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EVALUATION REPORT

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

GRIGORE DAŞCHEVICI

judge of the Central Court of Appeal

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

7 May 2025

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Evaluation Panel A 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 7 May 2025. The members participating in the approval of the report were:

1. Andrei BIVOL
2. Lavly PERLING
3. Lilian ENCIU

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

I. Introduction

1. This report concerns Mr. Grigore Dașchevici (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 does not meet the criteria identified in Law No. 252/2023 for ethical and financial integrity.

II. Subject of the Evaluation

4. The subject has been a judge at the Central Court of Appeal since 2015. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. Previously, he worked at the Călărași Court, from 1998 to 2015. From 2011 to 2015 he was the President of this court.
6. The subject received a bachelor’s degree in law in 1996 from the Moldova State University.

III. Evaluation Criteria

7. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject’s ethical and financial integrity.
8. Under Article 11 para. (2), a subject:

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

- a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;
- b) in the last 10 years, has admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

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

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

- a) the difference between assets, expenses and income for the last 12 years exceeds 20 average salaries per economy, in the amount set by the Government for the year 2023;
- b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

10. The applicable rules of ethics and professional conduct for judges in the relevant period were regulated by the:

- a. Law No. 544 of 20 July 1995 on Status of Judge;
- b. Law No. 178 of 25 July 2014 on Disciplinary Liability of Judges;
- c. Judge's Code of Ethics and Professional Conduct No. 8 of 11 September 2015 approved by the Decision of the General Assembly of Judge;
- d. Judge's Code of Ethics approved by the decision of the Superior Council of Magistracy no. 366/15 of 29 November 2007;
- e. Guide on the integrity of judges No. 318/16 of 3 July 2018 approved by the Superior Council of Magistracy.

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

12. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including

payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.

13. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as of persons referred to in Article 33 paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.
14. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime that were in effect when the relevant acts occurred.
15. According to Article 11 para. (2) of Law No. 252/2023 a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
16. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording "serious doubts" with the text "confirming evidence", the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).
17. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

18. On 5 April 2024, the Commission received the information from the Superior Council of Magistracy (hereinafter "SCM") pursuant to Article 12 para. (1) of Law No. 252/2023. The information included the subject as a Central Court of Appeal judge.
19. On 11 April 2024, the Commission notified the subject and requested that he complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 20 days from the date of notification (hereinafter, both declarations referred to together as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 30 April 2024.
20. On 13 August 2024, the Commission notified the subject that his evaluation file has been randomly assigned to Panel A with members Andrei Bivol, Lilian Enciu, and Lavly Perling. He was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
21. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten, and 12 years. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2012-2023 and 2014-2023. The evaluation period for the ethical criterion includes the past five or ten years, calculated backward from the date of the notification.
22. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests, and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management (hereinafter "Law No. 1264/2002").
23. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources asked to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office, 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 (Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, Banca Socială JSC, Banca de Economii JSC), Office for Prevention and Fight Against Money Laundering (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*, hence hereinafter – “SPCSB”) and the Public Service Agency (hereinafter “PSA”). Information was also obtained from other public institutions and private entities, open sources such as social media, and investigative journalism reports. 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.

24. On 13 September 2024, the Commission asked the subject to provide additional information by 23 September 2024 to clarify certain matters (hereinafter the “first round of questions”). On 20 September 2024, the subject requested an extension until 8 October 2024 to respond, which the Commission granted. On 7 October 2024, the subject requested a repeated extension to respond until 14 October 2024. The Commission partially granted his request, with the condition that he submits the completed answers by 8 October 2024. The subject provided answers and documents within the extended deadline.
25. On 15 November 2024, the Commission asked the subject to provide additional information by 25 November 2024 to clarify certain matters (hereinafter the “second round of questions”). On 22 November 2024, the subject requested an extension to respond. The Commission partially granted the extension until 2 December 2024. The subject provided answers and documents within the extended deadline.
26. On 24 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”). On 2 January 2025, the subject notified the Commission that he received the Commission’s email on 2 January 2025. After STISC confirmed, the subject was given a fresh deadline to respond by 13 January 2025. The subject provided answers and documents within the new deadline.
27. On 31 January 2025, the Commission notified the subject that it had identified some areas of doubt about the subject’s compliance with the financial criterion and had preliminarily established a non-compliance with the ethical integrity criterion and invited him to attend a public hearing on 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 his evaluation file on 4 February 2025.
29. On 11 February 2025, the subject submitted additional information and documents. The Commission included them in the evaluation file and considered them in its analysis.
30. On 11 February 2025, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of his answers in the five-year declaration and the ethics questionnaire. He also stated that he did not have any corrections or additions to the answers previously provided to the Commission's requests for information.
31. The subject submitted additional documents after the hearing on 11 March 2025. The Commission included them in the evaluation file and considered them in its analysis.

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. involvement in cases examined by the European Court of Human Rights (hereinafter "ECtHR");
 - b. potential ethical breaches related to the subject's judicial decisions;
 - c. compliance with the conflict-of-interest regime;
 - d. difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for the years 2012, 2013, 2014, 2017, 2019 and 2023.
34. The first two matters did not lead to the Commission's proposal of non-promotion of the evaluation. Conversely, the last two serve as separate grounds for non-promotion.

A. Involvement in cases examined by the ECtHR

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

- *Spînu v. the Republic of Moldova*, no. 980/18, 20 February 2020;
- *Svernei v. the Republic of Moldova*, no. 42787/19, 19 October 2021;
- *Gîrbu and others v. the Republic of Moldova*, no. 72146/14, 5 October 2023;
- *Luca v. the Republic of Moldova*, no. 55351/17, 17 October 2023.

36. 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 "Convention").

37. By judgment No. 2 of 16 January 2025, the Constitutional Court declared these provisions to be constitutional. It stated that, according to this provision, the Evaluation Commission must establish that two cumulative conditions are met to determine the arbitrariness of an act issued by a subject. The first condition is that the act in question contradicts 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.

38. 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 *Balliktaş, 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 fact that no reasonable court could ever have made and which may disturb the fairness of the proceedings.

39. 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 law. In addition, in this analysis, the Commission considers the ECtHR's interpretation of arbitrary acts, as is detailed in the above paragraph.

1. Spînu v. the Republic of Moldova, no. 980/18, 20 February 2020

40. The *Spînu* case was settled by a strike-out decision of the ECtHR, following a unilateral declaration by the Government. In line with its established practice (e.g. the recent Report on *Marina Anton* of 8 April 2025, § 148, Report on *Ana Panov* of 22 April 2025, § 83), the Commission does not examine the subject's involvement in cases settled through strike-out decisions. Accordingly, the Commission will focus on three other cases in which the ECtHR found a violation.

2. Svernei v. the Republic of Moldova, no. 42787/19, 19 October 2021

41. The *Svernei* case concerns restriction of the applicant's visitation rights. On 26 January 2015, the local authority for social assistance and family protection ("DASPF") issued a visitation schedule which allowed the applicant to meet his son once a week. The applicant brought an action against the child's mother and the DASPF, seeking to compel the former not to obstruct contact with his son and the latter to respond to his request to extend the visitation schedule to provide equal parental rights.

42. On 13 November 2017, the Orhei District Court ordered the mother not to interfere, in any way, with the contact of the applicant and his son, and the DASPF to consider a change in the visitation schedule. On 13 September 2018, the Chișinău Court of Appeal, in a panel including the subject, partly overturned the lower court's judgment by removing the order preventing the mother from interfering with visitation, arguing that such an absolute ban could undermine her ability to protect the child. However, it upheld the requirement for the DASPF to review the visitation schedule, emphasizing that changes should prioritize the child's best interests. The court also acknowledged that parents have equal rights with respect to their child. However, the contact could be restricted under the Family Code to protect the child's physical and psychological well-being. The applicant's appeal to the Supreme Court of Justice was dismissed.

43. The ECtHR found a violation of Article 8 of the Convention, criticizing the authorities for not doing enough to support the applicant's relationship with

his son. The court noted that national courts failed to take proactive steps, like involving social services, child psychologists, or arranging visits in a safe environment, to improve visitation conditions. It also highlighted civil mediation as a possible solution to enhance cooperation between parties (§ 25 of the judgment).

44. In the first round of questions, the subject replied that the ECtHR's case law was applied in the present case, and no imperative rules were breached. He highlighted that in the *Svernei* case, the ECtHR emphasized the passive role of the executive authorities, not that of the judicial authorities. At the hearing, the subject said the court prioritized the child's best interests by requiring a new visitation schedule and limiting the father's access to prevent unrestricted visits, like coming at midnight.
45. The Commission notes that the ECtHR criticized the national authorities for not acting with the exceptional diligence required in such matters, namely, for not creating the conditions for fully realizing the father's visitation rights in the future. The subject's decision in the present case engaged with the presented legal arguments and, given the court's reasoning, it could not be assessed as arbitrary.

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

46. The case concerns the national authorities' failure to enforce final judgments and the insufficiency of the redress provided by the national remedy (Law No. 87/2011). The ECtHR found a violation of Article 6 § 1 and Article 1 of Protocol 1 to the Convention.
47. The *Gîrbu and others* case involves six applications: Gîrbu, Turcan, Prisacari, Pîntea, Caminschi and Alexei. As a judge of the Court of Appeal, the subject participated in the *Gîrbu* case and issued the decision of 5 February 2020, which falls within the 10-year period.
48. The applicant obtained a final court ruling requiring local authorities to provide housing (*spațiu locativ*), but due to the authorities' failure to comply, he pursued legal action under Law No. 87/2011. This allows individuals to seek recognition and compensation for delays in enforcing court judgments. The courts acknowledged the delay as a breach of his right to timely enforcement and partially upheld his material and non-material damage compensation.
49. The ECtHR found the violation of Articles 6 § 1 and Article 1 of Protocol 1 on the grounds of the non-enforcement of final judgements in a reasonable time

and the insufficiency of the redress by pursuing the proceedings under Law No. 87/2011.

50. Apart from the consistent ECtHR's case-law on the matter, the Supreme Court of Justice, jointly with the Government Agent, drafted a recommendation on compensating damages.¹
51. The amounts awarded as reparation in this case appeared lower than the just satisfaction afforded by the ECtHR in similar Moldovan cases and as per the Supreme Court of Justice Recommendation.
52. 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 broader institutional issue and, therefore, not a violation of the ethical integrity criteria under Article 11 para. (2) lit. a) of Law No. 252/2023.

4. Luca v. the Republic of Moldova, no. 55351/17, 17 October 2023

53. The *Luca* case concerns the failure of the authorities to protect the applicant from domestic violence and to support her in maintaining contact with her children. The ECtHR found the violation of Articles 3, 8, and 14 of the Convention.
54. As a judge of the Court of Appeal, the subject was involved in this case, issuing the decision of 24 January 2017, which falls within the 10-year period and is linked with the violation of Article 3 of the Convention.

Facts concerning national proceedings

55. On 1 August 2016, the applicant sought a protection order for herself and her two children. In her request, she noted that there had been a history of physical and psychological violence by her cohabitant (A.I.), including in the presence of the children. There was also a recent occurrence of physical violence on 13 July 2016.

¹ [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.

56. On 2 August 2016, the Ialoveni District Court granted her request, issuing a ninety-day protection order for A.I., for the duration of which A.I. was to leave their common residence, refrain from any contact with the applicant or the children, and stay at least 50 m away from them. The police were put in charge of supervising compliance with that order. On 27 October 2016, the Chișinău Court of Appeal upheld the protection order.
57. In August-October 2016, the applicant complained to the police, to the DASPF, and to the Ministry of the Interior that A.I. failed to comply with the protection order.
58. The first instance court denied the applicant's request for prolongation of the initial protection order on 2 November 2016. The applicant appealed.
59. On 24 January 2017, the Chișinău Court of Appeal (including the subject) dismissed the appeal on points of law submitted by the victim and upheld the ruling (*încheierea*) of 2 November 2016. The appellate court reasoned its final (*irevocabil*) decision by stating that the victim had failed to produce evidence that A.I.'s behavior had not changed and that she was still at risk of domestic violence. In the court's view, the prosecutor's order refusing to initiate criminal proceedings on the incident of theft from her home and alleged manipulation of children by A.I. refuted the victim's allegations of non-compliance with the protection order. The court argued that the victim's mere complaint cannot serve as a basis for prolonging this order. The court refused to consider the written decoding of a telephone conversation as evidence in the absence of the audio recording of that conversation. The Court of Appeal left unanswered the victim's argument that her side of the house had been disconnected from drinking water and continued to be disconnected at the time of the complaint.
60. The applicant repeatedly sought a protection order against A.I., referring to a physical assault on 4 November 2016 in addition to reasons advanced previously, but without success.
61. On 14 November 2019, the Hâncești District Court convicted A.I. of domestic violence and failure to comply with the protection order issued by the court.

The ECtHR's findings

62. The ECtHR noted that the domestic law provided explicitly for the extension of protection orders where previous orders had not been complied with and for the purpose of some form of risk assessment. It also noted that the domestic courts showed no awareness of the specific nature and dynamics of domestic violence when dealing with the applicant's complaints (§ 69 of the ECtHR

judgment). Further, it noted the discrepancy between the domestic courts' findings in the two proceedings. On the one hand, in proceedings under Law no. 45/2007 (based on which protection orders are issued), the national courts were not convinced by the applicant's arguments. On the other hand, in criminal proceedings, for which the standard of proof is higher, the courts convicted A.I. on charges based on the same facts, for failing to comply with the protection order and for repeatedly assaulting the applicant (§ 70 of the ECtHR judgement).

