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# EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

**OLGA COJOCARU**

judge of the Central Court of Appeal

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

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**15 April 2025**

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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 17 February 2025 and approved the following report on 15 April 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Andrei BIVOL
3. Willem BROUWER
4. Lilian ENCIU
5. Iurie GAȚCAN
6. Lavly PERLING

Because there was no unanimous vote among the panel members assigned to evaluate the subject, the evaluation report was examined by the full Commission in accordance with Article 17 para. (3) of Law No. 252/2023.

Based on its work in collecting and reviewing the information, and the explanations provided in the public hearing and its subsequent deliberations, the Commission prepared the following evaluation report.

## **I. Introduction**

1. This report concerns Mrs. Olga Cojocaru (hereinafter the “subject”), a Central Court of Appeal judge.
2. The Commission conducted its evaluation pursuant to Law No. 252/2023 and the Commission’s Rules of Organization and Functioning (hereinafter “Rules”).
3. The Commission concluded that the subject meets the criteria identified in Law No. 252/2023.

## **II. Subject of the Evaluation**

4. The subject has been a Central Court of Appeal judge since 2018. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. Between 2008 and 2018, the subject was a judge at the Chișinău (Buiucani) District Court. During 2003-2008 she served as referee for the Supreme Court of Justice. Previously, the subject was a clerk at the Chișinău Court of Appeal.

6. The subject received a bachelor's degree in law in 2001 from the Free International University of Moldova (ULIM).

### III. Evaluation Criteria

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

8. Under Article 11 para. (2), a subject:

"[...] does not meet ethical integrity requirements if the Evaluation Commission has determined that:

a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;

b) in the last 10 years, has admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

9. Under Article 11 para. (3), a subject:

"[...] does not meet the criterion for financial integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) the difference between assets, expenses and income for the last 12 years exceeds 20 average salaries per economy, in the amount set by the Government for the year 2023;

b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

10. The average salary per economy for 2023 was 11,700 MDL. Thus, the threshold of 20 average salaries is 234,000 MDL and the threshold of five average salaries is 58,500 MDL.

11. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.

12. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration

of wealth and personal interests, as well as of persons referred to in Article 33 paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.

13. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime that were in effect when the relevant acts occurred.
14. According to Article 11 para. (2) of Law No. 252/2023 a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
15. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted concerning its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording "serious doubts" with the text "confirming evidence", the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).
16. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

#### **IV. Evaluation Procedure**

17. On 5 April 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 Chişinău Court of Appeal.

18. On 11 April 2024, the Commission notified the subject and requested that she complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 20 days from the date of notification (hereinafter, both declarations referred together as the “five-year declaration”). The subject returned the completed five-year declaration and questionnaire on 3 April 2024.
19. On 13 August 2024, the Commission notified the subject that her evaluation file has been randomly assigned to Panel A with members Andrei Bivol, Lilian Enciu and Lavly Perling. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
20. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten and 12 years. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2012-2023 and 2014-2023. The evaluation period for the ethical criterion includes the past five or ten years calculated backward from the date of the notification.
21. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests, and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management.
22. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources asked to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office, the Prosecutor's Office for Combating Organized Crime and Special Cases, the Ministry of Internal Affairs, the National Anticorruption Center, the National Integrity Authority (hereinafter “NIA”), the State Fiscal Service (hereinafter “SFS”), the National Office of Social Insurance (in Romanian: *Casa Națională de Asigurări Sociale*, hence hereinafter – “CNAS”), the General Inspectorate of Border Police, banks (Comerțbank JSC, Energbank JSC, EuroCreditBank JSC, Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca de Economii JSC), Office for Prevention and Fight Against Money Laundering (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. Several petitions were received from members of the civil society. These were included in the evaluation file. All information received was carefully screened for accuracy and relevance.

23. On 29 October 2024, the Commission asked the subject to provide additional information by 10 November 2024 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents within the deadline.
24. On 2 December 2024, the Commission asked the subject to provide additional information by 12 December 2024 to clarify certain matters (hereinafter the “second round of questions”). The subject provided answers and documents within the deadline.
25. On 23 December 2024, the Commission asked the subject to provide additional information by 2 January 2025 to clarify certain matters (hereinafter the “third round of questions”). The subject provide answers and documents within the deadline.
26. On 24 January 2025 the Commission notified the subject that it had identified some areas of doubt about her compliance with the financial and ethical integrity criteria and invited her to attend a public hearing on 4 February 2025. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.
27. As provided in Article 39 point (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 30 January 2025.
28. On 27 January 2025 the subject requested to be heard in partially closed session. The Commission granted the request and decided to discuss in closed session two issues related to the notified doubts, i.e., the failure to include in the declaration of wealth and personal interests the assets owned by her former husband, and the circumstances related to the 2012 purchase of an apartment on Albișoara Street, Chișinău.
29. On 4 February 2025, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and the ethics questionnaire. She also stated that she did not have any corrections or additions to the answers previously provided to the Commission’s requests for information.

30. In the deliberation after the hearing, Panel A could not reach unanimity. Therefore, under Article 40 point (3) of the Rules, Panel A referred the evaluation of the subject to the Commission. The subject was informed about this and invited to another public hearing before the Commission on 17 February 2025. The subject attended the hearing. She requested that her son be heard as well. The Commission first heard the subject's son in closed session.
31. On 17 February 2025, the subject submitted additional documents. The Commission included them in the evaluation file and discusses their relevance in the Analysis section.

