



**COMISIA DE EVALUARE A JUDECĂTORILOR  
JUDICIAL VETTING COMMISSION**

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# **ANNUAL REPORT**

1 April 2025 – 31 March 2026

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## EXECUTIVE SUMMARY

1. The Commission is mandated to operate under three laws: Law No. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice, Law No. 252/2023 on the external evaluation of judges and prosecutors and amendment of some normative acts and Law No. 26/2022 regarding certain measures related to the selection of candidates for the position of member in the self-governing bodies of judges and prosecutors.
2. As provided in Art. 5 para. (3) of Law No.252/2023 on the external evaluation of judges and prosecutors and some amendments to regulatory acts, the Commission submits annual reports to the Parliament by 31 March.
3. Throughout its activity, the Commission works closely with and receives exemplary support from the Centre for International Legal Cooperation, benefiting from timely, adequate, and high-quality assistance.
4. From its establishment, the Commission received **a total of 202 subjects**. Of these, 4 passed pre-vetting, 69 withdrew or resigned, 107 evaluations were finalized, and 22 are pending. Of the 107 completed evaluations, there were proposals/decisions to promote in 68 and to fail in 39. Thus, the promotion rate is 64%.
5. During the reporting period, the Commission worked with 69 subjects. Of these, 20 withdrew or resigned, and 49 received the following final proposals: 30 to pass and 19 to fail the evaluation. Thus, the promotion rate is 61%.
6. During the next several months, the Commission will work on the 9 pending evaluations concerning candidates to the SCJ; first instance presidents/vice-presidents; reevaluations; and the evaluation of all 13 first-instance court judges who have examined corruption or corruption-related cases.

## I. Background

7. The Commission was constituted on 15 June 2023 when Parliament appointed its six members.
8. The Commission was first tasked under Law No.65/2023 to evaluate sitting judges of the Supreme Court of Justice (hereinafter “SCJ”) and candidates for the position of judge on the SCJ.
9. On 30 June 2023, the Commission elected its Chairperson and appointed its Vice-Chairperson.
10. On 11 July 2023, the Commission adopted its Rules of Organization and Functioning, subsequently amended on 26 September, 27 November 2023, 22 March 2024, 20 June 2025 and 18 November 2025.
11. In late March 2024, Commissioner Maria Giuliana Civinini, one of the three international members, notified the Parliament of her intent to resign effective 15 May 2024.
12. On 18 July 2024, Willem Brouwer was appointed as an international member of the Commission.
13. In July 2024, the Commission established the panels responsible for evaluating judges of the Courts of Appeal, as contemplated in Law No.252/2023. The Commission's six members have been divided into two panels of three members each. They were referred to as Panel A (led by the Commission Vice Chairperson, Andrei Bivol, and including Lavly Perling and Lilian Enciu) and Panel B (led by the Chair of the Commission, Scott Bales, and including Willem Brouwer and Iurie Gațcan).
14. In May 2025, the Commission reconstituted the panels responsible for evaluating the presidents and vice presidents of first instance courts, and other subjects. This was done with a view of enhancing the consistency in the evaluations and resulted in swapping one member between the panels – Willem Brouwer moved to Panel A, and Lilian Enciu moved to Panel B.
15. On 10 July 2025, Parliament appointed 3 additional members to the Commission, bringing its composition to 9 members. The new members were: two international members – Marcel van de Wetering, judge from the Kingdom of the Netherlands with over 30 years of professional experience in the justice sector; Gerrit-Marc Sprenger, international expert with experience in assessing judicial systems, including as an observer in the vetting process of judges and prosecutors in Albania, – and one national member – Iulian Rusu, former State Secretary at the Ministry of Justice and

former Director of the National Anticorruption Center, with extensive expertise in the legal field and institutional integrity.

16. In August 2025, the structure of the evaluation panels has been updated by renaming the 4 existing panels and the creation of 3 new ones. This measure was driven by the expansion of the Commission's membership. Thus, the panels previously operating under the names A and B have been renamed C and D, while retaining their composition and mandate. In parallel, 3 new panels – E, F, and G – have been constituted through the incorporation of the recently appointed members.
17. On 10 November 2025, the Commission appointed its new leadership. Following a unanimous vote by all 9 members, Andrei Bivol, national member and former Vice Chair of the Commission, was elected Chairperson. Marcel van de Wetering, international member, was appointed Vice Chair. This leadership transition followed Scott Bales' decision to step down as Chairperson and his prospective retirement.
18. In the same month, the evaluation panels B and D were modified in connection with the resignation of the former Chairperson, member Scott Bales, from this position, except for the evaluations where the hearings of the subject already had taken place. This resulted in replacing Vice Chair, Marcel van de Wetering, with former Chairperson, Scott Bales.
19. On 29 December 2025, the Parliament adopted in final reading amendments to Law No.252/2023. The amendments referred to the expansion of categories of subjects of the vetting process, namely judges who have examined corruption and corruption-related cases in the Chişinău Court and candidates for positions of judge in these specialized panels. The deadline for completing the external evaluation of judges and prosecutors was extended until 31 December 2026.
20. On 31 December 2025, the mandate of the international member, Scott Bales ended, following his decision to withdraw from the Commission due to retirement.
21. At the end of February 2026, the Commission initiated the evaluation of 13 first instance judges who served on panels specialized in adjudicating corruption and corruption-related cases.
22. In the same month, the Commission reconstituted the panels E, F, and G responsible for evaluating the above subjects. Accordingly, the panels have been modified as follows: Panel E (led by the Chairperson, Andrei Bivol, and including Lavly Perling and Willem Brouwer), Panel F (led by the Vice Chair,

Marcel van de Wetering, and including Lilian Enciu and Iurie Gațcan), and Panel G (led by the elected member, Willem Brouwer, and including Gerrit Sprenger and Iulian Rusu).

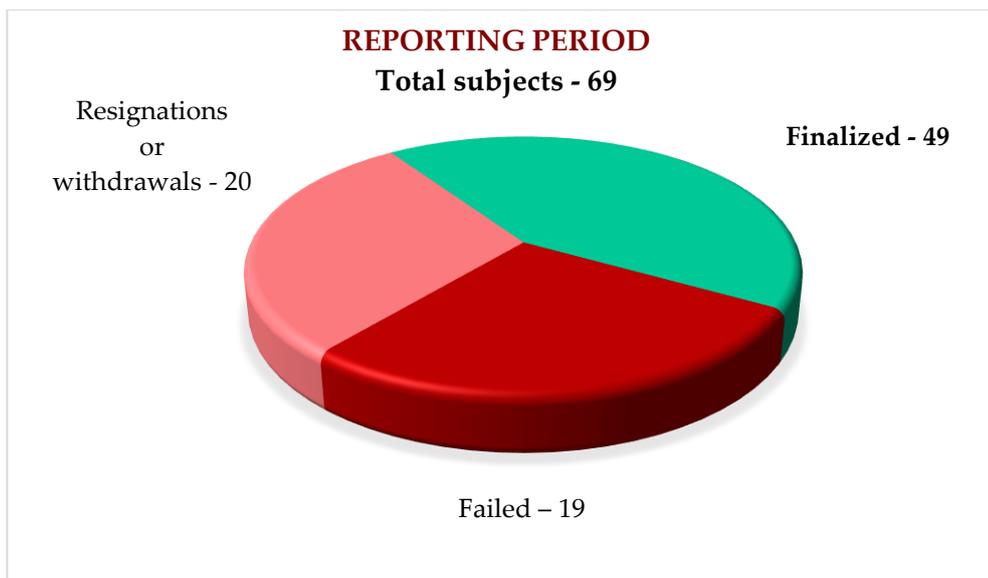
23. On 26 March 2026, Aida-Oana Popescu was appointed as an international member of the Commission, bringing the Commission back to its full composition of nine commissioners.
24. The Commission's Secretariat has a staff of 18.

