explained that his brother moved to the United Kingdom (UK) in 2011 and acquired citizenship. The subject provided the seven periods, ranging from one to two weeks each, over the years 2012-2023, when the subject's brother entered the Republic of Moldova using his Bulgarian or UK Passports.

60. The subject stated that every time his brother entered the Republic of Moldova, he would bring with him approximately 10,000 EUR as he aimed to build a house. He would also transmit funds through acquaintances or, to a lesser extent, international bank transfers. The subject stated this is how his brother gathered 60,000 EUR by 2019.

61. The subject stated that he did not want to be involved in this purchase, owing to his public personality, but was forced to act in his brother's interests because of the sudden spike in real estate prices in 2019. The subject confirmed that he organized the full purchase of this property.

62. In the first round of questions, the subject also stated that the apartment remained in the same condition as when purchased. Furthermore, this apartment is currently being used by acquaintances of the subject's brother, who pay only for the utilities. The subject underlined that neither he nor any of his family members have ever lived at this apartment. However, the Commission has obtained a contract between the subject's son, M.P., and a company for the provision of "electronic communications" (internet wi-fi) at the above-mentioned address for a monthly charge of 210 MDL. This contract is dated 26 September 2023 and was valid until 26 September 2024.

Accordingly, it seems that the subject's son contracted internet services for the subject's brother's apartment in this period. The Commission has also received confirmation of M.P.'s payments pursuant to this contract through the end of the evaluation period (31 December 2023).

63. In the third round of questions, the subject explained that from the end of 2022 until fall 2024, acquaintances of the subject's brother lived in this property – Mr. G.C. and his wife. These individuals only paid for utilities, living there only so that the property continued to be maintained. Nevertheless, the subject confirmed that his son, at the request of G.C., concluded a contract for internet services with Starnet but that G.C. paid for these services both in cash and via bank transfers.

64. No other documents acquired by the Commission link the subject and the property in question.

65. Regarding the source of funds, the subject detailed that his brother started working in the UK with a cleaning company, providing confirmation of self-employment from a client/intermediary. As of 22 April 2016, R.P. was employed with a security company. The subject provided a copy of the 2016 employment contract, as well as a letter dated August 2019 confirming his full employment as a security officer. From the subject's descriptions, his brother seems to work as a transit officer at an airport. The subject stated that his brother also provides photography-related services, which is confirmed by the R.P.'s social media profile going back several years and ancillary documentation provided by the subject.

66. Furthermore, the subject provided confirmation from the British HM Revenue & Customs Service (National Tax Authority), as well as letters from British authorities addressed to R.P. that speak to his income in the period 2013-2023. According to these documents, the subject's brother earned a total income of approximately 114,000 GBP (2,900,000 MDL) in the period 2013-2018, which precedes the procurement of the apartment in question:

| Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| GBP | 7,680 | 8,657 | 27,466 | 24,247 | 22,811 | 23,876 | 23,846 | 21,467 | 28,034 | 37,016 | 31,659 | 256,759 |
| MDL | 151,304 | 200,078 | 791,007 | 655,707 | 542,671 | 559,766 | 534,658 | 476,928 | 682,031 | 864,931 | 714,588 | 6,173,688 |

67. In addition, the subject provided a tenancy agreement dated 20 July 2011 for a property in London, which address appears in R.P.'s correspondence with the HMRC throughout the evaluation period. The monthly rent stipulated in the tenancy agreement is 400 GBP.

68. In the second round of questions, the subject declared that his brother introduced 50,000 EUR into Moldova before 2019. Until 2019, he entered Moldova on five occasions, carrying with him 10,000 EUR on each of these occasions. The subject also mentioned that his brother always declared these sums upon entry. Yet, the Commission has not identified any of the Declarations in question. He further stated that his brother transferred 8,000-9,000 EUR through acquaintances.

69. The subject further declared that R.P. typically incurred approximately 1,000 GBP in monthly expenses, dividing these into 400 GBP for accommodations, 200 GBP for transportation and 400 GBP for groceries. The subject also mentioned that the brother is unmarried, has no partner, no children under maintenance and no moveable or immovable property in the UK. For confirmation of his brother's lack of property, the subject pointed to a bank statement which does not contain any information regarding such payments. The subject provided a written statement signed by his brother for confirmation.

70. Asked to provide his brother's bank statements, the subject provided these only for 2019. The Commission also requested the documents confirming R.P.'s income directly from the notary who notarized the contract for the purchase of the apartment, but no bank statements were provided upon the purchase. However, in the hearing the subject stated that such documents were presented.

71. The subject has provided information and documentation regarding his brother's income and lifestyle expenditures. However, he did not provide documentation reflecting the introduction of sufficient funds into the Republic of Moldova to finance the acquisition in question, bank statements confirming the withdrawal of sufficient funds by R.P. prior to September 2019, or any other documents that confirm R.P.'s introduction of these funds into the country.

72. The Commission notes that Article $3^1$ of Law No. 1569/2002[1] and Article 33 of Law No. 62/2008[2] (in force in the period when the subject's brother may have been introduced the 50,000 EUR into Moldova) provided that individuals were not required to declare cash in the national or foreign currency when bringing them into the territory of the Republic of Moldova, if their amount did not exceed 10,000 EUR (or their equivalent) per person.

[1] LP1569/2002

[2] LP62/2008

Therefore, considering that the sum of 10,000 EUR was not subject to custom declaration, it is reasonable and expected that no official documents exist to confirm these funds. It is a well-known practice for Moldovan citizens working abroad to introduce funds in cash under the threshold when crossing the border.

73. Although the Commission did not obtain confirmative documents regarding the introduction of sufficient funds into the Republic of Moldova by the subject's brother, it did not identify facts linking beneficial ownership to the subject.

   a. the Commission verified whether the subject had, in fact, used the house directly or indirectly (as an owner) and did not establish such a fact;

   b. no utility contracts were signed by the subject or his wife (except of the signed contract for the provision of "electronic communications" (internet wi-fi) by their son, which cannot be considered sufficient to establish beneficial ownership;

   c. the subject's brother did register income abroad and relevant documents were presented in this regard, that could justify the apartment acquisition;

   d. no substantial amount of money was withdrawn or transferred from the subject's or his wife's bank accounts near the time of the purchase.

74. Considering the circumstances mentioned above, the Commission did not find evidence establishing the subject's beneficial ownership over this property. Therefore, this matter did not affect the subject's financial flows, and the doubt has been dispelled.

### 3. Unidentified source of cash for deposits in savings accounts for 2020

75. On 10 August 2020, the subject deposited 250,000 MDL on MAIB account no. *752. On the same day, using 385,500 MDL in funds from a prior deposit account, with regard to which the Commission has confirmed the legitimate origin of funds, the subject opened a new deposit account of 635,500 MDL. These funds remained in said account until July 2021.

76. On 30 November 2020, the subject's wife opened MAIB account no. *566 via cash deposit of 130,000 MDL. On the same day, using all funds on account no. *566, the subject's wife opened a deposit account with MAIB. These funds remained in said account until November 2021.

77. Accordingly, in 2020, the subject's household carried out two cash deposits totaling 380,000 MDL to ultimately open deposit accounts. In the second round of questions, the subject confirmed this fact.

78. However, in 2020, the subject's household seems to have had available only 368,890 MDL in cash:

- 173,650 MDL (175,650 MDL – 2,000 MDL deposited back on the account) was withdrawn from the subject's MAIB account no. *666.

- 5,223 MDL was withdrawn from the subject's MAIB account no. *756.

- 167,500 MDL was withdrawn from MICB account no. *321 belonging to the subject's wife.

- 5,048 MDL seems to have been received by the subject's wife in cash as social security payments as no such payments were identified on her bank accounts.

- 7,459 MDL seems to have been received by the subject's wife in cash salary payments as FVID forms confirm her receipt of 201,644 MDL in total salary in 2020 but only 194,195 MDL was transferred to her bank accounts.

- 10,000 MDL in cash savings was used by the subject's household in 2020, per the subject's declarations in the first round of questions.

79. From the foregoing, the origin of the cash deposits of 380,000 MDL in 2020 was unclear. Not only did the subject's household lack sufficient cash to carry out these deposits, but a large portion of the cash available would have been used for daily expenditures as reflected by the CEP and other cash expenses identified in 2020.

80. As referred to at § 212, in 2020 the Commission identified 98,167 MDL in retail expenditures on the subject's bank accounts, which were deemed to have been reflected in the CEP. The CEP for 2020 amounted to 148,325 MDL.

81. As detailed at §§ 197, 199, 200, 203 and 204, the Commission also identified approximately 70,000 MDL in vacation, transportation, telecommunication and education expenditures that seem to have been carried out in cash.

82. It follows that the subject's household seems to have lacked approximately 131,000 MDL (368,890 – 380,000 – 50,000 – 70,000) in cash to carry out the above-mentioned deposits in 2020.

83. In his written explanations presented after the hearing, the subject referred to the audit report presented to the Commission and stated that his

household did not have cash deficits. Although the subject did not provide a specific amount or relevant documents, he argued that a mere calculation of his family bank withdrawals proves the lack of deficit. Nevertheless, the bank statements confirm the Commission's calculation, and the identified lack of cash further confirms the negative balance between financial flows identified in 2020.

