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EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

ANA PANOV

judge of the Central Court of Appeal

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

22 April 2025

Contents

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 11 February 2025 and approved the following report on 22 April 2025. The members participating in the approval of the report were:

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

Based on its work in collecting and reviewing the information, the subject's explanations and its subsequent deliberations, the Commission prepared the following evaluation report.

I. Introduction

1. This report concerns Mrs. Ana Panov (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 June 2010. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.

5. Prior to that, the subject was a judge at the Chișinău Court (Buiucani) (2003-2010), at the Chișinău Tribunal (2001-2003), at the Chișinău Court (Centru) (1993-2001) and at the Bender Court (1990-1993). Previously, she was a trainee and assistant with the prosecutor office (Călărași).

6. The subject received a bachelor's degree in law in 1988 from the Law Institute, Harcov, Ukraine.

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 Chișinău 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"). On 2 May 2024, the subject returned the partially completed five-year declaration and questionnaire. The subject also requested an extension to submit them in full. The Commission granted the extension until 22 May 2024.

The subject presented the five-year declaration and questionnaire within the extended deadline.

19. On 13 August 2024, the Commission notified the subject that her evaluation file has been randomly assigned to Panel B with members Scott Bales, Iurie Gațcan and Willem Brouwer. 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 twelve 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 latter 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, Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC), the 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 20 August 2024, the Commission asked the subject to provide additional information by 30 August 2024 to clarify certain matters (hereinafter the "first round of questions"). On 17 September 2024, 29 September 2024 and 7 October 2024, the subject requested extensions to respond. The Commission granted the extensions until 30 September 2024, 8 October 2024 and 13 October 2024. The subject provided answers and documents within the extended deadline.

24. On 1 November 2024, the Commission asked the subject to provide additional information by 10 November 2024 to clarify certain matters (hereinafter the "second round of questions"). On 10 November 2024 and 17 November 2024, the subject requested extensions to respond. The Commission granted the extensions until 17 November 2024 and 22 November 2024. The subject provided answers and documents within the extended deadline.

25. On 3 December 2024, the Commission asked the subject to provide additional information by 10 December 2024 to clarify certain matters (hereinafter the "third round of questions"). The subject provided answers and documents within the deadline.

26. On 31 December 2024, the Commission asked the subject to provide additional information by 12 January 2025 to clarify certain matters (hereinafter the "fourth round of questions"). On 12 January 2025, the subject requested an extension to respond. The Commission granted the extension until 20 January 2025. The subject provided answers and documents within the extended deadline.

27. On 30 January 2025, the Commission notified the subject that based on the information collected and reviewed, it had identified some areas of doubt about the subject's compliance with the financial and ethical integrity criteria and invited her to attend a public hearing on 11 February 2025. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.

28. 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 10 February 2025.

29. On 8 February 2025 the subject requested to be heard in partially closed session. On 10 February 2025, the Commission granted the request and decided to discuss in closed session the circumstances related to the 2013 purchase of a property on Ion Inculeț Street, Chișinău.

30. On 10 February 2025, the subject submitted additional information. The Commission included it in the evaluation file and considered it in its analysis.

31. On 11 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.

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 (unjustified or inexplicable wealth) for 2013 and 2015;

    b. potential ethical breaches related to the decisions issued by the subject;

    c. involvement in cases examined by the European Court of Human Rights (hereinafter the "ECtHR").

A. Potential inexplicable wealth (2013 and 2015)

34. According to information available to the Commission (from SFS forms, annual declarations of wealth and interests, five-year declaration, bank account excerpts), during the reporting period 2012 – 2023 the subject's total household income was 14,607,154 MDL. The subject's net income of 4,741,253 MDL largely consisted of her salary as judge and her pension since 2013, without cash savings which varied from year to year. The subject's husband had in the same period a total net income of 9,865,901 MDL. This included also the net income from the individual enterprise "V.P.", income from sale and lease of agricultural lands, and the income from loans from individuals and loan reimbursements from I.E. "V.P.". The subject's total household expenses were preliminarily calculated to be 15,155,195 MDL, including the expenses for the purchase of the property on Ion Inculeț Street, Chișinău.

35. The Commission has verified the assets and expenses of the subject's household as compared to the official income recorded by the subject, her husband and the individual enterprise.

36. In analyzing the subject's household income and expenses, the Commission initially identified potential differences between the incoming financial flows and the outgoing financial flows (negative balance) in 2013 (-780,142 MDL) and 2015 (-225,413 MDL), totaling - 1,005,555 MDL

37. For 2013, the Commission attributed to the financial outflows the 801,202 MDL purchase price for an 8/20 (eight-twentieths) share in the property on Ion Inculeț Street, Chișinău, owned by the subject's eldest daughter. The negative balance in that year was exclusively due to this purchase.

