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EVALUATION REPORT

approved according to Article 25

of the Rules of Organization and Functioning

ELENA CROITOR

candidate for the Supreme Court of Justice

subject of evaluation under Article 3 para. (1) Law No. 65/2023

3 March 2026

Contents

I. Introduction.....	3
II. Subject of the Evaluation.....	3
III. Evaluation Criteria.....	4
IV. Evaluation Procedure.....	6
V. Analysis.....	7
A. Potential inexplicable wealth.....	8
VI. Conclusion.....	10
VII. Further action and publication	10

The Vetting Commission established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice (hereinafter “Law No. 65/2023”) deliberated on the matter on 26 February 2026 and approved the following report on 3 March 2026. The members participating in the approval of the report were:

1. Andrei BIVOL
2. Willem BROUWER
3. Lilian ENCIU
4. Iurie GAȚCAN
5. Lavly PERLING
6. Iulian RUSU
7. Gerrit-Marc SPRENGER
8. Marcel van de WETERING

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

I. Introduction

1. This report concerns Mrs. Elena Croitor (hereinafter the “subject”), a candidate for the position of judge of the Supreme Court of Justice.
2. The Commission conducted its evaluation pursuant to Law No. 65/2023 and the Commission’s Rules of Organization and Functioning (hereinafter “Rules”).
3. The Commission concluded that the subject meets the criteria identified in Law No. 65/2023 for ethical and financial integrity as no serious doubts determined by facts have been found as to the subject’s compliance with these criteria.

II. Subject of the Evaluation

4. Between 2021 and 2025, the subject worked for American Bar Association Rule of Law Initiative (ABA ROLI Moldova), initially as a Senior Staff Attorney (2021–2023) and subsequently as a Senior Legal Advisor (2023–2025). Previously, between 2015 and 2016, she had also served as an Advisor for ABA ROLI Moldova.

5. Between 2019 and 2020, she served as a Principal Consultant at the Ministry of Justice. Earlier, between 2012 and 2014, she worked in justice-related roles as a Consultant for the Institute for Penal Reform (2012–2013) and as a Program Coordinator for Terre des Hommes focusing on justice for children (2014).
6. In addition, between 2005 and 2019 she held a position as Professor at the Faculty of Law of the State University of Moldova.
7. The subject received a bachelor's degree in law in 2005 from the University of European Studies of Moldova. In 2006, she received a master's degree in law from the State University of Moldova, and in 2012, she obtained a PhD in law at the same university.

III. Evaluation Criteria

8. Under Article 11 para. (1) of Law No. 65/2023, the Commission evaluates the subject's ethical and financial integrity.
9. Under Article 11 para. (2), a subject:

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

- a) in the last 5 years, they seriously violated the rules of ethics and professional conduct of judges, prosecutors or, as the case may be, other professions, 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 for Human Rights;
- b) in the last 10 years, has admitted incompatibilities and conflicts of interest incompatible with the office of judge of the Supreme Court of Justice in his/her work."

10. 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, in total, 20 average salaries per economy, in the amount set by the Government for the year in which the judge's evaluation began;
- 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 in which the judge's evaluation began."

11. Under Article 20 para. (1):

"Candidates for the office of judge of the Supreme Court of Justice shall be evaluated in accordance with the provisions of this law."
12. The average salary per economy for 2025 was 16,100 MDL. Thus, the threshold of 20 average salaries is 322,000 MDL and the threshold of five average salaries is 80,500 MDL.
13. Article 11 para. (4) of Law No. 65/2023 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.
14. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 65/2023 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.
15. 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.
16. Finally, according to Article 11 para. (2) and (3) of Law 65/2023, the Commission determines that a subject does not meet the ethical and financial integrity criteria 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.
17. 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 found 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).

18. 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 15 para. (1) of Law No. 65/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

19. On 19 November 2025, the Commission received the information from the Superior Council of Magistracy pursuant to Article 21 para. (5) lit. a) of Law No. 65/2023. The information included the subject's candidacy for the Supreme Court of Justice.
20. On 20 November 2025, the Commission notified the subject and requested that she complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 65/2023 within 10 days from the date of notification (hereinafter, these declarations are referred to as the "five years declaration"). The subject returned the completed five-year declaration and questionnaire on 1 December 2025.
21. Because the law sets out 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, respectively. 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 2013-2024 and 2015-2024. The evaluation period for the ethical criterion includes the past five or ten years calculated backwards from the date of the notification.
22. Under Law No. 133/2016 on the Declaration of Wealth and Personal Interests, the subject had an obligation to submit declarations in 2019 and 2020.
23. The Commission sought and obtained information from numerous sources. No source informed the Commission of later developments or any corrections regarding the information provided.
24. 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, OTP Bank JSC, Banca Socială JSC), the Office for Prevention and Fight Against Money Laundering (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*, hence hereinafter – “SPCSB”), and the Public Service Agency (hereinafter “PSA”). Information was also obtained from other public institutions and private entities, open sources such as social media, and investigative journalism reports. No complaints or information was received from civil society. All information received was carefully screened for accuracy and relevance.

25. On 14 January 2026, the Commission asked the subject to provide additional information by 26 January 2026 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents within the deadline.
26. On 16 February 2026, the Commission notified the subject that based on the information collected and reviewed, it had not identified in its evaluation any areas of doubt about her compliance with the ethical and financial criteria. The subject was sent a written notice of the hearing. The notice stated that if the subject declined to participate, but confirmed the accuracy of the information previously provided, the Commission would, absent any new information or developments, approve a report on passing the evaluation. The subject was also informed that the evaluation report may refer to other issues that were considered during the evaluation.
27. As provided in Article 24 para. (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 3 March 2026.
28. On 26 February 2026, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and the ethics questionnaire. She also stated that she did not have any corrections or additions to the answers previously provided to the Commission’s requests for information.