**4. Reduction of the expenses related to CEP**

84. In estimating a subject's expenses related to daily maintenance, as per point 3.5 of the Annex to the Rules, the Commission employs the National Bureau of Statistics' (hereinafter "NBS") calculation of CEP. The CEP accounts for expenses such as rent/property, utilities, clothing, transportation, food, medication, household appliances, etc. Based on survey responses, the CEP estimates an average expense per household member that encompasses different categories of expenses. Due to the pervasiveness of cash purchases in the Republic of Moldova, the CEP is a means for the Commission to reliably account for daily expenses.[3]

85. The CEP expenditures, according to the information published on the NBS website, for the period 2019 – 2023 include the following categories: 1) food and non-alcoholic beverages; 2) alcoholic beverages and tobacco; 3) clothing and footwear; 4) housing, water, electricity and gas; 5) furnishings, household equipment and their routine maintenance; 6) health; 7) transport; 8) communication; 9) recreation and culture; 10) education; 11) restaurants and hotels; 12) miscellaneous goods and services. For the period 2012 – 2018,

[3] According to the National Bank of Moldova, for the first time in the history of the Republica of Moldova, the cashless payments surpassed cash withdrawal in the first quarter of 2025. Electronic transactions reached 27 billion lei, while cash withdrawals amounted to 25 billion lei, see for more details the article (2 June 2025) available at: https://www.mold-street.com/noutate/premiera-platile-fara-numerar-depasesc-retragerile-de-bani. Further evidence substantiating the cash based expenses is the information that 55.5% of all sales receipts in the country were paid for in cash (National Bank of Moldova, see the "Analysis of the Volume of cash operations in domestic currency for January-March 2025" (18 April2025) available at https://www.bnm.md/en/content/analysis-volume-cash-operations-domestic-currency-january-march-2025); Significant cash use is further documented for the period 2020 – 2024 (NBS, "volume of cash transactions in the banking system" available at https://statbank.statistica.md/PxWeb/pxweb/en/40%20Statistica%20economica/40%20Statistica%20economica_25%20FIN/FIN010500.px/?utm_source=chatgpt.com); The Ministry of Finance identified the issue of "preponderant use of cash in transactions concluded with free professionals and for the services provided by these" as a one of the motivations behind Law No. 34/2024 *regarding the use of cash and for the amending of certain legislative acts*. The Ministry of Finance argued that the majority of services professionals in the justice and health sectors are paid for in cash (Ministry of Finance, "Analysis of the Regulatory Effect for the draft Government Decision regarding the approval of the draft Law regarding the use of cash" available at https://www.parlament.md/material-details-md.nspx?param=17f1bf6d-8a90-407f-a62c-681f09335198.

the NBS refers to the same categories but with only slight differences in terminology.

86. CEP is a statistical method that illustrates the average monthly consumption of a household, depending on the number of adults and children in the household as well as depending on the living area (urban or rural). According to the NBS methodology, statistical research is carried out on a sample of households from the urban and rural areas, randomly chosen from the entire territory of the country. The expense categories of this indicator and the percentages attributed by NBS for each category are based on reported household expenditures.

87. In the third round of questions and in the hearing, the subject argued for the attribution of a reduced CEP. The subject's first argument was based on his allegedly mixed living premises. He argued that while he and his family formally live in a city (the regional centres of Ceadîr-Lunga and Cahul), every week the subject and his wife would travel to his parents-in-law, who live in rural settings, to help them with physical labour and maintenance of their household. Accordingly, the subject essentially argued that this resulted in a mixed geographic background and therefore the Commission should attribute the CEP based on the national average instead of the CEP based on urban settings.

88. In this regard, the Commission notes that in the first round of questions, the subject declared that he and his family resided in Ceadîr-Lunga, Lenin St. throughout the evaluation period. In the second round of questions, the subject further clarified that as of his appointment in September 2018 at the Cahul Court of Appeal, he lived in Cahul, Tineretului St. during working weeks and commuted to Ceadîr-Lunga for the weekends. His family continued to live in Ceadîr-Lunga, apart from his son who began living in Chișinău in 2023 to attend university.

89. Prior to the third round of questions, in which the subject was provided with the Commission's preliminary calculations of inexplicable wealth, the subject made no mention of the weekend trips in question to his parents-in-law, despite being asked in the first round of questions to confirm his place(s) of factual residence. Irrespective of this, even if it were granted that the subject would spend some weekends at his parents-in-law's rural premises, this does not negate the findings at §§ 95-103. Accordingly, the Commission cannot accept this line of reasoning.

90. The subject's second argument was based on his household's receipt of both financial and in-kind support from his parents-in-law and his wife's brothers

and sisters who live in Germany. He argued that his household essentially did not incur any expenses for groceries because they met most of their needs from the agricultural activity of the subject's parents-in-law. The subject estimated that his household received approximately 60% of all their grocery needs from their parents-in-law and therefore 60% of the CEP category for groceries should be excluded.

91. The subject reasoned that his household did not have significant expenses for groceries. He mentioned that in addition to their own agricultural activity, his parents-in-law received in-kind payments of agricultural products from the rent of three agricultural land-plots. These were rented to private agricultural conglomerates throughout the evaluation period. He further mentioned his parents-in-law's receipt of chickens, eggs, rabbits, sunflower oil, bread, fruits and vegetables from their own cultivation or their renting agricultural land-plots, as well as vine growth on their 0.2 ha land-plot.

92. The subject presented declarations signed by his parents-in-law in support of his statements. However, he did not provide any substantive reasoning or methodology for calculating these shares. This explanation aside, the subject's reasoning disregards objective factual circumstances particular to his own circumstances. Full regard to these circumstances is described infra at §§ 95-103.

93. Finally, the subject also noted that neither he nor his wife smoke and that they received wine from the parents-in-law's agricultural activity. Accordingly, the subject argued that the CEP category for alcohol and tobacco was to be excluded from the outgoing financial flows. However, it is well established Commission practice that the particular and subjective habits of subjects of evaluation have no bearing on the attribution of the CEP where all elements of the Commission's test for the attribution of the CEP are met. The CEP is an aggregate indicator reflecting average consumption patterns across the population, not an itemized checklist of goods and services tailored to each individual's preferences.

94. As a rule, to ensure equal treatment across the evaluated subjects, the Commission did not exclude specific categories or items from a category of CEP on the assumption that other categories of the CEP may have been higher than actually incurred by different subjects. This assumption is supported when circumstances reflect that: (1) the subject's income in the particular year is higher than the national average income so that his household has more income available than the average household; (2) this

income was actually withdrawn in cash or otherwise reflected on bank accounts, from which the Commission established the theoretical possibility that the subject's household actually spent more than what the NBS deems the CEP value to be; and (3) a sufficient amount of this available cash was actually available for daily expenses instead of it being largely used for other purposes.

95. The Commission notes that the CEP reflects average expenses. Since 2018, the subject has been a Judge at the South Court of Appeal. Prior to that, he was a Judge at the Comrat Court. He also had subsidiary sources of income. Therefore, the subject enjoyed income far greater than the average societal income. In certain years, excluding revenue from the sale of property, the subject's regular household income, that is only salary income and interest payments, is up to 3.5 times greater than the national average established by NBS for a household of the subject's size.

| Year | Subject's household income | National average per NBS | % |
|---|---|---|---|
| **2012** | 130,914 | 69,844 | 187 |
| **2013** | 107,529 | 80,784 | 133 |
| **2014** | 170,919 | 74,198 | 230 |
| **2015** | 194,933 | 95,841 | 203 |
| **2016** | 217,572 | 92,630 | 235 |
| **2017** | 261,261 | 100,300 | 260 |
| **2018** | 302,824 | 110,884 | 273 |
| **2019** | 407,466 | 134,664 | 303 |
| **2020** | 480,109 | 140,745 | 341 |
| **2021** | 606,058 | 173,625 | 349 |
| **2022** | 718,764 | 205,924 | 349 |
| **2023** | 822,128 | 239,654 | 343 |

96. Nevertheless, in the third round of questions and in the hearing, the subject contested the attributability of the CEP, as calculated by the Commission, to his outgoing financial flows.

97. The Commission notes that in the subject's particular circumstances, significant amounts of income earned are withdrawn in cash. In three of the four years where the Commission identified inexplicable wealth, the subject's household had available in cash 75%-100% of all income earned in the given year:

- in 2012, the subject and his wife withdrew or received payment in cash amounting to 122,160 MDL out of 130,914 MDL in total income for 2012 per SFS FVID forms. Thus, the subject's household had available in cash 93% of all income earned in 2012.[4]

- in 2013, the subject and his wife either withdrew all income received or actually received the income in question in cash. The subject withdrew 68,014 MDL from his bank account and his wife received 37,760 MDL in cash as salary and 1,940 MDL in social security payments. Thus, the subject's household had available in cash 100% of all income received in 2013 per SFS FVID forms.[5]

- in 2020, the subject and his wife either withdrew or received payments in cash amounting to 358,890 MDL out of 480,109 MDL in total income in 2020 per SFS FVID forms. Thus, the subject's household had available in cash 75% of all income received in 2020.

– in 2023, the subject and his wife either withdrew or received payments in cash amounting to 478,042 MDL out of 822,128 MDL in total income in 2023 per SFS FVID forms. Thus, the subject's household had available in cash 58% of all income received in 2023.

98. From the foregoing, the subject's household had more income than the national average, the cash available to the subject was higher than the national average income, this cash did not carry over as cash savings to the succeeding years and these amounts were larger than the CEP.

99. It follows that the cash in question must have at least covered the CEP, as reflected in the table below for years where the Commission identified inexplicable wealth:

| Year | Cash available to subject | National average income | CEP |
|---|---|---|---|
| **2012** | 122,160 | 69,844 | 74,654 |
| **2013** | 107,714 | 80,784 | 86,563 |
| **2020** | 358,890 | 205,924 | 148,325 |
| **2023** | 478,042 | 239,654 | 220,697[6] |

[4] Income received from interest on BEM account no. *131, belonging to the subject's wife, was not included in this calculation due to uncertainties regarding the actual number as well as the fact that this account was opened in 2010 and in no way contributed to the finances of the subject's household in 2012 because, as confirmed by the subject and the bank statement for this account, no funds were withdrawn until 2014 and 2015.

[5] Ibid.