## II. Overall activity

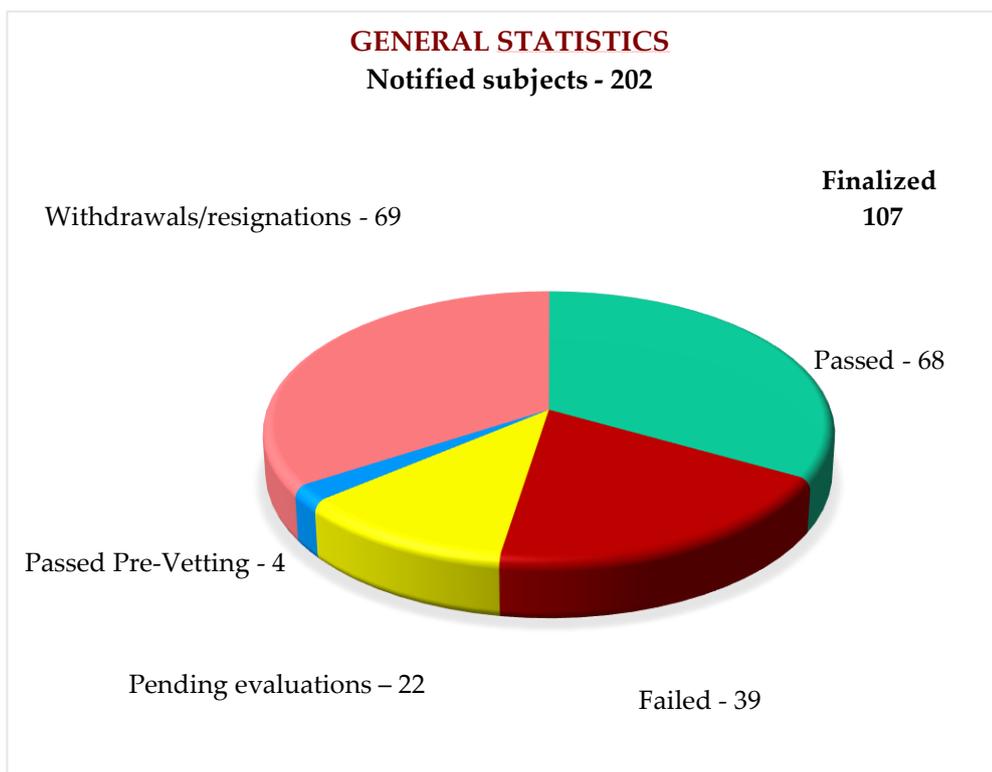
25. For the entire period of its activity, the Commission received **a total of 202 subjects**. Of these, 4 passed pre-vetting, 69 withdrew or resigned, 107 evaluations were finalized, and 22 are pending<sup>1</sup>. Of the 107 completed evaluations, there were proposals/decisions to promote in 68 and to fail in 39. Thus, the promotion rate is 64%.
26. The information presented below in this annual report relates to the period commencing after 28 March 2025, being the reporting cut-off date of the preceding annual report and ending on 30 March 2026 (hereinafter the "reporting period").
27. From the perspective of issued documents, during the reporting period, the Commission issued under the three laws (Law No.65/2023, Law No.26/2022, and Law No.252/2023) 54 evaluation reports, of which 7 are reevaluation reports, and 1 decision, 55 in total.
28. From the perspective of subjects of evaluation, during the reporting period, the Commission worked with 69 subjects. Of these, 20 withdrew or resigned, and 49 received reports or decisions with proposals to pass or fail the evaluation. Of these 49 subjects, 30 received proposals to pass the evaluation and 19 to fail. Thus, the promotion rate is 61%.

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<sup>1</sup> The data for finalized subjects includes 2 candidates to SCJ for whom the Commission issued reports and the SCM returned the reports for re-evaluation. During the reevaluation process, the subjects withdrew. Accordingly, these subjects are counted as withdrawn. Also, some subjects have applied for several positions. The numbers reflect evaluations, not persons. Starting with 2025, the Commission counts the reevaluations as a single process together with evaluations.



29. The all-time numbers are reflected below.



### III. Activity under Law No.65/2023 – Supreme Court of Justice

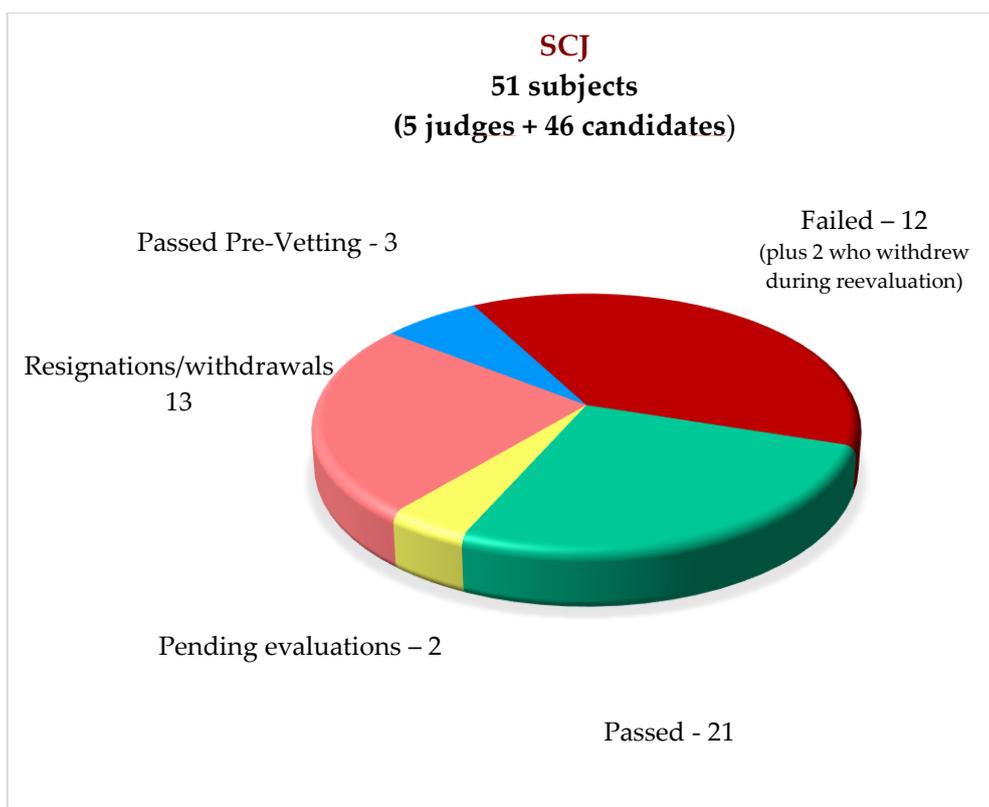
30. Law No.65/2023 on the external evaluation of judges and candidates for the Supreme Court of Justice (hereinafter “SCJ”) was adopted on 30 March 2023 and entered into force on 6 April 2023. It sets the procedure for the external evaluation of the ethical and financial integrity of SCJ judges and candidates for the position of SCJ judge.

31. In exercising its mandate, the Commission, as provided by law, collects, accumulates, and verifies information relevant to the evaluation. The Commission requests information from the subjects of the evaluation; requests and obtains information from other natural and legal persons governed by public or private law, including financial institutions; and interviews the subject of the evaluation and other persons holding information relevant to the evaluation. The Commission finally approves reports on the evaluation results and submits them to the Superior Council of Magistracy (hereinafter "SCM").
32. The Commission shall operate until the appointment of the last judge of the SCJ, but in any event not earlier than the SCJ has completed its examination of the last appeal lodged against the decision of the SCM.
33. During the reporting period, the Commission received 8 subjects for evaluation.
34. The Commission finalized the evaluation of 8 candidates for the SCJ position: 5 judges and 3 non-judges. In all of these 8 reports the Commission proposed the promotion of the evaluation. Thus, the proposed promotion rate is 100%. The SCM took a decision in 7 reports as described hereafter in § 35.
35. During the reporting period, 5 other subjects withdrew from the evaluation. All of them were non-judge candidates.
36. In total, the Commission received for evaluation under Law No.65/2023 – 51 subjects. Of these, 5 were sitting judges, of whom 2 resigned. Of the 46 candidates to the position of judge at the SCJ, 3 passed pre-vetting, and 11 withdrew. As for the remaining candidates, the Commission issued 33 reports. 2 reports were sent back by the SCM for reevaluation, but the candidates withdrew during the process of reevaluation. The Commission counted these subjects as withdrawn. In respect of 2 subjects, the evaluation procedure is pending.
37. Of the 8 subjects for whom the Commission issued reports with proposals to promote, 7 have been accepted by the SCM, 1 is pending examination, 5 have promoted professional assessment (4 are career judges and one non-judge), 2 have failed (both representatives of other legal professions).