## V. Analysis

32. This section discusses the relevant facts and reasons for the Commission's conclusion.
33. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications from the subject on the matters which, upon initial review, raised doubts as to compliance with the criteria established by law:
  - a. a potential difference between assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2012, 2013, 2015, 2016, 2019, and 2021-2023;
  - b. compliance with the legal regime of declaring wealth and personal interest;
  - c. potential ethical breaches related to the subject's judicial decisions;
  - d. involvement in cases examined by the European Court of Human Rights (hereinafter "ECtHR").

### A. Potential inexplicable wealth (2012, 2013, 2015, 2016, 2019, 2021-2023)

34. In analyzing the subject's household income and expenses, the Commission identified potential differences between the incoming and outgoing financial flows (negative balance) in 2012, 2013, 2015, 2016, 2019, 2021-2023, totaling - 900,596 MDL.
35. In ascertaining the inexplicable wealth, the Commission also analyzed the potentially deflated price for the acquisition of a vehicle, namely a Peugeot 208, m/y 2013. After discussing the inexplicable wealth for the years identified above, this report describes below the relevant circumstances concerning the acquisition.



*Inexplicable wealth in 2012, 2013, 2015, 2016, 2019*

36. Following the subject's explanations at the hearing and the additional documents she submitted, the Commission revised its calculation regarding the inexplicable wealth. Thus, the negative balances in the years 2012 (-371,793 MDL), 2013 (-1,796 MDL), 2015 (-19,366 MDL), and 2016 (-2,204 MDL) turned into positive balances. For 2019, the negative balance was adjusted to -8,214 MDL, as will be described below.
37. For 2012, the Commission accepted as incoming financial flow the financial support of 20,000 EUR (around 310,000 MDL) received from the subject's parents. To prove the parents' financial capacity to offer this sum, the subject presented a certificate issued on 30 January 2025 by the Supreme Court of Justice indicating the subject's father's salary between 2000 and 2009. The Commission established that, given the additional evidence submitted by the subject, her parents had sufficient income in 2012. Other evidence considered by the Commission concerned the parents' salary (from the reports provided by the SFS), the pension of the subject's father, and his allowance upon retiring from his judicial position.
38. In addition, the Commission recalculated the incoming financial flow by accepting the actual price for the sale of the subject's previous apartment on Albișoara Street, which was identified in the contract to have been sold in 2012 for 337,691 MDL. The subject explained in the third round of questions and at the hearing that the actual price was 43,000 EUR (around 660,000 MDL). To this end, she submitted a declaration signed by the buyer L.M. on 30 December 2024.
39. Regarding the actual income from the sale, the subject informed the Commission that on 30 December 2024, she paid SFS the income tax on capital gains of 30,860 MDL. She presented a payment confirmation. Given that this fiscal irregularity is outside the 10 years under Article 11 para. (3) lit. b) of Law No. 252/2023, the Commission did not further consider it.
40. For 2015, the Commission also adjusted the subject's incoming financial flow by including 30,000 MDL as monetary gifts. The subject informed the Commission about receiving these monetary gifts on her and her son's birthdays. The subjects' answers on these points are credible and consistent from the first round of questions. The lack of documentary evidence does not exclude the existence of donations between close relatives, as was explained by the Supreme Court of Justice's decision on *Alexandru Rotari* of 19 August 2024, § 62.

41. For 2016, the Commission calculated cash and card spending as consumption expenses. Some of the cash was used to repay loans, resulting in a duplication in expenses that was excluded.
42. For 2019, the Commission adjusted the child support payments by the subject's former husband from 10,000 MDL to 12,000 MDL as per the judgment of the Chişinău Court of 12 May 2016. The adjusted negative balance, therefore, is - 8,214 MDL.

*Inexplicable wealth in 2021, 2022 and 2023*

43. In 2021, 2020, and 2023, the Commission initially established a negative balance between income (incoming cash flows) and expenses (outgoing cash flows) as follows: - 226,443 MDL, - 190,909 MDL, and - 77,871 MDL.
44. The Commission notes at the outset that the initially calculated negative balances for these three years related exclusively to the possession, usage, and purchase by the subject's son of three vehicles.
45. 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 the persons indicated in Article 33 paras (4) and (5) of Law No. 132/2016 regarding the National Integrity Authority. Under Article 33 para. (5) of Law No. 132/2016, if it appears that the assets of the subject have been registered in the name of other persons, the control will also extend to these assets and persons.
46. The Commission notes that the Constitutional Court, referring to the European Court of Human Rights's case law, has recognized that it may be legitimate to consider the income and declarations of the official's spouse, partner or other member of the immediate family in assessing the official's compliance with anti-corruption laws (see, Constitutional Court Judgement No. 2 of 16 January 2025, § 209).
47. The information available to the Commission indicates that, during the last years of the evaluation period (i.e., 2021, 2022, 2023), the subject did not declare to NIA any of the vehicles possessed or owned by her son (except for 2020). This corresponds to the fact that after 2020, in her NIA declarations, the subject did not indicate her son as a dependent.
48. After analyzing the subject's son's financial capacity, the Commission found that he had a modest official income that could only partially justify the expenses for using and purchasing these vehicles. In 2021 and 2022, , the

subject's son earned, respectively, 63,251 MDL and 14,063 MDL as a trainee at a bailiff's office. Therefore, the Commission analyzed whether the subject was the beneficiary of these vehicles and whether these expenses were attributable to the subject. The circumstances regarding the usage and purchase of three vehicles are described below.