[6] The CEP for 2023 in a household of two adults and one child amounts to 194,497 MDL. The figure in the table above reflects this number as well as an additional 26,200 MDL in daily expenditures (excluding tuition) related to the university studies of the subject's son, which were assumed by the subject.

100. Moreover, the Commission's preliminary conclusions are fortified by individual expenses identified which far exceed the corresponding CEP categories, namely, transportation,[7] telecommunication,[8] and vacation expenses.[9] More so, as detailed infra at §§ 204 and 225, the subject's household also incurs expenses which are not included in the CEP, namely tuition and meal expenses at a private educational institution. Finally, these expenses are the only additional expenses that can arguably fall into the CEP, which have been attributed to the subject's outgoing financial flow. All other expenses identified relate to financial activity, such as investments into deposit accounts, which cannot be attributed to the CEP. The Commission took precautions in the above cases to ensure that no double accounting took place. More so, as additional precautions, the Commission excluded from its calculation of inexplicable wealth 98,167 MDL in retail expenses identified on the subject's and his wife's bank accounts in 2020 and 114,663 MDL in such expenses identified in 2023.

101. A final consideration is the very fact that the cash in question did not carry over to succeeding years and therefore was used in the same year in which it was earned. In other words, the subject did not declare the cash being saved at the end of the year.

102. Thus, the cash identified by the Commission was used in the same year in which it was identified. As these sums exceed both the national average income and the actual CEP, the Commission considers it highly likely that the subject used part of this cash to cover the CEP.

103. The Commission identified other potential cash expenditures, as referred to in the report, but these refer to minor components of the CEP, such as transportation, vacations or telecommunications, in which the potential for double accounting was excluded by applying only expenses additional to the CEP category or otherwise accounting for the CEP category expense. Alternatively, these refer to expenses that are not included in the CEP, such as private schooling or investments in savings accounts.

### 5. Exclusion of expenses for the use of the Opel Vectra, m/y 2000

104. The subject registered usufruct rights over vehicle model Opel Vectra, m/y 2000, on 30 October 2007. These rights were alienated on 8 December 2023.

[7] Evaluation Materials, documents no. 51, 57, 311, 401, 615 – 616, 645 – 646, 752.

[8] Evaluation Materials, documents no. 402 – 410, 415, 418 – 423, 750.

[9] As referred at §§ 122-134.

This vehicle was acquired and imported into the Republic of Moldova by the subject's brother-in-law I.D., in September 2007. I.D. alienated this vehicle in December 2023.

105. In the first round of questions, the subject stated that "[he] was the primary user of this vehicle." He further stated that this vehicle was imported by his brother-in-law, I.D., for personal use and would use it whenever he returned to Moldova. The subject also mentioned that as his brother-in-law lives in Germany, he requested permission to use this vehicle which was granted. The subject mentioned that he used this vehicle frequently but so did his father-in-law. According to the subject, the maintenance costs incurred by him for this vehicle amounted to 2,000-3,000 MDL annually throughout the period 2012-2023.

106. In the second round of questions, the subject confirmed that he used this vehicle until November 2021, when he purchased vehicle model Skoda Kodiaq, m/y 2021. Asked about the estimated fuel expenses that he incurred, he stated that "[he] spent" between 800 MDL in 2012 and 1,300 MDL in 2021 on a monthly basis. However, in the hearing and in the additional written statements presented afterwards, the subject mentioned that he used the Opel Vectra, m/y 2000, only until 2017, which contradicts his previous statements. According to the subject, after 2017 he only concluded contracts regarding the mandatory domestic liability insurance policies and ensured that the annual technical inspections were conducted. This revision was provided only after the Commission presented its preliminary calculations of inexplicable wealth.

107. The Commission notes that the subject declared the vehicle in question under usufruct both in his yearly National Integrity Commission (hereinafter "NIC")/NIA declarations as well as in his five-year declaration to the Commission.

108. According to the information obtained by the Commission, in the period 2013-2022 the subject was the only primary beneficiary of the mandatory domestic liability insurance policy over this vehicle. The subject's spouse was the only other secondary beneficiary of such policies over this vehicle, namely in 2015-2016. His father-in-law was not insured for this vehicle.

109. The subject had also two mandatory external liability insurance policies over this vehicle in the periods 30 October - 13 November 2015 and 20 March - 3 April 2018. The vehicle's owner, I.D., had only one such policy over this vehicle in the period 31 October - 14 November 2017. His father-in-law has no such policies.

110. According to information from the National Agency for Auto Transportation (hereinafter ANTA), the subject was the only person that brought the car physically to the inspection station and paid for all the yearly mandatory annual technical inspections and road taxes for this vehicle in the period 2013 - 2023. Moreover, there are subsidiary indications that this was true also for 2012 as data from the SFS regarding the subject's T-Account suggests that he paid 359 MDL in road taxes in 2012, despite not having any association with any vehicle other than the vehicle in question.

111. Despite the foregoing, in the third round of questions, after being presented with the Commission's preliminary calculations regarding inexplicable wealth, the subject argued that he actually incurred no maintenance costs for this vehicle and that the fuel expenses estimated as having been incurred by him in the second round of questions should be halved in the Commission's assessment of inexplicable wealth.

112. The subject underlined, including in the hearing, that both he and his father-in-law used this vehicle. He indicated that he was the main possessor of this vehicle because in the owner's absence and based his mandate, he could present the vehicle for technical inspections, conclude insurance contracts and exit the country with this vehicle. The subject noted that in all his NIA/NIC Declarations he declared his use of this vehicle but not ownership.

113. The subject further argued that he used this vehicle primarily for internal long-distance trips or trips abroad, and mainly in the cold period of the year (November – March) because in this period the father-in-law did not need it. The subject estimated having used the Opel Vectra, m/y 2000, for approximately 4,000 km annually until November 2021.

114. The subject argued that his place of work was close by his home and therefore he walked or used public transport to reach it. His wife's place of work, the kindergarten and the school were also close to their home (5-6 minutes) and therefore, his family did not require personal transport.

115. The subject estimated that his brother-in-law, I.D., provided approximately 400 EUR yearly to his father for the vehicle's maintenance and some of the fuel expenses.

116. The subject did acknowledge that his father-in-law owned another vehicle, gifted by his children in 2006, but stated that this vehicle had technical defects and was unused. According to the subject, this is the main reason why the Opel Vectra, m/y 2000, was imported by I.D. in the first place. The subject further recalled that I.D. also used this vehicle occasionally when he

returned to Republic of Moldova. Finally, the subject claimed that "as the vehicle's owner", I.D. "paid for the vehicle's annual maintenance", seemingly referring to the mandatory technical inspections with ANTA for which the subject is registered as bearing the costs. Accordingly, it would seem that the subject implicitly argued he was reimbursed for these costs.

117. As seen above, the subject's answers to the third round of questions contrast with his answers in the first and second rounds of questions. They also are inconsistent with his testing of this vehicle with ANTA and his registrations of mandatory domestic liability insurance and external liability insurance policies over this vehicle.

118. Until November 2017, when the subject's wife purchased a Toyota Auris, m/y 2011, the subject's household had no other vehicle at their disposal. After November 2017, at an unspecified time in 2018, the subject moved to Cahul, 70 km away from his family, entailing that his wife used the newly acquired vehicle for family needs, whereas the subject continued to use the Opel Vectra, m/y 2000. The subject himself confirmed in the rounds of questions and at the hearing that the newly acquired vehicle generally remained in Ceadîr-Lunga. Accordingly, these circumstances indicate the subject needed to use the Opel Vectra, m/y 2000, until November 2021.

119. Further inconsistencies arise in the subject's explanations from his documented use of the vehicle acquired in November 2021, travelling an average of 1,135 – 1,221 km per month. This speaks to extensive use of a vehicle inconsistent with the explanation that the subject's family did not require a vehicle prior to November 2021. The subject did not offer an explanation as to why his driving habits increased only after November 2021.

120. These circumstances indicate that the subject was the primary user of this vehicle. Accordingly, the Commission finds the subject's explanations in the first two rounds of questions as to fuel and maintenance expenses more consistent with the available documents and more plausible than his revised answer in the third round of questions.

121. The Commission therefore attributed the vehicle maintenance expenses as estimated by the subject in the first round of questions and fuel expenses as estimated in the second round of questions. It follows that the Commission attributed 12,100 MDL in fuel and maintenance expenses in the period 2012-2017 and 18,100 MDL in the period 2018-2021 on an annual basis, per the subject's own provided calculations. To avoid potential double-counting with the CEP category of transportation, only the exceeding amounts were attributed to the outgoing financial flows.

### 6. Exclusion of expenses for vacations to Ukraine and Germany

122. In the five-year declaration, the subject indicated a series of vacations throughout the period 2019-2023. In the first round of questions, he was asked to do the same for the period 2012-2018 and estimate expenses incurred, as well as provide details as to any other vacations that may have been omitted. In the second and third rounds of questions, on multiple occasions, the subject was asked to clarify some details of these vacations, provide expenses where none were previously provided, elaborate why some vacations were not declared either in the five-year declaration, nor in the first round of questions and why some estimates of expenses actually fall short of what was identified independently by the Commission.

123. In response to the Commission's first and second round of questions, the subject declared a series of annual vacations to Ukraine in the period 2012-2016 and to Germany in the period 2017-2023. The subject declared between 5,000 and 15,000 MDL in expenses incurred for the vacations to Ukraine and approximately 17,000 MDL in expenses incurred for the vacations to Germany. The subject identified these expenses in answers to the first and second round of questions about expenses incurred by his household.

124. Yet, in the third round of questions and in the hearing, the subject claimed that none of these expenses were actually borne by his household. On this occasion, the subject claimed that his wife's brothers and sisters paid for these vacations in full.

125. The subject claimed that his brother-in-law paid for all vacations to Ukraine. He stated that his family went on these vacations with his brother-in-law and that all expenses for transportation, accommodations and meals were borne by him. The subject noted that he did not previously say he paid for these vacations, only noting their approximate price. Accordingly, the expenses for vacations to Ukraine were to be excluded.