## SCJ subjects

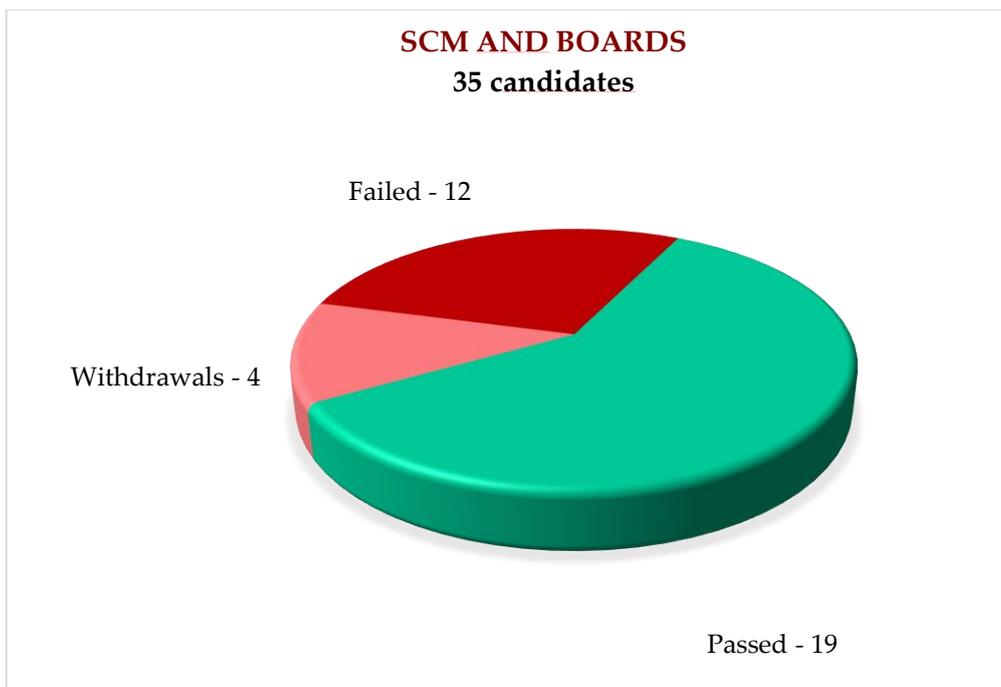
Subjects to evaluation		Reports submitted to SCM			Pending evaluation
		2023	2024	2025	
<b>Candidates to the SCJ</b> (14 judges; 17 other legal professions)	<b>32</b>	10	12	8	2
<b>Candidates who passed pre-vetting</b> (not subject to evaluation)	<b>3</b>	-			-
<b>Candidates who withdrew</b>	<b>11</b>	4	2	5	-
<b>SCJ sitting judges subject to evaluation</b>	<b>3</b>	1	2		-
<b>SCJ sitting judges who resigned</b>	<b>2</b>	2			-
<b>Total</b>	<b>51</b>				

38. The progress on the SCJ subjects from the beginning of the activity of the Commission is illustrated below:



#### IV. Activity under Law No.26/2022 – Superior Council of Magistracy and its Boards

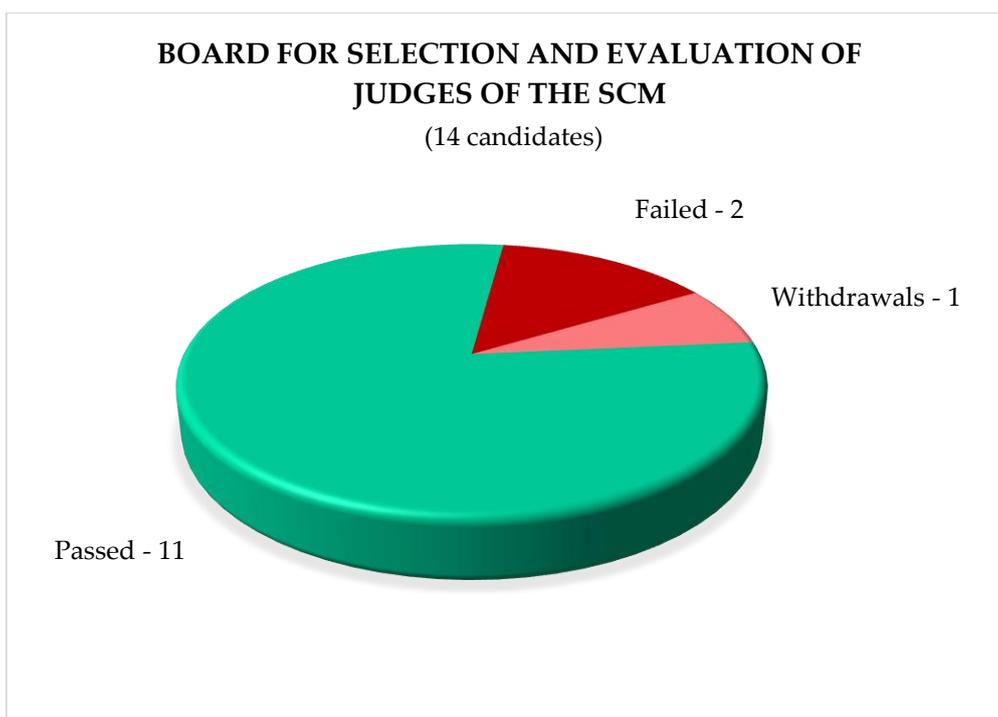
39. The Commission is also mandated to evaluate candidates for membership in the SCM who applied after 1 September 2023, and, regardless of the date of application, candidates for membership in the SCM Disciplinary Board or the SCM Selection and Evaluation Board. These evaluations are carried out under Law No. 26/2022 on measures related to the selection of candidates for positions as members of the self-administration bodies of judges and prosecutors.
40. For the SCM and its boards, the Commission received 35 subjects in total, 4 of whom were withdrawn by the institutions that had sent them (3 have been withdrawn by the SCM and 1 by the Ministry of Justice). The Commission finalized the evaluation of the 31 remaining subjects. Of these, the Commission issued decisions of promotion in respect of 19 and decisions of failure in respect of 12 (4 of them withdrew during the evaluation process and were thus considered, according to art. 13 para. (1) of Law No. 26/2022, to have failed the evaluation). Therefore, the promotion rate is 61%.



41. In 2025, one more SCM member was appointed from among the judges of the Courts of Appeals who passed vetting.
42. During the reporting period, the Commission finalized the evaluation of one candidate to the Board for the Selection and Evaluation of Judges of the SCM.
43. All-time numbers are illustrated below.

**Candidates for membership in the Board for the Selection and Evaluation of Judges of the SCM**

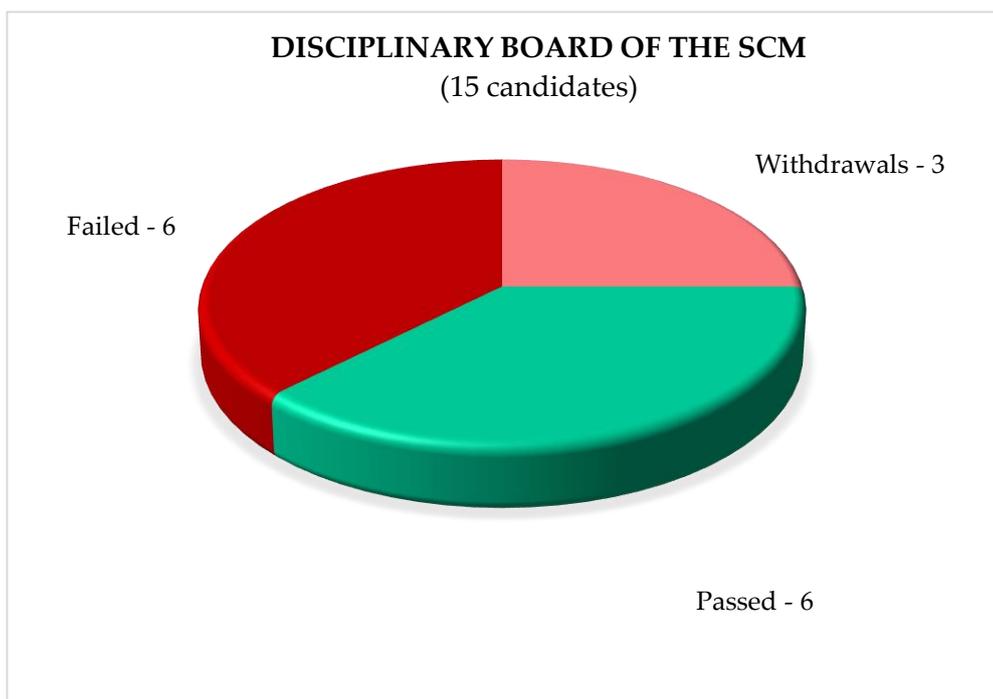
Subjects to evaluation	Number of candidates	Passed	Failed
<b>Withdrawals</b>	1		
<b>Decisions submitted</b>	13	11	2
<b>Total</b>	<b>14</b>		