63. Despite their initial prompt reaction, the domestic authorities subsequently failed to mount a proper preventive response in a coordinated manner, remained passive in the face of the serious risk of ill-treatment to the applicant and, through their inaction and failure to take measures of deterrence, allowed the perpetrator to continue assaulting and harassing the applicant without hindrance (§ 74 of the ECtHR judgement).

The subject's explanations

64. In response to the first round of questions, the subject answered that he considered the national legislation and international standards in dealing with this domestic violence case (Question 32, b, c). He did not refer, however, to a specific ECtHR case.
65. He mentioned with reference to point 5 of the SCJ Plenum Judgment No. 5 of 11 November 2013 regarding the examination of appeal on points of law in civil cases, that the court of appeal is limited in its direct examination of evidence because it examines only the materials attached in the case file and such examination is made in the absence of the parties (Question 32, d). When asked about how he ensured the protection of the victim's rights, the subject generally referred to the manner in which a domestic violence case is examined (Question 32, e).
66. During the hearing, the subject confirmed that the house disconnection from drinking water is a form of domestic violence. He stated, however, that in this case, the victim's allegations had not been proven.

The Commission's assessment

67. The Commission agrees with the finding of the ECtHR that the domestic law explicitly provided for the extension of the protection orders (§ 69 of the ECtHR judgement). At the time of the issuance of the ruling of 24 January 2017 there were in place provisions of both international and national law, as is detailed below.

68. The Convention on the elimination of all forms of discrimination against women of 18 December 1979 entered into force for the Republic of Moldova on 1 July 1994. The Committee on the elimination of discrimination against women (the treaty's monitoring body) has interpreted several articles as requiring states to implement protective orders. Specifically, General Recommendation No. 35 (2017) clearly implies that protective orders should be extendable to continuously safeguard victims from harm.
69. Under Article 15 of Law No. 45/2007 on the prevention of and combat against domestic violence, as well as Articles 318³(2) and 318⁵ of the Code of Civil Procedure (in force at the time of issuing the concerned decision), the subject should have prolonged the protection order if there was a risk of violence or other illegal action by the aggressor.
70. The Commission notes that there was a consistent case-law of the ECtHR on this matter, including against the Republic of Moldova. Relevant judgments include: *Eremia v. the Republic of Moldova*, no. 3564/11, § 48-66, 28 May 2013; *Mudric v. the Republic of Moldova*, no. 74839/10, § 39-55, 16 July 2013, and *B. v. the Republic of Moldova*, no. 61382/09, § 42-61, 16 July 2013; *T.M. and C.M. v. the Republic of Moldova*, no. 26608/11, § 35-49, 28 January 2014.
71. The panel, including the subject, has issued a decision disregarding the above imperative rules of law and ECtHR's similar decisions. The applicant complained of breaches of the obligations (b) and (c) from the protective order – to stay more than 50 meters away, and not to contact the victim. She presented four main arguments for the prolongation of the protection order. First, the applicant's argument that the aggressor did not comply with the protective order because he effectively lived next door to her. Second, the reported non-compliance with the protective order was documented by the complaints submitted to the police and the DASPF. Third, the transcription of a phone call documenting failure to comply with the protection order. And fourth, the report of 12 October 2016 documenting the water disconnection on 13 September 2016.
72. The panel, with the subject's participation, entirely disregarded the first and fourth arguments, while the second and third arguments were deemed either insufficient or not conforming to the form of evidence needed for audio recordings under the Code of Civil Procedure.
73. The subject's failure to answer two important arguments, including one proven about the disconnected drinking water in the applicant's house, can be characterized as a manifest error. This falls within the concept of arbitrariness

as defined by the ECtHR and the Constitutional Court. No reasonable court would have made this.

74. This decision is distinct from that of the previously evaluated subject *Marcel Juganari* (Report of 4 March 2025) who also was involved in the *Luca* case. In that decision, the disconnection of the drinking water and other utilities was addressed, and, in fact, the applicant already lived in another place, with her mother.
75. The Commission has determined that the subject's participation in the decision in question by the Court of Appeal is insufficient to constitute grounds for concluding he does not meet the ethical integrity criterion under article 11 para. (2) lit. a) of Law No. 252/2023. Although he was involved in four cases that were the subject of applications before the ECtHR, only three were considered by the Commission. In two out of three cases, the Commission considered the subject's decisions do not fall within the concept of arbitrariness (see § 45 above) or appear to be part of a broader institutional issue and, therefore, not a violation of the ethical integrity criteria (see § 52 above). In only one case did the Commission consider that the subject's decision is characterized as arbitrary. However, finding a failure to meet the ethical criteria based on this act alone would be disproportionate.²

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

76. This issue concerns a dispute over National Bank of Moldova's (hereinafter the "NBM") efforts to regulate the transparency of actions by the shareholders of Energbank SA. In January 2019, NBM found that several shareholders acted in concert³ without prior approval (violating Law No. 202/2017 on the activity of banks). NBM ordered, among other things, that the shareholders sell their shares within three months. In March 2020, the Chișinău District Court dismissed the shareholders' lawsuit. In December 2020, the Chișinău Court of Appeal (currently Central Court of Appeal) upheld the shareholders' appeal and annulled the NBM's decision. The Supreme Court of Justice upheld the annulment by a 3-2 vote. In July 2023, the NBM Governor filed a disciplinary complaint, arguing that the decisions of the Court of Appeal and the Supreme Court of Justice harmed banking transparency. The SCM's Disciplinary Board dismissed the complaint in December, having identified no proven

² In its case-law on vetting process the ECtHR referred to the principle of proportionality (for instance, *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 83, <https://hudoc.echr.coe.int/?i=001-221482>)

³ Pursuant to Law No. 202/2017 on the activity of banks, persons acting in concert are persons in a situation where each of them decides to exercise the rights related to a shareholding acquired or to be acquired in accordance with an implicit or explicit agreement concluded between them.

misconduct. The Governor appealed, and in September 2024, the SCM granted the appeal, sending the case to the Judicial Inspection for review. The case is pending.

77. In September 2024, the news reported that the NBM sought sanctions against six judges. The Commission has evaluated one of these judges from the Central Court of Appeal. Another is the subject, and three others have resigned.⁴
78. According to the ECtHR case law, in cases involving the liability of a judge, a distinction is to be made between a disputable interpretation or application of the law, on the one hand, and a decision or measure which reveals a serious and flagrant breach of the law, arbitrariness, a serious distortion of the facts, or an obvious lack of legal basis for a judicial measure, on the other hand. Furthermore, such cases require consideration of the mental element of the alleged judicial misconduct. A good-faith legal error should be distinguished from bad-faith judicial misconduct (*Mnatsakanyan v. Armenia*, 6 December 2022, § 88).
79. The panel of the Chișinău Court of Appeal (which included the subject) determined, among others, that:
 - a. NBM's decision was based on conduct that preceded the effective date of the relevant provisions of law;
 - b. NBM failed to adequately evaluate shareholders before annulling their rights; and
 - c. NBM's reasoning was contradictory. The Court of Appeal decision provides detailed reasoning regarding the relevant facts and applicable law.
80. The Commission notes that although the NBM may regard the Court of Appeal decision as controversial, this alone does not indicate misconduct. A disagreement over legal interpretation is not evidence of judicial wrongdoing. NBM claimed that this decision overturned prior case law. Divergent case law does not per se imply misconduct, as complex legal issues can result in conflicting decisions. There was uncertainty about the legislative intent when the Court of Appeals issued its decision, which was confirmed by Parliament,

⁴ [BNM cere sanctionarea a șase judecători, dintre care trei sunt în demisie onorabilă. CSM a admis o contestație și a reînaltors sesizarea la Inspectia judiciară – Ziarul de Gardă](#)

later enacting Law No. 185/2023 on the interpretation of certain provisions of Law No. 202/2017 on the activity of banks.

81. According to the ECtHR standard reflected in *Mnatsakanyan v. Armenia*, judicial liability requires a serious or manifest violation, which seems to be absent in this case. A good-faith legal interpretation, even if controversial, does not constitute misconduct.
82. Considering the information gathered, the Commission concludes that the Court of Appeal's decision, though considered controversial by the NBM, does not amount to a serious violation of ethical standards as required under Article 11 para. (2) lit. a) of Law No. 252/2023.

C. Violation of the legal regime of conflicts of interest

83. In carrying out its evaluation, the Commission identified that the subject examined cases in violation of his obligation to self-recuse. He appeared to have had a prior connection with O.A., the manager (*administrator*) of a company engaged in passenger road transport (hereinafter JSC "BTA 28"). The subject examined cases involving this company.

Facts concerning the acquisition of a commercial building by the subject

84. On 10 June 2019, a commercial building with a land surface of 318,2 sq.m. (commercial building) was adjudicated to JSC "BTA 28" within a discount auction. The building is in the center of Călărași City. By a certificate of 25 July 2019, the authorized liquidator of LLC "B-A" (previous owner) confirmed the payment of the adjudication price of 2,520,000 MDL.⁵
85. By a sale-purchase contract of 27 April 2020, the subject purchased the commercial building from JSC "BTA 28" for the identical price of 2,520,000 MDL. At the date of these events, the manager of this company was O.A. According to the subject, O.A. was his law school colleague.
86. Before the above-mentioned contract, the subject and JSC "BTA 28" signed a pre-sale-purchase contract on 17 July 2019, by which the subject was obliged to buy the commercial building by 25 December 2019, and the seller assumed the obligation to transfer the property free of any legal vices or rights of third parties.

⁵ On the auction day, the price of the commercial building was reduced five times from 2,800,000 MDL to 2,520,000 MDL. When it was announced that 2,520,000 MDL was the minimal price, JSC "BTA28" has agreed to buy the commercial building.

87. In the first round of questions, the subject indicated the following cash payments made for the acquisition of the commercial building:

- 18 July 2019 – 1,500,000 MDL;
- 29 April 2020 – 520,000 MDL;
- 28 May 2020 – 500,000 MDL.

88. The takeover minutes of the building were signed on 20 July 2020. According to these, the total surface of the commercial building was 597.4 sq.m. After repurposing works conducted under the subject's instructions, the surface increased to 650 sq.m.

89. According to the PSA information, the commercial building was under various seizures and interdictions during 2014-2019, which were lifted following the auction adjudication. In relation to 597,4 sq.m. (total surface of the interior before the repairs and improvement) the subject had paid 4,218 MDL (around 214 EUR) per sq.m. of real estate (not including the price of the adjacent construction land).

Explanations provided by the subject

90. In response to the second round of questions, the subject indicated the commercial building was acquired because his wife needed an office for her notary activity. He claimed that his wife, while working in an office across the commercial building, found out about its sale on or around 10 July 2019, from a notice placed on it (Question 27). He also claimed that the commercial building is being administrated by his wife: she pays the bills and taxes and undersees the daily needs of the building and is the contact person with the tenants (Round 1, Question 22).

91. Between 2020-2023, the subject received an income of 2,278,649 MDL from renting office spaces in the commercial building as follows:

- 103,480 MDL in 2020,
- 650,627 MDL in 2021,
- 778,335 MDL in 2022,
- and 746,207 MDL in 2023.

92. The subject mentioned that the sale price of the commercial building was consistent with other offers in Călărași City at that time. He indicated that according to JSC "BTA 28", the company decided to sell the commercial building so soon after acquisition because initially an investor intended to

demolish it to build a commercial center, but at a later stage, it backtracked and renounced the investment agreement. According to him, this has led to the sale. These circumstances also led to the sale price being identical to the adjudicated price. The subject did not present any proof of these circumstances.

93. The Commission asked the subject whether JSC "BTA 28" had used the funds received from him (1,500,000 MDL paid on 18 July 2019) to make the final payment within the auction procedures. He responded that because the investor backtracked on the agreement, the company didn't have the funds to make a full payment and lost economic interest. If the company hadn't found a new buyer in time, the auction might have been annulled. JSC "BTA 28" would have lost the 280,000 MDL down payment.
94. During the hearing, the subject repeated that the acquisition was to provide his wife with office space. In addressing the large space of the commercial building, he explained that the city had one main street, and everyone wanted to have their businesses and offices on that street. At that time, there were no other purchasing options.
95. The subject noted that the funds for this acquisition originated from his wife's notary income and the proceeds from selling the Romana Street apartment acquired within the SCM program (see § 150 below). However, he mentioned that the initial purpose of selling the apartment was to purchase another apartment, with a better location and quality.
96. The subject further responded that he decided to acquire the commercial building even though it had various legal issues, because the seller had the contractual obligation to remove them. He also stated that any property sold at an auction would have the seizure orders removed sooner or later, which he did by 27 April 2020. The subject claimed he did not help O.A. solve any of these problems.
97. He claimed that during the approximately one year that passed since signing the pre-sale-purchase contract and the sale-purchase contract, they had two phone discussions with A.O. related to removing the legal issues. Referring to the modality of the payments made (see § 87 above), he claimed that he delivered the cash to the accountant of JSC "BTA 28." He did not remember the accountant's name.

Explanations provided by O.A.

