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EVALUATION REPORT

approved according to Article 25
of the Rules of Organization and Functioning

OXANA PARFENI

candidate for the Supreme Court of Justice
subject of evaluation under Article 3 para. (1) Law No. 65/2023

3 March 2026

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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. Geritt-Marc SPRENGER
8. Marcel van de WETERING

Commission chairperson Andrei Bivol submitted a written description of the circumstances referred to Article 10 para. (1) of the Rules, as defined below. The Commission determined that recusal is not appropriate.

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. Oxana Parfeni (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. The subject has been temporarily assigned to serve as a judge at the Supreme Court of Justice since May 2023.

5. Between 2019 and 2023, the subject served at the Chişinău Court, Centru Office. From 1 January 2017 to 2019, she served at the Chişinău Court, Buiucani Office. Prior to the reorganization of the courts through Law No. 76/2016, she served at the Buiucani Court from 2014 until 31 December 2016.
6. Between 2008 and 2014, the subject was a judicial assistant at the Supreme Court of Justice. Prior to that, in 2008, she served as a specialist within the Superior Council of Magistracy. Between 2005 and 2008, she was a judicial clerk at the Botanica Court. Between 2004 and 2005, she worked in a law office.
7. The subject received a bachelor's degree in law in 2004 from the Moldova State 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 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 Judges;
 - 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.
13. 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.
14. 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.
15. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 65/2023 directs the Commission to also 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.
16. 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.
17. 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.

18. 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).
19. 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

20. 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.
21. 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 30 November 2025.
22. 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, 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.

23. 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.
24. The Commission sought and obtained information from numerous sources. No source informed the Commission of later developments or any corrections regarding the information provided.
25. 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 (Energbank 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.
26. On 13 January 2026, the Commission asked the subject to provide additional information by 25 January 2026 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.
27. 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.

28. 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 19 February 2026.
29. 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

30. This section discusses the relevant facts and reasons for the Commission's conclusion.
31. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications on the matters which, upon initial review, raised doubts as to compliance with the criteria established by law:
 - a. involvement in three cases examined by the European Court of Human Rights (hereinafter "ECtHR");
 - b. potential difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2019.

A. Involvement in three cases examined by the European Court of Human Rights (hereinafter "ECtHR")

32. According to the Government Agent, the subject was involved in three ECtHR cases:
 - *Suşco v. Republic of Moldova* (No. 64990/16, 16 January 2025);
 - *Caldare v. Republic of Moldova* (No. 848/23, 17 October 2024);
 - *Osadcii and others v. Republic of Moldova* (Nos. 51662/12, 7689/13, 67076/13, 17 July 2020).
33. In the *Suşco* case, the subject's decision was issued 24 March 2015, which falls outside the 10-year assessment period. In *Caldare*, the ECtHR struck the case out, accepting a unilateral declaration submitted by the Government Agent. In accordance with its established practice, the Commission does not analyze cases that were struck out, as no judgment on the merits was delivered.

34. The *Osadci and others* case involves three applications concerning the delayed enforcement of final domestic judgments requiring public authorities to provide housing to the applicants. The ECtHR found violations of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

35. The subject was involved in application no. 51662/12. By decision of 1 February 2016, she upheld the claim, found a violation of Article 6 of the Convention and Article 1 of Protocol No. 1, and awarded 25,000 MDL for non-pecuniary damage and 252,518 MDL for pecuniary damage. The subject's decision is consistent with the ECtHR's case law and the finding of a violation is not linked to the subject's decision.

B. Potential difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2019

36. The Commission identified a potential inexplicable wealth of -48,176 MDL for 2019 (a year in which the family purchased a vehicle and secured its CASCO insurance). Apart from the essential expenses accounted for by the consumption expenditure of population (hereinafter "CEP") level, other expenses in that year included loan repayments and the subject's son university tuition fee. The household's revenues for 2019 included cash and bank savings, the subject's and his concubine's revenues and a bank loan from Victoriabank.