*Skoda Superb, m/y 2018*

49. Between 2020 and 2022, the subject's son had possession and usage rights over this vehicle based on a leasing contract with LLC, which provides financing services for vehicle leasing. The value of the leasing contract as of 29 July 2020 was 15,654 EUR, and the total contract value plus interest was 18,141 EUR.
50. In the second round of questions and at the hearing, the subject denied using this car and reiterated that her son had used the vehicle and paid for the leasing installments.
51. The Commission did not find any inexplicable wealth for 2020. The negative balance between the subject's financial flows occurred only in 2021, as described above. In this year, the leasing payments were 174,575 MDL. The sources of payment presented by the subject were:
  - a. 16,669 MDL, which is the difference between the subject's son's official income and the retail expenses identified on his bank accounts this year ( $63,251 - 46,582 = 16,669$ );
  - b. 4,000 EUR (around 83,000 MDL) donated in 2021 by the subject's mother, which resulted from a sale of the Renault Megane, m/y 2011 owned by the subject's mother, who promised this car to her grandchild;
  - c. 50,000 MDL donation in the same year from the subject's former husband to their son and the subject's mother-in-law;
  - d. unofficial work of her son as a waiter, bodyguard, and mobile phone repairman;
  - e. financial support (*ajutor*) from the subject's cohabitant. The exact amount of this support remains unclear. In the second round of questions, the subject stated that her cohabitant contributed 25,000 MDL toward the leasing installments; during the hearing before the panel, when asked to specify the amount of this support, she stated, "What remains uncovered" [by the sources listed at items b and c].

52. After the hearing, the Commission accepted the additional sources from items a, b, and c. This reduced the negative balance for 2021 to - 149,345 MDL. The sources were accepted because the subject presented two written declarations signed by her mother and former husband. The first confirmed the donation of 4,000 EUR. According to the subject's mother, she purchased the Renault Megane in 2018 as a gift for her grandson's 18th birthday, which is why the proceeds from the sale belonged to him. The second declaration confirmed the donation of 50,000 MDL. The Commission noted that these two donations were not declared to NIA because her son was not a dependent in 2021. The Commission has further identified evidence that throughout the previous years, the subject received gifts for her children from the grandmothers.<sup>1</sup>
53. On 7 March 2022, the subject's son assigned the rights and obligations under the leasing contract to A.S. According to the assignment contract (*contract de cesiune*), the subject's son paid for leasing 9,377 EUR and 2,174 EUR in interest, the balance owed of 6,277 EUR was assigned to A.S. As per the payment schedule provided by the leasing company, the son paid 19 of the 30 installments (all equal).
54. The assignment contract was signed two days before the subject's son left the country. According to the subject's statement, he departed for work in France on 9 March 2022. Information from the Border Police confirmed his departure.
55. In the hearing before the panel, the subject stated that "her son wasn't afraid of work". He worked both officially and unofficially. She stated that the bailiff where he worked also gave him unofficial bonuses for night work. She explained that her son had promised her he would pay the lease.,
56. In the hearing before the full Commission, the subject acknowledged she helped her son with the CASCO insurance payment. About leasing payments, she stated that her son also earned money working unofficially as a waiter, bodyguard, and mobile phone repairman. The subject confirmed that between 2020 and 2023, her son lived with her. Although she continued to support him with food and laundry, he was supporting himself. She stated that the Skoda and the other two vehicles were used, purchased, and sold by her son.

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<sup>1</sup> In 2020 NIA declaration: gifts for grandchildren from the subject's mother (15,000 MDL); gifts for grandchildren from her mother-in-law (25,000 MDL), gifts for children from the subject's former husband and child support payments (45,000).

57. During the hearing of the subject's son, when asked about his occupation in 2020-2023, he stated that he had started working at the age of 16 as a waiter and mobile phone repairman. In addition, the subject's son mentioned his work at the bailiff's office, his work in France, and his law studies in a part-time attendance program (*fără frecvență*).
58. Regarding the Skoda leasing, the subject's son stated that the lessor required him to list his mother as a surety. He said he assured his mother that he would manage the leasing independently and she would not need to make any payments. As to the payments, in addition to 4,000 EUR from the sale of the Renault Megane, and monetary gifts on his birthday in June 2020, he said he turned to his father when he encountered financial difficulties.

*BMW X5, m/y 2014*

59. Before signing the above-mentioned assignment contract, the subject's son purchased a BMW X5, m/y 2014, on 21 January 2022. The contractual price was 290,000 MDL. On 20 March 2023, the subject's son sold this vehicle for a contractual price of 280,000 MDL.
60. In the first round of questions, the subject stated that the source of funds for purchasing the BMW X5 was the sum obtained from the assignment of the Skoda Superb (i.e., 300,000 MDL). The subject presented the receipt signed by her son and A.S. on 20 January 2022 (the day before purchasing the BMW X5). According to his 2022 income tax declaration, the subject's son paid tax on capital gains.
61. The Commission had doubts about the real price of this vehicle. First, the lack of technical defects identified by the National Road Transport Agency (hereinafter "ANTA") upon the purchase and sale of the vehicle suggested that it was in good condition.
62. Second, the analysis of the online marketplaces (67 units) indicated that this specific model was sold in 2024 for an average price of 27,412 EUR (around 528,000 MDL). Moreover, on 19 September 2022, the subject's son posted on the 999.md platform a selling advertisement for a BMW X5 for a price of 33,000 EUR.
63. Third, according to information from the Customs Service, upon its import on 27 February 2014, the vehicle was appraised at 842,539 MDL, and an additional 52,577 MDL was paid as import duty. Further, for an updated picture of the possible real price, the Commission collected information from the Customs Service regarding imports of BMW X5, m/y 2014, vehicles into

Moldova in 2022. From a total sample of 20 vehicles, the average price in 2022 was 483,374 MDL.