44. In May 2025, the Commission received two additional candidates from the SCM for membership on the SCM Disciplinary Board. The Commission initiated their evaluation. However, both subjects withdrew. They were deemed to have failed the evaluation under Article 13 para. (1) of Law No.26/2022.
45. The all-time numbers for the Disciplinary Board are illustrated below:

**Candidates for membership in the Disciplinary Board of the SCM**

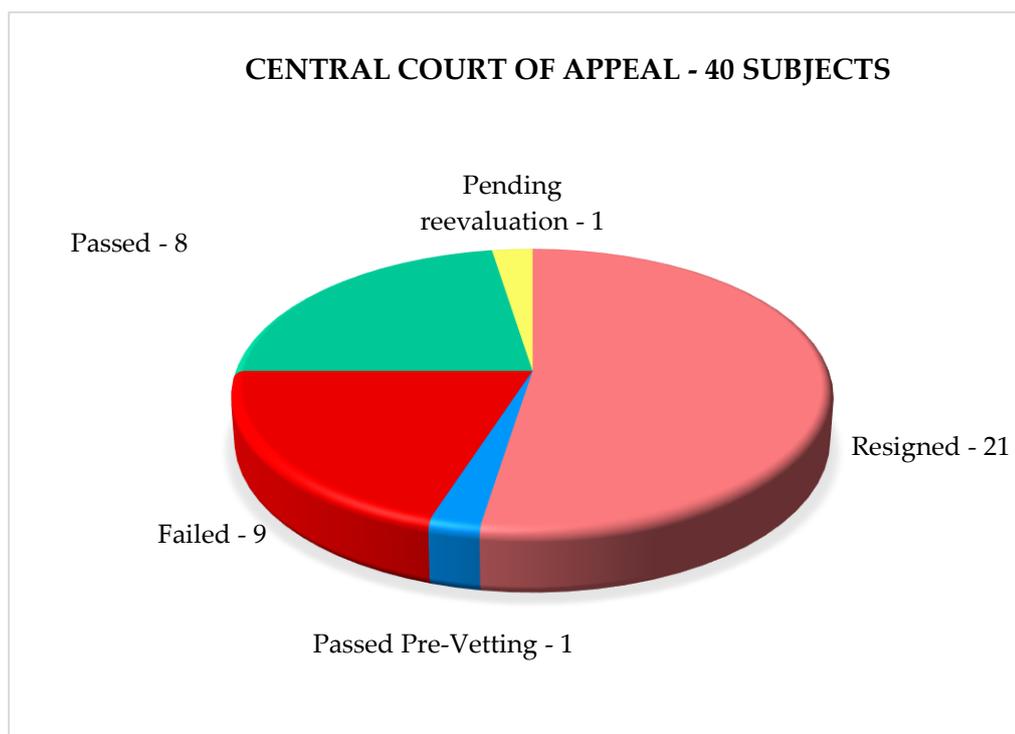
Subjects to evaluation	Number of candidates	Passed	Failed
<b>Withdrawals</b>	<b>3</b>		
<b>Decisions submitted</b>	<b>12</b>		
<i>to SCM</i>	10	6	4
<i>to MoJ</i>	2	0	2
<b>Total</b>	<b>15</b>		



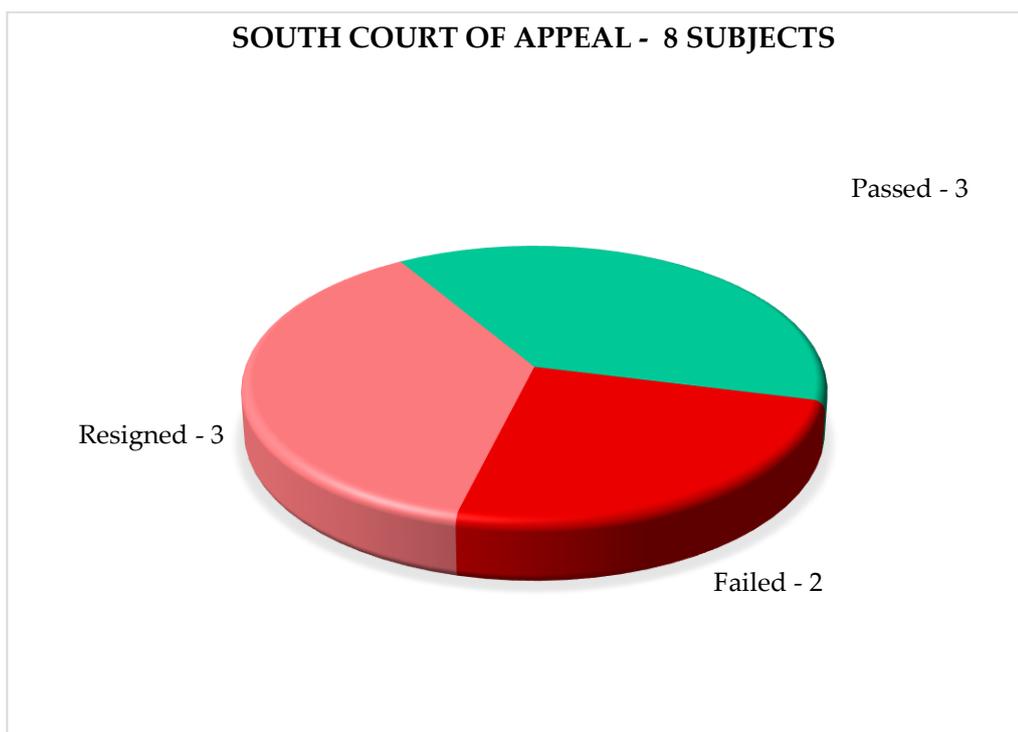
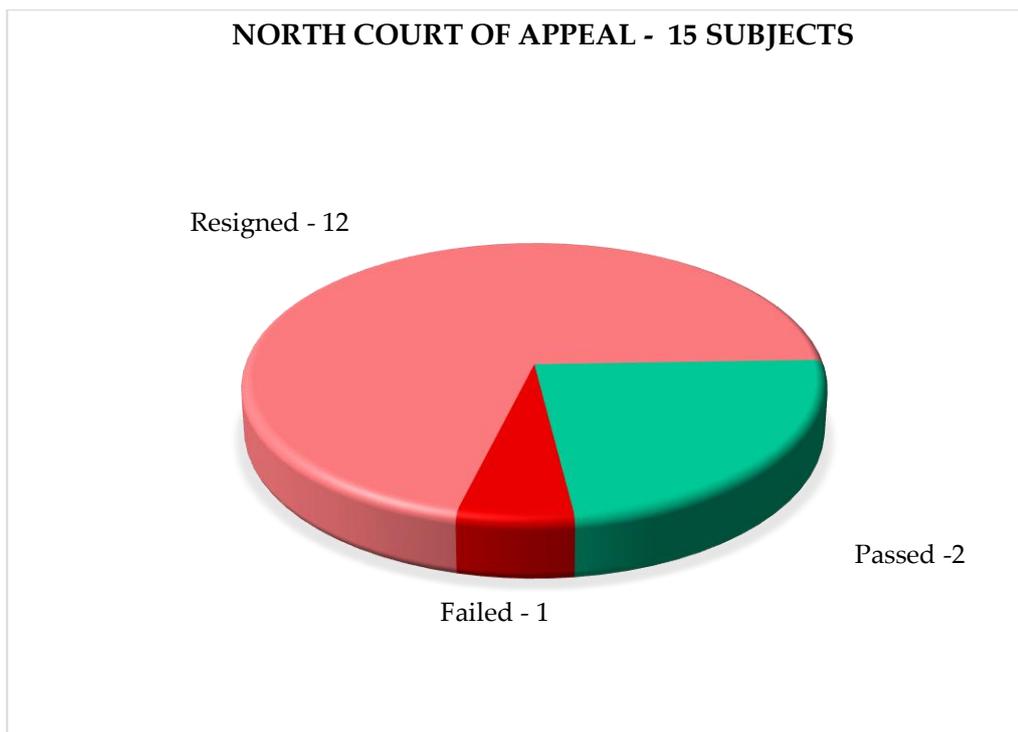
#### **V. Activity under Law No.252/2023 – Courts of Appeal and District Courts Presidents and Vice-Presidents**