38. 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.

39. The Commission notes that the Constitutional Court, referring to the European Court of Human Right's case law, has recognized that it may be legitimate to take account of the income and declarations of the official's spouse, partner or other members 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).

40. The expenses for the Ion Inculeț property were attributed to the subject's household because of doubts about the eldest daughter's financial ability to purchase this property. Therefore, the Commission analyzed whether the subject was the beneficiary of this property and whether these expenses were attributable to the subject. The circumstances regarding the usage and purchase of the property are described below.

Procurement of the house in 2013

[This issue was discussed in a closed session]

41. On 26 March 2013, the eldest daughter of the subject bought an 8/20 share of the property (house) on Ion Inculeț Street, Chișinău. According to the sale-purchase contract, the price for the 8/20 share of the property was 801,202 MDL (around 49,826 EUR). A year earlier, she had received a donation of 1/20 of the same property.

42. At the time of the purchase, the eldest daughter was 26 years old and not a legal dependent according to the subject's 2013 NIA declaration. The old 2009 tax form (FVID) in force for 2013 did not identify dependents.

43. In her answers to the Commission, the subject stated that the house on Ion Inculeț Street is the property of her eldest daughter and was purchased with money belonging to that daughter. The subject learned about her daughter's decision later. She also explained that her eldest daughter left the parental house in 2009, being in a civil relationship, which negatively affected the mother-daughter and father-daughter relationships.

44. In the first round of questions, the subject explained that her eldest daughter has been an attorney in law since 2009 and worked in various areas since 2010. She added that the price for the purchase of that house was paid from a loan given by B.K., a citizen of Austria. Her exact statement, suggesting the sources for the repayment of the loan, is below.

> "Between 2013 and 2014 she (the eldest daughter) also worked as a mediator in Bucharest and real estate agent. In the summer of 2016, she worked in Greece as an agent for a car rent company for a period of four months. In the period July 2020 – December 2022, she provided legal services within the Attorneys Law Center. In 2013, she borrowed 40,000 EUR from B.K., a citizen of Austria. She repaid the loan by herself."

45. When asked to provide details about the loan and payments for the house, the subject stated that the eldest daughter received the loan in cash and paid the full purchase price in cash as well. No supporting documents were retained, besides the sale-purchase contract. According to the subject's explanations, the loan was to be compensated through legal assistance services provided by the daughter. No specific repayment term was agreed upon.

46. In the third round of questions, when asked to clarify the conditions of the loan, the subject explained that B.K. hired her daughter unofficially for "legal assistance, secretariat work, translations, drafting documents", and she accompanied him to various official meetings for consultancy, negotiations. When she was in Bucharest, she provided assistance through social networks and by phone, and when it was necessary, she came into Moldova. They agreed that the loan of 40,000 EUR would be repaid gradually. By 2017 – 2018, 37,000 EUR had already been settled, and the remaining 3,000 EUR was never requested for reimbursement.

47. Regarding B.K. and the sources for the 40.000 EUR loan, the subject answered her eldest daughter "was in friendly relationship with B.K., in the period when he was involved in European projects in the sector of water supply and

sanitation of villages in the Republic of Moldova, which lasted from 2012-2020." The subject explained that she cannot provide any documents proving the sources of income of the Austrian citizen B.K., because her daughter "lost contact" with him. The subject based her answers on her daughter's statements.

48. The subject submitted also written explanations on this issue from her eldest daughter, who mentioned that in 2020, she ended the relationship with B.K., and that in 2021, he passed away.

49. Based on the open sources research, B.K. indeed was in the Republic of Moldova until 2021. His social media (Facebook) page is a memorial one, but it reflects social media activity by him before 2021.

50. No previous official activity or income was identified as belonging to B.K. According to the elder daughter's written statements, B.K. had no identity papers. His passport was said to have been torn up in a dispute with a third party. The subject's daughter said she "tried to convince him to legalize, but he wouldn't."

51. To confirm the affirmation about the sources for house, the subject submitted written declarations, signed by herself, her two daughters, and her husband. In addition, the subject submitted a third-party declaration from A.V., who stated that he is a friend of the eldest daughter and that he knew that B.K. had been "lending and offering money" to her.

52. During the hearing, the subject stated that her eldest daughter "did not consult her before buying the house. She explained that their relationship had been strained since 2009, when she and her husband did not accept a young man, their daughter intended to marry."

53. The subject added that the family had financial means to purchase such a house if the eldest daughter had asked. In this regard, she noted that her husband could sell agricultural land, as he did in 2015[1].