64. The subject provided the Commission with the sale and purchase contract, the fiscal receipt, and the written declaration of the seller, the manager of an LLC operating in the bar/restaurant services sector. The seller confirmed the price of 290,000 MDL, which he characterized as “normal and advantageous”. He declared that two years earlier, in 2020, he had acquired this vehicle at the same price (previous contract was provided). The seller also explained the price by noting that the company needed immediate cash to cover its expenses as a result of the economic problems caused by the COVID-19 pandemic.
65. In the second round of questions, the subject stated that her son had said he tried to sell this vehicle for 33,000 EUR. However, no one showed interest in purchasing the vehicle at this price.
66. In the hearing of the subject’s son by the Commission, he confirmed he sought to sell the BMW X5 for a higher price in 2022 to make a profit. He said the vehicle prices were fluctuating during the COVID-19 pandemic.

*Mercedes-Benz E-Class, m/y 2017*

67. On 30 May 2023, the subject’s son purchased this vehicle for a contractual price of 250,000 MDL.
68. In the first round of questions, the subject stated that her son purchased the Mercedes E-Class with the money from the sale of the BMW X5. The subject has denied that she or any person close to her is in a friendly or other relationship with the seller.
69. The Commission had doubts about the real price of this vehicle. First, according to the last ANTA technical evaluation report from December 2022, the vehicle had a total mileage of 123,813 km, suggesting that it was in good condition.
70. Second, information available on online marketplaces suggested that in 2024, the average price of a similar vehicle was 28,290 EUR (around 549,870 MDL).
71. Third, according to the data from the Customs Service, a third party imported this vehicle on 10 August 2022. Upon its import, the vehicle was appraised at 348,300 MDL, and an additional 63,422 MDL was paid as import duty.

72. In the first round of questions, the subject stated that her son worked in France between March 2022 and August 2022. However, no evidence was provided in this regard, e.g., employment contract or information on monthly/annual payments from the employer. The subject also stated that her son worked in France in 2023 for about five months. Although bank account screenshots confirmed her son's earning money in France, the subject stated that this money is not to be included in the 2023 financial flows because her son kept it until he returned home in 2024 (a year not included in the evaluation period).
73. In additional explanations submitted on 2 February 2025, the subject explained that her son sold the BMW X5 and bought the Mercedes-Benz E-Class through a trade-in operation realized by a specialized car dealership. She submitted a statement signed by the dealership manager, V.C. According to the statement, the car dealership employees arranged the exchange of two vehicles, and the dealership received the price difference as remuneration for the transaction.
74. In the hearing before the Commission of the subject's son, he stated he left the BMW X5 at the dealership's parking facility, where it was quickly sold. The subject's son did not receive any payment from the sale, as he was interested in acquiring another vehicle. Later, the dealership staff located a vehicle and presented him with an offer for a Mercedes-Benz. This led to the existence of two contracts. He did not obtain any capital gain from the transactions. The subject's son also denied any special relationship with the dealership manager that made the offer regarding the last vehicle.

*The Commission's assessment regarding the beneficial ownership*

75. The Commission's initial doubts referred mainly to her then twenty-year-old son's financial capacity to acquire and assume payment of an 18,141 EUR lease. At that time, the subject's son had no official work and was a student in a part-time university program. The Commission also doubted that the purchase price of the BMW X5 was only 290,000 MDL, given the higher average import price of similar vehicles in 2022 (see § 63 above). It was unlikely that a larger, higher in class and a luxury brand would have been exchanged for a Skoda Superb, although of a newer make year.
76. The plausibility of the subject's son acquiring and managing a leasing contract for 18,141 EUR at the age of 20, despite being a student and lacking formal employment, resulted from significant documented family support: a 4,000 EUR donation from his maternal grandmother (proceeds from a vehicle she had promised him), and another 50,000 MDL from his father and



paternal grandmother. The subject has informed about the donations from the early rounds of question (4,000 EUR in the first and 50,000 MDL in the third). These donations are consistent with prior patterns of family gifts observed in earlier annual declarations. Also, the subject informed that both she and her cohabitant contributed smaller amounts (between 4,000 and 25,000 MDL), reducing the financial burden on the son.