46. Law No. 252/2023 was adopted on 17 August 2023 and entered into force on 22 August 2023. Under this law, the Commission is to evaluate court of appeal judges and presidents and deputy presidents of first-instance courts, as well as candidates for such positions.
47. On 11 April 2024, the Commission initiated the evaluation of the judges of the Chisinau Court of Appeal (hereinafter “Central Court of Appeal”). Of the 40 sitting judges, 21 resigned, and one passed pre-vetting. Of the 18 remaining sitting judges, in 2024, the Commission issued 8 reports, of which several were sent back for reevaluation. During 2024-2025, the Commission finalized the evaluation of all subjects. The SCM sent 8 reports back for reevaluation. One reevaluation is still pending. After 7 finalized reevaluation procedures, the Commission changed its conclusion only in one case. In total, out of 17 finalized evaluations and reevaluations at the Central Court of Appeal, 9 subjects failed and 8 passed.
48. During the reporting period, the Commission finalized the evaluation and reevaluation in respect of 13 subjects of the Central Court of Appeal, of which 9 were recommended for promotion, and 4 were recommended for failure.

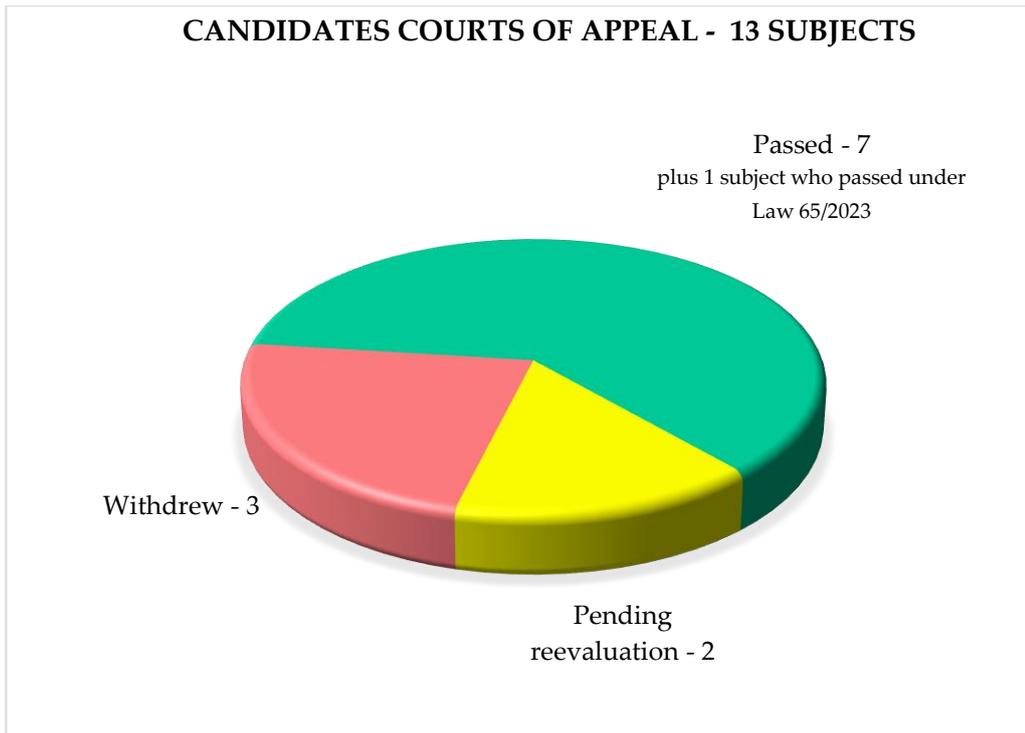
49. All-time statistics in respect of the Central Court of Appeal are reflected below.



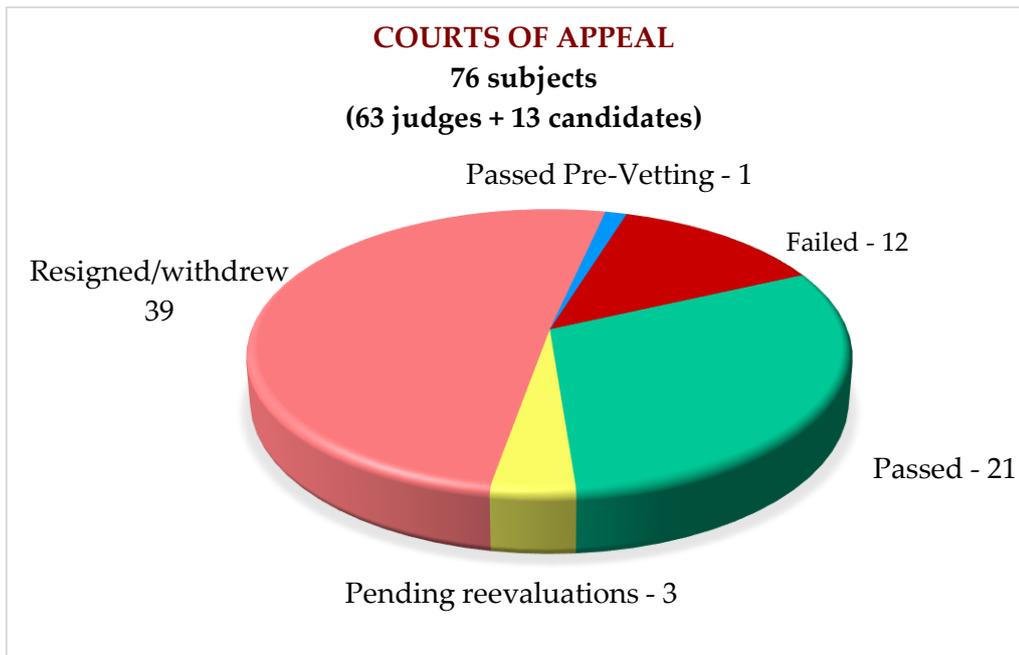
50. On 7 November 2024, the Commission initiated the evaluation of 15 judges from the Court of Appeal Balti, 4 from the Court of Appeal Cahul, and 4 from the Court of Appeal Comrat. 12 judges from the Court of Appeal Balti, 2 judges from the Court of Appeal Cahul, and 1 judge from the Court of Appeal Comrat resigned.
51. Throughout the reporting period, the Commission finalized their evaluations. In respect of the judges of the Southern Court of Appeal, the Commission issued 3 reports proposing to pass the evaluation and 2 proposing to fail. As for the judges from the Northern Court of Appeal, the Commission issued 3 reports: 2 recommending promotion and 1 recommending failure of the evaluation.
52. All-time statistics with respect to the Southern Court of Appeal and Northern Court of Appeal are reflected below.