126. The subject also claimed that all vacations to Germany were paid by the subject's brother-in-law and sister-in-law. These expenses included procurement of round-trip air travel tickets, procurement of clothes, excursions etc. Some expenses were paid for using the subject's and his wife's bank accounts to benefit from "Tax Free", but these were immediately compensated by the subject's siblings-in-law. Accordingly, all expenses for vacations to Germany were to be excluded (82,000 MDL on four trips (approx. 17,000 MDL each) in the years 2018, 2019 and 2023).

127. Regarding the trip to Ukraine, the subject was asked via the supplemental request for clarification to the second round of questions, to specify some details as to the amount in expenses he incurred for these trips, to which he provided the amounts relayed above.

128. In the five-year declaration, the subject did note that his siblings in law financed his trips to Germany. In the first round of questions, he again noted that the trips to Germany were "covered by them (*din contul lor*)" and that he stayed in their apartments but that the subject did pay for the air travel.

129. Moreover, regarding the trips to Germany, the Commission identified that 26,221 MDL were expended on the subject's bank account, on just one of these four trips. According to him, this expense would have been reimbursed by his wife's siblings, despite these expenses being largely incurred at retail stores and for plane tickets.

130. In the first round of questions the subject stated that the declared expenses of 17,000 MDL for the trips to Germany were mainly for the round-trip plane tickets (in that he indicated that this is the only category of expense he paid for and provided this sum in response to questions regarding expenses that he and his immediate family incurred). In the second round of questions, the subject was asked to confirm the Commission's understanding that these expenses were paid at the beginning of the trip due to the nature of air-travel. The subject replied that the round-tour plane tickets were purchased by his wife's siblings. However, the subject further elaborated that this was done "to avoid any problems with the procurement of the tickets… and to ensure that no problems would be incurred" as well as to demonstrate to German authorities that the purpose of the visits were purely short-term leisurely visits. This explanation, together with the subject's assertion in the first round of questions that he paid for air travel, was taken by the Commission to mean that the costs were later reimbursed by the subject upon arrival in Germany.

131. Additionally, the Commission highlights that the subject provided the estimates of these expenses in reply to numerous questions requesting expenses borne by his household for these vacations.

132. The Commission outlines that, prior to the third round of questions, the subject did not note his household's receipt of financial support from his wife's siblings. Neither in his NIC/NIA declarations, nor in the five-year declaration, did the subject note any donations. Moreover, when asked in the first round of questions to provide the value of donations received, the

subject did not note these vacations, nor the receipt of financial support from his wife's siblings.

133. In relation to his declaration to NIC/NIA, according to Article 2 of Law no. 133/2016, income is defined as any financial benefit, regardless of its source. According to Article 2 of Law no. 1264/2002, income was defined as any increase or addition in patrimony, regardless of the source of origin both within the country and abroad. The declaration forms, both under Law No. 1264/2002 (at section I, subsections 6 and 9) and Law No. 133/2016 (at section I, subsections 5 and 8), had separate sections for "income from donations" or "other income". Accordingly, irrespective of the legal nature attributed to the relevant transaction or activity, any financial benefit received was subject to mandatory declaration.

134. Additionally, the subject has failed to convincingly explain why his relatives would bear such substantial costs for his family's vacation. It is clear from the subject's overall explanations that, at the very least, he paid for air travel for four (two adults and two children) and that he estimated these expenses at 17,000 MDL per trip. The Commission could not establish any expenses for accommodation as the subject had family members in the place of destination. However, it is not clear that his siblings-in-law paid the expenses related to entertainment, leisure, nutrition and local transportation incurred by the subject's family. In fact, per § 129, the Commission identified retail transactions that confirm the subject bore significant retail expenses during these trips to Germany, additional to air travel expenses. Accordingly, the Commission did not accept the subject's contention that the declared costs for vacations to Ukraine and Germany were borne by his wife's siblings. The Commission therefore attributed the full amounts in declared costs to the subject's household with the note that the actual expenses incurred seem to be much higher.

### 7. Exclusion of the negative balance based on the financial report

135. On 12 July 2025, the subject submitted to the Commission a financial report elaborated by a private company based on a service contract concluded with the subject. This report purports to find that the subject did not incur a negative balance between financial flows in any year within the evaluation period.

136. Although the report is presented as a financial audit, the limited liability company engaged to deliver it is not registered in the Public Register of Audit Entities, as required by Law No. 271/2017 on the audit of financial statements. Accordingly, this company does not hold the legal right to

perform and issue officially recognized financial audit reports. The submission and title of the report as a "financial audit" constitutes a misrepresentation, since it contradicts the legal framework that strictly defines who is authorized to carry out audit activities.

137. The report refers to several legal and accounting norms —such as the Law on Accounting and Financial Reporting No. 287/2017, the National Accounting Standards applicable to self-employed persons (without specifying exactly which standards), the International Standards on Auditing (ISA 500 – Audit Evidence)—incorrectly referred to by the auditor as "*ISA 500 – Elemente probante*," as the correct title is ISA 500 – Audit Evidence—as well as the Tax Code (Title II – Income Tax). However, these references are made without consideration of their actual applicability in the context of evaluating a person subject to the evaluation procedure.

138. In particular, Law No. 287/2017 is incorrectly invoked. According to Article 2, its scope applies to entities registered in the Republic of Moldova, such as legal persons engaged in entrepreneurial activity, non-budgetary institutions, branches of non-resident entities, non-commercial organizations, as well as individuals carrying out professional activities in the justice sector or entrepreneurial activity. The subject of the evaluation—a judge—does not fall into any of these categories.

139. The report is deficient and erroneously contests the Commission's preliminary findings regarding inexplicable wealth, based on the arguments that it:

- disregards, as incoming and outgoing financial flow, cash savings declared by the subject to the Commission and those declared in NIA declarations. This contradicts the Commission's Rules, ECtHR jurisprudence and, ultimately Article 11 para. (3) lit. a) of Law No. 252/2023.

- disregards significant bank savings (reaching 1.5 million MDL in 2023 alone) as incoming and outgoing financial flow. This contradicts the Commission's Rules, ECtHR jurisprudence and Law No. 252/2023.

- attributes as income 87,492 MDL in 2012 and 87,512 MDL in 2013 as interest on funds earned on a bank account despite both the subject and the bank statement for this account definitively confirming that no funds were withdrawn from it until 2014. Therefore, in plain terms, the funds on this account could not pay for expenses incurred in 2012 and 2013 because they were not withdrawn.

- ignores 765,500 MDL in total funds deposited on savings accounts in 2020, reflecting only 380,000 MDL. The Report also completely ignores 1,337,468 MDL in total funds deposited on savings accounts in 2023.

140. In addition, this report compares the CEP to the subject's income in a distorted manner, because it does not refer to the availability of funds held by the subject.

141. Furthermore, in its judgement in *Xhoxhaj v. Albania*, the ECtHR acknowledged that unjustified wealth may be calculated as follows: "For the purpose of this judgment, 'liquid assets' means (A) the balance of cash savings at the end of a given calendar year, as determined by the vetting bodies, which should be equal to (B) the carryover cash balance of the applicant and her partner from the previous calendar year, plus (C) the annual income of the applicant and her partner generated during the reporting calendar year as substantiated by legal/official documents, less (D) any expenses (including, but not limited to, living expenses, travel expenses, mortgage repayments). Any discrepancies where (A) is higher than (B + C - D) would give rise to unjustifiable liquid assets that are not supported by the cash flow determined from the documents in the case file."[10]

142. Considering the above-mentioned, the Commission notes that it maintained its approach and calculations regarding the subject's inexplicable wealth, seeing no reason to depart from well-established practice on the grounds raised by the subject or his submitted financial report.

**Inexplicable wealth for 2012**

*Incoming financial flows 2012*

143. According to the information from SFS, in 2012, the subject received a net income of 50,509 MDL from the Ceadîr-Lunga District Court. The subject's wife received 11,264 MDL from the Public Medical-Sanitary Institution (hereinafter "IMSP") Regional Hospital Ceadîr-Lunga and 7,083 MDL in salary income from an LLC engaged in the retail sale of pharmaceutical products.

[10] Xhoxhaj v. Albania, no. 15227/19, 9 February 2021, § 31, footnote 1.

144. In response to the first round of questions, the subject declared cash savings of 130,000 MDL at the end of 2011. The available bank savings identified by the Commission constituted 140 MDL. Pursuant to the Annex of the Rules, these sums are considered incoming cash flow for 2012, as savings from the previous year. For brevity, in future years the Commission will no longer refer to the Annex to the Rules when dealing with the previous year's savings.

145. Significant funds were also available on the subject's wife's bank account. However, considering that the Commission has identified several uncertainties regarding funds on this account at the end of the year and that no funds were withdrawn or otherwise debited from this account in 2012, it could not have affected the incoming financial flow for this year. Per the subject's statements to the second round of questions, the Commission attributed these funds as incoming financial flow from the account in question only in 2014 (244,300 MDL) and 2015 (7,070 MDL).

146. The subject declared in the first round of questions, that part of the 130,000 MDL cash savings (approximately 80,000 MDL) originated from the subject's wedding in 2001 and the other part (approximately 50,000 MDL) from the financial support from his parents, his parents-in-law and his brother-in-law.

147. In the third round of questions, the subject stated that the 80,000 MDL was set aside to build a house. Regarding the second component of these savings, he changed his initial answer, stating that the amount of 50,000 MDL was accumulated from his and his wife's salary income over a period of 11 years prior to 2012. The Commission notes that the subject did not declare any donations or loans as received from family members in the first round of questions.