98. The Commission asked JSC "BTA 28" for additional clarifications. The company's manager, O.A., clarified that the building was a former

dysfunctional hotel. The company acquired to demolish and construct a commercial building instead. The decision to sell was taken soon after the acquisition due to various legal problems that he had discovered afterwards.⁶ He did not present proof that any of these problems existed.

99. According to O.A., these circumstances determined him to sell the building and the potential investor to renounce their participation in this project. However, he claimed that the investor's involvement was not crucial because they could have realized the construction project on their own. O.A. did not respond to the Commission's request to submit documents proving the existence of an investment agreement and did not indicate who the potential investor was. Still, he mentioned that he was a non-resident.
100. O.A. claimed he got acquainted with the subject during their law school years at the Moldova State University. He graduated in 1995, and 11 years after that, he was a professor at the University and knows many judges, prosecutors, and attorneys. He claimed they did not have a special relationship with the subject. He did not confirm or deny that the subject's funds were spent on procuring the commercial building. He only indicated that the company had sufficient available funds in their bank accounts to have purchased on their own.

Examination by the subject of three administrative cases involving JSC "BTA 28"

101. According to the information from the Integrated Case Management System (hereinafter "PIGD"), between 2020 and 2023, the subject examined three cases involving JSC "BTA 28" as rapporteur or member of the panel (see the list below). The Commission also considered other cases which turned out to be irrelevant.
102. In a first case, JSC "BTA 28" challenged an order of the Ministry of Economy and Infrastructure that assigned its intercity route to another transport company. The first-instance court dismissed the claim, prompting an appeal. On 24 September 2020, the case was assigned to a panel chaired by the subject, which dismissed the appeal on 18 May 2021 and upheld the lower court's judgment. However, the subject issued a dissenting opinion, arguing that the initial judgment should have been overturned and the appeal fully granted.

⁶ The shortened version of his reasons is as follows: (1) probability that the local authorities would not authorize the construction of a new building which would correspond to the land surface, which was approx. two times larger than the land surface of the building, (2) unresolved interdictions which were removed after 8-9 months after the auction, (3) unregistered surface of the building was occupied arbitrarily by certain traders, (4) the construction of a neighboring property without the compliance of rules regarding the distance between buildings, while their owners have used a part of his land for access routes.

The Supreme Court of Justice subsequently declared the “BTA 28”’s appeal on points of law inadmissible.

103. In a second case, JSC “BTA 28” contested a fine of 5,000 MDL imposed after a fiscal inspection found that two passengers had been transported without travel tickets. The company argued that responsibility for issuing tickets lies with the driver, not the company. Following the first-instance court’s rejection of its claims, JSC “BTA-28” appeal and on 10 March 2021 the case was assigned to a panel including the subject. On 15 June 2021, the Court of Appeal and then the Supreme Court of Justice upheld the first instance court judgment. In this case, the subject issued a dissenting opinion as well, arguing that the initial judgment should have been overturned and the appeal fully granted.
104. In a third case, JSC “BTA 28” appealed a first-instance court judgment that dismissed its administrative lawsuit seeking the annulment of a notification issued by ANTA. Although the appeal was filed on time, the company failed to submit the required reasoned appeal within deadline. On 15 August 2023, the case was assigned to a panel including the subject and, on 7 September 2023, the Court of Appeal declared the appeal inadmissible.

The subject’s arguments regarding the conflict of interest

105. The subject confirmed, in the first round of questions, that JSC “BTA 28” had won an auction and subsequently sold the commercial building to him. He asserted that he had no connection with the company, aside from knowing O.A., whom he had met during their studies at the law faculty of Moldova State University. He clarified that they were not classmates — he graduated in 1996, while O.A. graduated a year earlier. He denied any friendship with O.A.
106. The subject stated that, during the evaluation period, he did not consider any cases involving the manager O.A., except for JSC “BTA 28”, as referenced above.
107. In the third round of questions, the subject stated that he did not inform his colleagues, or the parties involved in the cases that he had previously studied with O.A. He explained that doing so would imply the obligation to disclose similar associations in every case involving colleagues from his academic years, which would present a significant obstacle to adjudicating most cases. By way of illustration, the subject noted that he studied in a cohort of 75 students, and over the five years of his studies at the university, approximately 300 students graduated—many of whom he came to know in varying capacities.

108. The subject further stated that his commercial transaction with JSC "BTA 28" did not constitute a legal ground for self-recusal, as he did not receive any economic benefits from the company, nor did the transaction place him under any obligation to render favorable decisions. He emphasized that appellate decisions are made by majority vote. In the cases ruled against the company, his vote was not decisive.

109. In the hearing, the subject repeated the above explanations.

Legal principles

110. Under Article 11 para. (2) lit. b) of Law No. 252/2023, a subject does not meet the criteria of ethical integrity if the Commission has established that in the last 10 years, he/she has admitted incompatibilities and conflicts of interest affecting his position.

111. As already noted in the Commission's previous reports (e.g., *Mariana Ursachi* Report of 5 November 2024), in its Judgement No. 18 of 27 September 2022, the Constitutional Court mentioned that a distinction must be made between the conflicts of interest of judges arising in administrative activity (e.g. presidents of courts) and in jurisdictional activity.

112. Judges must perform their functional duties impartially and objectively. In general, this obligation requires a judge to refrain from examining an application or making a decision if he or she has a personal interest that influences or could influence the impartial exercise and objective performance of his or her duties.

113. According to Article 50 para. (1) lit. e) of the Code of Civil Procedure, a judge handling a case shall be recused if:

"he/she has a personal, direct, or indirect interest in the resolution of the case, or if there are other circumstances that call into question her/his objectivity and impartiality."

114. Article 52 para. (1) of the Code of Civil Procedure provides:

"If the grounds specified in Articles 50 and 51 exist, the judge, [...] is obliged to refrain from examining the case. [...]."

115. Under Article 4 para. (1) lit. a) of Law No. 178/2014 on disciplinary responsibility of judges, a disciplinary offense can be:

"non-compliance by intention or gross negligence with the duty to abstain when the judge knew or should have known that circumstances provided by law requiring abstention existed [...]."

116. Under Article 15 para. (1) lit. a) and d) of Law No. 544/1995 on the status of judges, a judge is obliged:

“a) to be impartial; d) to refrain from acts that compromise the honor and dignity of judges or that cause doubts about the judge’s objectivity.”

117. Under Article 4 para. (4) and (5) of the Code of Ethics:

“The judge shall refrain from making decisions, when his/her interests, those related by blood, adoption, affinity, or other persons who have close ties with his/her family, could influence the correctness of decisions.”

“The family and social relations of the judge must not influence the court decisions he/she adopts in the performance of his/her professional duties.”

118. Under the Commentary of the Code of Ethics, if a judge:

“[...] finds a conflict of interest, his task is to disclose this fact to the appropriate parties, taking all necessary steps to eliminate the conflict of interest and/or to refrain from judging the case.”

119. According to the well-established case-law of the ECtHR, impartiality is evaluated based on: (1) **a subjective test**, which considers the personal conviction and behavior of a particular judge, that is, whether the judge held any personal prejudice or bias in a given case; and also (2) **an objective test**, that is to say by ascertaining whether the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality.

120. There is no watertight division between subjective and objective impartiality since a judge's conduct may not only prompt objectively held misgivings as to impartiality from the point of view of the external observer (objective test) but may also raise the issue of his or her personal conviction (subjective test) (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 6 November 2018, § 145).

121. The ECtHR also stated that justice must not only be done but also seen to be done. Judges should comply with both subjective and objective tests of impartiality. Under the objective test, the appearance of partiality is to be measured by the standard of an objective observer. A personal friendship between a judge and any member of the public involved in the case or a close acquaintance of a judge with any member of the public involved in the case might give rise to a reasonable apprehension of bias.

122. The above standards promote the confidence that the courts in a democratic society must inspire in the public (*Castillo Algar v. Spain*, 28 October 1998, § 45).

The Commission's assessment

123. The subject had a complex and high value commercial transaction with JSC "BTA 28". The last payment in this transaction was on 28 May 2020, less than four months before the first case was assigned to him (24 September 2020) and less than two months before his signature of the takeover minutes (20 July 2020).
124. He did not self-recuse in three cases involving this company. Two of the three cases were examined on the merits, while in one case, the appeal was declared inadmissible on procedural grounds. The subject issued dissenting opinions favorable to the company in both cases examined on the merits.
125. The case outcome is noteworthy, but it is not the primary factor in determining whether the subject should have recused himself. In such instances, the key consideration is whether a reasonable and objective observer would question the subject's impartiality, given his prior relationship with that company and its manager. Impartiality typically denotes the absence of prejudice or bias, and its existence or otherwise can be assessed in various ways.
126. A mere law faculty colleague relationship does not necessarily reflect bias. However, the circumstances of the above acquisition suggest that the subject participated in a transaction clearly involving extended negotiations, potential meetings, and discussions that imply a deeper than usual business relationship.
127. Notably, by May 2021, when the subject issued his dissenting opinion in the first case, he was already closely acquainted with the company's manager. Their business relationship had advanced beyond a typical buyer-seller arrangement. This is confirmed by the following facts:
 - a. On 28 April 2020, the subject registered ownership of the commercial building in Călărași, following a sale-purchase contract with JSC "BTA 28" signed the day before.
 - b. Previously, on 17 July 2019, a pre-sale agreement was concluded, under which the subject made several payments to the company (1,500,000 MDL on 18 July 2019; 520,000 MDL on 29 April 2020 and 500,000 MDL on 28 May 2020).
 - c. The subject's initial involvement, including the first payment (18 July 2019), occurred even before the company's acquisition of the commercial building. The auction concluded on 25 July 2019. This underscores the closeness of the parties' relationship.

- d. The first payment was made by the subject for the company to use for its final payments within the auction procedure. This suggests a previous discussion and collaboration existed.
- e. The final payment was made one month after signing the sale-purchase contract. This indicates a high degree of mutual trust, especially with the company's manager, O.A.

128. The acquisition was not a one-off act but a continuous process with three confirmed payments. In light of this, the subject's statement that he had two phone discussions related to the removal of legal issues (e.g., seizures) seems unconvincing. It seems unlikely that such an important acquisition, especially considering the many legal problems and multiple payments, had been solved in just two phone discussions between the subject and O.A.

129. Also, the explanations that the company had previously an investor who backtracked seem unlikely. First, neither the subject nor O.A. could identify the investor or present any other proof of an agreement. Secondly, O.A.'s explanation that they found out after the auction about the various legal problems is not convincing. The building was auctioned by an insolvent seller. It was clear that the property was under injunction orders.

130. Regardless of the subject's personal conviction, the above verifiable facts concerning the transaction, which happened prior to and close enough to the examination of cases, cast doubt on the subject's impartiality in cases involving the company. Especially considering the dissenting opinions in which the subject clearly sided with the company's position.

131. While the Commission could not find that the acquisition price for the commercial building was undervalued due to unavailable data on comparable acquisitions for that period, the sale price, however, could be deemed advantageous, based on the following facts:

- a. The localization of the building in the center of Călărași;
- b. The seller acquired the commercial building at a reduced price through a discount auction. It had various legal seizures and legal problems. The seller sold the building to the subject with no legal issues, but did not add any profit to their resolution to the sale price of the building;
- c. As the income data proves, within the first four years following the acquisition, the subject recovered most of the investment made in purchasing the building. This equates to a return on investment of approximately 90,42% of the purchase price, which corresponds to an

average annual return of around 22,6%. For context, the average interest rate on bank deposits between 2020 and 2023 was 7,86% while the average floating interest rates on Government bonds during the same period was 13,66.⁷ In comparison, the gross rental yield was approximately 6.6% per year in 2024 and is projected to reach 8.38% per year in 2025.⁸

132. In light of the above, the Commission believes that the existence of links to a party to the case, namely the acquisition of a commercial building in the conditions described above, may be defined as a circumstance that calls into question the subject's objectivity and impartiality as provided in art. 50 para. (1) lit. e) of the Code of Civil Procedure.
133. In the subject's specific circumstances, the law required him to self-recuse or, at least, disclose the potential conflict of interest in the proceedings involving that company and leave the parties to decide on the matter by the institution of recusal.
134. The rules governing judicial recusal serve multiple purposes. In addition to ensuring the absence of actual bias, they aim to eliminate any appearance of partiality. In doing so, they promote the public's confidence that courts in a democratic society must inspire. Accordingly, failure to abide by these rules means that the case was adjudicated by a court whose impartiality, under national law, was susceptible to reasonable doubt (*Mežnarić v. Croatia*, § 27; Constitutional Court Judgment No. 2 of 16 January 2025, § 193).
135. In the Commission's view, the subject's failure to self-recuse in cases involving JSC "BTA 28" creates an objective lack of impartiality, sufficient to undermine public confidence in the judiciary. Based on the above findings, the Commission concludes that the subject does not meet the ethical integrity criteria provided in Article 11 para. (2) lit. b) of Law No. 252/2023.