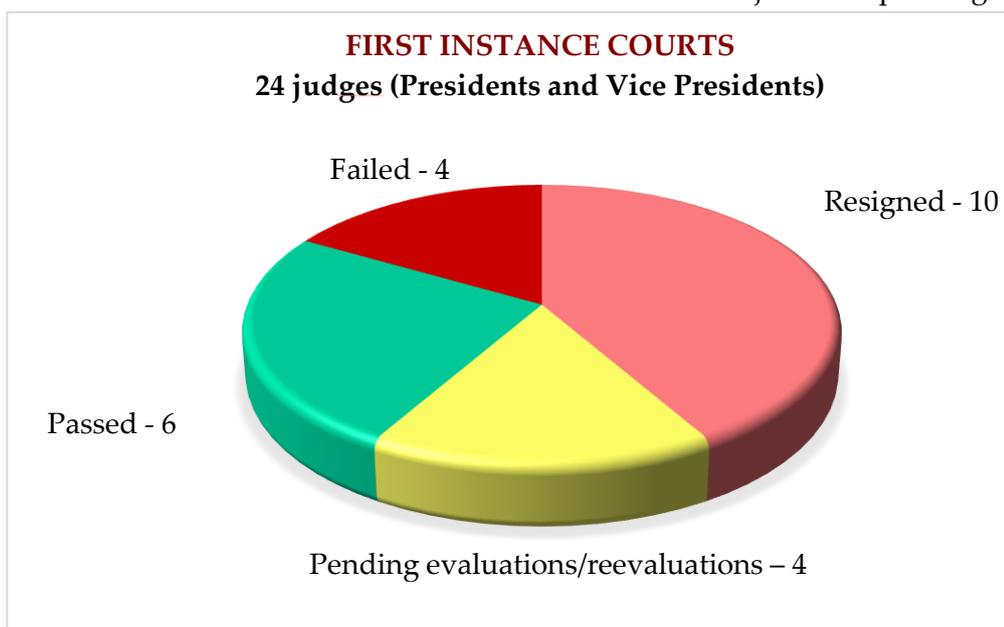
- 53. On 26 December 2024, the Commission received 12 candidates for the Central Court of Appeal and one candidate for the Northern Court of Appeal and initiated their evaluation on 13 January 2025.
- 54. During 2025, the Commission finalized its evaluation and issued 12 reports proposing to promote the evaluation and 1 report proposing to fail. The SCM returned for reevaluation 2 reports, and both are pending reevaluation.



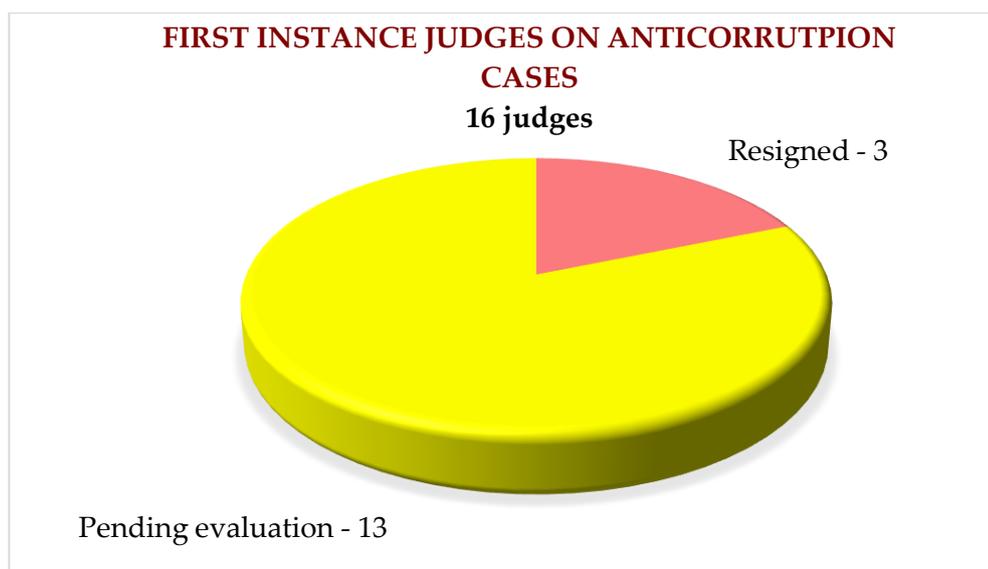
55. In summary, during the reporting period, the Commission issued in respect of Courts of Appeal judges and candidates – 28 reports, of which 16 were with the proposal to pass and 12 were with the proposal to fail the evaluation.
56. All in all, since 2024, of the 76 subjects at the Courts of Appeal, 39 resigned, 1 passed pre-vetting, and for 21, the Commission issued reports proposing to pass the evaluation, and for 12, to fail the evaluation. 3 reevaluations are pending. All-time numbers are reflected below.



- 57. On 2 May 2025, the Commission notified all presidents and vice presidents of district courts, as well as all judges who have held acting positions in these roles for a cumulative period of at least one year within the past five years, regarding the initiation of the vetting procedure. Of the total of 24 notified judges, 10 resigned. 3 additional judges from the same category were already undergoing or had completed the evaluation.
- 58. During the reporting period, the Commission finalized the evaluation for 12 subjects, with 6 proposals to pass and 6 to fail. The SCM sent back 2 reports for reevaluation. The evaluation of two other subjects is pending.



- 59. On 31 December 2025, amendments were introduced to Law No.252/2023. These expanded the category of judges to be evaluated, including judges of the specialized anticorruption panel of the Chişinău Court, and judges of the Chişinău Court whom, from 1 January 2017 onward, have been or are members of panels specialized in examining corruption and corruption-related cases. Consequently, on 4 February 2026, the Commission received from the SCM a list of 16 first instance court judges who have examined corruption or corruption-related cases. After having been notified by the Commission, 3 judges resigned. Thus, 13 are pending evaluation.



## VI. Operational data and findings on integrity criteria

60. During the reporting period, the Commission received approximately 2,050 letters and emails. The Commission sent approximately 800 items of outgoing correspondence.
61. Of the total 55 evaluation reports and decisions on the merits, the Commission identified 15 cases in which subjects did not meet the financial integrity criteria established under Laws No.26/2022, No.65/2023, and No. 252/2023. Under the Laws No.65/2023 and No.252/2023, thresholds are set for inexplicable wealth at 20 average salaries per economy and for tax irregularities at 5 average salaries per economy. Amounts below the thresholds are not considered violations of the financial integrity criteria. Under Law No.26/2022, no threshold for inexplicable wealth or tax irregularities exists.
62. 14 subjects were identified with inexplicable wealth under Article 11 para. (3) lit.(a) of Law No.65/2023 and Law No. 252/2023. The highest amount of inexplicable wealth totaled - 3,751,660 MDL, while the lowest totaled - 273,659 MDL. The total amount of inexplicable wealth identified in evaluations conducted during the reporting period was 13,824,891 MDL.
63. Additionally, one case of unpaid taxes was identified under Article 11 para. (3) lit.(b). of Law 252/2023 This concerned a cumulative amount of unpaid income tax and capital gains tax of 93,467 MDL.
64. One subject was identified with inexplicable wealth under Article 8 para. (4) lit. (b) of Law No.26/2022, with a total amount of -72,754 MDL.
65. Five subjects were identified to not fulfill the ethical integrity criteria

provided for by Law No.65/2023 and Law No. 252/2023. The situations concerned disciplinary misconduct, involvement in arbitrary acts contrary to European Court of Human Rights (ECHR) standards, or violations of national legislation on conflicts of interest.

66. Two subjects were involved in cases or actions considered to be contrary to the case law of the ECtHR. The non-promotion proposals or decisions concluded that the subjects did not meet the integrity requirements under Art. 11 para. (2) lit. a) of Law No.252/2023. These cases indicate a substantive issue regarding the subject's compliance with international human rights standards.
67. Four subjects were found to have had conflicts of interest. They failed to comply with their legal obligations to declare or avoid situations of conflicts of interest. These breaches indicate significant risks to objectivity and impartiality.
68. Other cases include serious breaches of professional codes of conduct and ethics, including failure to report the undue influence along with *ex parte* communication and a serious conflict at work resulting in intimidation of members of the administrative staff.
69. Evaluations carried out by the Commission frequently involve the examination of several recurring aspects related to financial integrity and ethical compliance. A brief overview of these aspects is provided below<sup>2</sup>:
  - *Assessment of living expenses.* Estimating household living expenditures by reference to the Consumption Expenditure of the Population (CEP) indicator calculated by the National Bureau of Statistics (NBS), with the aim of approximating, as closely as possible, the actual living costs and lifestyle of the evaluated subject and their household.
  - *Assessment of declared cash savings.* Evaluation of claimed cash savings reportedly held by the subject or their household, both within and, where relevant, outside the evaluation period, where such funds may affect the financial assessment for the relevant years.
  - *Assessment of third-party financial contributions.* Examination of the credibility and substantiation of claimed donations, financial support, loans, or other financial transfers originating from third parties.
  - *Verification of acquisition values.* Review of cases where the contractual

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<sup>2</sup> Note: the aspects listed below are presented for statistical and methodological purposes only and should not be interpreted as affecting any past or future evaluations, given the case-specific nature of each assessment.

value declared for the acquisition of movable or immovable property appears significantly below market value.