54. She added in confirmation this hypothetical scenario that she and her husband, in fact, did so for their youngest daughter. They bought her an apartment in Bucharest (at a contractual price of 58,000 EUR) in 2011, a year falling outside of the evaluation period. In 2012, the subject and her husband donated this apartment to their younger daughter, subject to a maintenance obligation and a lifelong usufruct right. To justify part of the funding for this acquisition, the

[1] In 2015, the subject's household incoming financial flows included the net income from sale of agricultural lands, i.e. 930,000 MDL.

subject referred to income (which was 374,573 MDL in 2011) generated from leasing a commercial space to a bank.

55. The subject stated that she had not communicated with her eldest daughter for a long time and only now learned the details regarding the house. She also denied any knowledge of B.K., her daughter's other clients, or the seller of the property.

56. The subject stated that the eldest daughter neither requested financial assistance from her parents to purchase the house nor would the parents have supported her decision to buy a property with co-ownership status. The subject suggested that she would have advised her eldest daughter that in case of disputes, co-ownership is always problematic to separate. To this day, the house has the same co-ownership.

The Commission's assessment regarding the beneficial ownership

57. The Commission's initial doubts referred mainly to her eldest daughter's financial capacity to acquire interest in the house at 26 years of age. According to the information from SFS, her official income in 2012 was 40,044 MDL, earned through her work at the Law Office Botanica and from services provided to a public health institution. During the whole verified period, she had a total net taxable income of 744,578 MDL.

58. According to the subject, her eldest daughter has not lived with her since 2009. The daughter has maintained a separate household and has been residing in the house on Ion Inculeț Street since 2013. The subject stated this information from the beginning (first round of questions) and remained consistent in her explanations.

59. Although the eldest daughter of the subject did not have sufficiently documented income to justify the purchase of the house in question, the Commission found no facts linking the subject to the beneficial ownership of the property.

    a. The purchase contract was not signed by the subject or her husband.

    b. The property is registered in the name of the eldest daughter of the subject in the Registry of Immovable Assets.

    c. No information contradicts the subject's statement that the eldest daughter of the subject has been living in the house since its purchase in 2013.

d. No payments were identified from the subject's or her husband's bank accounts for the purchase of the home or utility bills.

e. No information contradicts the subject's characterization of her relationship with her eldest daughter as distant.

f. There were no large financial movements on the bank accounts of the subject and her husband.

g. The information provided by the subject appears to justify the source of funds used for the purchase of property.

60. Therefore, in the absence of any evidence that the subject made payments for the house or had some beneficial ownership, the Commission concluded that the amount paid for the house should be excluded from the calculation of the outgoing financial flows in 2013. In view of the above considerations, the Commission revised its calculation. Therefore, the incoming financial flows in 2013 exceeded thus the outgoing financial flows for the same year.

61. For 2015, the negative balance (-225,413 MDL) occurred mainly as a result of attributing to financial outflows the retail expenses as identified by the Commission on bank accounts held by the subject and her husband, totaling -188,483 MDL, and the current/living expenses in cash of -102,000 MDL.

62. In the hearing, the subject stated that these amounts, a total of 290,483 MDL, were too high. She explained that "her family owned an individual agricultural enterprise (*gospodărie țărănească*), where they cultivated organic food products (photos were provided by the subject). This fact influenced their consumer expenditure. Therefore, her declared current monthly expenses of 8,000-10,000 MDL included both retail and cash expenditures." She also mentioned that some of the retail expenses incurred by the subject's husband were for his enterprise's activity.

63. Although certain adjustments in this regard might be reasonable, given that the negative balance falls short of the 234,000 MDL threshold, the Commission did not recalculate the negative financial flow for 2015. Even if this had been treated as unjustified wealth, it would not exceed the threshold of 234,000 MDL under Article 11 para. (3) lit. a) of Law No. 252/2023.

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

64. The Commission received several petitions complaining about the decisions issued by the subject, or about the alleged failure to legally summon a party in a civil proceeding. It also considered information from the Superior Council of Magistracy, mass-media sources and an independent investigative journalistic

report[2]. Upon analyzing the cases, the Commission notes that, in general, the complaints reflect dissatisfaction with judicial outcomes rather than providing evidence of ethical misconduct. However, three cases were further reviewed for potential ethical breaches.

Eximbank Case

65. This case involves Eximbank, which granted loans to several companies secured by property including land owned by LLC "S.-C". After the borrowers defaulted, Eximbank sold the collateral (two buildings and land) via auction to LLC "T.", recovering about 73 million MDL.