148. The Commission initially expressed its doubts regarding the availability of these savings at the beginning of 2012 for several reasons such as the inconsistencies in the subject's explanations, the patterns of cash savings during the evaluation period, the seemingly much more modest income prior to the evaluation period and the sheer passage of time from the moment when the bulk of these saving were acquired.

149. Nevertheless, several elements were considered when assessing the plausibility of the above declared cash savings. In relation to the approximately 80,000 MDL originated from the subject's wedding in 2001, the Commission noted in its previous reports (*Badan-Melnic,* evaluation report of 12 June 2025, § 38) that it has long been common in the Republic of Moldova for family and guests to provide monetary donations to

newlyweds, which can represent a significant cash inflow. Although the subject stated that he does not have any confirmative documents regarding the actual transfer of these monetary donations, considering the Supreme Court of Justice decision on *Alexandru Rotari v. SCM* of 19 august 2024, the lack of documentary evidence does not exclude the existence of donations between close relatives (§ 65).

150. The subject did not seem to have major expenses from the wedding and until the beginning of the evaluation period. As he mentioned in the first round of questions, starting in 2003, he and his family lived in his parent's apartment in Ceadîr-Lunga, on Lenin Street. The parent's availability of funds was corroborated with their work abroad in the period prior to the apartment's acquisition. The subject's household did indeed not incur expenses related to the purchase of a property or rent. Moreover, in 2006 the subject incurred an expense for the acquisition of a vehicle model Vaz 21065, m/y 1999, but it does not seem that this would have required significant funds. Therefore, the claimed 130,000 MDL in cash savings were attributed to the subject's incoming financial flow for 2012. However, owing to the above-noted doubts, the identified inexplicable wealth could be much higher if the cash savings at the start of 2012 were less.

151. The Commission examined the 2012 annual declaration submitted to NIC and identified that the subject declared his wife's receipt of 60,526 MDL as social security payments. In the second round of questions, the subject provided confirmation from the National Office of Social Insurance regarding his wife's receipt of 61,132 MDL. The Commission has independently verified this source of income and attributed it to the subject's incoming financial flows.

152. According to the subject's FVID Form for 2012 he received 526 MDL in interest on funds deposited. The Commission also identified what seems to be interest on funds credited to a subject's wife's bank account. However, there is no indication that any funds from this account contributed to the subject's incoming financial flows for 2012 (no funds were withdrawn). This is in accord with the subject's explanations in the second round of questions. Therefore, the Commission has excluded any interest received on this account from its calculations of the subject's incoming financial flows until 2014.

153. In the third round of questions, the subject argued that interest earned on this account should be attributed to his household's incoming financial flows. However, as per the subject's explanations and seeming concurrence

in all three rounds of questions, the funds on this account remained thereon untouched until 2014 and 2015. According to him, all interest earned on funds from this account was credited to the same account and also remained thereon until 2014 and 2015. It follows that interest earned on these funds could not have affected the incoming financial flow for 2012. Therefore, the Commission rejects the subject's request as unfounded

154. From the foregoing, the subject's household seems to have had total incoming financial flow of 261,054 MDL in 2012.

*Outgoing financial flows 2012*

155. In the first round of questions, the subject stated that he and his family went on vacation every summer in every year during the period 2012-2023, apart from 2020. In the second round of questions, the subject clarified that he expended approximately 5,000 MDL for the summer vacations in 2012-2015. In the subsidiary clarification via email to the second round of questions, the subject specified that in the period 2012-2014, he and his family went on vacation to Ukraine with his brother-in-law's family, entailing the above-mentioned costs. This is a single expense, and it alone exceeds the relevant CEP category for hotels, restaurants, coffee shops etc. which amounted to 2,290 MDL total in 2012. Accordingly, this expense was attributed to the subject's outgoing financial flow for 2012 without consideration of the CEP category expense.

156. Consistent with its practice in similar cases (*Tețcu*, evaluation report of 14 May 2024), the Commission attributed the full amount of the identified vacation expenses rather than only the amount exceeding the CEP category for vacations. The Commission notes that it identified only one vacation abroad for each of the years 2012, 2013 and 2020 and two vacations abroad for 2023.

157. The CEP category, in contrast, may include expenses for local holidays, which the Commission cannot identify, as well as any other type of weekend leisure activity[11]. The vacation expenses are not reflected in only one CEP category; instead such expenses may also be covered by the category for "Recreation and cultural activity", or the category for "Restaurants and hotels". Therefore, because these categories include various expenses that would not be included in the costs of overseas vacations, it would not be

[11] See for more details Refences to metadata on "Income and expenditure of the population (Household Budget Research)": Veniturile şi cheltuielile populaţiei (statistica.gov.md).

appropriate to consider the vacation expenses only to the extent they exceed the CEP categories.

158. In the third round of questions, the subject revised his prior statements and asserted that he incurred no expenses in relation to this vacation. He stated that these expenses (transportation, accommodation, meals) were incurred by his brother-in-law I.D. However, in accordance with the reasoning at §§ 122-134, the Commission dismissed the subject's arguments as unfounded and maintained the initially declared expenses in question.

159. In the first round of questions, the subject stated that both the subject and his father-in-law use the vehicle model Opel Vectra, m/y 2000. Irrespective of this, the subject declared that he incurred 2,000 – 3,000 MDL on annual maintenance for this vehicle in the period 2012-2023. Accordingly, the median value 2,500 MDL is attributable to the subject's outgoing financial flow for 2012.

160. In the second round of questions, the subject estimated having incurred monthly fuel expenses for Opel Vectra, m/y 2000, of between 800 MDL in 2012 and 1,300 MDL in 2021, the divergence owing to the gradual rise of fuel prices. Accordingly, the Commission attributed 800 MDL/month to the subject's outgoing financial flow in the period 2012-2016 (first half of the period in which the subject used this vehicle) and 1,300 MDL/month in the period 2017-2021 (second half of the period in which the subject used this vehicle). Accordingly, 9,600 MDL (800 x 12) is attributable to the subject's outgoing financial flow for 2012.

161. In the third round of questions, the subject challenged the full attribution of these transportation expenses. He stated that the vehicle was used equally by his father-in-law as well and that the full maintenance expenses and half of the fuel expenses were covered by his brother-in-law I.D. For the reasons outlined supra, at §§ 104-121, The Commission dismissed the subject's arguments as unfounded and maintained the initially declared expenses in question.

162. In his additional written statements presented after the hearing the subject requested that the annual maintenance expenses of 2,500 MDL and his half of the annual fuel expenses to be excluded from the outgoing financial flows for the subsequent 2017-year period as he did not use the vehicle during that time. This statement contradicts his answers from the second rounds of questions, when he said he used it until 2021. The Commission maintained the initially declared expenses.

163. Furthermore, using data provided by the SFS and insurance providers, the Commission corroborated that the subject incurred additional expenses of 1,274 MDL for road taxes, mandatory domestic liability insurance and external liability insurance policies. However, as this sum is relatively minor, the Commission here makes mere note of it to further substantiate its attribution of vehicle maintenance expenses as declared by the subject for this year.

164. The separate category for transportation out of the full CEP in 2012 amounted to 4,185 MDL. Accordingly, due to the identification of transportation expenses, as described above, only the amount that exceeds the CEP category was attributed to the subject's outgoing financial flow. This resulted in 7,915 MDL (2,500 + 9,600 - 4,185) attributed to the subject's outgoing financial flow for 2012.

165. According to the Commission's calculations based on the National Bureau of Statistics (hereinafter "NBS") methodology, the CEP[12] for 2012 in a household of two adults and two children constituted 74,654 MDL (1,555.3 x 12 months x 4 persons).

166. In the third round of questions and in the hearing, the subject argued for the attribution of a diminished CEP. However, in accordance with the reasoning supra, at §§ 84-103, the Commission dismissed the subject's arguments as unfounded.

167. In the first round of questions, the subject declared cash savings of 130,000 MDL at the end of 2012. The bank savings identified by the Commission at the end of 2012 were 8,540 MDL. Significant bank savings were also identified on the subject's wife's bank account but as per the reasoning relayed at § 145, these were not attributed to the outgoing financial flow.

168. According to the bank statement for the subject's wife bank account, she withdrew 5,748 MDL and deposited 75,748 MDL in eight separate transactions described as *"depun. num."* throughout 2012. According to the

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[12] The CEP for any year between 2008 – 2018 is calculated based on NBS methodology applied for the period of 2006-2018 (on the basis of the resident population in the Republic of Moldova, in the "discontinued series") and the method available on the NBS website (https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala__04%20NIV__NIV020__Serii%20intrerupte__04%20NIV_2006-2018/NIV020600.px/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774). In this case, the indicator "Consumption expenditures by population according to purpose of expenditures, number of children and area 2006-2018" is chosen with the following variables: (i) Year (ii) Destination of expenses (Consumption expenditures total), (iii) Area (Urban), (iv) Number of children (2), (v) Measurement (Lei, average monthly per capita for one person). The generated result is multiplied by the number of family members and 12 calendar months.

bank statement provided by the subject in the first round of questions, the following transactions occurred:

| Date | Transaction type | Amount |
|---|---|---|
| 14 May 2012 | withdrawal | 5,748 MDL |
| 14 May 2012 | deposit | 5,748 MDL |
| 16 May 2012 | deposit | 30,000 MDL |
| 23 June 2012 | deposit | 3,500 MDL |
| 27 July 2012 | deposit | 5,000 MDL |
| 4 August 2012 | deposit | 7,000 MDL |
| 18 August 2012 | deposit | 4,500 MDL |
| 29 September 2012 | deposit | 7,000 MDL |
| 3 November 2012 | deposit | 13,000 MDL |

169. Accordingly, 70,000 MDL net seem to have been deposited from the subject's household income onto this account. In the second round of questions, the subject confirmed that indeed his wife used household income to carry out deposits on this account.