- *Beneficial ownership of assets.* Identification of situations where assets are not formally registered in the name of the subject or their close relatives but where the subject may exercise effective ownership or control, or where the subject appears to be the likely source of funds used for their acquisition.
- *Non-compliance with the asset and personal interest declaration regime.* Failure to properly comply with legal requirements concerning the declaration of assets and personal interests, including the non-disclosure or inaccurate declaration of income, financial resources, assets owned, or assets used or occupied by the subject or their household.
- *Failure to comply with tax obligations.* Instances of non-declaration, late declaration, or improper declaration of income that may give rise to unpaid tax obligations, including capital gains tax, income tax, dividend tax, immovable property tax, luxury tax, or other applicable fiscal liabilities.
- *Serious ethical breaches and professional misconduct.* Conduct raising concerns regarding compliance with standards of judicial ethics, integrity, or professional behavior.
- *ECtHR violations and arbitrariness in judicial decision-making.* Decisions issued by the subject within the last ten years that were subsequently found by the European Court of Human Rights to be in violation of the Convention, particularly where relevant jurisprudence already existed and where the violation appears to stem from a manifest disregard of the law without a reasonable legal justification provided in the decision.
- *Conflicts of interest.* Examination of potential conflicts of interest through both objective and subjective assessment criteria.

## VII. Communication

70. During the reporting period, communication activities were conducted to ensure transparency, timely information sharing, and engagement with both public and professional audiences. Materials were published in Romanian and English, reflecting the Commission's international composition and ensuring accessibility.

*Institutional Communication*

71. Press releases were the main tool for disseminating information, with 76 issued during the reporting period, covering the Commission's activities, decisions, and procedural developments. Media engagement included 7 interviews, including TV talk shows, and an offline briefing event for journalists to provide additional clarifications.
72. Complementing these efforts, 27 explanatory articles and 10 infographics and statistical reports were produced to present procedural and statistical information in a clear format.

*Social Media and Audiovisual Transparency*

73. Digital platforms were used to provide public access to judicial vetting proceedings, with YouTube as the main audiovisual channel. 80 recordings of vetting hearings were published in Romanian and English, with hearings of Court of Appeal judges attracting the highest viewership. The YouTube subscriber base reached 485, more than doubling over the past year.

On social media:

**Facebook:** over 1,200 followers, with 112 posts published, reaching on average 4,000–5,000 views, peaking at 7,000.

**LinkedIn:** 160 followers, sharing the same posts to maintain consistent messaging to professional audiences.

**VIII. Litigation**

74. Since its establishment, the Commission has been challenged in 35 court disputes.
75. During the reporting period, the Commission was involved in 18 new court disputes, in addition to those described in the previous annual report, that is 16 court cases the Commission had a procedural capacity and 1 case where four members of the Commission have been summoned in a lawsuit against the Parliament of the Republic of Moldova.
76. Of the total of 35 court disputes, 32 cases are or were brought directly before the Supreme Court of Justice, which makes further appeals impossible and leaves only one level of jurisdiction. And 3 were brought to the Chişinău District Court, with further appeals possible and involving examination in the district court, in the court of appeals and the Supreme Court of Justice. Of these 3 cases, 2 have already been examined, with judgments in favor, including by the Central Court of Appeal, while one is pending examination

in the district court.

77. Of all 35 court disputes, in 28 the judges ruled in favor of the Commission. This includes one case brought not against the Commission, but against four members (in a lawsuit initiated by a former subject against the Parliament of the Republic of Moldova), and one case where the applicant passed away, prompting the termination of the proceeding, without a decision on the merits.
78. Other 7 court disputes are now pending. Of these, 5 cases are against the SCM's solutions regarding the evaluation reports, one case against an evaluation decision and one case, which is more general, was initiated to challenge the manner of calculating the inexplicable wealth.
79. Not all of the SCM's decisions adopted regarding the evaluation reports, as well as the Commission's decisions, have been challenged in court. One subject of a non-promotion proposal report and 3 subjects of non-promotion decisions did not bring court challenges.

## **IX. Challenges**

### **A. Legislative amendments**

80. Four laws amending the framework governing external evaluation processes for judges and prosecutors have significantly affected the Commission's activity.
81. Laws No.127/2025, No.241/2025, No.333/2025, and No.26/2026 introduced changes concerning the composition and appointment of evaluation commission members, procedural rules for hearings and evaluation reports, applicable deadlines, and the scope of persons subject to evaluation.
82. The amendments also expanded the categories of individuals subject to external evaluation, adjusted sanctions and procedural safeguards and extended certain evaluation timelines. Collectively, these legislative developments required corresponding adjustments to the Commission's procedures and operational practices.

*Law No.127/2025 (some organizational aspects of the external evaluation commissions)*

83. On 12 June 2025, Law No.127/2025 amending certain normative acts entered into force. It amended Law No. 65/2023 and Law No. 252/2023.
84. The amendments primarily concerned:

- i. expanding the composition of the evaluation commissions from 6 to 9 members;
  - ii. expressly regulating the possibility of challenging before the SCM or, as the case may be, before the Superior Council of Prosecutors the commission's refusal to hold a hearing in closed session;
  - iii. setting deadlines for the approval and publication of the evaluation report; and
  - iv. extending the categories of persons exempt from evaluation where they had previously passed evaluation under other procedures.
85. In addition, Law No.65/2023 was amended to require the SCM to consider evidence confirming ethical violations and to adjust the duration of the sanction banning the holding of certain positions to between 5 and 7 years.
86. The above amendments had a direct impact on the Commission's work, particularly regarding the organization of hearings, the adoption and publication of evaluation reports, and the adjustment of internal procedures to the new legislative requirements.

*Law No.241/2025 (evaluation of the performance of judges and prosecutors)*

87. On 12 August 2025, Law No.241/2025 entered into force, amending Laws No.26/2022, No.65/2023, and No.252/2023. The amendments removed provisions linking the application of these laws to the completion by the Supreme Court of Justice of the last appeal in evaluation proceedings. They also adjusted certain procedural deadlines under Law No.252/2023, including extending the deadline for completing evaluations until 31 December 2026 and revising the deadline applicable to certain categories of candidates.

*Law No.333/2025 (increasing transparency in the administration of the judicial system and the prosecution system and strengthening the integrity of judges examining corruption cases)*

88. On 31 December 2025, Law No.333/2025 entered into force, amending certain normative acts and introducing amendments to Law No.252/2023. It expanded the category of subjects subject to external evaluation by including judges of the Specialized Anti-Corruption Panel of the Chişinău Court, as well as judges of the Chişinău Court who, from 1 January 2017 onward, have been or are members of panels specialized in corruption and corruption-related cases. Certain deadlines applicable to the evaluation process were also adjusted, including the extension until 31 August 2026 of the deadline

by which candidates who win competitions for certain positions, or who obtain the highest score in the relevant competitions, may become subjects of evaluation.

*Law No. 26/2026 (strengthening the judiciary)*

89. On 6 March 2026, Law No. 26/2026 entered into force, amending Laws No. 65/2023 and No. 252/2023. The amendments concerned the procedure for appointing members of the evaluation commissions by the Parliament. The former 61 vote need for appointment was lowered to 51 votes for the second endeavor of appointment by the Parliament, following the practical impossibility to appoint two international members to one of the evaluation commissions. On 5 March 2026, these provisions were challenged before the Constitutional Court, and the applicants also requested suspension of their application pending examination of the merits.