37. The negative balance identified could be reasonably explained by the positive balances recorded in the preceding years (sufficient to cover the shortfall) and the CEP-based expenditure calculations subject to a $\pm 5\%$ margin of error, as acknowledged by the National Bureau of Statistics and confirmed by the Supreme Court of Justice (*Rodica Chirtoacă* case, § 32).

38. Even if this negative balance were to be treated as inexplicable wealth, it would remain below the threshold of 322,000 MDL established under Article 11 para. (3) lit. a) of Law No. 65/2023. Accordingly, the Commission did not request further explanations on this issue.

39. In its analysis of the subject's household income and expenses, the Commission analyzed, among others, a donation of one half of the property of an apartment to the subject's son, and the acquisition of an apartment at a preferential price by the subject, and of a property in the Ciorescu village by the subject's concubine.

B.1. Donation of one half of the property an apartment to the subject's son

40. The subject and her concubine live with their two children in a 36.7 sq.m. apartment in the Centru district of Chişinău. The apartment is now owned in equal shares: ½ by the subject's concubine and ½ by the subject's son.
41. The subject's son obtained his share through a donation on 3 October 2014, made by his aunt, E.O., who is the concubine's sister. The subject and her concubine represented their minor son in the donation contract. According to the contract, the donation was made free of charge, and the parties valued the transferred share at 20,000 MDL.
42. The subject explained that E.O. has no children and decided to donate her ½ share to her nephew. She also submitted a written declaration from E.O. confirming these statements.
43. The subject's concubine and his sister acquired the apartment based on the decision of Municipal Commission for the Privatization of the Housing Stock of 5 January 2007. According to the decision, ½ was allocated to the concubine and ½ to his sister for 267.92 MDL.
44. The donation was concluded through a notarized donation contract, registered with the real estate cadaster, and declared to the NIA by the subject. In addition, the family context provides a reasonable explanation for the transfer. Given these circumstances, the donation does not appear to involve concealment or simulation.

B.2. Acquisition of a preferential price apartment by the subject

45. On 19 September 2013, the subject applied to the Superior Council of Magistracy, requesting inclusion on the list of persons in need of improved housing conditions. In her application, she stated that she had been working in the judicial system for approximately 10 years, that she did not own any immovable property in Chişinău or in the Republic of Moldova, and that she had two minor children in her care. The Superior Council of Magistracy accepted the request on 27 April 2014.
46. On 30 October 2014, the subject concluded an investment contract with the construction company for an apartment of 42.6 sq. m in Chişinău (Râşcani district), for the price of 15,336 EUR. According to the handover certificate/transfer-receipt act of 9 June 2017, the apartment was transferred to the subject, and the total amount paid was 312,604 MDL (15,264 EUR).
47. The subject declared the instalment payments in her annual declarations of assets and personal interests to the NIA.

48. In her replies during the first round of questions, the subject confirmed the payments and provided copies of the relevant payment orders. She stated that the apartment is currently in a white wall condition (*versiune alba*), no repair works were carried out, and no related expenses were incurred. She submitted photographs showing the current condition of the apartment, which are consistent with her statements.
49. The Commission notes that, at the time of application, the subject met the eligibility criteria set out in the decision No. 2 of 16 August 2013 and decision No. 3 of 6 September 2013 of the SCM's Selection Commission. She was employed in the judicial system for approximately ten years, did not own housing space (*nu dispunea de spațiu locativ*) in Chișinău municipality, and had two minor children in her care. She submitted the documents required under the applicable rules.
50. Notably, the donation of a ½ share of the 36.7 sq. m apartment to the subject's son, was concluded in October 2014, whereas the request for the housing was submitted earlier, in September 2013.
51. In its previous practice, the Commission noted that registration of apartments in the name of the minor children, for the purpose of using the circumstances to become eligible for preferential price programs, may present ethical issues (*Balmuş*, Report of 4 April 2024, §§ 34-38).
52. However, in this case although the subject acted as her son's legal representative in the transaction, the term of "housing space" from the eligibility criteria set out in the above mentioned decision No. 2 of 16 August 2013, and the later relaxation of the same criteria by extension of the potential beneficiaries to those wishing to "improve living conditions" through decision No. 3 of 6 September 2013, alleviate ethical concerns.
53. Moreover, the subject's relevant actions occurred beyond the five-year limitation period applicable to ethical violations under Article 11 para. (2) lit. a) of Law No. 252/2023.