D. Inexplicable wealth (2012, 2013, 2014, 2017, 2019 and 2023)

136. In its preliminary analysis, the Commission established inexplicable wealth for the years 2012, 2013, 2014, 2016, 2017, 2018, 2019, and 2023. The difference between the income and the expenses (negative balance) in these years was:

Year	Accumulated Inexplicable Wealth
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⁷ The average of 3,62% and 12,10% for 2020-2023 as per [BNM Reports Generator](#)

The average of 5,18% and 22,4% for 2020-2023 as per [I Ministerul Finantelor](#)

⁸ [Cât de profitabile sunt investițiile în imobile în Republica Moldova? Randamentele anuale - Bani.md](#)

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2012	- 86,997 MDL
2013	- 248,026 MDL
2014	- 64,511 MDL
2016	- 62,699 MDL
2017	- 18,917 MDL
2018	- 57,134 MDL
2019	- 43,123 MDL
2023	-161,437 MDL
Total:	-742,844 MDL

137. Following the subject's additional explanations and the Commission's final determination, the negative balance of 2016 and 2018 has been mitigated.

138. For 2016, the Commission found plausible the subject's explanation that the proceeds of 80,000 MDL from the 2015 sale of a Toyota Corolla, m/y 2006, were transferred as cash savings into 2016, as supported by the positive balance recorded for that year. Accordingly, it was concluded that the resulting funds reasonably covered the negative balance of -62,699 MDL for 2016, which has therefore been removed.

139. For 2018, the Commission found that the subject had been the *de facto* owner of a Mercedes E220 CDI, m/y 2004, acquired in 2013 for 128,000 MDL (see § 186 below), and although the sale price in 2018 is unknown, it is reasonable to infer that the proceeds were sufficient to cover the negative balance of -57,134 MDL.

140. As a result of these, and other reasons that will be examined below, the Commission updated its preliminary calculations and identified inexplicable wealth only in 2012, 2013, 2014, 2017, 2019, and 2023. The difference between the income and expenses in these years is -501,466 MDL. The breakdown of the identified inexplicable wealth by year is presented in the following table:

Year	Accumulated Inexplicable Wealth
2012	- 35,452 MDL ⁹
2013	- 178,026 MDL ¹⁰

⁹ See: the detailed breakdown at § 210 below.

¹⁰ See: the detailed breakdown at §§ 174 and 247 below.

2014	- 64,511 MDL
2017	- 18,917 MDL
2019	- 43,123 MDL
2023	- 161,437 MDL
Total:	- 501,466 MDL

1. Beneficial ownership over an apartment in Călărași City

Sale, re-acquisition, and donation of an apartment in Călărași City

141. On 23 May 2003, the subject and his wife acquired a 52 sq.m. apartment located in Călărași City (hereinafter "Călărași apartment"). On 15 February 2010, they sold the apartment to a V.S. for 30,000 MDL. The sale-purchase contract provided that the subject's family had the obligation to vacate the apartment by 15 February 2012. On 28 November 2012, the subject's mother-in-law acquired the Călărași apartment from V.S. for the same sum. On 28 April 2021, the subject's mother-in-law donated the Călărași apartment to his wife, valuing it at 450,000 MDL.
142. In response to the rounds of questions, the subject claimed that he and his family have lived in this apartment without interruptions since they acquired it in 2003 until the end of 2023 (Round 1, Question 18 and Round 2, Question 23). He mentioned that they sold it because they intended to extend the living space due to the birth of their second son in 2008. The subject found a three-room apartment in Călărași, which was being sold at a below the market price, and decided to sell swiftly the apartment where they lived for a lower price (Round 2, Question 23). However, according to the subject's explanations, the seller of the identified apartment refused to sell (Round 3, Question 19).
143. The subject claimed that V.S. purchased the Călărași apartment as an investment (Round 3, Question 19), and that they didn't know each other before the transaction (Round 2, Question 23). However, the subject had an agreement with him to continue living in this apartment until the end of 2012. In a written declaration (*declarație pe propria răspundere*) V.S. said that he allowed the subject and his family to continue living there because he had another apartment.
144. The subject claimed that he contacted V.S. at the request of his mother-in-law, who heard that his family had to vacate the apartment and had not yet found another apartment. She proposed to buy back the apartment to ensure her daughter had a place to live. The subject further explained that V.S. decided

to sell the apartment because he lived in Chișinău at that time, and seemingly did not need the apartment in Călărași (Round 2, Question 23).

145. At a later evaluation stage, the subject submitted written declarations signed by his wife, mother-in-law, and V.S. They generally reaffirmed the circumstances as they were presented by the subject. More specifically, the mother-in-law stated she personally purchased the apartment because she was worried that her daughter might remain without a living space and wasn't sure about the future of her daughter's marriage with the subject.
146. During the hearing, the subject explained that he and his wife had sufficient funds to re-acquire the Călărași apartment in 2012, but they didn't do so because they were still looking to change the apartment for a larger, three-room apartment. He claimed that after his mother-in-law re-acquired the apartment, the problem of acquiring another apartment faded away.
147. He also mentioned that in 2013, they pursued the acquisition of an apartment in Chișinău within a preferential price program (see § 150 below). Referring to the conditions imposed for candidates of this program requiring lack of living space, he mentioned that he had a living space, because they lived in the apartment of their mother-in-law. However, he mentioned that lack of living space wasn't the only condition, and there were rules allowing the selection of candidates to improve their living conditions based on the number of family members.

Acquisition of the apartment within the preferential price program

148. On 20 November 2012, SCM drafted a list of judiciary employees who needed improved living conditions (SCM Decision No. 748/36).¹¹ On 16 September 2013, the subject submitted a request to be included in the list of beneficiaries of this program. The request was submitted to the Commission for selecting employees from the judicial system who need improvement of living conditions (Selection Commission).
149. According to letter b) of Decision No. 3 of 6 September 2013 of the Selection Commission, the following category could apply for the program: "*judges who have the domicile in Chișinău, but work in other courts in the country and are not provided with housing space at the workplace or have insufficient housing space in Chișinău*". Accordingly, the subject mentioned in this request that he had

¹¹ The list comprised employees of Chișinău courts, judges who had residency in Chișinău, but worked in other courts of Republic of Moldova, and employees of SCM which needed improvement of their living conditions.

registered residency in Chișinău but did not have housing at his workplace (Călărași City) or in Chișinău. Three days before this request, on 13 September 2013, the subject changed his address from the Călărași apartment to an apartment in Chișinău. On 22 December 2015, he changed back his residency to the Călărași apartment.

150. As a result of his participation in this program, the subject acquired a 71,1 sq.m. apartment on Romana Street, Chișinău. On 5 April 2017, he signed the delivery-receipt act indicating the total acquisition price of 25,884 EUR (496,217 MDL). Three months later, he sold the apartment for 798,000 MDL. These funds would later be used to acquire a commercial building in 2019-2020 (see §§ 84-89 above).

Commission's assessment

151. The Commission notes from the outset that when a public official sells a significant property and then, after many years and several transactions, the property returns to his/her household, suspicions may arise as to the nature and purpose of these transactions. As seen in the facts above, the Commission inquired and evaluated various aspects of these transactions.
152. In relation to the motivation to sell the apartment in 2010, the subject claimed that they needed to urgently change the apartment to extend their living space. However, not only did they not acquire an apartment in that period, but his family continued living in the Călărași apartment until the end of 2023. After the alleged attempt to purchase a new apartment in 2010, it doesn't seem that the subject's family made any genuine efforts to change their apartment until the construction of their Călărași house in 2022-2024.
153. Regarding V.S.'s motivation to buy this apartment, the subject claimed that this was a good opportunity for him to invest. The subject argued at the hearing that V.S. did not incur a loss when selling it back for the same price because the apartment prices in Călărași are very low compared to those in Chișinău. Regardless of the initial pricing of the apartment, the Commission finds it highly suspicious that V.S., with whom the subject did not have a prior relationship, left the subject's family to live in this apartment for almost three years without any dividends (rent) resulting from this alleged investment, and did not even adjust for inflation the price when selling it in 2012.¹²
154. Related to the mother-in-law's motivation to buy the apartment, it should be noted that the subject and his wife had funds to re-acquire the apartment. They

¹² Adjusted by inflation the apartment would cost 34,669 MDL in 2012.

never were under the real threat of remaining without a living space. Even if there were concerns related to the continuation of their marriage, the subject and his wife would have shared ownership over the apartment and had two children to take care of. There is a strong possibility that regardless of the fate of their marriage, the subject's wife and children would continue living in this apartment. Therefore, even if the mother-in-law seemingly had available funds to make this acquisition,¹³ her reasons for getting involved in the re-acquisition process seem suspicious.

155. In addition to the above, the Commission underlines the crucial fact that the subject and his family lived in this apartment without interruption between 2003 and 2023. Both V.S. and the subject's mother-in-law indicated in their written declarations that even if they acquired this apartment, they never intended to live in it. In the 2021 NIA declaration, the subject declared his wife's ownership of this apartment through a donation contract. In his answer to the third round of questions, the subject rhetorically asked what would be the economic rationale of his mother-in-law to keep ownership over the apartment from 2012 to 2021, when she donated it to her daughter.
156. As was mentioned above, the subject participated in the program meant to improve the living conditions of judiciary workers. At the date when the subject applied for the program, there were three categories of potential beneficiaries: judges who worked in Chișinău courts, judges who had domicile in Chișinău, and employees of courts and SCM (see § 149 above). On 6 September 2013, when these adjusted criteria were approved¹⁴, the subject did not meet any of them, because he worked and lived in Călărași City. However, on 13 September 2013 he registered residency in a Chișinău apartment on Alba Iulia Street. According to subject's first round responses, he never lived in this apartment. The change of residency allowed the subject to fit the first part of the criteria for judges who had domicile in Chișinău. On 22 December 2015, the subject changed his residency back to the Călărași apartment, which coincidentally occurred approx. one month after he was promoted to the Chișinău Court of Appeal, on 27 November 2015. The subject's actions seem to indicate that his change of workplace made him compliant with another criterion of the program (referring to judges who worked in Chișinău) and he didn't need the residency in Chișinău anymore.
157. The second part of this criterion required that the applicant was not provided with housing space at the workplace or had insufficient housing space in the

¹³ In 2012 the subject's mother-in-law had a net annual salary of 36,602 MDL and a pension of 36,778 MDL.

¹⁴ The initial criteria were approved on 16 August 2013 by Decision No. 2 of the Selection Commission.

Chișinău municipality (see § 149 above). Respectively, the subject mentioned in his request that he did not have housing at his workplace or in Chișinău. This seemed to be only partially true, because the subject and his family had at least *de facto* a place of residency in the Călărași apartment, at his workplace, in Călărași City. Even according to the subject's claim, the ownership issue was just a formality, because his mother-in-law expressly acquired the apartment for his wife. The program procedure required that applicants submit a cadastral certificate indicating a lack of housing. The subject was able to present this document because the Călărași apartment was formally acquired by his mother-in-law on 28 November 2012, eight days after the initial list of potential beneficiaries of this program was drafted by SCM (see § 148 above).

158. The fact that the subject and his wife continued living in the Călărași apartment could not be verified by any documents presented to the Selection Commission. The required ID card would show his Alba Iulia Str. residency, in Chisinau Mun., and the cadastral certificate would show a lack of real estate ownership. Moreover, the subject did not declare usufruct rights over the Călărași apartment in his 2012-2015 wealth declarations. The subject had the obligation to do so according to Art. 4 para. (1) let. b) to the old Law 1264/2012. In the 2016 wealth declaration, the subject finally indicated the Călărași apartment, by mentioning that he obtained the use rights in 2012.
159. As a result of the above, the Commission has reasons to suspect that the subject has manufactured various legal circumstances that would allow him to participate in the respective program. Even if on 28 November 2012 (when his mother-in-law concluded the sale-purchase contract for the Călărași apartment) the criteria for applying for the program were not fully defined, by 20 November 2012 the subject could have known, based on the approved list of the SCM (see § 148 above), that not having a living space would be an advantage in this program. His following actions of changing residency a few days before the submittal of the request, changing it back when he changed his workplace, and non-declaration of use rights over the apartment in his wealth declarations further illustrate the actions taken to adjust to the program criteria. While these actions, *per se*, cannot be examined by the Commission from the perspective of subject's compliance with ethical criteria (due to the evaluation time-limit of five years provided by Law No. 252/2023), these can raise doubts about the nature of the 2012 acquisition, which seemed to have been concluded only formally in the name of the subject's mother-in-law to fit the criteria for the SCM program.

160. Finally, the subject did not clarify how his family used the 30,000 MDL proceeds from selling the Călărași apartment. During the first round of questions, the subject declared cash savings from various sources, including 11 years before the evaluation period (see § 187 below). However, he did not indicate the income that resulted from the sale of the apartment in 2010 as cash savings at the beginning of 2012. These funds would normally be saved for the purpose of acquiring another apartment, which the subject did in 2014 (see § 211 below). Nonetheless, when asked later in the evaluation, the subject only mentioned that this sum was saved (Round 3, Question 19). Hence, he did not clarify whether this sum was spent at any time before or after the evaluation period started.

161. Therefore, because the subject's family have continuously lived in Călărași apartment, the various contradictions in the motivation of all parties involved in the transfer of ownership over the apartment, the apparent exploitation of the SCM program by changing residency and ownership rights to fit the criteria for acquiring an apartment at a preferential price, subject's lack of credible stance on the spending of the proceeds from the 2010 sale of the apartment, lead the Commission to have serious doubts concerning the conducted transactions.

162. The doubts regard particularly the 2012 re-acquisition of the Călărași apartment, which seemingly was conducted only in name on the subject's mother-in-law. Based on the above circumstances and analysis, the Commission attributes the 2012 re-acquisition expense of -30,000 MDL to the subject's household (see § 237 below).