77. Further, it is plausible that the son had an unofficial income. The subject stated he worked as a waiter, bodyguard, and mobile phone repairman. These are typical informal jobs for young adults, which could have provided supplemental, undeclared income. Formalizing labor relationships, reporting, and paying taxes would be the employer's duty, not the employee's. The payment history shows that the subject's son successfully paid 19 out of 30 leasing installments before assigning the contract.
78. Crucially, since the subject's son was an adult and no longer a legal dependent, any financial challenges or decisions he faced cannot be directly attributed to the subject, absent evidence that the subject made payments therefore or had any beneficial ownership.
79. The subject's role in these transactions appears to be limited to occasional support, such as the 2021 car insurance payment. The records of border crossings and compulsory civil liability insurance policies list only the son as the driver and insured person. The subject neither crossed the border in these vehicles as a driver or passenger nor was she included as an insured person in the relevant insurance policies.
80. The Commission notes that, as the subject and her son mentioned, all transactions related to the three vehicles were carried out by the son, not by the subject. The son signed the leasing, assignment, and sale and purchase agreements contracts. The subject was a surety for the leasing contract. However, no payments from the subject's bank account for the purchase of vehicles were identified.
81. Although the subject was a surety for the leasing contract, she seemed unaware of the details of the son's acquiring and selling vehicles and did not even drive a car. She should have known that she might have been liable as a surety if her son failed to pay for the leasing. This fact alone, though, is not a sufficient reason to attribute the transaction involving the Skoda Superb to the subject. The Commission found credible the information she and her son provided about the leasing transaction.



82. Concerning the actual purchase price of BMW X5, the Commission still has doubts that it was the identified contractual price. The context of urgent financial need during an economic downturn could reasonably justify a below-market sale, especially if it could reflect a buyer-seller negotiation shaped by individual circumstances. The sale was documented by both a contract and a tax invoice. Nonetheless, such a big price difference is questionable.
83. Again, the key point for this transaction is that the difference in price cannot be attributed to the subject. Her son was an adult who appeared to have undeclared income from his unofficial work.
84. Further, although the Commission still has doubts as to the real price of the Mercedes E-Class, there is a reasonable basis to believe the BMW X5 was exchanged for the Mercedes. This is supported by the close timing of the sale and purchase and a statement from the car dealership manager confirming the trade-in arrangement. Given the son's failed attempt to sell the BMW at a higher price and the post-COVID vehicle market fluctuations, a trade-in likely offered a practical alternative, with the dealership receiving the price difference as compensation for facilitating the deal.
85. In light of the above and based on the additional documents provided by the subject and the explanations given by her and her son at the hearing, the Commission decided not to include these vehicles' purchase and sale prices in the calculation of the subject's inexplicable wealth.
86. According to the Commission's revised calculations, the incoming financial flows for 2021, 2022, and 2023 exceeded the outgoing ones and therefore there is no inexplicable wealth for these years.

*Purchase by the subject's cohabitant of a vehicle at possibly deflated price*

87. The 2020 NIA declaration indicates that the subject's cohabitant purchased a Peugeot 208 y/m 2013 in 2020, which the subject stated had been purchased for 20,000 MDL.
88. According to the information provided by the Customs Service, this vehicle was imported on 30 December 2019 and declared for 80,000 MDL, excluding the taxes of 16,050 MDL, for a total value of 96,050 MDL. The subject's cohabitant acquired the vehicle four months later, on 5 May 2020, for a contractual price of 20,000 MDL.
89. The Commission questioned whether the price of the vehicle was deflated. The subject answered that the Peugeot was in relatively good technical

condition at the time of purchase. However, it needed several repairs. On 12 March 2021, a technical service unit in Transnistria carried out repair works, which were confirmed by a payment receipt. The subject added that her cohabitant paid the cost of about 2,700 EUR (around 57,000 MDL).

90. During the communication with the Commission, the subject disagreed with the price of the Peugeot calculated by the Commission of 96,050 MDL, as per the Customs Service information. She stated that the real price of the vehicle was 20,000 MDL. In her explanations on the doubts notified for the hearing, the subject explained that in 2020, her cohabitant purchased personally this vehicle. According to the subject, her cohabitant stated he in fact paid 20,000 MDL as reflected in the contract. Since the subject did not participate in this transaction, she used information provided by her cohabitant to indicate the price in her NIA declaration and her answers to the Commission. The subject considers that the alleged deflated price of this vehicle cannot be imputed to her since her cohabitant purchased it from the savings he had before they started living together.
91. The Commission notes that although the price of the discussed vehicle seems deflated, based on the information collected, the low acquisition price may be due to the need for repairs. The Commission did not identify facts indicating that the subject had understated the price actually paid by her cohabitant.

*Conclusion regarding inexplicable wealth*

92. In light of the above, the Commission could only reliably establish that the subject incurred an inexplicable wealth of - 8,214 MDL due to the misbalance of financial flows in 2019. Even if this had been treated as unjustified wealth, it would not have exceeded the threshold of 234,000 MDL under Article 11 para. (3) lit. a) of Law No. 252/2023.

**B. Compliance with the legal regime of declaring wealth and personal interest**

The Commission identified eight instances of non-declarations that could have constituted potential breaches of the NIA declaration regime.

*The first instance of non-declaration*

93. Examining the subject's annual declarations submitted to NIA for the evaluated period (2012-2023), the Commission identified an undeclared bank account owned by the subject with Banca de Economii JSC – No. 67\*\*\*\*\*9517. This account was associated with a debit card used by the

subject to receive salary and state allowances. The subject admitted that she did not declare this bank account in the declaration for the year 2012. The subject argued that “this omission was unintentional”, especially since she properly declared the salaries received in this bank account.