66. Eximbank then sued the borrowers for the remaining debt. The borrowers, including LLC "S.-C.", counterclaimed, demanding the annulment of the auction and compensation (about 104 million MDL), arguing the land was undervalued. In July 2019, a court upheld Eximbank's claims and rejected the counterclaims. This ruling is under appeal by all parties except Eximbank ("first case").

67. Separately, in LLC "T."'s insolvency proceedings, LLC "S.-C." reasserted the same 104 million MDL claim. In February 2020, the court partially validated the claim (about 76 million MDL), citing fraud by Eximbank and LLC "T.", which were found to be affiliated. The claim was based on alleged tortious conduct by Eximbank ("second case").

68. Eximbank was not a party in the insolvency proceedings and later tried to challenge the decision, but its revision request was denied. Eximbank has since filed a complaint with the European Court of Human Rights, alleging violations of its right to a fair trial, claiming the insolvency ruling harms its legal interests.

Caravita case

69. 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 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 reclassified the appeal, *ex officio*, as one on points of law (*recurs*), arguing that the auction, being part of enforcement proceedings,

[2] Independent investigative journalistic Report. Judge – Ana Panov - IPRE https://sinteza.org/2021/09/08/doc-ilegale-ale-curtii-de-apel-chisinau-lupta-pentru-terenuri-agricole/

should have been addressed via a ruling (*încheiere*) rather than a judgment (*hotărâre*).

70. 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.

71. 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.

Disciplinary case

72. The issue involved the subject publicly pronouncing one decision on 26 January 2021, then delivering a written version on 5 February 2021 that contradicted the operative part pronounced in public session - removing part of financial obligations imposed on the defendant.

73. Because of these irregularities, the Supreme Court of Justice quashed the decision of the Court of Appeal and returned the case for a reexamination. A different panel of judges upheld the first instance court judgment rejecting the plaintiffs' claims. The appeal on points of law lodged by the plaintiff was inadmissible.

74. On 4 June 2024, the Superior Council of Magistracy found that the subject's action was not a correctable error, but rather a breach of legal procedure under Article 4 para. (1) lit. i) of Law No. 178/2014, qualifying as a disciplinary offense due to violation of imperative legal norms. However, the disciplinary procedure was closed due to the statute of limitations. Following the subject's appeal, the disciplinary case is now pending before the Supreme Court of Justice.

The Commission's assessment

75. 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 Judgment 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.

76. 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 have been or may 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.

C. Involvement in cases examined by the ECtHR

77. According to the Government Agent, as a judge, the subject was involved in 15 cases that were the subject of applications before the ECtHR, namely:

Macovei and others v. the Republic of Moldova, no. 19253/03, 25 April 2006;

Popova v. the Republic of Moldova, no. 29162/14, 20 November 2018;

Tegulum S.A. v. the Republic of Moldova, no. 53982/11, 1 February 2022;

Braghiș and others v. the Republic of Moldova, no. 56851/11, 25 Marc 2021;

Botezatu v. the Republica Moldova, no. 17899/08, 14 April 2015;

Mihailov v. the Republica Moldova, no. 53209/12, 29 June 2021;

Moțpan v. the Republic of Moldova, no. 600/13, 25 November 2021;

Munteanu-Nani and others v. the Republic of Moldova, no. 1925/14, 19 October 2023;

P.P. Glasul Națiunii S.A. v. the Republic of Moldova, no. 26067/14, 28 September 2023;

Cooperativa de Construcție a Locuințelor nr. 223 v. the Republic of Moldova, no. 15898/15, 14 February 2019;

Crețoi v. the Republic of Moldova, no. 49960/19, 14 December 2021;

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;

Gîrbu and others v. the Republic of Moldova, no. 72146/14, 5 October 2023;

Bocșa v. Republic of Moldova, no. 6147/18, 4 April 2023.

78. 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 European Convention on Human Rights (hereinafter the "Convention").

79. 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.

80. The Constitutional Court also noted that to clarify the meaning of the concept of arbitrary acts, the addressees of the law may take into account, 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 *Balliktaș 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.

81. 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 Moldova's domestic laws and the international conventions and treaties on fundamental human rights to which the Republic of Moldova is a party, priority shall be given to the international conventions. In addition, in this analysis, the Commission considers the ECtHR`s interpretation of arbitrary acts, as detailed in the above paragraph.

82. In eight cases, the Commission found that the national decisions in which the subject was involved were outside the ten-year period and therefore did not

further analyze them. These cases are: *Macovei and others*; *Popova*; *Tegulum S.A.*; *Braghiș and others*; *Botezatu*; *Mihailov*; *Moțpan*; *Munteanu-Nani and others*.