2. Beneficial ownership of two Mercedes vehicles

Mercedes E220 CDI, m/y 1999

163. The subject had rights of use over a Mercedes E220 CDI, m/y 1999, between 8 September 2010 and 2 August 2013. He mentioned in response to the first round of questions that the owner of this car was his younger brother. According to PSA information, this car was never registered in the subject's younger brother's name, but it was registered in the subject's brother-in-law's (wife's brother) name between 4 August 2009 and 2 August 2013.

164. During the second round of questions, the subject said that he could not explain why this car wasn't registered in his younger brother's name, and that he could not present any documents attesting his ownership, because none had been kept. In response to the third round of questions, the subject submitted written declarations signed by his younger brother and brother-in-

law. Both written declarations claimed that the Mercedes E220, m/y 1999, was acquired in 2010 by the subject's younger brother from the subject's brother-in-law. Both written declarations indicate the same account of events. This car wasn't registered in the subject's younger brother's name because he did not have time [to undertake the necessary formalities] and had to leave the country. He received a receipt indicating that the subject's brother-in-law received the money for the car, but did not insist on registering the car in his name. Neither of them remember the acquisition price and both claim that no documents have been preserved.

165. The subject further explained during the second round of questions that his younger brother worked in Portugal between 1999 and 2007 and since 2007 in Spain, as a truck driver. He explained that his brother made this acquisition because he wanted an available car when he had his annual leave and returned to the Republic of Moldova. The subject said the use rights were transferred to him because someone had to take care of the car while his brother was away. He mentioned that he incurred expenses on fuel, oil change, and payment for mandatory insurance. However, he claimed there were no significant expenses in this respect. Also, during the third round of questions, the subject said that his younger brother owned no cars abroad.
166. The subject submitted information on his brother's annual income received between 2011 and 2013. For the period before 2011, the subject submitted documents indicating social funding information, allegedly indicating the income received abroad by his younger brother. These documents, however, do not indicate with certainty his brother's income but the amount of social security contributions, which would imply the existence of an official income during the years indicated (2001-2008). For example, the Portuguese statement of social security contributions (originally named "*Extracto da carreira contributiva na Segurança Sociais*") shows in 2008 a total value of 7,271 EUR, in 2007 a total value of 2,721 EUR, in 2006 a total value of 6,460 EUR.
167. During the hearing, the subject mentioned that he used the car occasionally, because the court where he worked was situated 300 meters from his apartment. He recognized that he used it the most because his brother returned home 2-3 times a year for a few weeks. The subject argued that his brother was the beneficial owner of this car. He claimed that previously it was ordinary for people to own cars without registration, based on a general power-of-attorney (*procură generală*) providing all the rights, including to dispose of the car.

Commission's assessment

168. As a general rule, when a public official has use rights over another person's vehicle or real estate property, it is natural that questions may arise as to who is the beneficial or "de facto" owner of the respective property. Especially, this is the case of judges (and prosecutors), who, based on the general principles of transparency and high ethical standards, should approach such instances with utmost care to avoid any suspicion that he/she is hiding wealth behind other persons. For this reason, to alleviate such concerns, evaluation subjects are expected to be diligent when entering such agreements by collecting and preserving all the necessary documents.

169. In the context of the above, the Commission notes that the subject could not provide any documents that would prove his account of events. There is no proof that his younger brother acquired the vehicle from the subject's brother-in-law. The subject's younger brother said he received a receipt from the subject's brother-in-law, which was also not presented. The subject mentioned that during that period, it was ordinary for ownership to be transferred via a general power of attorney. However, neither the subject's brother nor brother-in-law mentioned that such a document was signed at any stage. At that time, the vehicle driver was legally required to have either the vehicle registration certificate issued in his name or the vehicle registration certificate accompanied by another document proving the right to use the vehicle, and to present it at a possible police check.¹⁵

170. The Commission does not have any car insurance information for the period during which the subject had the right to use this vehicle.

171. Neither the subject nor his brothers could provide an estimated acquisition or sale price of this vehicle. According to 999.md, in December 2024, such a vehicle amounted to a price varying between 2,500-6,000 EUR. It can be assumed that the 2010 price would legitimately be expected to be higher than the referenced open-source price from 2024.

172. Additionally, no concrete evidence indicates the income of the subject's younger brother in 2010 or before. The documents presented by the subject, do not reflect with certainty that the indicated amounts represent income or social contributions paid from this income. In any circumstances, it should be

¹⁵ See point 10 para.2 lit. b) of the Road Traffic Regulation, approved by Government Decision no.357 of 13 May 2009. This requirement is no longer in force. Since June 2017 possessing the vehicle registration certificate is sufficient.

assumed that a significant portion of the brother's income would be spent on living expenses. This fact should be weighed against the subject's explanation that his brother acquired this car to use on his vacations in Republic of Moldova. This seems to be a high standard lifestyle that cannot be justified even by the brother's subsequent income from 2011 to 2013 (see § 177 below).

173. Based on the above circumstances, especially considering that the subject was the main user of the car, his brother lived abroad during the relevant period, and the subject's inability to present any documents confirming his statements, the Commission considers that most likely the subject acquired the Mercedes E220 CDI, m/y 1999, in 2010.
174. The subject started using this car in 2010, when the alleged acquisition from his brother-in-law occurred. While the transaction occurred before the evaluation period, this assessment is relevant for analyzing the plausibility of cash savings sums that the subject allegedly had at the beginning of the evaluation period (see §§ 187-210 below). Consequently, the sale proceeds of this car should also be attributed to the subject for 2013.

Mercedes E220 CDI, m/y 2004

175. The subject had usufructuary rights over a Mercedes E220 CDI, m/y 2004, between 31 July 2013 and 26 July 2018. Officially, it was registered on his younger brother between 12 March 2013 and 26 July 2018. In the first round of questions, the subject mentioned that he used the car for personal purposes. He indicated in his 2015 wealth declaration that the car was acquired for 128,000 MDL (7,655 EUR).
176. The explanation related to this car are similar to those indicated for the Mercedes E220 CDI, m/y 1999, namely, that the subject's younger brother lived and worked abroad while owning this car, that he did not own a car abroad, and that the subject used and maintained this car in the meantime (see § 165 above). In his written declaration, the younger brother claimed he acquired the mentioned car from his income received abroad, and that this car was transferred to the possession of his brother.
177. The subject submitted information showing that his younger brother had an annual gross income of 11,486 EUR in 2013, 21,940 EUR in 2012 and 16,671 EUR in 2011. After deducting the income tax (not considering the possible social security payments), the remaining sums would be approx. 8,729 EUR in 2013, 16,420 EUR in 2012, and 12,670 EUR in 2011. According to open-source data, living expenses for a single person living outside the cities of Spain, have

a range between 11,700 EUR and 19,200 EUR, with small variations between 2011 and 2013.

178. According to the National Auto Transport Agency (hereinafter "ANTA"), the subject delivered the car for technical verification on 4 June 2014, 25 June 2015, 4 August 2016, and 12 August 2017. The subject's younger brother is mentioned in the verification documents only during the technical verification of 12 April 2013. According to the PSA, the subject had internal insurance (RCAI) for this car between 15 July 2013 and 14 July 2018. He also had external insurance between 2 September 2014 and 16 September 2014, 28 June 2015 and 12 July 2015, and between 30 August 2015 and 13 September 2015. The subject's younger brother had no insurance on this car while he was its registered owner.
179. According to the PSA information, the subject owned a Toyota Corolla, m/y 2006, between 2013 and 2015. However, he did not own a car between 2015 and 2018 but continued to have use rights over the Mercedes E220 CDI, m/y 2004. In 2018, when the Mercedes E220 CDI, m/y 2004, was sold, the subject acquired a Volvo XC90, m/y 2008. Between 2015 and 2018, the only car the subject could have used for personal purposes was the Mercedes E220 CDI, m/y 2004. After 2018, the subject's younger brother did not own any other cars in Republic of Moldova.
180. At the hearing, the subject recognized that he used the car more than his brother, because his brother was abroad, and only occasionally came back to the Republic of Moldova. He also mentioned that the car was acquired not only from his income in 2013 but also from savings accumulated during the previous years. He also explained the fact that his brother did not own any cars after 2018 due to his brother's disconnection from the Republic of Moldova, because he realized there were no more professional opportunities for him. Finally, he denied helping his brother acquire or sell this car.

Commission's assessment

181. The Commission notes from the outset the similarities between the circumstances related to the subject's use of Mercedes E220 CDI, m/y 2004, and the previous Mercedes E220 CDI, m/y 1999. Both cars were allegedly owned by the subject's younger brother (the former according to the PSA data and the latter according to the claims of the parties involved) while he arranged his life and worked abroad since 1999. In both cases, the subject allegedly had only the role of maintaining the car while also being the primary user of it. It is also noteworthy that the sale of the older Mercedes and the purchase of the new one occurred in the same year. However, based on the

PSA data, the sale of the older car occurred a few weeks after the newer car was acquired.

182. The above similarities, and the fact that the Commission attributed to the subject the acquisition of the Mercedes E220 CDI, m/y 1999, already casts a shadow of doubt over the ownership issue of the subsequent Mercedes car. Nevertheless, the ownership issue over the Mercedes E220 CDI, m/y 2004, should be examined separately according to the relevant circumstances, mainly because the Commission can access more data regarding this car.
183. The subject presented data on his younger brother's income in 2011 and 2013. Indeed, as the subject mentioned, the probability that his brother had the means to acquire the car should not be calculated only in relation to the year when the car was acquired, i.e. 2013. Cars are significant acquisitions that usually imply the use of savings. However, the Commission's approximate analysis of the net income received by his younger brother and the potentially incurred living expenses shows a reduced possibility of such savings. The subject has already declared that his younger brother has borrowed him 3,000 EUR in 2013 (according to the 2013 wealth declaration) and a 1,000 EUR monetary gift received at the subject's birthday in 2011 (see § 190 below), funds which the Commission has accepted as plausible income.
184. Considering that no clear information was presented on the younger brother's specific income before 2011 and that the income received after that year would not have allowed him to accumulate significant savings, the scenario where he acquired the Mercedes E220 CDI, m/y 2004, only to use it on his vacations, while the subject was the primary user of the car, seems unlikely. These doubts are also supported by evidence. The fact that the subject was the one who delivered the car for technical verifications could be explained by the fact that he was the person present in the country to undertake such efforts. However, the subject was the only car user who had consistent internal and external insurance for this car. Meanwhile, his younger brother had no insurance while he was the registered owner. Lack of insurance during that period meant that the subject's younger brother could not have lawfully used the car.
185. Finally, the Commission notes that in 2018, when the subject acquired the Volvo XC90, m/y 2008 (which he had used until 2023), his younger brother stopped acquiring cars in the Republic of Moldova. This further feeds the suspicion that the subject registered the Mercedes cars in his younger brother's name, while after acquiring a car in his name, his brother's involvement wasn't needed anymore.

186. Based on the above circumstances and analysis, the Commission attributes the 2013 acquisition of -128,000 MDL to the subject's household (see § 251 below). Consequently, the 2018 proceeds from its sale should also be attributed to the subject. Even if the exact sale price is unknown, based on the acquisition price, it is reasonable to conclude that the proceeds sufficiently mitigated a negative balance of -57,134 MDL previously established for 2018.

3. Alleged cash savings at the beginning of evaluation period

Cash savings allegedly accumulated by the subject's household before the evaluation period

187. The Commission analyzed the subject's statements regarding his household income and expenses that significantly affected the cash saving entering the evaluation period. The subject declared during the first round of questions cash savings accumulated in the period between 2001-2011. According to the subject, these alleged funds originate from various sources, as follows:

- a. 5,000 USD (received at the subject's wedding – 22 September 2001);
- b. 1,000 USD (christening celebration of the elder son in 2005);
- c. 350 USD (received on wife's 30th anniversary in 2007);
- d. 1,500 EUR (christening celebration of the younger son in 2008);
- e. 1,500 USD (salary savings during 1998-2011);
- f. 600 USD + 2,000 EUR (received on subject's 40th anniversary in 2011).

188. The subject also indicated a steady decrease in these savings during 2012-2015, suggesting that they were used for various expenses during the respective period (Round 1, Question 9). According to the preliminary analysis of the inexplicable wealth (see § 136 above), the subject had a negative balance of -86,997 MDL in 2012, -248,026 MDL in 2013, and -64,511 MDL in 2014.

189. In his response, the subject denied multiple times that he or his wife incurred any expenses on the events that brought them this income. In response to the first round of questions, the subject mentioned that the wedding and the 2005 christening party took place at the JSC Călărași Divin factory (his in-laws' place of work). The 2008 christening party and the wife's 2007 anniversary were organized at home. He claimed that he could not estimate the expenses incurred because these events took place many years ago, and their parents provided much of the food.

190. The subject attached a written declaration signed by his mother-in-law in which she claimed that she, her husband, and the subject's parents covered the expenses for the marriage event in 2001. The written declaration signed by his wife indicated the same circumstances. In the declarations signed by the subject's younger and older brothers, they mentioned that each gave the subject a 1,000 EUR gift for his birthday anniversary in 2011.

