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EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

ALINA GORCEAC

judge of the Chișinău Court, previously appointed as a member of the specialized panels for corruption and corruption related cases

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

22 September 2026

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Evaluation Panel F of the Commission (hereinafter the "Commission") established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice and discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (hereinafter "Law No. 252/2023"), deliberated on the matter on 14 September 2026 and approved the following report on 22 September 2026. The members participating in the approval of the report were:

1. Marcel van de WETERING
2. Lilian ENCIU
3. Iurie GAŢCAN

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 Ms. Alina Gorceac (hereinafter the "subject"), a judge of Chișinău first level Court.

2. The Commission conducted its evaluation pursuant to Law No. 252/2023 and the Commission's Rules of Organization and Functioning (hereinafter "Rules").

3. The Commission concluded that the subject meets the criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. The subject was appointed as a judge at Chișinău Court, Ciocana Office on 4 December 2019. As of 28 July 2026, she is serving at the Chișinău Court, Buiucani Office, following her specialization in criminal cases. From the following day, the subject was appointed as Interim Vice President of the court.

5. Between 2017 and 2019, the subject was a judicial assistant at the Central Court of Appeal. This court was known as the Chișinău Court of Appeal, until it was renamed on 27 December 2024.

6. Prior to that, the subject worked as a legal adviser at JSC "I." (2011-2017). Between 2004 and 2011, she was a consultant in the legal department of the Public Property Agency (known as the Privatization Agency prior to its reorganization in 2007).

7. The subject received a bachelor's degree in law in 2003 from the Moldova State University.

III. Evaluation Criteria

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

9. Under Article 11 para. (2), a subject:

> "[…] does not meet ethical integrity requirements if the Evaluation Commission has determined that:
>
> a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;
>
> b) in the last 10 years, has admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

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 20 average salaries per economy, in the amount set by the Government for the year 2023;
>
> b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

11. 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.

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

13. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.

14. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as of persons referred to in Article 33 paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.

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. According to Article 11 para. (2) of Law No. 252/2023 a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.

17. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted concerning its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also 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 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

19. On 4 February 2026, the Commission received the information from the Superior Council of Magistracy under Article 12 para. (1)of Law No. 252/2023. The information concerned the list of judges of the Chișinău Court who, since 1 January 2017, have been and/or are members of specialized panels in corruption and corruption related cases, for the purpose of their evaluation. The list included the subject.

20. On 5 February 2026, the Commission notified the subject and requested that she complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 20 days from the date of notification (hereinafter, these declarations are referred to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 24 February 2026.

21. On 16 March 2026, the Commission notified the subject that her evaluation file had been randomly assigned to Panel F with members Marcel van de Wetering, Iurie Gațcan and Lilian Enciu. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.

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. 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 2014-2025 and 2016-2025. The evaluation period for the ethical criterion includes the past five or ten years calculated backward from the date of the notification.

23. In the last nine 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, the General Inspectorate of Border Police, banks (EuroCreditBank JSC, Eximbank JSC, Moldinconbank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC), the Office for Prevention and Fight Against Money Laundering, 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 30 April 2026, the Commission asked the subject to provide additional information by 12 May 2026 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.

27. On 22 June 2026, the Commission asked the subject to provide additional information by 1 July 2026 to clarify certain matters (hereinafter the "second round of questions"). The subject provided answers and documents within the deadline.

28. On 4 September 2026, the Commission notified the subject that it had identified some areas of doubt about the subject's compliance with the ethical integrity criterion and invited her to attend a public hearing on 14 September 2026. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.

29. As provided in Article 39 para. (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 8 September 2026.

30. On the same day, the subject submitted a request to the Commission to hold the hearing in a closed session regarding the issue of a potential conflict of interest. Because this issue could involve discussions concerning the behavior and customs of third parties, such as the person with whom the subject crossed the border on 23 April 2023 and 1 May 2023, that person's child, and the subject's children with whom she traveled, the Commission granted the request and determined to conduct a part of the hearing in a closed session.

31. On 14 September 2026, the Commission held a 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.

32. On the day of the hearing and on the next day, the subject submitted additional documents and explanations. The Commission included them in the evaluation file and considered them in its analysis.

V. Analysis

33. This section discusses the relevant facts and reasons for the Commission's conclusion.

34. 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. compliance with the wealth and personal interests declaration regime;

    b. compliance with the conflict-of-interest regime.

A. Compliance with the wealth and personal interests declaration regime

35. During the evaluation, the Commission identified discrepancies between international transfers declared by the subject to the NIA and those reflected in the information provided by the banks. The latter information indicated that, between 2014 and 2025, the subject received multiple international transfers from Russia, Canada and Portugal.

36. Considering the substantial funds transferred from abroad, the Commission analyzed the accuracy and the completeness of their declaration to the NIA.

37. In the first (questions 26-29) and second rounds of questions (question 3 lit. a), question 6 lit. b), the subject was asked to explain the purpose and the subsequent use of the transfers and her relationship with the senders. She

explained that the funds represented her husband's income from his employment in the construction sector in Russia, Canada and Portugal and that, when he was unable to make the transfers himself due to work commitments, third parties transferred the funds on his behalf. According to the subject, there was no legal relationship between her and the senders. The funds were used to repay loans, purchase the house in Vadul lui Vodă city and cover other personal expenses.