83. Two out of 15 ECtHR cases were settled by strike-out decisions following a friendly settlement (*P.P. Glasul Națiunii S.A.*) or an applicant request not to pursue the application due to the adoption of a new national judgment in his favor (*Cooperativa de Construcție a Locuințelor nr. 223*). These cases concern access to a court or unlawful annulment of a final judgment (Article 6 of the Convention and Article 1 of Protocol No. 1). Consistent with its practice, the Commission will not analyze the subject's involvement in cases that led to a strike-out decision. The Commission will further focus on five other cases which led to the finding of a violation by the ECtHR.

Crețoi v. the Republic of Moldova, no. 49960/19, 14 December 2021

84. The case concerns proceedings initiated by the applicant under the Hague Convention on the Civil Aspects of International Child Abduction[3]. The ECtHR found a violation of Article 8 of the Convention mainly because the national proceedings lasted too long, which was decisive for the determination of the matter and the future relations between the father and his child.

85. Article 11 of the Hague Convention requires the authorities (judicial and administrative) to act expeditiously in proceedings for the return of children. In its case-law, the ECtHR found a violation of Article 8 of the Convention in view of the length of the Hague Convention proceedings[4]. At the same time, in the case *Rinau v. Lithuania*, ECtHR held that a delay of five months, although lengthy under the standards of the Hague Convention, did not violate Article 8 in the circumstances of the case[5].

86. The Commission notes that in the *Crețoi* case, the proceedings for the return of the child lasted three years and three months, including administrative and judicial proceedings (December 2015-27 March 2019). For the domestic courts it took more than two years to reach the final decision in this case.

[3] In matters of international child abduction, the obligations that Article 8 of the European Convention of Human Rights imposes on the Contracting States must be interpreted taking into account, in particular, the Hague Convention on the Civil Aspects of International Child Abduction (*Iglesias Gil and A.U.I. v. Spain*, 2003, § 51; *Ignaccolo-Zenide v. Romania*, 2000, § 95) and the Convention on the Rights of the Child of 20 November 1989 (*Maire v. Portugal*, 2003, § 72).

[4] ECtHR, see *Blaga v. Romania*, no. 54443/10, § 83, 1 July 2014 – fourteen months; *Monory v. Romania and Hungary*, no. 71099/01, § 82, 5 April 2005 – over twelve months; *Karrer v. Romania*, no. 16965/10, § 54, 21 February 2012 – eleven months; and *R.S. v. Poland*, no. 63777/09, § 70, 21 July 2015 – over six months; and, conversely, *Strömblad v. Sweden*, no. 3684/07, § 93, 5 April 2012 – less than twelve months.

[5] ECtHR, *Rinau v. Lithuania,* no. 10926/09, 14 January 2020, § 194.

87. However, the proceeding before the Court of Appeal panel in which the subject participated (decision of 14 June 2018) lasted three months (March 2018 - June 2018). Therefore, the decision in which the subject participated cannot be considered as having materially contributed to the overall length of the proceedings.

88. The Commission finds it appropriate to examine three other cases jointly due to their similar subject matter:

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;

Gîrbu and others v. the Republic of Moldova, no. 72146/14, 5 October 2023.

89. These cases involve 13 applications in which the ECtHR found violations of Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1. The Court held that these violations resulted from the national authorities' failure to enforce final judgments and the inadequate redress provided in proceedings under Law No. 87/2011.

90. The *Prodius and others* case concerns the applications *Cotovici, Prodius, Nica* and *Dari*. The *Hohlov and others* case concerns the applications: *Hohlov, Starîș* and *Chistol.* The *Gîrbu and others* case concerns six applications: *Gîrbu, Țurcan, Prisacari, Pîntea, Caminschi* and *Alexei.*

91. The subject participated, as a judge of the Court of Appeal, in eight proceedings, covered by five applications: *Prodius, Dari, Starîș, Caminschi* and *Gîrbu*. In two proceedings, the decisions issued by the subject are out of the 10-year period (the decision of 28 November 2012 in respect of *Prodius*; the decision of 23 January 2014 in respect of *Gîrbu).* The following analysis concerns the proceedings regarding *Starîs* (decisions of 17 September 2014, 24 May 2018, 26 May 2020), *Dari* (decision of 5 April 2018), *Gîrbu* (decision 2 March 2017) and *Caminschi* (decision of 25 November 2015).

92. All applicants obtained final judgments requiring local public authorities to provide them with housing (*spațiu locativ*). Because these judgments were not enforced, the applicants initiated several 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 for the acknowledgement of such a breach and compensation for pecuniary and non-pecuniary damages.