*The second instance of non-declaration*

94. In the first round of questions, the subject confirmed that in the 2012 declaration to NIA, she did not indicate 27,360 MDL received as state allowances. The subject stated this omission was not intentional. The subject outlined that this omission in no way harmed the interests of the state. The allowance granted by CNAS is not subject to taxation. Moreover, this amount was reflected in the registers/databases of the state institutions, so that its non-inclusion in the declaration of wealth and personal interests was not intended to conceal or circumvent the declaration of income.

*The third instance of non-declaration*

95. In the second and third rounds of questions, the subject identified monetary gifts received in 2012-2015 at various family events, mainly from her parents, ex-mother-in-law, aunt, and friends. In particular, she said that in 2015, she and her son received a total of 30,000 MDL for their birthdays. The subject explained that she did not declare this income to NIA because she was unaware of the obligation to declare gifts. In the subject’s view, the non-declaration of monetary gifts in 2012-2015 was an omission.

*The fourth instance of non-declaration*

96. The subject did not declare to NIA the child support payments from her ex-husband before 2020. In the third round of questions, the subject confirmed this income (1,000 MDL per month) for 2016 and 2019. At the same time, the subject justified this omission to declare by the fact that, in most cases, the money was given directly to her children.

*The fifth instance of non-declaration*

[This issue was discussed in closed session]

97. Between 2012 - March 2017 the subject was married to C.S. In that period, she did not declare two real estates owned by her husband – the 42.4 sq.m. apartment and the 34.1 sq.m. apartment, both located on Alecu Russo street.
98. The subject stated that she did not know anything about the apartments owned by her former husband because of their tense relationship. She said that they lived separately for almost the entire period of marriage. She

communicated that the real estate of her former husband was registered in the state registers and was not concealed. According to the subject, this non-declaration is due to the circumstances mentioned, was not intentional and is rather an omission.

*The sixth instance of non-declaration*

[This issue was discussed in closed session]

99. According to the information gathered, the subject did not declare to NIA in 2016-2017 about her former husband's status as an administrator with an LLC.
100. In response to written questions from the Commission, the subject's former husband stated that he had not told the subject about any apartments he owned. He also mentioned that his former wife knew nothing about the company in question because he never worked at that company.

*The seventh instance of non-declaration*

101. The subject did not declare in 2018 the sum of 300 EUR received from her cohabitant through a bank (MAIB JSC) transfer from Greece. In response to the Commission, the subject said this was not income because she was to give the transferred funds to the cohabitant's parents.

*The eighth instance of non-declaration*

102. According to data from the SFS, in 2022 and 2023, the subject's cohabitant received net income as salary from an LLC operating on cereal cultivation, respectively, of 4,770 MDL and 2,825 MDL.
103. In the first round of questions, the subject declared that she did not know about the income received by her cohabitant from that LLC. She stated that she only learned of this income through the Commission's notification. Afterward, she asked her cohabitant for explanations. She argued that her cohabitant did not work at that company. The subject added that the indicated amounts represent payments for the land lease donated to her cohabitant by his parents. In fact, this money was received by his parents, in the equivalent of crops, and not by him.
104. The subject added that the failure to disclose these amounts in the 2022 and 2023 declarations was not intended to conceal the sources of income since the cohabitant's income is reflected in the tax authorities' registers. Also, she did not know about this particular income.

*The Commission's assessment regarding the eight instances of non-declaration*

105. The Commission notes that only the fourth (year 2019) and the eighth (years 2022 and 2023) non-declarations fall within the 5-year term provided by Article 11 para. (2) lit. a) of Law No. 252/2023. The Commission will consider them from an ethical perspective.
106. The Commission notes that, according to Article 4 para. (1) lit. a) of Law No. 133/2016, the subjects of declaration are obliged to declare the income obtained by the subject of the declaration together with family members and the cohabitant in the previous fiscal year. Moreover, the term “income,” as defined in Article 2, includes any financial benefit, regardless of the source of origin, obtained by the subject of the declaration and by the members of his/her family, his/her cohabitant, both in the country and abroad.
107. Concerning the fourth non-declaration, the Commission sees the justification for the failure to declare the child support payments in 2019 as credible. Furthermore, the subject made such declarations to NIA for 2020-2023.
108. As regards the eighth non-declaration, since the subject began declaring to NIA information regarding her cohabitant, the subject declared his salary from an LLC engaged in natural gas distribution for the entire period (2020-2023). In the hearing, the subject repeated that her cohabitant did not work at the LLC engaged in cereal cultivation and received no salary from that company. Therefore, the failure to declare the income from that company does not appear to be due to bad faith on the part of the subject.
109. Given the above considerations, the insignificant amounts involved in these two non-declarations, and the subject’s consistent explanations, the Commission concludes that these omissions are not grounds for finding that the subject fails to meet the criteria for ethical integrity.

### **C. Potential ethical breaches related to the subject’s decisions**

110. The Commission received several petitions complaining about the decisions issued by the subject. It also considered information from mass-media sources and an independent investigative journalism report<sup>2</sup>. Upon analyzing the cases, the Commission notes that, in general, the complaints reflect dissatisfaction with judicial outcomes rather than evidence of ethical misconduct. However, two cases were further reviewed for potential ethical breaches.