191. The subject did not present any confirmation indicating the existence of this income or that the sums listed above at § 187, letters a-e, were saved until 2011. The subject mentioned during the first round of questions that no confirmation of monetary gifts received at family events could be presented, because, according to Moldovan traditions, gifts received at weddings, christening celebrations, and anniversaries are not accounted for.

192. The subject also mentioned that each of these sums represented most of the total funds received for each occasion. To the question of how he spent the respective funds, the subject responded that these were saved in the amount of 80% since his judge salary was sufficient to cover the family's living expenses. At no stage of the evaluation period did the subject clarify how exactly these sums were spent.

193. The table below reflects the data on the subject's and his wife's income and social payments. It is based on information presented by the SFS and the CNAS.

Table No. 1. Income received by the subject and his wife based on combined data from SFS and CNAS

Year	Subject's net salary (MDL)	Wife's net income (MDL)	Total net income	CEP	Balance
1998	4,080	n/a	4,080		
1999	6,539	n/a	6,539		
2000	6,221	n/a	6,940		
2001	8,217	85	8,302		
2002	10,993	3,917	14,910		
2003	20,330	6,018	26,348		
2004	25,325	7,709	33,034		
2005	24,861	5,649	30,510		

2006	38,677	1,406	40,083	38,808 ¹⁶	+1,275
2007	46,465	5,345	51,810	46,764 ¹⁷	+5,046
2008	65,056	3,340	68,396	61,872 ¹⁸	+6,524
2009	65,652	3,000	68,652	63,120 ¹⁹	+5,532
2010	68,453	3,600	72,053	72,720 ²⁰	-667
2011	66,080	310	66,390	79,248 ²¹	-12,858

Expenses incurred by the subject's household before the evaluation period

194. To assess the probability that the subject's household could have saved each of the sums allegedly received from 2001 to 2011, the Commission examined the expenses incurred by the subject's household during the same period. The following acquisitions were identified:

- Acquisition of the Călărași apartment in 2003 (17,000 MDL);
- Acquisition of Volkswagen Passat, m/y 1994 in 2002 (1,500 USD - 2,000 USD);
- Acquisition of Volkswagen Passat, m/y 1996 in 2006 (1,500 USD - 2,000 USD);
- Acquisition of Mercedes E220 CDI, m/y 1999 in 2010 (2,500-6,000 EUR);
- Acquisition of a VAZ-21063 in 2011 (14,000 MDL).

195. The subject and his wife acquired the Călărași apartment for 17,000 MDL (see § 141 above). In response to the third round of questions, the subject noted that the wedding gifts were used to acquire the apartment. According to the 2001 average conversion rate, the wedding monetary gifts of 5,000 USD equaled around 64,300 MDL.

196. According to the PSA, the subject acquired two Volkswagen Passat cars (m/y 1994 in 2002 and m/y 1996 in 2006). The subject mentioned that the cars were his older brother's. In response to the second round of questions, the subject explained that he registered these cars in his name because his older brother,

¹⁶ 1,078 MDL*3*12.

¹⁷ 1,299 MDL*3*12.

¹⁸ 1,289 MDL*4*12.

¹⁹ 1,315 MDL*4*12.

²⁰ 1,515 MDL*4*12.

²¹ 1,651 MDL*4*12.

a truck driver working abroad since 1999, had marital issues and wished to avoid shared ownership, and also for easier administrative management (technical checks, insurance). He noted an estimated price of 1,500 USD – 2,000 USD. The older brother reiterated these circumstances in a written declaration but stated he could not recall the exact purchase prices due to the 15-year time lapse and lack of documents.

197. In response to the third round of questions, the subject added that the cars were bought to resell at a profit—a common practice in Moldova—though his brother did not mention this detail. The subject regarded this arrangement as typical for the region, although he acknowledged he would not repeat such an experience.
198. According to the PSA, the subject's older brother owned another Volkswagen Passat m/y 1995 between December 2003 and November 2004. According to the data presented by the subject, his older brother had an annual gross income of 6,115 EUR in 2002, 3,550 EUR in 2003, 8,801 EUR in 2004, 7,609 EUR in 2005, and 8,158 EUR in 2006.
199. As also already described, the Commission deemed the subject to have acquired a Mercedes E220 CDI, m/y 1999, in 2010 (see § 173 above). The acquisition of this car was attributed to the subject's household.
200. According to the PSA, in 2011, the subject acquired a VAZ-21063 for 14,000 MDL. This vehicle was registered in the subject's name between 30 December 2011 and 16 October 2021. The subject mentioned that the funds for this acquisition were covered by savings and income received in 2010.
201. In response to the first (Question 18) and second (Question 25) rounds of questions, the subject noted a new income of 25,000 MDL that his family received from the sale of a 31.2 sq.m. apartment located in Călărași, in the same building as the other Călărași apartment. He supported this with the sale-purchase contract of 24 May 2004. The Commission asked the subject to clarify how this sum was spent. In response to the third round of questions (Question 11), he indicated that the 25,000 MDL sum was saved in cash.

The Commission's assessment

202. The cash savings indicated by the subject at the beginning of the evaluation period seem purely declarative. Certain prices of the incurred expenses, such as the 17,000 MDL price for the Călărași apartment or the 1,500 USD – 2,000 USD estimation for the Volkswagen cars, seem to be undervalued or minimal estimates.

203. For this reason, the Commission's analysis did not calculate what part of the cash savings would be spent on a specific expense. Instead, the Commission examined whether the subject's household could have saved these sums, assuming their receipt, for periods between 11 and 4 years, factoring in potential expenses.
204. Further, it is highly unlikely that the subject's household did not support any expenses related to organizing these five significant events (a wedding, two christening celebrations, and two round-age anniversaries). It may be that the parents indeed covered the subject's wedding expenses. However, this is likely not the case for the following events.
205. The subject's household incurred various expenses from his wedding in 2001 to the beginning of 2012. The first was the acquisition of the Călărași apartment of 52 sq.m. in 2003 for a likely higher price than 17,000 MDL. This assessment is based on the fact that in 2004 they sold the smaller apartment of 31.2 sq.m. located in the same building for 25,000 MDL. By applying the same price/area ratio, the 52 sq.m. apartment would have cost approx. 40,000 MDL.
206. The second and third acquisitions were likely the two Volkswagen cars in 2002 and 2006. The claim that the real owner was his older brother, who was working abroad and did not want to share ownership and profits with his wife, is contradicted by the brother's acquisition in 2003 of a Volkswagen Passat, m/y 1995. Also, it doesn't seem that the subject's older brother had sufficient funds to constantly acquire cars in the Republic of Moldova. Considering his brother's reportedly contentious relationship with his wife, it is unlikely that he would have used her funds to make these acquisitions.
207. The fourth and fifth acquisitions were the Mercedes E220 CDI m/y 1999 in 2010 and the VAZ-21063 in 2011.
208. The income table indicated in § 193 above shows that the total annual income received by the subject and his wife between 1998-2011 would be sufficient to cover only their day-to-day expenses (except for the last two years), when they had a total negative balance of -13,525 MDL. Firstly, this means that the subject and his wife could not accumulate the alleged salary savings of 1,500 EUR. Secondly, this means that any significant expenses incurred before 2012 would have to be covered by funds originating from other sources, i.e. the alleged cash savings.
209. The Commission concludes that it is unlikely that the subject's household was able to save the indicated sums, except 600 USD and 2,000 EUR, which the subject claimed to have received for his 40th birthday anniversary in 2011. The

proximity of the mentioned event and the two written declarations of both brothers of the subject suggest that these could have been transferred into the evaluation period as cash savings.

210. According to the 2012 average conversion rate, these sums would have amounted to +38,386 MDL. Considering the sums indicated and the reasoning from § 231 below, the negative balance in 2012 has decreased from -86,997 MDL to -35,452 MDL (see §§ 229 and 241 below).

4. Alleged donations received by the subject and his wife

On the alleged 9,000 EUR donation from the subject's older brother

211. In the first round of questions, the subject indicated that in 2013, he received a 9,000 EUR (167,670 MDL) donation from his older brother²². He explained that the donation was given to him to make the 2014 payment for the 71,1 sq.m. apartment located on Romana Street, Chișinău. According to the subject's explanation, this sum was saved as an incoming financial flow in 2014.

212. The subject did not indicate this income in any of his wealth declarations. He explained that he did not declare this sum because of the provision of Law no.1264/2002, which provided at Art. 4 the "extent of declaration," the telephone explanations provided by the National Integrity Commission (NIC), and the lack of a dedicated section in the declaration form at that time.

213. In a written declaration submitted by the subject, his older brother indicated that in 2013, when he returned home, he offered 9,000 EUR financial help. He claimed that these funds were given to the subject in cash and originated from his savings from his work abroad since 1999.

214. In response to the first and second rounds of questions, the subject also indicated that between 2011 and 2015 he held 20,000 EUR, of which 17,000 EUR were his older brother's savings (3,000 EUR were savings of his younger brother). He noted that he did not spend these sums and returned them to his brothers in 2015.

215. The information submitted by the subject indicates that his older brother had the following annual gross income:

The subject's older brother gross income	
Year	Income (EUR)

²² According to average annual conversion rate of 2014 (18,63), when the sum was allegedly spent.

2002	6,115
2003	3,550
2004	8,801
2005	7,609
2006	8,158
2007	6,145
2008	4,787
2009	19,933
2010	13,658
2011	12,793
2012	15,075
2013	8,830

216. At the hearing, the subject mentioned that he did not declare this income because the provisions of Law No.1264/2002 were ambiguous, and at that time, he believed that it was not required to declare donations from first-degree relatives.

On the alleged 95,000 MDL donations received from the subject's mother-in-law

217. In response to the first round of questions, the subject indicated that his wife received donations from his mother-in-law of 15,000 MDL in 2012, 15,000 MDL in 2013, 30,000 MDL in 2014, and 35,000 MDL in 2015, totaling 95,000 MDL. According to the subject, these donations were given monthly in small sums. Thus, he could not present any proof that these donations occurred. The purpose of the donations was to support the upkeep of their two sons.

218. The subject did not declare any of these donations in his 2012-2015 wealth declarations. He provided the same explanation indicated in § 212 above.

219. In response to the first round of questions the subject also mentioned each of these annual donations as cash savings into the next year. Hence, he was asked how these sums were spent on day-to-day expenses if each respective sum was indicated as cash savings for the end of the year. The subject said he could not remember how these were spent, because his wife used them without notifying him.

220. In response to the third round of questions the subject submitted written declarations signed by his mother-in-law and wife. The subject's wife indicated that between 2001-2015 they received financial help and farm products from her parents, after 2005 she was on childcare leave. The subject's

mother-in-law gave a similar description of circumstances. She added that financial help was provided monthly.

221. The table below shows a financial analysis of the income and expenses of the subject's mother-in-law during 2012-2015:

Year	Net income (MDL)	Pension (MDL)	Total (MDL)	CEP (MDL)	Estimated savings after excluding CEP (MDL)	Donations and % of the estimated savings
2012	36,602	36,778	73,380	18,240	55,140	15,000 (27%)
2013	36,109	34,191	70,300	20,376	52,060	15,000 (28%)
2014	42,453	36,423	78,876	21,204	60,636	30,000 (49%)
2015	41,151	39,189	80,340	23,604	62,100	35,000 (56%)

222. At the hearing the subject mentioned that it was not required to declare these sums, since it represented financial help from mother to daughter. The subject did not respond to the question: "How should these funds be qualified if not donations?".

The Commission's assessment

223. According to the subject, his household received donations/financial help totaling 262,670 MDL from his older brother in 2013 and from his mother-in-law between 2012 and 2015. He did not declare this income. The total of undeclared funds for this period is almost equal to the total net income that the subject received as a judge between 2012 and 2014 (283,064 MDL).

224. The subject claimed that he wasn't legally required to declare these donations. However, Law No. 1264/2002 didn't provide any exception from declaring donations (monetary gifts) from first-degree relatives. According to Article 4 lit. a) of Law no.1264/2002, subjects of declaration had the obligation to declare the income obtained together with family members during the declaration period. Furthermore, Chapter I, Subsection 6 of the declaration forms, in force at that time, required declaration subjects to indicate the received donations. The same requirement results from point 7 para. 2) lit. f) of the Instructions on how to complete declarations of income and property and declarations of personal interests.²³ The subject also claimed, that he did not declare this income because of the interpretation received by phone from NIC. However, this affirmation wasn't substantiated by any proof.

²³ Approved by NIC Order No. 5 of 8 February 2013.

225. The apparent availability of funds by the subject's older brother and mother-in-law is insufficient for the respective donations to be accepted. For example, according to the subject, his older brother had another 17,000 EUR that were kept safe by the subject, while the subject's mother-in-law had another adult child whom she might have helped. Therefore, this aspect alone does not give plausibility to an income not declared appropriately.

226. The Commission does not accept this income as a plausible income. Therefore, the alleged donations will not be included as incoming financial flows in the inexplicable wealth analysis of the subject's household.

5. Inexplicable wealth per year

5.1. Inexplicable wealth in 2012

Incoming financial flows

227. According to the SFS information for 2012, the subject had a net income of +61,481 MDL in the form of salary as a judge at the Călărași Court. The information from the SFS did not indicate any taxable income received by his wife during this year.

228. In response to the first round of questions (Question 4), the subject indicated that his wife received a 15,000 MDL donation from his mother-in-law (her mother). For the reasons indicated in §§ 223-226 above, the Commission has not accepted this source of income.