B.3. Acquisition of a property by the subject's concubine

54. On 5 August 2020, the subject's concubine registered his ownership right to a 0.0811 ha plot of land designated for construction, located in Ciorescu village.
55. The ownership right was established by a judicial decision of 19 May 2017 delivered by the Chișinău Court (Râșcani Office). The decision recognized the validity of a sale-purchase transaction of 7 August 2013, acknowledged

the subject's concubine ownership right, and ordered the cadastral office to register that right.

56. Based on her concubine's statements, the subject explained that he concluded an informal agreement with J.G., the former owner, in 1999. He took possession of the plot and paid the related taxes. In 2013, he paid J.G. 35,000 MDL. After J.G.'s death in 2014, his wife refused to notarize the transaction, leading to court proceedings.
57. The concubine confirmed these circumstances in a written declaration. He stated that he did not inform the subject about the agreement, the tax payments, or the judicial proceedings, as he was not obliged. Their cohabitation relationship began in 2009. He also stated that he registered the ownership right in 2020 due to personal and health reasons.
58. The concubine also stated that the former owners built a house on the land in 1998 without formal documentation. He noted that no renovation works or improvements have been carried out. The subject submitted photographs of the house and the land.
59. The acquisition of ownership over this plot of land raised several doubts. The only document directly linking the concubine to the alleged transaction is a receipt dated 7 August 2013, whereby J.G. acknowledged receiving 35,000 MDL "toward the sale of the plot". Although tax payment receipts exist, they were issued in the former owner's name and contain no information about the subject's concubine.
60. Cadastral information indicates that J.G.'s wife owned half of the land. Consequently, the transfer of the entire plot would have required her consent. The available file contains no documents confirming her consent or participation.
61. The court proceedings were conducted in the wife's absence. According to the hearing minutes, she could not be served with summons and was eventually notified by publication in the Official Gazette. Without a reasoned judgment, the legal basis for validating the transaction remains unclear. The claim relied on Articles 213–215 of the Civil Code, which apply to transactions requiring notarization where one party unjustifiably evades formalization.
62. The timeline raises additional questions. The concubine referred to an informal agreement from 1999, but the only written evidence is a receipt of 2013. It is unclear why a formal contract was not concluded before J.G.'s

death. Moreover, although the court decision was delivered in 2017, the ownership was not registered until 2020.

63. Despite the above issues, the ownership right concerns the subject's concubine and not the subject directly. The available information does not indicate the subject's involvement in the transaction, the court proceedings, or the subsequent registration of the right. Since the parties are not married, the land constitutes the concubine's personal property and is not subject to a matrimonial property regime. While the property may be relevant considering the parties' long-term cohabitation, no evidence has been identified indicating that the subject derived any financial benefit from it or exercised control over it.
64. The photographs show that the house and the land are modest. The available information does not indicate investments were made or that the property was used to generate income.
65. There is no information indicating a connection between the subject and the judge who delivered the 2017 judgment. The subject did not serve at the Chişinău Court (Râşcani Office), and no evidence of a personal or professional relationship has been found.
66. While the acquisition of land by the subject's concubine is not entirely consistent with a conventional purchase, there is no indication or evidence to link concerns to the subject.

VI. Conclusion

67. 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

68. 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.
69. 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.

70. 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.
71. 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.
72. Done in English and Romanian.

Andrei Bivol

Chairperson