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<sup>2</sup> Independent investigative journalistic Report. Judge – Olga Cojocaru - IPRE  
<https://sinteza.org/2021/09/08/doc-ilegale-ale-curtii-de-apel-chisinau-lupta-pentru-terenuri-agricole/>

*Caravita Co LLC ("Caravita case")*

111. This case involves Caravita, a company undergoing insolvency, who auctioned off 226 hectares of agricultural land, which was awarded to CVC E. However, Caravita's founder, V.R., contested the auction results in court. On 4 November 2019, V.R. filed a statement of claims with the Anenii Noi Court, which dismissed the claim on 16 November 2020. He then appealed the judgment, and the Court of Appeal accepted the appeal on 24 February 2021. Later, a different panel of the Court of Appeal (including the subject) reclassified the appeal, *ex officio*, as one on points of law (*recurs*), arguing that the auction, being part of enforcement proceedings, should have been addressed via a ruling (*încheiere*) rather than a judgment (*hotărâre*).
112. This re-registration led to the case being reassigned to another panel of judges, including the subject. This panel ultimately annulled both the first-instance judgment and the auction results. The annulment was based on the view that the auction had not complied with legal requirements. This decision sparked concern from CVC E., who brought the case before the Supreme Court of Justice, arguing that serious procedural violations occurred during the appeal procedure.
113. The Supreme Court of Justice agreed with CVC E., ruling on 3 November 2021 that the Court of Appeal's reclassification of the case had no legal justification and constituted an abuse of procedure. It criticized the court for denying the parties fair access to justice, annulled the decisions made by the Court of Appeal, and returned the case for a fresh examination. Upon reconsideration, the Court of Appeal dismissed V.R.'s appeal, and the Supreme Court of Justice later upheld this final decision, affirming the auction's legality.

*LLC A. case*

114. This case involves the MAIB bank, which granted loans totaling 3 million USD and 5,7 million MDL to LLC A., secured by pledges and mortgages. After the debtor defaulted, the bank initiated legal proceedings to recover the debt. Meanwhile, another creditor triggered the debtor's insolvency proceedings. Although the bank filed a claim for 64 million MDL, the insolvency administrator rejected it.
115. The rejection was based on an extrajudicial expert report - ordered by the debtor, claiming the bank caused damages of around 102 million MDL. Using this report, the debtor unilaterally set off its alleged claim against the

bank, effectively transforming itself into a creditor of the bank with a 37,5 million MDL balance.

116. The bank challenged this in the insolvency court, arguing that the extrajudicial expert report violated legal norms by providing conclusions that were outside the expert's competence. So, the debtor's alleged claim did not meet the legal criteria for a valid set-off - being neither certain, liquid, nor confirmed by court decision. To prove this, the bank presented in court counter-expert and audit reports. The court of first instance and the Court of Appeal (including the subject) upheld the debtor's set-off, citing the conclusions of the previous report.

*The Commission's assessment*

117. With regard to the ethical integrity requirements under Article 11, para. (2) lit. a) of Law No. 252/2023, the Constitutional Court has clarified that the term "seriously violated" sets a high threshold for establishing breaches of ethical and professional rules applicable to judges and prosecutors (Constitutional Court Judgement No. 2 of 16 January 2025, § 185). Additionally, the Court has noted that the Commission should not rule on the legality of the decisions issued by the judges.
118. Considering the evidence provided by the petitioners or otherwise gathered by the Commission, certain decisions rendered by the subject raise legitimate concerns, particularly regarding procedural irregularities and disregard of mandatory legal provisions, which can be addressed through disciplinary channels. The Commission considers that these instances are more indicative of professional error or competence issues than of a serious violation of ethical standards as required under Article 11 para. (2) lit. a) of Law No. 252/2023.

**D. Involvement in cases examined by the ECtHR**

119. According to the Government Agent, as a judge, the subject was involved in two cases which led to the finding of a violation of the European Convention on Human Rights (hereinafter "Convention"), namely:

- *Prodius and others v. Republic of Moldova*, no. 44894/13, 19 October 2021,
- *Hohlov and others v. Republic of Moldova*, no. 81519/12, 5 October 2023.

Both cases concern the failure of the national authorities to ensure the enforcement of final judgments and the insufficiency of the redress provided by the national remedy (Law No. 87/2011). The ECtHR found the violation of Articles 6, 13, and Article 1 of Protocol 1 to the Convention. Given the



similar subject matter of the cases, the Commission finds it appropriate to examine them jointly.

120. Under Article 11 para. (2) lit. a) of Law No. 252/2023, a subject does not meet the criterion of ethical integrity if the Commission determined that he or she issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the ECtHR had established, before the adoption of the act, that a similar decision was contrary to the Convention.
121. By judgment No. 2 of 16 January 2025, the Constitutional Court declared these provisions as being constitutional. It stated that according to this provision, to determine the arbitrariness of an act issued by a subject, the Evaluation Commission must establish that two cumulative conditions are met. The first condition is that the act in question is contrary to imperative rules of law. The second condition is that, before the adoption of the act, the ECtHR had found that a similar decision was contrary to the Convention.
122. The Constitutional Court also noted that to clarify the meaning of the concept of arbitrary acts, the addressees of the law may consider , among others, the meaning attributed to this concept by the ECtHR. Thus, for example, in *Bochan v. Ukraine* (No. 2), 5 February 2015, § 62, the ECtHR stated that a judicial decision is arbitrary if, in essence, it has no legal basis in domestic law and does not establish any connection between the facts of the dispute, the applicable law and the outcome of the proceedings. The ECtHR considers such a decision to be a "denial of justice". Furthermore, in *Ballıktaş Bingöllü v. Turkey*, 22 June 2021, § 75, the ECtHR stated that a "manifest error" may be considered to have been committed by a judicial decision if the court has committed an error of law or of fact that no reasonable court could ever have made, and which may disturb the fairness of the proceedings.
123. The Commission notes, in line with the first condition listed by the Constitutional Court, that along with the provisions of the national laws, the Convention and the ECtHR case law may establish imperative rules for purposes of Article 11 para. (2) lit. a) of Law No. 252/2023. Article 4 of the Constitution provides that wherever disagreements appear between the international conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations. In addition, in this analysis, the Commission considers the ECtHR's interpretation of arbitrary acts, as is detailed in the above paragraph.