93. In four proceedings (concerning *Starîș, Gîrbu* and *Dari)*, the Court of Appeal, despite holding that the final judgment providing them with housing remained

non enforced, dismissed the applicants' claims under Law No. 87/2011. The court decided so because of (i) the lack of available funds (decision of 24 May 2018), (ii) the applicant "reserved his infringed right" (decision of 17 September 2014), (iii) the applicant should wait his turn to obtain enforcement of the final judgment (decision 2 March 2017) and (iv) the applicant allegedly lost the right to housing after ceasing to be a public officer (decision of 5 April 2018).

94. In the other two proceedings (concerning *Caminschi* and *Starîș)*, the Court of Appeal partially upheld the applicants claims, acknowledged the violation of the right to enforcement within a reasonable time of final judgments in their favor, and awarded certain reparation of the non-pecuniary and pecuniary damage (decisions of 26 May 2020 and 25 November 2015).

95. In the third round of questions, the subject stated that she applied the standards established in the ECHR case-law, the SCJ recommendation and the national law in force at the time, including the Code of housing (*Codul cu privire la locuințe*) when examining the applicants' claims under Law 87/2011. The subject also stated that "the issue of enforcement of judgment on social housing is a problem that goes beyond the judicial system and oscillates rather in the legislative and executive power". The subject noted the inconsistent judicial practice in this area.

96. During the hearing, the subject emphasized that in the cases in question, the Ministry of Justice requested the dismissal of the applicant's claims based on the fact that the reasonable time requirements were not breached.

97. 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).

98. Law No. 87/2011 provides that damages may only be denied if the duration of non-enforcement is not unreasonable or if the non-enforcement is attributable to the applicant. It does not provide reasons such as lack of funds or the need to wait one's turn as valid grounds for rejecting such claims. Moreover, the ECtHR has repeatedly stated that national authorities cannot justify non-enforcement by citing the lack of resources (*Prodan v. Moldova*, no. 49806/99, § 53, 18 May 2004).

99. In the present cases, the subject served on a panel of the Court of Appeals that acknowledged the non-enforcement of final decisions but rejected the claims on grounds not provided for under Law No. 87/2011 or it appeared to have

awarded insufficient reparation. The subject also noted that claims were dismissed at the request of the Government. ECtHR case law, however, indicates that while a state Government may, in exceptional circumstances, intervene in proceedings for the enforcement of a judgment, it should not undermine the substance of the judgment (*Immobiliare Saffi v. Italy* [GC], No. 22774/93, § 74).

100. The decisions at issue reflect dubious reasoning. However, the delays in the enforcement of final judgments - central to the violations identified by the ECtHR - reveal 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, not a violation of the ethical criteria under Law No. 252/2023.

Bocșa v. Republic of Moldova, no. 6147/18, 4 April 2023

101. The case concerns the non-enforcement of a court decision setting the contact (visitation) schedule between the applicant and his children, which amounted to factual withdrawal of his contact rights. The ECtHR found a violation of Article 8 of the Convention.

102. The subject participated as a judge of the Court of Appeal that annulled the bailiff order on 27 June 2017.

Facts concerning national proceedings

103. The applicant and G. had two children. Following their divorce in October 2012, the court determined the children's domicile with G. and granted the applicant visiting/contact rights.

104. In 2014, G. requested the court to modify the contact schedule, arguing that since the children spent every weekend with their father, they were unable to see their grandparents and other relatives. She proposed a new schedule with alternating weekends and equal time of school holidays between the parents.

105. The applicant agreed, and G. subsequently requested termination of the proceedings, as they had reached an agreement. By a June 2014 ruling, the first-instance court approved their friendly settlement and established the new schedule.

106. According to the applicant, as of 2016, G. no longer allowed him to see his children. He filed a police complaint, who informed him that they had spoken

with G. but she continued to deny access. In May 2016, the applicant requested the court to issue an enforceable title based on the June 2014 ruling.

107. Furthermore, the applicant requested the initiation of formal enforcement proceedings. On 30 May 2016, the bailiff received the title and issued a ruling (*încheiere*) initiating enforcement proceedings. Between April 2016 and June 2017, the bailiff drew up around eight protocols attesting G.'s failure to comply with visiting/contact schedule.

108. G. was informed of the bailiff's order and contested it. On 28 March 2017, the first-instance court rejected her claim. The court found that the parties had previously concluded a friendly settlement regarding the contact schedule. The bailiff documented multiple instances of G.'s non-compliance with the schedule, consequently, the court found G.'s claim unfounded.

109. G. appealed, and on 27 June 2017, the Court of Appeal, in a panel including the subject, upheld the appeal and annulled the bailiff's order. The Court of Appeal stated that there was no conclusive evidence of G.'s refusal to comply with the schedule. The June 2014 ruling merely recognized the applicant's right to take/see his children, without imposing specific obligations on G. As a result, the court concluded the title unenforceable and annulled the bailiff's order. This decision was final and irrevocable. The bailiff subsequently returned the enforcement title to the applicant.