229. In response to the first round of questions (Question 9), the subject indicated additional incoming financial flow for 2012 consisting of cash savings accumulated between 2001 and 2011 (see § 187 above). The Commission accepted as plausible income the amounts of 600 USD (7,266 MDL) and 2,000 EUR (31,120 MDL) received by the subject at his 40th anniversary in 2011 (see §§ 202-210 above).

230. The subject's total incoming financial flow in 2012 was +99,867 MDL.

Outgoing financial flows

231. The subject's household had an annual Consumption expenditure for the population (CEP) in 2012 of -74,640 MDL.²⁴ In response to the third round of

²⁴ The CEP for any year between 2006-2018 is calculated based on NBS methodology, available on the NBS website here: [Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb \(statistica.md\)](http://Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb (statistica.md)). This link is reached from the home page of the NBS website following these steps (tabs): - Statistics by theme – Society and social conditions - Living standard of

questions (Question 1), the subject mentioned that it was absurd that the calculated CEP was higher than his salary. The Commission accepted this and lowered this line of expense by the negative difference of -13,159 MDL (74,640 MDL-61,481 MDL) between the subject's salary and his household's CEP. The Commission admits also that the negative difference could have been covered by the subject's mother-in-law, as was previously claimed by him (see § 220 above).

- 232. The subject's family incurred a further -48,045 MDL on trips abroad, clothes, health and beauty products.
- 233. Of these, the subject and his wife spent 24,658 MDL on purchases from clothing companies on their Victoriabank JSC accounts. This means that they exceeded the clothing CEP category by 15,328 MDL. While the clothing category represents only 12,5% of the normally incurred expenses during a year, they have spent 33% of the subject's salary on this category alone.
- 234. Considering the analysis of the other categories of bank account expenses and the potential overlapping of these with the CEP categories and the travel costs that have already been introduced as a separate line of expenses in 2012, the general amount of the identified bank account retail expenses of -48,045 MDL was excluded from the calculation. However, the -15,328 MDL expenses exceeding the clothing category of CEP were introduced as a separate line of expense for this year.
- 235. At the hearing, the subject argued that the extra-CEP clothing expenses should not be attributed to his household, because the online acquisitions also

population - Stat bank - Population expenditure – Discontinued series - Household expenditures (2006-2018, based on resident population) - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2006-2018.

On the above link, the following variables were selected: *Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person*. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

The CEP for any year between 2019-2023 is calculated based on NBS methodology, available on the NBS website here: [Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit, PxWeb \(statistica.md\)](#). This link is reached from the home page of the NBS website following these steps (tabs): *- Statistics by theme – Society and social conditions - Living standard of population - Stat bank - Population expenditure - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2019-2023*.

On the above link, the following variables were selected: *Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person*. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

contained clothing purchases for relatives and his wife's friends. He claimed that his wife made purchases more often and had access to price discounts and promotions. The subject also presented three written declarations signed by his wife, sister-in-law (wife of the wife's brother), and a third-party person. The subject's wife mentioned that based on her experience in online shopping, she was making purchases for more than six other persons. According to her, she would receive the money back in cash after making the purchases. The other two written declarations mentioned similar circumstances.

236. The Commission can accept that certain online expenses were made in the name of other persons. However, no specific data was presented on the expenses that should be excluded from the attributed expenses. The presented documents are not sufficient to exclude entirely the extra-CEP clothing expenses, which for the whole evaluation period amount to -86,137 MDL. Hence, the subject's argument in this respect is rejected. This analysis is applicable for the remaining years where such expenses were attributed to the subject's household.
237. According to the subject's response in the first round of questions (Question 6), his household incurred an additional -20,050 MDL on trips abroad. Furthermore, based on the analysis indicated in §§ 141-162 above, the Commission attributed to the subject's household the acquisition of the Călărași apartment in the amount of -30,000 MDL.
238. In response to the first round of questions (Question 9), the subject indicated cash savings by the end of the year of 15,000 MDL (donation from mother-in-law), which were not introduced as outgoing cash flow in 2012, for reasons mentioned in paragraphs §§ 223-226 above. The subject also had declared by the end of the year cash savings of 4,500 USD + 3,000 EUR, which represent the remaining funds from the savings declared for the beginning of the evaluation period, which were not introduced as outgoing financial flows in 2012 for the reasons indicated in §§ 202-210 above.
239. Finally, the subject had bank savings at the end of the year amounting to -8,460 MDL (-7,671 MDL (converted from 493 EUR) on Victoriabank account No. MD30****8119, 743 MDL on Victoriabank account No. MD68****8114 and 46 MDL (converted from 3 EUR) on Victoriabank account No. MD93****4089). According to the annex of the Commission's Rules, this sum is considered

outgoing cash flow for 2012, because it is carried over as incoming cash flow for the following year²⁵.

240. The total outgoing financial flow in 2012 was -135,319 MDL.
241. Accordingly, the subject's total outgoing financial flow (-135,319 MDL) was higher than the incoming financial flow (+99,867 MDL), and therefore, he had a negative balance of -35,452 MDL in 2012.

Table No. 2. Incoming and outgoing financial flows for 2012

Income (MDL)	Expenses (MDL)
Savings (both bank and cash) at the beginning of the year	+38,386
Judge salary	+61,481
	Bank account expenses on clothes exceeding CEP
	Expenses on trips abroad
	Repurchasing of the Călărași apartment (beneficial ownership)
	Savings (both bank and cash) at the end of the year
Total	+99,867
Difference	-35,452

5.2. Inexplicable wealth in 2013

Incoming financial flows

242. According to the SFS information for 2013, the subject had a net income of +78,722 MDL in the form of judge salary. His wife received a net income of +16,739 MDL from her activity as a notary. According to the subject's 2013 wealth declaration and information provided to the Commission, his younger brother gave him a loan of 50,160 MDL (3,000 EUR).

²⁵ As accepted by the ECtHR in *Xhoxhaj v. Albania* (see footnote no.1 of the Judgement), savings (both cash and bank) may have a double nature: at the start of the year, they count as incoming cash flow; at the end of the year, they count as outgoing cash flow. The outgoing cash flow of savings at the end of the previous period (2011) equals with the incoming cash flow of savings at the start of the following period (2012).

²⁶ The CEP of the subject's household in 2012 (1,555 MDL * 4 persons * 12 months).

²⁷ The difference between the subject's salary and his CEP in 2012.

243. The subject indicated in response to the first round of questions (Question 9) that the 15,000 MDL allegedly donated by his mother-in-law to his family in 2012 were saved by the end of the year, implying that this sum would have been savings at the beginning of 2013. Also, the subject indicated that in 2013 she gave his wife another donation of 15,000 MDL, which was saved by the end of 2013. For the reasons mentioned in §§ 223-226 above, these sums cannot be accepted as incoming cash flow in 2013.

244. The subject also indicated at the beginning of the year cash savings amounts of 2,000 USD + 2,000 EUR from the funds declared for the beginning of the evaluation period, which were not considered as incoming financial flow in 2013, due to the explanation provided at §§ 202-210 above.

245. Additionally, the subject indicated in response to the first round of questions (Question 9) that the older brother gave him a loan of 9,000 EUR in 2013, for the purpose of paying for the apartment acquired in 2014. For the reasons indicated in paragraphs §§ 223-226 above, this alleged income has not been accepted.

246. The subject had savings at the beginning of the year amounting to -8,460 MDL (-7,671 MDL (converted from 493 EUR) on Victoriabank account No. MD30****8119, 743 MDL on Victoriabank account No. MD68****8114 and 46 MDL (converted from 3 EUR) on Victoriabank account No. MD93****4089).

247. Based on the considerations indicated at §§ 168-174 above, the subject's incoming flows also included 70,000 MDL (around 4,200 EUR) from the sale in 2013 of the Mercedes E220 CDI, m/y 1999. The figure indicated is an approximate calculation, considering the 2024 average price of similar vehicles on online marketplaces (2,500-6,000 EUR). This calculation corroborates with the subject's purchase of a newer model vehicle at a declared price of 128,000 MDL in the same year. Neither the subject nor his brother nor brother-in-law provided details on the older vehicle's purchase or sale prices. Moreover, the PSA does not keep data on the contracts for longer than 6 years.

248. The total incoming financial flow in 2013 was +224,081 MDL.

Outgoing financial flows

249. The subject's household had an annual CEP of -86,544 MDL in 2013. In response to the round three questions, the subject claimed that his household did not incur the indicated CEP amount, but did not present any arguments. Therefore, the Commission doesn't see a reason to depart from its practice of calculating CEP.

250. According to the subject's response in the first round of questions (Question 6), his household incurred additional expenses of -13,470 MDL on trips abroad in 2013.

251. The subject acquired a Toyota Corolla, m/y 2006 for -93,236 MDL. Additionally, based on the analysis indicated in paragraphs §§ 175-186 above, the Commission attributed to the subject's household the acquisition of the Mercedes E220 CDI, m/y 2004, of -128.000 MDL.

252. The subject declared the following end-of-year cash savings: 15,000 MDL (alleged donation received from mother-in-law in 2013), 2,000 USD + 2,000 USD (remaining funds from the alleged cash savings at the beginning of 2012), and 9,000 EUR (alleged donation from older brother). For the reasons mentioned in §§ 223-226, 202-210, none of these sums were accepted as outgoing financial flows in 2013.

253. By the end of 2013, the subject's household had total savings of -80,857 MDL consisting of:

- (i) 24,193 MDL (converted from 1,447 EUR) on his Victoriabank account No. MD30****8119;
- (ii) 6,504 MDL (converted from 389 EUR) on his wife's Victoriabank account No. MD93****4089; and
- (iii) 50,160 MDL, represents the 3,000 EUR loan from the younger brother.

254. The total outgoing financial flow in 2013 was -402,107 MDL.

255. Accordingly, the subject's total outgoing financial flow (-402,107 MDL) was higher than the incoming financial flow (+224,081 MDL). Therefore, his household had a negative balance of -178,026 MDL in 2013.

Table No. 3. Incoming and outgoing financial flows for 2013

Income (MDL)		Expenses (MDL)	
Savings (both bank and cash) at the beginning of the year	+8,460	Consumption expenditures for population (CEP)	-86,544 ²⁸
Judge salary	+78 ,772	Expenses on trips abroad	-13,470
Wife's notary income	+16,739	Purchase of Toyota Corolla m/y 2006	-93,236

²⁸ 1,803 MDL * 4 persons * 12 months.

Loan from the subject's younger brother	+50,160	Purchase of Mercedes E220 CDI m/y 2004 (beneficial ownership)	-128,000
Sale of Mercedes E220 CDI m/y 1999 (beneficial ownership)	+70,000	Savings (both bank and cash) at the end of the year	-80,857
Total	+224,081		-402,107
Difference	-178,026		

5.3. Inexplicable wealth in 2014

Incoming financial flows

256. According to the SFS information for 2014, the subject received a net income of +142,861 MDL as judge salary. His wife received a net income of +72,314 MDL from her notary activity.

257. At the beginning of the year, the subject had savings of +80,857 MDL.²⁹

258. In response to the first round of questions (Question 4) the subject declared donations from his mother-in-law in the amount of 30,000 MDL. In addition, the subject has declared in response to the first round of questions (Question 9) the following cash at the beginning of 2014: 15,000 MDL (alleged donation from mother-in-law received in 2013), 2000 USD + 2,000 USD (remaining funds from the alleged cash savings at the beginning of 2012) and 9,000 EUR (alleged donation from older brother). For the reasons mentioned §§ 223-226, 202-210 above, none of these sums were accepted as incoming financial flows in 2014.

259. The total incoming financial flow in 2014 was +296,032 MDL.

Outgoing financial flows

260. The subject's household had an annual CEP of -79,776 MDL in 2014.

261. According to his explanations provided in the first round of questions (Question 20), the subject incurred total expenses of -250,512 MDL (13,265 EUR) on the first payment instalments for the purpose of procuring the Romana Street apartment.

262. According to his response in the first round of questions (Question 6), his household incurred additional expenses of -5,900 MDL on trips abroad.

263. The end-of-year savings amounted to -24,355 MDL, consisting of the following amounts:

²⁹ See: the detailed breakdown at § 253 above

- (i) 12,854 MDL (converted from 690 EUR) on the Victoriabank account No. MD30****8119;
- (ii) 1,359 MDL (converted from 73 EUR) on the Victoriabank account No. MD93****4089; and
- (iii) 10,142 MDL on Moldinconbank account No. 22****3121.

264. In response to the first round of questions (Question 9), the subject declared the following additional sums for the end of 2014: 30,000 MDL (donations from mother-in-law) and 500 USD +1,000 EUR (remaining sums from the cash savings declared for the beginning of 2012). For the reasons mentioned in §§ 223-226, 202-210 above, none of these sums were accepted as outgoing financial flows in 2014.

265. The total outgoing financial flow in 2014 was -360,543 MDL.

266. Accordingly, the subject's total outgoing financial flow (-360,543 MDL) was higher than the incoming financial flow (+296,032 MDL). Therefore, his household had a negative balance of -64,511 MDL in 2014.