124. The *Hohlov and others* case concerns three applications: Hohlov, Starîş and Chistol. The subject participated in the *Starîş* case (decision of 26 May 2020) as a judge of the Chişinău Court of Appeal.
125. The *Prodius and others* case concerns four applications: Cotovici, Prodius, Nica and Dari. The subject participated: as a judge of the court of first instance in the *Cotovici* case (judgment of 16 February 2016) and as a judge of the Court of Appeal in the *Nica* case (decision of 21 January 2020). As to the *Nica* case, the Court of Appeal acknowledged the breach of the right to reasonable enforcement time and awarded pecuniary and non-pecuniary damage. Since the amount of the non-pecuniary damage does not appear unreasonable compared to the just satisfaction afforded by the ECtHR in similar Moldovan cases, the Commission did not consider this case. Therefore, the following analysis concerns only the *Cotovici* and *Starîş* cases.
126. In the *Cotovici* and *Starîş* cases, the applicants have final court judgments ordering local public authorities to offer them housing (“spaţiu locativ”). Because these judgments were not enforced, each applicant filed lawsuits under Law No. 87/2011. According to this law, anyone who considers him or herself to be a victim of a breach of the right to have a final judgment enforced within a reasonable time is entitled to apply to a court to acknowledge such a breach and compensation for pecuniary and non-pecuniary damage.
127. The Commission notes that the ECtHR established a consistent case law concerning the reasonable time of enforcing final judgments and the insufficiency of the reparation (for instance, *Cocchiarella v. Italy* [GC], no. 64886/01, 2006; *Botezatu v. Moldova*, no. 17899/08, 14 April 2015; *Cristea v. Moldova*, no. 35098/12, 12 February 2019).
128. Apart from the applicable ECtHR case law on the matter, the Supreme Court of Justice (hereinafter “SCJ”), jointly with the Government Agent, drafted a Recommendation on the reparation of damages.<sup>3</sup>
129. As regards the decisions issued by the subject in the above proceedings under Law no.87/2011, although the Court of Appeal acknowledged the breach of the right to reasonable time of enforcement, it seems that the amounts awarded as reparation for the breach of the reasonable time of enforcement of final judgments (in the *Starîş* and *Cotovici* cases) are lower

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<sup>3</sup> [Recommendation no. 6 of 2012 on Just Satisfaction](#), issued by the President of the Supreme Court of Justice and the Deputy Head of the Directorate of Government Agent.

than the just satisfaction afforded by the ECtHR in similar Moldovan cases or indicated in the SCJ Recommendation.

130. In response to the Commission, the subject replied that 2,000 MDL [in the *Cotovici* case], and 5,000 MDL [in the *Starîș* case] represents “a reasonable and fair amount in respect of the non-pecuniary damage taking into account the complained non-enforcement period” [17 months and 29 months, respectively] and the “judicial practice in similar cases”.
131. In the second round of questions, the subject “confirmed that she always applied the criteria established by the Convention” when examining the applicants' claims under Law No. 87/2011. The subject also stated that she “admits that the amounts awarded to the applicants as non-pecuniary damage were significantly lower than in the case law of the ECtHR”. The subject added that she “was obliged to follow final (*irrevocabile*) judgments in the previous proceedings” in respect of these applicants, by which they were “awarded amounts significantly lower than those indicated in the SCJ Recommendation”.
132. In the hearing before the Commission, the subject added that when examining these cases, she considered the Supreme Court of Justice practice, Article 120 of the Constitution, and Article 123 of the Civil Procedure Code.
133. If the subject genuinely believed that the SCJ's case law bound her, it may be considered a misinterpretation of legal obligations rather than misconduct.
134. The delays in enforcing final judgments - central to the violations identified by the ECtHR - reflect a broader systemic problem in the Republic of Moldova. The leading causes of non-enforcement were primarily structural and administrative, including chronic underfunding, weak institutional accountability, and ineffective enforcement mechanisms. In this context, the Commission considers that the shortcomings observed in the subject's decisions appear to be part of a wider institutional issue and, therefore, and not a violation of the ethical integrity criteria under Article 11 para. (2) lit. a) of Law No. 252/2023.

## VI. Conclusion

135. Based on the information obtained and the subject's explanations, the Commission proposes that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 252/2023.

**VII. Further action and publication**

136. As provided in Article 40 point (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.
137. 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.
138. 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.
139. This evaluation report was approved by unanimous vote of the participating members on 15 April 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 252/2023.
140. Done in English and Romanian.

Scott Bales

Chairperson