110. The applicant submitted complaints to several institutions, including: the child protection authority, the police, the prosecution office, and even the Ministry of Labor and Social Protection. The child protection authority replied that it lacked jurisdiction, and that the enforcement of the contact schedule falls within the bailiff's responsibility.

The ECtHR's findings

111. The ECHR found that national authorities had a formalistic approach, relying on the vagueness of the 2014 ruling to motivate the non-enforcement of the applicant's contact rights. There was no effort to mediate or facilitate contact, and the child protection authority declined involvement, leaving enforcement to judicial bailiffs.

112. The ECtHR noted that there was nothing in the case file to indicate that the children were reluctant to meet their father when the contact schedule had been agreed between the parents in 2014 until the stage of enforcement proceedings in 2016.

113. The ECtHR held that the authorities had failed to ensure a fair procedure for assessing the best interests of the children and the father's contact rights. The lack of proper assessment and procedural safeguards resulted in the effective deprivation of the applicant's contact rights.

The subject's explanations

114. In the second round of questions, the subject stated that the bailiff's order was set aside on procedural grounds. The Court of Appeal panel, involving the subject, noted also the defective wording of the 2014 ruling to be enforced. In the subject's view, as the Court of Appeal reviewed the legality of the enforcement procedure, there was no connection with the ECHR case law on positive measures under Article 8 of the Convention. Furthermore, the subject's stated that, when considering the appeal on points of law, the Court of Appeal has no discretion in the choice of the legal consequences, the only ones being to annul the bailiff's order or to uphold it.

115. During the hearing, the subject opined that the friendly settlement concerning the contact schedule, approved by the June 2014 ruling, did not provide for the obligation of the mother to give the children to the father. According to the subject, the bailiff improperly expanded his actions by imposing on the mother an obligation that was not provided for in that settlement. The subject stated with reference to article 251 of the Code of Civil Procedure, that the bailiff should have asked the court that approved the settlement agreement to explain the mother's obligation.

The Commission's assessment

116. The Commission notes that the Court of Appeal's decision of 27 June 2017 falls within a 10-year assessment period. The Commission will further analyze the decision in light of the Constitutional Court's judgment. It will examine whether the decision is contrary to an imperative rule of law, whether there is relevant prior ECtHR case law, and whether the decision is arbitrary as interpreted by the ECtHR (see §§ 78-81 above).

117. The Commission notes that, in the present case, the Court of Appeal, with the subject's participation, annulled the bailiff's order based on: (i) a lack of evidence that G. had failed to comply with the contact schedule; (ii) the failure by the bailiff to grant a deadline for compliance; and (iii) the 2014 ruling approving the friendly settlement was allegedly unclear and did not impose specific obligations on G.

118. As to the alleged lack of evidence showing G.'s non-compliance, the Commission notes that the case file included two bailiff reports and at least

seven protocols documenting repeated failure by G. to respect the contact schedule (see also § 7 of the ECtHR judgment). Additionally, there were court decisions ordering G. to appear at the bailiff's office and prohibiting her from leaving the country - both measures taken in response to her refusal to comply. The applicant also filed complaints with the police, prosecution, and child protection authorities regarding G.'s continued obstruction.

119. On the claim that the bailiff failed to grant a deadline for enforcement, the Commission notes that the enforcement order of 30 May 2016 clearly provided a 10-day term for voluntary compliance.

120. Regarding the alleged ambiguity of the 2014 court ruling, the Commission notes that the contact schedule was proposed by G. herself. She initiated proceedings to modify the previous arrangement, the applicant agreed, and the court subsequently approved their friendly settlement (se§§ 104-105 above).

121. The contact schedule resulted from mutual agreement and was formalized by court approval. Unlike a contested judgment, a friendly settlement reflects the parties' consent and carries binding legal force. In addition, between 2014 and 2016, G. complied with the contact schedule without contesting her obligations or raising concerns about any unclear aspects of the settlement.

122. Moreover, G. challenged the bailiff's order not on the basis of ambiguity, but by claiming she did not refuse to comply with the 2014 court ruling (see, page 1 of the Court of Appeal decision). The 2014 ruling modified only two paragraphs of the earlier contact schedule, while the rest - including mutual obligations to inform one another in specific situations - remained valid. As a rule, court decisions must be interpreted as a whole, not selectively.