170. Nevertheless, 11,312 MDL were identified in what seem to be interest paid on funds deposited, described as *"la card"*. In the second round of questions, the subject suggested that the interest received on this account was credited, along with other cash deposits, back onto the account and claimed that the subject's household deposited only 57,938 MDL on this account in 2012. This explanation is consistent with the fact that all funds deposited into this account throughout the period 2010-2015 were withdrawn in 2014 and 2015 (251,370 MDL). Although some uncertainties remain as to when the interest accrued, this reflects a lack of clarity in the bank statements. Therefore, all funds identified as potential interest from this account (those labelled *"la card"*) are deducted from the funds credited in the relevant year in the order in which these entries appear on the bank statement. Accordingly, 58,688 MDL (70,000 MDL - 11,312 MDL) is attributed as outgoing financial flow for 2012 because this sum was deposited on the account in question in this year and remained thereon until 2014.

171. The Commission has also identified that the subject's wife paid 4,684 MDL for the life insurance premium with Grawe Carat for 2012 (total contribution of 39,597 MDL with the withdrawal of 53,403 MDL on 13 October 2017). This sum is also attributable to the subject's outgoing financial flow.

172. Thus, in 2012, the outgoing financial flow of the subject's household was 289,481 MDL. It follows that the subject's household's outgoing financial flow exceeded incoming financial flow by 28,427 MDL.

*Incoming and outgoing financial flows for 2012*

| **Income MDL** | | **Expenses MDL** | |
|---|---|---|---|
| Ceadîr-Lunga District Court | 50,909 | Vacation expenses | 5,000 |
| IMSP Regional Hospital Ceadîr-Lunga | 11,264 | CEP | 74,654 |
| LLC (retail sale of pharmaceutical products) | 7,083 | Transportation expenses exceeding the CEP | 7,915 |
| Interest earned | 526 | Deposits on bank account | 58,688 |
| Social security payments | 61,132 | Grawe Carat insurance | 4,684 |
| Bank savings at beginning of year | 140 | Bank savings at end of year | 8,540 |
| Cash saving at beginning of year | 130,000 | Cash savings at end of year | 130,000 |
| **Total** | **261,054** | **Total** | **289,481** |
| **Difference:** | **-28,427** | | |

173. Owing to doubts regarding the plausibility of cash savings at the beginning of 2012, the negative balance noted above could be higher.

**Inexplicable wealth for 2013**

*Incoming financial flows 2013*

174. According to the information from SFS, in 2013, the subject received a net income of 67,462 MDL from the Ceadîr-Lunga District Court. The subject's wife received 30,527 MDL from IMSP Regional Hospital Ceadîr-Lunga and 7,233 MDL in salary income from an LLC engaged in the retail sale of pharmaceutical products.

175. In response to the first round of questions, the subject declared cash savings of 130,000 MDL at the end of 2012. The Commission identified available bank savings of 8,540 MDL.

176. Significant funds were also available on the subject's wife's bank account. However, per the reasoning at § 145, these funds were excluded from the Commission's calculations.

177. In his 2013 annual declaration submitted to NIC the subject declared his wife's receipt of 1,940 MDL as social security payments. The Commission

has independently verified this source of income and attributed it to the subject's incoming financial flows.

178. According to the subject's FVID Form for 2013 he received 367 MDL in interest on funds deposited. The Commission also identified what seems to be interest on funds credited to a subject's wife's bank account in the amount of 29,824 MDL. However, per the reasoning § 152, the Commission has excluded this sum from its calculations for 2013.

179. In the third round of questions, the subject argued that interest earned on this account should be attributed to his household's incoming financial flow. However, as per the reasoning § 153, the Commission rejected the subject's request as unfounded.

180. From the foregoing, the subject seems to have had total incoming financial flow of 246,069 MDL in 2013.

*Outgoing financial flows 2013*

181. As per the reasoning at § 155, 5,000 MDL was attributed to the subject's outgoing financial flow for 2013 as vacation expenses. This is a single expense, and it alone exceeds the relevant CEP category for hotels, restaurants, coffee shops etc. which amounted to 1,973 MDL total in 2013. Accordingly, this expense was attributed to the outgoing financial flow without consideration of the CEP category expense.

182. Based on the reasoning laid out at §§ 156, 157, and consistent with its practice in similar cases, the Commission did not consider the method of applying the expenses that exceed the CEP category for vacations.

183. According to §§ 159, 160 in 2103, the subject incurred 2,500 MDL on annual maintenance and 9,600 MDL as fuel expenses for the Opel Vectra, m/y 2000.

184. Furthermore, using data provided by the SFS and insurance providers, the Commission corroborated that the subject incurred additional expenses of 2,186 MDL for road taxes, mandatory domestic liability insurance and external liability insurance policies. However, as this sum is relatively minor, the Commission here makes mere note of it to further substantiate its attribution of vehicle maintenance expenses as declared by the subject for this year.

185. The separate category for transportation out of the full CEP in 2013 amounted to 5,241 MDL. Accordingly, due to the identification of transportation expenses, as described above, only the amount that exceeds the CEP category was attributed to the outgoing financial flow. This resulted

in 6,859 MDL (2,500 + 9,600 – 5,241) attributed to the subject's outgoing financial flow for 2013.

186. According to the Commission's calculations based on the NBS methodology, the CEP for 2013 in a household of two adults and two children constituted 86,563 MDL (1,803.4 x 12 months x 4 persons).

187. In the third round of questions and in the hearing, the subject argued for the attribution of a diminished CEP. However, in accordance with the reasoning supra, at §§ 84-103, the Commission dismissed the subject's arguments as unfounded.

188. In the first round of questions, the subject declared cash savings of 150,000 MDL at the end of 2013. The bank savings identified by the Commission at the end of 2013 were 8,907 MDL. Significant bank savings were also identified on the subject's wife's bank account but as per the reasoning relayed at § 145, these were not attributed to the outgoing financial flow.

189. According to the bank statement for the subject's wife bank account, she deposited 75,616 MDL in three separate transactions described as *"depun. num."* throughout 2013:

| Date | Transaction type | Amount |
|---|---|---|
| 15 January 2013 | deposit | 44,246 MDL |
| 5 February 2013 | deposit | 13,000 MDL |
| 4 September 2013 | deposit | 18,370 MDL |

190. Nevertheless, 29,824 MDL were identified in what seem to be interest paid on funds deposited, described as *"la card"*. Per the reasoning at §§ 168-170, 45,794 MDL was attributed to the subject's outgoing financial flow for 2013.

191. The Commission has also identified that the subject's wife paid 4,702 MDL for the life insurance premium with Grawe Carat for 2013 (total contribution of 39,597 MDL with the withdrawal of 53,403 MDL on 13 October 2017). This sum is also attributable to the subject's outgoing financial flow.

192. Thus, in 2013, the outgoing financial flow of the subject's household was 307,825 MDL. It follows that the subject's household's outgoing financial flow exceeded incoming financial flow by 61,756 MDL.

*Incoming and outgoing financial flows for 2013*

| **Income MDL** | | **Expenses MDL** | |
|---|---|---|---|
| Ceadîr-Lunga District Court | 67,462 | Vacation expenses | 5,000 |

| | | | |
|---|---|---|---|
| IMSP Regional Hospital Ceadîr-Lunga | 30,527 | CEP | 86,563 |
| LLC (retail sale of pharmaceutical products) | 7,233 | Transportation expenses exceeding the CEP | 6,859 |
| Interest earned | 367 | Deposits on bank account | 45,794 |
| Social security payments | 1,940 | Grawe Carat insurance | 4,702 |
| Bank savings at beginning of year | 8,540 | Bank savings at end of year | 8,907 |
| Cash saving at beginning of year | 130,000 | Cash savings at end of year | 150,000 |
| **Total** | **246,069** | **Total** | **307,825** |
| **Difference:** | **- 61,756** | | |

**Inexplicable wealth for 2020**

*Incoming financial flows 2020*

193. According to the information from SFS, in 2020, the subject received a net income of 247,962 MDL from the Cahul Court of Appeal and 7,263 MDL as temporary work incapacity payments. The subject's wife received 187,253 MDL from IMSP Regional Hospital Ceadîr-Lunga, 14,411 MDL in salary income from an LLC engaged in the retail sale of pharmaceutical products and 5,048 MDL as social security payments.

194. In his 2019 annual declaration submitted to NIA the subject declared cash savings of 100,000 MDL and 15,000 EUR (approximately 295,000 MDL). In the first round of questions, the subject confirmed having this sum at the end of the year. The available subject's bank savings identified by the Commission were 390,912 MDL at the end of 2019. The sum of 24,690 MDL was also available on the subject's wife's bank account.

195. The Commission further confirmed the subject's receipt of 17,745 MDL and his wife's receipt of 427 MDL in interest payments throughout 2020 to their bank accounts.

196. From the foregoing, the subject seems to have had total incoming financial flow of 1,290,711 MDL in 2020.

*Outgoing financial flows 2020*

197. In the first round of questions, the subject declared having incurred 21,000 MDL in expenses for a vacation to Turkey in 2020. This is a single expense, and it alone exceeds the relevant CEP category for hotels, restaurants, coffee

shops etc. which amounted to 5,242 MDL total in 2020. Accordingly, this expense was attributed to the outgoing financial flow without consideration of the CEP category expense.

198. Based on the reasoning laid out at §§ 156, 157, and consistent with its practice in similar cases, the Commission did not consider the method of applying the expenses that exceed the CEP category for vacations.

199. In the second round of questions, the subject estimated that his household incurred monthly fuel expenses for vehicle model Toyota Auris, m/y 2011, of between 800 MDL in 2017 and 1000 MDL in 2023. This would result in yearly fuel expenses of at least 9,600 MDL. However, the Commission has determined it to be more likely that the fuel expenses incurred for this vehicle was closer to 8,000 MDL in 2020. The Commission arrived at this conclusion by contrasting information received from the ANTA which provided yearly odometer data for this vehicle, and the average monthly prices for fuel according to the National Agency for Energy Regulation (hereinafter "ANRE"). In addition, in accordance with § 159, the subject incurred 1,300 MDL/month as fuel expenses for Opel Vectra, m/y 2020, totaling 15,600 MDL in 2020. Therefore, 23,600 MDL (8,000 MDL + 15,600 MDL) was attributed to the subject's outgoing financial flow for 2020 as fuel expenses.