V. Analysis

29. This section discusses the relevant facts and reasons for the Commission’s conclusion.
30. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications on the potential difference between the assets, expenses, and income (hereinafter “unjustified or

inexplicable wealth”). This was the only issue that, upon initial review, raised doubts as to compliance with the criteria established by law.

A. Potential difference between the assets, expenses, and income (hereinafter “unjustified or inexplicable wealth”)

31. In its analysis of the subject’s household income and expenses, the Commission analyzed, among others, the source of funds for the repair and renovation works to the subject’s parents’ house and for the vehicles owned by the subject’s brother.

A.1 Source of funds for repair and renovation works to the subject’s parents’ house

32. The subject has a common household with her parents and lives with them in the house located in Strășeni. The house was obtained by the subject’s father in 2016 through a donation from his mother (the subject’s grandmother). The grandmother obtained the property before Moldova became independent and was registered as owner in the Cadaster at least since 2000.
33. The subject stated that until 2020, she did not incur significant expenses related to the house, contributing only occasionally to utility payments, when resources were available, and purchasing two small pieces of furniture.
34. She explained in detail that the property underwent capital repairs, including construction of dwelling spaces. The house also underwent interior finishing works, roof repairs, renovation of the fence, and exterior improvements. According to her, these works began in 1997 and continue to the present. She indicated that the works were carried out gradually due to the limited financial means of the family and that her father performed part of the works, with the help of relatives. To showcase this continuous reparation, the subject noted the example of the roof, which underwent works with materials bought over the previous two years. The source of funds was indicated to be primarily the father’s income, particularly income earned abroad.
35. Satellite data and imagery show that, from 2013 until the end of the evaluation period, the property underwent significant repairs. These works appear to have been carried out in stages, as evidenced by the roofing, which in some sections changed over time from grey to red.

36. The Commission analyzed the income and expenses of the subject's parents to assess their financial capacity to cover the declared repair works. No other significant expenses incurred by the subject or her parents were identified, apart from expenses related to daily maintenance, as quantified by the National Bureau of Statistics' Consumption Expenditure per Population (hereinafter "CEP") for an urban household.
37. According to the subject's statements and supporting documents, her father worked in the Russian Federation during the period 2013–2014. Between 2016 and 2024, he was employed in the United Kingdom through an employment intermediary (S.R. Ltd).
38. For the period 24 October 2016 – 24 January 2020, bank statements confirm income of approximately 33,896 GBP. For the subsequent period 2020–2024, certificates issued by HM Revenue & Customs (HMRC), the United Kingdom tax authority, confirm net income in of 61,088 GBP, which does not include national insurance contributions.
39. In the first round of questions, the subject provided estimates of funds introduced in tranches by her father into the Republic of Moldova as a result of his employment in the UK. This amounted to 36,100 GBP additional to confirmed 3,469 EUR in international transfers. As the subject's father had multiple border crossings and these sums amounted to approximately 40% of her father's income, the estimates provided by the subject are credible and sufficient to account for any expenses incurred by her father in the UK.
40. During the same period, the subject's mother received salary income of 248,903 MDL for the period 2013–2019 and pension income of 266,910 MDL for the period 2018–2024.
41. For the period 2013–2024, the main categories of outgoing financial flows identified were bank savings, daily household expenditures as accounted for by the CEP and the subject's retail expenses. The estimated household consumption expenditure amounted to approximately 1,400,000 MDL. The subject's retail expenses amounted to 659,446 MDL, although part of this may be accounted for already in the CEP calculation. These were nevertheless included in the calculation to reflect the significant individual consumption carried out by the subject. Comparing these expenses, as well as significant bank savings, with the subject's household income, a positive balance between financial flows of approximately 800,000 MDL would be retained. As the actual positive balance may be even higher, the subject's household had sufficient leftover income to carry out the extensive renovations described above.

A.2 Source of funds for the vehicles owned by the subject's brother

42. According to information provided by the Border Police, the subject's brother crossed the border as the driver of three vehicles: a Ford Focus (m/y 2005), a Kia Sportage (m/y 2021), and a Mazda CX-5 (m/y 2023). No significant income was identified for him in the Republic of Moldova, except for a non-material amount recorded in 2013.
43. The subject confirmed that her brother is the owner of these vehicles. She explained that he has lived in Romania since 2013, first as a student and then as an employee. She submitted documents confirming his employment history and income earned in Romania.
44. He was employed in the IT sector, with a monthly salary ranging from 7,000 to 12,000 RON. He subsequently received approximately 18,000 RON per month in dividends as the founder of a Romanian IT company. He does not own any real estate in Romania, as show the confirmatory registry excerpts provided by the subject.
45. Based on subject's brother documented employment and income in Romania, his financial capacity is consistent with the acquisition of the aforementioned vehicles. Accordingly, any issues in this regard have been fully mitigated.

VI. Conclusion

46. Based on the information it obtained and that presented by the subject, the Commission proposes that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 65/2023.

VII. Further action and publication

47. As provided in Article 25 para. (3) 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.
48. No later than three days after the approval, a printed paper copy of the report, electronically signed by the Chairperson, 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.
49. 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.

50. This evaluation report was approved by unanimous vote of the participating members on 3 March 2026 and signed pursuant to Article 8 para. (1) and (2) of Law No. 65/2023.
51. Done in English and Romanian.

Andrei Bivol

Chairperson