123. Before the Commission, the subject argued that the bailiff's order was contrary to procedural rules, but did not specify which rules had allegedly been violated. According to Article 61 of the Enforcement Code, a bailiff may refuse to initiate enforcement only under an exhaustive list of clearly defined circumstances[6]. Moreover, the first-instance court had already dismissed G.'s objection, confirming that the enforcement title was valid and supported by bailiff reports documenting her non-compliance.

[6] The judicial bailiff may refuse to initiate enforcement proceedings if: a) *The document does not fall within their jurisdiction; b) The deadline for submitting the document for enforcement has expired; c) The document is not drafted in accordance with the provisions of Article 14 of this Code; d) The document is submitted by a person who does not have the necessary authorization, as established by law; e) The voluntary compliance period granted by law or indicated in the enforcement document has not expired.*

124. Therefore, the justification that the Court of Appeal annulled the bailiff's order due to procedural breaches lacks any evidentiary basis. The presence of multiple bailiff reports, relevant court decisions, and complaints filled by the applicant clearly demonstrates that G. repeatedly failed to comply with the contact schedule, undermining the Court of Appeal's reasoning in annulling the order on this ground.

125. Article 130 para. (3) of the Code of Civil Procedure provides that each piece of evidence must be assessed by the court regarding its relevance, admissibility, and veracity. Also, all the evidence must be assessed within the light of their mutual connection and sufficiency for resolving the case. Under para. (4) of the same article, following the assessment of the evidence, the court is obliged to reflect in the decision the reasons for its conclusions regarding the admission of some evidence and the rejection of other evidence. Additionally, the court must provide argumentation of the preference of some evidence over others.

126. In light of the available evidence and applicable legal standards, the Commission finds that the Court of Appeal's reasoning - annulling the enforcement order on the basis that the 2014 ruling granted only a "right" to the applicant without imposing a clear "obligation" on G. - was overly formalistic. This interpretation ignored multiple pieces of relevant evidence attesting to G.'s repeated non-compliance and failed to meet the requirements of Article 130 of the Code of Civil Procedure regarding comprehensive and reasoned assessment of the evidence. As confirmed by the ECtHR (§§ 17–18), such a narrowly textual and procedural approach ultimately deprived the applicant of the effective enjoyment of his right to maintain contact with his children and did not correspond to the Court's standards under Article 8 of the Convention.

127. When the decision was issued there existed a consistent case law of the ECtHR concerning the positive obligations under Article 8 to facilitate and enforce contact rights while respecting the best interests of the child: *Bordeianu v. Moldova* (No. 49868/08, 11 January 2011), *Tocarenco v. Republic of Moldova* (No. 769/13, 4 November 2014), *Maire v. Portugal* (No. 48206/99, 26 June 2003), *Ribic v. Croatia* (No. 27148/12, 2 April 2015), *K.B. and others v. Croatia* (No. 36216/13, 14 March 2017).

128. The Commission notes that the subject did not provide a reasonable explanation for the failure to apply mandatory legal provisions and relevant ECtHR case law. Based on the above, the Commission concludes that the decision in this case falls within the concept of arbitrariness as defined by the ECtHR and the Constitutional Court. According to *Balliktaş Bingöllü*, a judicial decision contains a manifest error when it involves a legal or factual mistake that no reasonable

court would make, thereby undermining procedural fairness. By disregarding clear evidence of the mother's repeated failure to comply with the contact schedule, by stating that the bailiff had not granted a period for voluntary enforcement, despite the ten-day period expressly indicated in the enforcement order, and by interpreted that ruling conferred only rights and not obligations, the Court of Appeal committed such a manifest error.

129. The Commission has determined, however, that the subject's participation in the decision in question by the Court of Appeal is not sufficient, in itself, to constitute grounds for concluding that she does not meet the criteria for ethical integrity. Although she was involved in several cases resulting in ECtHR judgments, only five were considered by the Commission. In four out of five cases, the Commission considered the subject's decisions do not raise doubts (see § 87 above) or do not fall within the scope of an ethical integrity assessment under Law No. 252/2023 (see § 100 above). In only one case did the Commission consider that the subject's decision could be characterized as arbitrary - that in *Bocșa* case. However, considering the legal consequences of a non-promotion conclusion, finding a failure to meet the ethical criteria based on this act alone would be disproportionate[7].

VI. Conclusion

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

VII. Further action and publication

131. 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.

132. 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.

133. 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

[7] In its case-law on vetting process the ECtHR referred to the principle of proportionality (see, for instance, *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 83, https://hudoc.echr.coe.int/?i=001-221482)

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.

134. This evaluation report was approved by a unanimous vote of the Panel members on 22 April 2025 and signed pursuant to Articles 33 point (2) and 40 point (5) of the Rules.

135. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B