200. According to § 159, in 2020 the subject incurred 2,500 MDL on annual maintenance for the Opel Vectra, m/y 2000. In the first round of questions, the subject estimated having incurred 1,500-2,000 MDL in 2017-2023 on expenses related to the maintenance of the subject's wife's vehicle Toyota Auris, m/y 2011. Reflecting a conservative estimate, 1,500 MDL was attributed to the subject's outgoing financial flow for the subject wife's vehicle.

201. Furthermore, using data provided by the SFS, insurance providers and data from ANTA, the Commission corroborated that the subject incurred additional expenses of 5,410 MDL for road taxes, mandatory domestic liability insurance and external liability insurance policies. As this is a significant expense it was attributed to the aggregate transportation expenses incurred by the subject's household in 2020.

202. The separate category for transportation out of the full CEP in 2020 amounted to 12,614 MDL. Based on the identification of the above-described transportation expenses, only the amount that exceeds the CEP category was attributed to the subject's outgoing financial flow. This resulted in 20,396

MDL (1,500 + 2,500 + 23,600 + 5,410 – 12,614) attributed to the subject's outgoing financial flow for 2020.

203. The Commission identified 80 separate payments in 2020 alone carried out by the subject and his wife to several telecommunications service operators. These payments amounted to 13,353 MDL. The CEP category for telecommunications amounted to 5,717 MDL in 2020. Accordingly, the Commission attributed 7,636 MDL in telecommunication expenses that exceed the relevant CEP category.

204. In the first round of questions, the subject declared having incurred 422 EUR for the subject's son's tuition and 3,500 MDL for meals at a private educational institution. He also declared incurring the same expenses for his daughter's attendance at the same institution. Accordingly, 23,500 MDL (844 EUR + 7,000 MDL) were attributed to the subject's outgoing financial flow.

205. Consistent with its practice in similar cases (*Tețcu,* evaluation report of 14 May 2024, § 118) the Commission considered it justified to include the full amount of the private institution education expenses and not only the amount exceeding the CEP category for education.

206. This approach reflects the distinction between the costs incurred in public and private institutions. In the case of public institutions, the expenses are generally covered by the public budget (meals, books), they are predictable and therefore broadly and more accurately reflected by CEP. In contrast, in the case of private institutions there are generally above-average costs borne entirely by families that can vary depending on the institution. Also, the private institution generally implies more expenses related to additional services, such as after-school activities (swimming, music lessons etc.)

207. Therefore, the CEP cannot accurately estimate the expenses for private educational institutions. The CEP is intended to reflect average expenditures across the population. For instance, the CEP category for education in 2020 constituted 2,030 MDL for the subject's family. Applying the CEP in this case would reduce the subject's actual expenses and will present a misleading financial balance. At the same time, this approach ensures consistency across evaluations and equal treatment of subjects.

208. In the third round of questions and in his written explanations presented after the hearing the subject argued for the exclusion of the expenses for meals included above because of potential inclusion within the CEP. The subject argued that "meals are a regular necessity of any person and we, as parents had the obligation to provide it." Moreover, the subject noted that in

other years he did not pay for meal services at their children's school, but their children nevertheless had lunch at the school canteen or were given home-packed meals. Finally, the subject argued that 3,500 MDL amounts to approx. 22 MDL for 160 school days, implicitly stating that this is a low amount, which would be included in the CEP.

209. The Commission underlines that these expenses were incurred for meal services at a private institution, not a public one. The CEP, as a reflection of average household expenses, is not reflective of expenses incurred at private educational institutions and therefore the expenses in question cannot be considered to be subsumed within the CEP.

210. According to the Commission's calculations based on the NBS methodology, the CEP for 2020 in a household of two adults and two children constituted 148,325 MDL (3,090.1 x 12 months x 4 persons).

211. In the third round of questions and in the hearing, the subject argued for the attribution of a diminished CEP. However, in accordance with the reasoning supra, at §§ 84-103, the Commission dismissed the subject's arguments as unfounded.

212. Additionally, the Commission identified 98,167 MDL in retail expenditures on the subject's and his wife's bank accounts.[13] Nevertheless, as detailed at §§ 75-83, due to the use of significant amounts of cash by the subject's household for expenses and investments in 2020, there is a strong possibility that the subject's household used bank accounts for some of the daily expenses as reflected by the CEP instead of cash. Accordingly, there is a strong possibility that these expenses would be subsumed within the CEP. Therefore, they were excluded from the subject's outgoing financial flow.

213. In his 2020 annual declaration submitted to NIA the subject declared cash savings of 90,000 MDL and 15,000 EUR (approximately 295,000 MDL). In the first round of questions, he confirmed to have had this sum available in cash at the end of the year. The Commission also identified 822,242 MDL available at the end of 2020 as bank savings. Of this amount, 666,040 MDL was in the subject's bank accounts and 156,202 MDL was in his wife's bank accounts.

[13] Evaluation Materials, documents no. 102 and 115.

214. Thus, in 2020, the outgoing financial flow of the subject's household was 1,428,099 MDL. It follows that the subject's household's outgoing financial flow exceeded incoming financial flow by 137,388 MDL.

*Incoming and outgoing financial flows for 2020*

| **Income MDL** | | **Expenses MDL** | |
|---|---|---|---|
| Cahul Court of Appeal | 247,962 | Vacation expenses | 21,000 |
| IMSP Regional Hospital Ceadîr-Lunga | 187,253 | CEP | 148,325 |
| LLC (retail sale of pharmaceutical products) | 14,411 | Transportation expenses exceeding the CEP | 20,396 |
| Interest earned (subject and his wife) | 18,172 | Telecommunication expenses exceeding the CEP | 7,636 |
| Temporary work incapacity payments | 7,263 | Education expenses | 23,500 |
| Wife's social security payments | 5,048 | Bank savings at end of year | 822,242 |
| Bank savings at beginning of year | 415,602 | Cash savings at end of year | 385,000 |
| Cash saving at beginning of year | 395,000 | | |
| **Total** | **1,290,711** | **Total** | **1,428,099** |
| **Difference:** | **- 137,388** | | |

**Inexplicable wealth for 2023**

*Incoming financial flows 2023*

215. According to the information from SFS, in 2023, the subject received a net income of 296,244 MDL from the Cahul Court of Appeal and 4,950 MDL as temporary work incapacity payments. The subject's wife received 414,031 MDL from IMSP Regional Hospital Ceadîr-Lunga, 3,672 MDL in salary income from an LLC engaged in the retail sale of pharmaceutical products and 5,126 MDL from a private medical institution.

216. In his 2022 annual declaration submitted to NIA the subject declared cash savings of 90,000 MDL. In the first round of questions, the subject confirmed to have had this sum at the end of the year. The Commission identified 907,920 MDL available at the beginning of 2023 as bank savings. Of this

amount, 608.191 MDL was in the subject's bank accounts and 299.729 MDL was in his wife's bank accounts.

| No. | Amount MDL | Bank, account no. |
|---|---|---|
| **Subject** | | |
| 1. | 3,000 | MAIB account no. *186 |
| 2. | 25,379 | MAIB account no. *945 |
| 3. | 2,306 | MAIB account no. *666 |
| 4. | 3,543 | MAIB account no. *752 |
| 5. | 570,000 | MAIB account no. *787 |
| 6. | 3,963 | Fincombank account no. *498 |
| **Subject's wife** | | |
| 7. | 2,000 | MICB account no. *649 |
| 8. | 57,995 | MICB account no. *321 |
| 9. | 13,848 | MAIB account no. *213 |
| 10. | 225,886 | MAIB account no. *067 |
| **Total** | **907,920** | |

217. The Commission further confirmed the subject's receipt of 76,545 MDL and his wife's receipt of 21,560 MDL in interest payments throughout 2023 to their bank accounts.

218. From the foregoing, the subject seems to have had total incoming financial flow of 1,820,048 MDL in 2023.

*Outgoing financial flows 2023*

219. In the first round of questions, the subject declared expenses of 15,296 MDL for a vacation to Bulgaria, 23,000 MDL for a vacation to Germany (in April) and 6,000 MDL for a personal a trip to Romania in 2023. In the second round of questions, the subject noted that expenses for vacations to Potsdam Germany were incurred at the beginning of the trip and the subject also estimated having incurred 15,000 MDL for the vacation to Potsdam over the period 26 December 2023 - 7 January 2024.

220. In the third round of questions, the subject contested the attribution of 15,000 MDL in expenses for the trip to Potsdam as being paid for by his wife's siblings. However, in accordance with the reasoning at §§ 122-134, the Commission finds the subject's line of reasoning to be unfounded. Regarding the trip to Romania, he substantiated his claim that this was a professional visit. In addition, the Commission identified that the payment for the vacation to Bulgaria occurred in 2022. Accordingly, this expense was not attributed to the outgoing financial flow.

221. Therefore, 38,000 MDL in total vacation expenses was attributed to the subject's outgoing financial flow for 2023. These are two expenses that far exceed the relevant CEP category for restaurants and hotels which amounted to 8,338 MDL in 2023. Accordingly, this expense was attributed to the outgoing financial flow without consideration of the CEP category expense.

222. Based on the reasoning laid out at §§ 156, 157, and consistent with its practice in similar cases, the Commission did not consider the method of applying the expenses that exceed the CEP category for vacations.