Table No. 4. Incoming and outgoing financial flows for 2014

Income (MDL)	Expenses (MDL)		
Savings (both bank and cash) at the beginning of the year	+80,857	Consumption expenditures for population (CEP)	-79,776 ³⁰
Judge salary	+142,861	Expenses on trips abroad	-5,900
Wife's notary income	+72,314	First payment instalments for the Romana Street apartment	-250,512
		Savings (both bank and cash) at the end of the year	-24,355
Total	+296,032		-360,543
Difference	-64,511		

5.4. Inexplicable wealth in 2017

Incoming financial flows

267. According to the SFS information, the subject received a net income of +216,911 MDL as judge salary. His wife received a net income of +467,981 MDL from her activity as a notary. According to the sale-purchase contract of 3

³⁰ 1,662 MDL * 4 persons * 12 months.

August 2017, he received +798,000 MDL for selling the Romana Street apartment.

268. At the beginning of 2017, the subject's household had savings of +175,291 MDL, consisting of the following amounts:

- (i) 160,000 MDL cash savings declared in the 2016 wealth declaration;
- (ii) 6,504 MDL on Victoriabank account No. MD30****8119;
- (iii) 8,781 MDL on MAIB account No. 22****0036; and
- (iv) 6 MDL on Moldinconbank account No. 22****3121.

269. The total incoming financial flow in 2017 was +1,658,183 MDL.

Outgoing financial flows

270. The subject's household had an annual CEP of -106,944 MDL. The subject did not agree with the indicated CEP expenses, due to help from his parents and parents-in-law. It should be noted, however, that the subject and his wife had a considerable income in 2017 (1,482,892 MDL from their professional activities and the sale of the Romana Street apartment). While the Commission can admit that the subject's family received a certain degree of help via agricultural products from his parents and parents-in-law, he did not present any concrete data in this respect, and based on their income, it doesn't seem that they needed financial help. Also, the subject's wife indicated in her written declaration that they received help in the form of groceries from their parents' households between 2001 and 2015, not in 2017. The subject's mother-in-law did not mention in her declaration that she provided any help after 2015. At the same time, according to the NBS data, the income in kind in the urban area in 2017 represented 5% of total income. The Commission notes that this amount is non-substantial and does not significantly affect the CEP. Therefore, the Commission finds no serious reason to change the calculated CEP.

271. According to his response in the first round of questions (Question 6), the subject's household incurred -41,483 MDL on trips abroad. According to his response to the first round of questions (Question 20) on 5 April 2017, he paid the last installment for the Romana Street apartment of -47,849 MDL (1,500 EUR).

272. The subject's household had end-of-the-year savings in the amount of -1,480,824 MDL, consisting of the following amounts:

- (i) 1,452,000 MDL cash savings;

- (ii) 1,124 MDL (converted from 54 EUR) on Victoriabank account No. MD30****8119; and
- (iii) 27,700 MDL on MAIB account No. 22****0036.

273. The total outgoing financial flow in 2017 was -1,677,100 MDL.

274. Accordingly, the subject's total outgoing financial flow (-1,677,100 MDL) was higher than the incoming financial flow (+1,658,183 MDL). Therefore, his household had a negative balance of -18,917 MDL in 2017.

Table No. 5. Incoming and outgoing financial flows for 2017

Income (MDL)		Expenses (MDL)	
Savings (both bank and cash) at the beginning of the year	+175,291	Consumption expenditures for population (CEP)	-106,944 ³¹
Judge salary	+216,911	Expenses on trips abroad	-41,483
Wife's notary income	+467,981	Final instalment payment for Romana Street apartment	-47,849
Sale of Romana Street apartment	+798,000	Savings (both bank and cash) at the end of the year	-1,480,824
Total	+1,658,183		-1,677,100
Difference	-18,917		

5.5. Inexplicable wealth in 2019

Incoming financial flows

275. According to the SFS information for 2019, the subject received a net income of +264,842 MDL as judge salary. His wife received a net income of +539,512 MDL from her notary activity.

276. At the beginning of the year, the subject's household had savings of +1,891,618 MDL consisting of the following amounts:

- (i) 1,865,000 MDL cash savings; and
- (ii) 26,618 MDL on MAIB account No. 22****0036.

277. The total incoming financial flow in 2019 was +2,695,972 MDL.

Outgoing financial flows

³¹ 2,228 MDL * 4 persons * 12 months.

278. The subject's household had an annual CEP of -142,080 MDL in 2019. Additionally, the Commission identified on subject's MAIB account No. MD21****0036 retail expenses of -37,147 MDL related to clothes purchases via online websites (Sportsdirect.com, Asos.com etc.). Considering that the CEP clothing category was 11,2% in 2019, which represents 15,865 MDL, the subject's household clothing expenses exceeded the normally incurred expenses of this type by 21,281 MDL, a sum which will be introduced as a separate line of expense. The subject's arguments in relation to the attribution of this expense are rejected for the same reasons indicated in the analysis of inexplicable wealth in 2012 (see §§ 233-236 above).

279. According to sale-purchase pre-contract of 17 July 2019 and subject's response in the first round of questions (Question 22) the subject has paid -1,500,000 MDL as a first instalment for the commercial building located in Călărași City in 2019 (see § 87 above). According to the subject's response to the first round of question (Question 6), his household incurred additional expenses of - 20,240 MDL on trips abroad. The end-of-year savings amounted to -1,055,494 MDL (1,045,000 MDL cash savings and 10,494 MDL on MAIB account No. 22****0036).

280. The total outgoing financial flow in 2019 amounted to -2,739,095 MDL.

281. Accordingly, the subject's total outgoing financial flow (-2,739,095 MDL) was higher than the incoming financial flow (+2,695,972 MDL). Therefore, his household had a negative balance of -43,123 MDL in 2019.

Table No. 6. Incoming and outgoing financial flows for 2019

Income (MDL)		Expenses (MDL)	
Savings (both bank and cash) at the beginning of the year	+1,891,618	Consumption expenditures for population (CEP)	-142,080 ³²
Judge salary	+264,842	Bank account expenses on clothes exceeding CEP	-21,281
Wife's notary income	+539,512	Expenses on trips abroad	-20,240
		First payment for acquisition of commercial building in Călărași	-1,500,000
		Savings (both bank and cash) at the end of the year	-1,055,494
Total	+2,695,972		-2,739,095

³² 2,960 MDL * 4 persons * 12 months.

Difference	-43,123
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5.6. Inexplicable wealth in 2023

Incoming financial flows

282. According to the SFS information for 2023, the subject received a net income of +313,451 MDL as judge salary and +71,722 MDL in interest payments on his MAIB account. The subject's wife received a net income of +1,694,921 MDL from her notary activity.

283. Based on the rent contracts concluded with tenants using office spaces in the Călărași commercial building and the calculations provided in the second round of questions (Question 1), the subject received an additional net income of +746,207 MDL in the form of rent payments.

284. According to the sale-purchase contract of 14 October 2023, the subject sold the Volvo XC90 m/y 2008 for +192,300 MDL.

285. According to the sale-purchase contract of 8 May 2023, he sold the surface of 0.0078 ha of construction land adjacent to the commercial building he had acquired in Călărași for +180,000 MDL.

286. At the beginning of the year, the subject's household had savings of +1,066,132 MDL, consisting of the following amounts:

- (i) 360,000 MDL cash savings;
- (ii) 6,370 MDL savings on MAIB account No. 23****8191;
- (iii) 687,000 MDL savings on MAIB account No. 23****9329;
- (iv) 23 MDL on MAIB account No. 22****8190;
- (v) 10,334 MDL on MAIB account No. 22****0036; and
- (vi) 2,401 MDL on MAIB account No. 22****8562.

287. The total incoming financial flow in 2023 was +4,264,733 MDL.

Outgoing financial flows

288. The subject's household had an annual CEP of -219,984 MDL in 2023.

289. According to the subject's 2023 wealth declaration, he incurred an additional -430,000 MDL on constructing a 144,2 sq.m. residential house in Călărași. The subject mentioned in response to the third round of questions (Question 8) that the 430,000 MDL sum indicated as expenses in 2023 was not spent in 2023,

but between January-March 2024. He mentioned that this sum was indicated in the 2023 wealth declaration as required by Law no.133/2016 and the NIA rules, which indicate: "at the moment the declaration is submitted".

290. First, the subject indicated in response to the first round of questions (Question 26) that his household had spent 1,480,000 MDL in 2022 and 2023 and an additional 450,000 MDL in 2024. In the 2022 wealth declaration, the subject indicated (in the section VII¹ regarding the procured services) expenses of 1,050,000 MDL on the construction of the building. The declaration shows that the respective services were procured by 31 December 2022. In the 2023 wealth declaration, the subject indicated in the same section that his wife incurred an additional 430,000 MDL expenses on the construction of the house, incurred by 31 December 2023. In section III of the same declaration, the subject indicated in the row referring to the respective house of 144,2 sq.m. that they incurred 430,000 MDL expenses in 2023 on constructing the house. Therefore, before his response in the third round of questions, there are at least three instances when the subject mentioned that expenses of 430,000 MDL were incurred in 2023.
291. Additionally, the subject's claim that Law no.133/2016 required the declaration of the procurement of services at the date when the declaration was submitted is incorrect. Art. 6 paragraph (1) Law no.133/2016 indicates that the income and goods are to be declared for the previous fiscal year, except the goods and personal interests provided at Art. 4 let. b)-m), which should be declared according to the date when the declaration is submitted. The requirement to declare procured services is provided by the let. n) of the latter article. Thus, it is not included as an exception. Therefore, the procured services are declared for the previous fiscal year.
292. At the hearing, the subject mentioned that he indicated the 430,000 MDL as an expense in 2023 based on the information provided to him by his wife, and did not pay attention that this sum was spent in the first months of 2024. This explanation cannot be accepted because the subject also indicated during the first round of questions that the 430,000 MDL expenses for the construction of the house were incurred in 2023. This expense is maintained as an outgoing financial flow in 2023 for all the above reasons.
293. According to the sale-purchase contract of 17 May 2023, the subject's wife acquired a Skoda Karoq, m/y 2022, for the price of -348,700 MDL. According to his response in the first round of questions (Question 6), his household incurred -31,000 MDL on trips abroad.

294. By the end of the year, the subject's household had savings of -3,396,486 MDL, consisting of the following amounts:

- (i) 1,865,000 MDL cash savings;
- (ii) 15,304 MDL on MAIB account No. 23****8191;
- (iii) 1,460,000 MDL on MAIB account No. 23****9329;
- (iv) 55,835 MDL on MAIB account No. 22****0036;
- (v) 326 MDL on MAIB account No. 22****8562;
- (vi) 20 MDL on MAIB account No. MD90****4375; and
- (vii) 1 MDL on MAIB account No. MD44****8756.

295. The total outgoing financial flow in 2023 was -4,426,170 MDL.

296. Accordingly, the subject's total outgoing financial flow (-4,426,170 MDL) was higher than the incoming financial flow (+4,264,733 MDL). Therefore his household had a negative balance of -161,437 MDL in 2023.

Table No. 7. Incoming and outgoing financial flows for 2023

Income (MDL)		Expenses (MDL)	
Savings (both bank and cash) at the beginning of the year	+1,066,132	Consumption expenditures for population (CEP)	-219,984 ³³
Judge salary	+313,451	Expenses on trips abroad	-31,000
Wife's notary income	+1,694,921	Expenses on building the 144.2 sq.m. house in Călărași	-430,000
Proceeds from rent contracts of the commercial building in Călărași	+746,207	Acquisition of Skoda Karoq m/y 2022	-348,700
Interest payments on MAIB account	+71,722	Savings (both bank and cash) at the end of the year	-3,396,486
Sale of Volvo XC90 m/y 2008	+192,300		
Sale of construction land of 0.0078 ha in Călărași City	+180,000		
Total	+4,264,733		-4,426,170
Difference	-161,437		

³³ 4,583 MDL * 4 persons * 12 months.

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

Year	Incoming financial flows	Outgoing financial flows	Amount in inexplicable wealth, MDL
2012	+99,867	-135,319	-35,452
2013	+224,081	-402,107	-178,026
2014	+296,032	-360,543	-64,511
2017	+1,658,183	-1,677,100	-18,917
2019	+2,695,972	-2,739,095	-43,123
2023	+4,264,733	-4,426,170	-161,437
Total			-501,466

298. The Commission notes that the total negative balance accumulated by the subject's household was -501,466 MDL. This exceeds the threshold of 234,000 MDL provided by Article 11 para. (3) lit. a) of Law No. 252/2023. The Commission, therefore, concludes that the subject does not meet the criterion of financial integrity.

VI. Conclusion

299. Based on the information it obtained and the subject's explanations, the Commission proposes that subject does not promote the external evaluation on the grounds of non-compliance with the criteria set in Article 11 para. (2) lit. b) and para. (3) lit. a) of Law No. 252/2023.

300. The Commission found two separate grounds for finding non-compliance with the criteria in Article 11 of Law 252/2023. Under Article 17 of Law 252/2023, a subject will be deemed not to have passed the evaluation if one or more grounds for non-compliance are found to exist. The Commission would have issued its recommendation of non-promotion based on any one of the identified grounds.

VII. Further action and publication

301. 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.

302. 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.

303. 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.
304. This evaluation report was approved by a unanimous vote of the Commission members on 7 May 2025 and signed pursuant to Articles 33 point (2) and 40 point (5) of the Rules.
305. Done in English and Romanian.

Andrei Bivol

Vice-chairperson of the Commission

Chair of Panel A