#### **B. Judgments and decisions of the Constitutional Court**

90. From the date of the previous annual report until the date of this report, the Constitutional Court delivered only inadmissibility decisions in cases concerning provisions of the legislation applicable to the external evaluation process.
91. Except for one referral lodged by a member of the Parliament (hereinafter "MP") and one lodged by the Superior Council of Magistracy which were joined into a single case, as well as one referral by a group of MPs from the parliamentary opposition, the other cases examined by the Constitutional Court were brought in the form of exceptions of unconstitutionality referred by the Supreme Court of Justice in the context of appeals lodged by evaluation subjects.

*Decisions concerning Law No.26/2022*

92. By Decision No. 94 of 28 July 2025, the Constitutional Court declared inadmissible the unconstitutionality complaints concerning the phrase "according to its inner conviction" in Law No.26/2022, holding that it does not confer unlimited discretion on the Commission, since the assessment of the materials must result from a complete and objective examination of the information.

*Decisions concerning Law No.65/2023*

93. By Decision No. 50 of 10 April 2025, the Constitutional Court declared inadmissible the complaints concerning the notion of "serious doubts," the 12-year evaluation period, and the consequences of failing the evaluation

provided for in Law No.65/2023.

94. By Decision No. 158 of 30 October 2025, the Constitutional Court declared inadmissible the exception of unconstitutionality concerning certain provisions of Article 18(6) of Law No.65/2023.

*Decisions concerning Law No.252/2023*

95. By Decision No. 153 of 23 October 2025, the Constitutional Court declared inadmissible the complaints concerning the examination of appeals by a panel of three Supreme Court of Justice judges and the irrevocable nature of its decision.
96. Subsequently, by Decision No. 166 of 13 November 2025, the Constitutional Court declared inadmissible several exceptions of unconstitutionality concerning the procedure for examining appeals against SCM decisions, including the limitation on new evidence, the time limit for examining the appeal, the powers of the Supreme Court of Justice, and the final nature of its decision.
97. By its Decision of 12 February 2026, the Constitutional Court declared inadmissible the referrals lodged by an MP and by the SCM. The referrals mainly concerned the constitutionality review of the amendments introduced by Law No.333/2025, which expanded the category of judges subject to external evaluation. In the MP's referral, suspension of the application of the contested provisions was also requested. By its Decision of 30 January 2026, the Court rejected the request for suspension.
98. By its Decision of 19 February 2026, the Constitutional Court declared inadmissible an exception of unconstitutionality concerning the numerical composition of the evaluation commission and the financial integrity criterion.
99. At the date of this report, three challenges concerning the external evaluation framework are still pending before the Constitutional Court. Among them is a referral challenging certain provisions of Law No. 26/2026 on measures for strengthening the judiciary, in particular those concerning the procedure for the appointment by Parliament of international members of the evaluation commissions. The remaining pending cases concern issues related to the legislative framework governing the external evaluation process.

**C. Practical challenges**

100. Despite the passage of time since the publication of the previous annual activity reports, and the activities undertaken to remedy them, several

structural and operational challenges identified in 2024 continue to persist.

101. In particular, the issues related to:
- i. the fragmentation of the regulatory framework governing evaluation procedures;
  - ii. legal uncertainty for subjects of evaluation who may fall under different evaluation regimes;
  - iii. the lack of harmonization of evaluation criteria across the applicable laws;
  - iv. difficulties in obtaining information from certain public and private entities and;
  - v. the absence of effective sanctions for the failure to provide requested information, have largely remained unchanged during the reporting period.
102. These challenges continue to affect the efficiency and predictability of the evaluation process and highlight the need for further legislative and institutional adjustments.
103. At the same time, developments have been observed in certain areas since the previous reporting period. The present report revisits the previously identified challenges and highlights developments observed during 2025, distinguishing areas where progress has been achieved.

*Access to information on ongoing criminal investigations or cases in court*

104. Recent engagement with the new leadership of the General Prosecutor's Office and the Anti-Corruption Prosecutor's Office has led to positive developments and improved cooperation, including progress in addressing previous difficulties related to the provision of information. At the same time, difficulties remain regarding access to information from ongoing criminal investigations. These limitations are generally explained by reference to the principle of the confidentiality of criminal proceedings and to Article 212 of the Criminal Procedure Code.
105. This challenge had a direct manifestation in one evaluation returned for re-examination. The case concerned allegations of bribery and influence peddling involving a subject who had previously received a favorable evaluation report. During the re-examination phase, neither the SCM, which returned the case for reevaluation, nor the competent prosecutorial authorities were able to provide the information or supporting

documentation that would directly substantiate the allegations raised.

106. When allegations of criminal conduct exist, they are relevant for the evaluation only in so far as the evaluation criteria are concerned. The Commission only assesses if the circumstances of a criminal case may fall within the evaluation criteria (e.g. the behavior assessed in the evaluation is the potential undue influence).

*No access to financial or other data from the Romanian authorities*

107. Many evaluated subjects, or their close family members, hold Romanian citizenship. This makes it important to obtain information regarding any movable or immovable assets that may be registered in the name of the evaluated subjects or their relatives in Romania.
108. In a common endeavor with the Prosecutorial Vetting Commission, efforts were made to obtain data from the competent Romanian authorities concerning assets registered therein. This was attempted both through requests for access to relevant databases and through case-by-case requests for information.
109. In particular, written requests for cooperation were addressed to the Romanian Directorate for Driving Licenses and Vehicle Registration and to the Romanian National Agency for Cadaster and Land Registration. The Commission also held meetings with representatives of these institutions to explore possible modalities of cooperation.
110. These efforts have not yet produced tangible results in terms of access to relevant information. Therefore, an alternative approach is being taken - evaluated subjects and, where possible, their close family members are being asked to submit personal requests to the relevant Romanian institutions and provide the certificates or confirmations regarding the existence or absence of assets recorded in Romanian public registries.
111. Naturally, a more systematic and proactive framework for institutional cooperation and information exchange at the governmental level would facilitate this process. Such cooperation could involve the establishment of formal mechanisms for information sharing between the relevant authorities in the Republic of Moldova such as the Ministry of Justice, the State Tax Service, the Financial Intelligence Unit, and the Public Services Agency and their Romanian counterparts.

*Cases sent to reevaluation by SCM*

112. During the reporting period, the SCM remitted 13 cases to the Commission

for re-evaluation, primarily concerning judges of the Central Court of Appeal or candidates for such positions. Two remitted cases concerned the presidents and vice presidents of the district courts.

- 113. In the initial evaluation reports, the Commission proposed the non-promotion of 7 subjects and the promotion of 6. Following the re-evaluation process, the Commission maintained its initial conclusions in 6 cases, changed its conclusion in one case, and 4 cases remain pending, and one subject withdrew from the process.
- 114. It would be more helpful for the planning and organization of the vetting process if the reasons given for reevaluation would be argued under the criteria for reevaluation provided in the law. Also, the Commission believes that many of the SCM's uncertainties could be addressed by the Commission without the need to send the case back to re-evaluation.

*Lack of candidates for vacant positions*

- 115. Throughout the reporting year, the Commission noticed a decline in the number of candidates who applied for positions in the judiciary. The number of candidates for the SCJ has significantly decreased. The Commission has not received new candidates for the Courts of Appeal during 2025. The Commission has also not received candidates for the positions of presidents and vice-presidents of first instance courts.



**X. Prospects for the next year**

116. In the next reporting period, the Commission plans to finalize all the currently pending evaluations.
117. Therefore, in the next several months the Commission will work on:
- the 9 pending evaluations concerning:
    - 3 candidates to the SCJ;
    - 2 first instance presidents/vice-presidents;
    - 2 first instance presidents/vice-presidents – reevaluation;
    - 1 CAC judge – reevaluation;
    - 2 CA candidates – reevaluation.
  - the evaluation of all the 13 first instance court judges who have examined corruption or corruption-related cases.
118. The Commission is also awaiting additional candidates to the SCJ, candidates to the SCM boards, candidates to the Courts of Appeal, candidates to anticorruption panels, and candidates to first instance court presidents and vice-presidents.
119. The Commission cannot estimate the number of candidates for the vacant positions it will further receive for evaluation under Laws Nos. 65/2023, 26/2022 and 252/2023.
120. The information presented in this annual report is based on data available as of 30 March 2026.

**Andrei BIVOL**

**Chairperson**