223. The Commission identified 50 separate payments in 2023 alone carried out by the subject and his wife to several telecommunications service operators. These payments amounted to 12,440 MDL. The CEP category for telecommunications amounted to 6,494 MDL in 2023. Accordingly, the Commission attributed 5,946 MDL in telecommunication expenses that exceed the relevant CEP category.

224. In the second round of questions, the subject clarified that he mistakenly indicated university expenses for his son as being incurred in 2022 because he was first enrolled at university in September 2023. The Commission attributed these expenses as actually incurred in 2023.

225. According to the subject's answers he incurred the following children's education-related expenses:

- 14,000 MDL (515 EUR +3,828 MDL) for the subject's daughter's tuition and expenses for meals at a private educational institution. In the third round of questions, the subject argued for the exclusion of the meal expenses for his daughter. In accordance with the reasoning from §§ 204-209, such an expense cannot be subsumed within the CEP.

- 33,000 MDL for the subject's son's tuition at the university. In the second round of questions the subject mentioned that his brother provided 10,000 MDL to his son's tuition. The Commission could not corroborate that the subject's brother entered Moldova in 2023. According to the Border Police, the subject's brother entered the Republic of Moldova in September 2022 and February 2024. In the third round of questions the subject argued that these funds were provided by his brother to his parents in 2022 for the explicit purpose that these be provided to the subject's son when he begins university. The subject's parents are alleged to have held on to this amount until the succeeding year, when they provided these funds to the subject's son. However, the subject was asked to explain in the first round of questions, whether his household received any donations throughout the evaluation period. He did not indicate this donation. Pursuant to Article 4 of Law No. 133/2016 on the declaration of assets and personal interests, the subject was obliged to declare the income (including the monetary donations) obtained by him together with his family members in the previous fiscal year. The failure to do so fortified the Commission's doubts. More so, the convoluted nature through which the subject alleges that these funds were provided to him/his son for payment of tuition raises further doubts as to the credibility of this account. No additional plausible explanations in this regard or any confirmatory documents were presented in the hearing. Accordingly, this contribution was excluded from the Commission's calculation.

- 10,000 MDL for the subject's son's university dormitory. In the third round of questions, the subject argued for the exclusion of this expense because it would be subsumed within the CEP. In this regard, the Commission has revised its initial approach and has excluded the subject's son from the calculation of the CEP in 2023 due to the sufficiency and multitude of information as to expenses incurred by the subject for his son's studies. The subject also explained that the payment for the dormitory in question was carried out in instalments and only 2,760 MDL were paid in 2023. He provided confirmatory documents thereof and therefore only this amount was attributed to the outgoing financial flow for 2023.

- In the first round of questions, the subject noted having provided his son with 300-400 MDL/week in discretionary allowance (at least 16,200 MDL yearly). According to the subject, the allowance was transferred mostly in cash. At the same time, the Commission identified 14,259 MDL credited to the subject's son's bank account. However, this amount was considered to be subsumed within the 16,200 MDL/year granted by the subject to his son as discretionary allowances because these were largely cash deposits or transfers representing a low amount.

The Commission attributed the full amount of the identified education expenses rather than only the amount exceeding the CEP category for education. It follows that 65,960 MDL were attributed in additional expenses related to the subject's children's education.

226. In the first round of questions, the subject stated that his vehicle model Skoda Kodiaq, m/y 2021, underwent maintenance works worth 6,700 MDL in 2023. In the second round of questions, the subject confirmed having paid for these

expenses himself. In accordance with § 200, a further 1,500 MDL were attributed in maintenance expenses related to vehicle model Toyota Auris, m/y 2011.

227. Furthermore, using data provided by the SFS, insurance providers and data from ANTA, the Commission corroborated that the subject incurred additional expenses of 6,810 MDL for road taxes, mandatory domestic liability insurance and external liability insurance policies. As this is a significant expense it was attributed to the aggregate transportation expenses incurred by the subject's household in 2023.

228. Per the reasoning at § 199, the Commission attributed 12,000 MDL in fuel expenses related to vehicle model Toyota Auris, m/y 2011. The Commission confirmed the accuracy of this estimate (12,953 MDL in costs identified pursuant to the distance travelled by this vehicle in 2023 and monthly fuel prices in the same year). Moreover, in the second round of questions, the subject estimated having incurred fuel expenses associated with vehicle model Skoda Kodiaq, m/y 2021, of 2,300 MDL/month (27,600 MDL yearly). Per the method described at § 199, using data from ANTA related to vehicle model Skoda Kodiaq, m/y 2021, the Commission confirmed the accuracy of this estimate (28,157 MDL in costs identified pursuant to the distance travelled by this vehicle in 2023 and monthly fuel prices in the same year). Therefore, 39,600 MDL were attributed to the subject's outgoing financial flow for 2023 as fuel expenses.

229. The Commission has also corroborated that the subject incurred 23,992 MDL for CASCO insurance payments for Skoda Kodiaq, m/y 2021.

230. The separate category for transportation out of the full CEP in 2023 amounted to 21,317 MDL. Based on the identification of the above-described transportation expenses, only the amount that exceeds the CEP category was attributed to the subject's outgoing financial flow. This resulted in 57,285 MDL (6,700 + 1,500 + 39,600 + 23,992 + 6,810 - 21,317) attributed to the subject's outgoing financial flow for 2023.

231. The Commission has revised its initial approach and has excluded the subject's son from the calculation of the CEP in 2023 based on the information as to expenses incurred by the subject for his son's studies.

232. According to the Commission's calculations based on the NBS methodology, the CEP for 2023 in a household of two adults and one child constituted 194,497 MDL (5,403.7 x 12 months x 3 persons).

233. In the third round of questions and in the hearing, the subject argued for the attribution of a diminished CEP. However, in accordance with the reasoning supra, at §§ 84-103, the Commission dismissed the subject's arguments as unfounded.

234. Additionally, the Commission identified 114,663 MDL in retail expenditures on the subject's and his wife's bank accounts.[14] Nevertheless, due to the use of significant amounts of cash by the subject's household for expenses and investments in 2023, there is a strong possibility that the subject's household used bank accounts for some of the daily expenses as reflected by the CEP instead of cash. Accordingly, there is a strong possibility that these expenses would be subsumed within the CEP. The Commission therefore excluded these expenses from the subject's outgoing financial flow.

235. In his 2023 annual declaration submitted to NIA the subject declared cash savings of 10,000 MDL. In the first round of questions, he confirmed to have had this sum available in cash at the end of the year. The Commission also identified 1,533,106 MDL available at the end of 2023 as bank savings. Of this amount, 1.176.951 MDL was in the subject's bank accounts and 356.155 MDL was in his wife's bank accounts.

236. Thus, in 2023, the outgoing financial flow of the subject's household was 1,904,794 MDL. It follows that, the subject's household's outgoing financial flow exceeded incoming financial flow by 84,746 MDL.

*Incoming and outgoing financial flows for 2023*

| **Income MDL** | | **Expenses MDL** | |
|---|---|---|---|
| Cahul Court of Appeal | 296,244 | Vacation expenses | 38,000 |
| IMSP Regional Hospital Ceadîr-Lunga | 414,031 | CEP | 194,497 |
| LLC (retail sale of pharmaceutical products) | 3,672 | Transportation expenses exceeding the CEP | 57,285 |
| Interest earned (subject and his wife) | 98,105 | Telecommunication expenses exceeding the CEP | 5.946 |
| Temporary work incapacity payments | 4,950 | Education expenses | 65,960 |
| Private medical institution | 5,126 | Bank savings at end of year | 1,533,106 |

[14] Evaluation Materials, documents no. 102 and 115.

| | | | |
|---|---|---|---|
| Bank savings at beginning of year | 907,920 | Cash savings at end of year | 10,000 |
| Cash saving at beginning of year | 90,000 | | |
| **Total** | **1,820,048** | **Total** | **1,904,794** |
| **Difference:** | **- 84,746** | | |

237. Thus, the subject's household incurred the following inexplicable wealth in the period 2012 – 2023:

| Year | Amount in inexplicable wealth, MDL |
|---|---|
| 2012 | -28,427 |
| 2013 | -61,756 |
| 2020 | -137,388 |
| 2023 | -84,746 |
| **Total** | **-312,317** |

238. The Commission has identified that the subject's household accumulated a negative financial balance of -312,317 MDL which is above the threshold of 20 average salaries (234,000 MDL) required by Article 11, para. (3), lit. a) of Law No. 252/2023 to establish a subject's lack of financial integrity.

239. If the Commission calculated vacation expenses by only including amounts that exceed CEP, the negative balance incurred would be 294,474 MDL which remains above the threshold.

240. Alternatively, if the Commission rejected the cash savings of 130,000 MDL declared by the subject at the end of 2011, the negative balance incurred would have increased in later years where the cash savings were used to cover expenses. By this calculated, the accumulated negative balance would have amounted, in theory, to 442,317 MDL.

241. The Commission also notes that for the years 2020 and 2023 it did not reflect any rent-related expenses, although it remains unclear why the rent for a livable property for at least two years would not entail more than the mere payment of utilities. Any potential rent expenses would have increased the inexplicable wealth.

242. As noted above, the Commission explained why the approach of attributing in full the vacation expenses incurred by the subject's household and the private schooling expenses of the subject' household and accepting the cash savings is the most appropriate method of calculating the subject's inexplicable wealth. The Commission therefore concludes that the subject's inexplicable wealth is most likely -312,317 MDL.

## VI. Conclusion

243. Based on the information it obtained and the subject's explanations, the Commission proposes that the subject does not promote the external evaluation on the grounds of non-compliance with the criteria set in Article 11 para. (3) lit. a) of Law No. 252/2023.

## VII. Further action and publication

244. 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.

245. 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.

246. 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.

247. This evaluation report was approved by a unanimous vote of the Panel members on 9 September 2025 and signed pursuant to Articles 33 para. (2) and 40 para. (5) of the Rules.

248. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B