38. In the second round of questions (question 6 lit. b), the subject further explained that her husband and third parties assisted one another in transferring funds when their work commitments prevented them from personally attending money-transfer service providers.

39. In the same round of questions (question 7), the Commission provided the subject with the full list of declared and identified transfers and asked her to confirm or correct the information. In her reply, the subject attributed the discrepancies to differences in the applicable exchange rates and possible calculation or reporting errors. She identified also several duplications and submitted several bank statements.

40. The identified and declared transfers received from abroad were summarized in a table included in the notice of hearing (§ 38). The identified discrepancies refer mainly to 2018, 2019 and 2022, when the income declared to the NIA exceeded in total by 95,526 MDL the transfers received.

41. At the hearing, the subject explained that, until 2022, she had kept records of the transfers in a personal notebook and that she might have duplicated certain transfers when declaring them to the NIA. She clarified that this was not intentional but resulted from a calculation error, as she had not concealed any income or made any major purchases during that period. It was only from 2022 onwards that she began keeping systematic records of the transfers, providing bank documents for 2022 and 2023.

Commission's assessment

42. The subject's obligation to declare her income to the NIA became applicable since 2017, when she began working as a judicial assistant at the Court of Appeal. For this reason, the analysis below is limited to transfers received from that year onwards, as these are the transfers relevant to the assessment.

43. The Commission notes that only the transfers declared from 2021 to 2025 fall within the five-year term provided by Article 11 para. (2) lit. a) of Law No. 252/2023 and will be considered under the ethical criterion.

44. As regards the underdeclation by 300 EUR of the transfer received in 2021, the Commission accepts the subject's explanation that it may have resulted from a calculation error. That year, the subject appears to have made no major purchases and concealed any assets.

45. As regards 2022, 2023 and 2024, the bank documents provided by the subject after hearing, together with the subject's explanation that a transfer received in MDL in 2024 was declared in foreign currency, eliminated the discrepancies identified in those years. No discrepancies were found in 2025.

46. Based on the above and considering that the subject did not register unjustified wealth throughout the entire evaluation period, the Commission concludes that the only error regarding 2021 does not meet the threshold of serious breach of ethical rules under article 11 para. (2) lit. a) of Law No. 252/2023, as clarified by the Constitutional Court (Judgment No. 2 of 16 January 2025, § 185).

B. Compliance with the conflict-of-interest regime

47. Based on the information available to the Commission, in 2023 the subject and L.R. had interactions outside judicial proceedings. The subject did not submit self-recusal from any of the cases involving L.R. as a prosecutor. During the evaluation the Commission obtained information from the Chișinău Court indicating that, in the period from 2020 to 2025, the subject examined 94 motions issued by the prosecutor L.R.

Relationship with the prosecutor L.R.

48. According to information provided by the Border Police, on 23 April 2023 and 1 May 2023, the subject, accompanied by her two children, crossed the land border (Leușeni-Albița) together with the prosecutor L.R. and her child. They travelled in a vehicle owned and driven by the subject.

49. L.R. has served as a prosecutor since 2003.

Subject's explanations

50. In the first round of questions (question 39), the subject was asked to explain the nature of her relationship with the prosecutor L.R. In response, the subject stated that they are "acquaintances". She maintained that she had not adjudicated any cases in which the prosecutor L.R. had participated in personal interest. As an investigating judge, the subject ruled on motions submitted by that prosecutor and on complaints against acts issued in her capacity as prosecutor. The subject further indicated that the prosecutor L.R. had not personally participated in the examination of those cases; rather,

they had been handled by prosecutors who were members of the prosecutorial team.

51. In the second round of questions (question 10), the subject was asked to clarify the nature of the relationship, the circumstances in which she had met L.R., and the details of their joint trip. She responded that they had both studied at the same year at the law faculty, although in different seminar groups. She denied having developed a personal relationship during their studies. The subject again described her relationship with L.R. as one of acquaintance and professional collegiality.

52. Regarding the destination of the trip, the subject stated that she was travelling to Romania, from where she travelled with her children for Barcelona. The subject explained the purpose of the joint travel as follows:

> "After crossing the border, each of us continued our journey independently, following our own itinerary, with the understanding that we would return to the country together."

53. In the subject's view, the occasional crossing of the border together with L.R., in the same vehicle, does not constitute a social interaction capable of giving rise to an appearance of a conflict of interest when adjudicating motions submitted by the prosecutor L.R.

54. The subject stated that she neither recused herself nor informed the parties of this situation because, in her view, there were no circumstances that could have affected her impartiality. She further explained that the motions she examined concerned only investigative measures carried out by the prosecutor in the exercise of her official duties and that the prosecutor L.R. had not acted in her personal interest or for the purpose of obtaining any personal benefit.

55. At the hearing, the subject explained that she had had no interactions with the prosecutor L.R. outside their professional relationship, such as financial loans or others. She further stated that she had not attended any family events involving L.R. or members of her family.

56. The subject stated that, in 2023, she had planned a trip to visit her friend in Barcelona. She also stated that the border crossing in May 2023 had been preceded, approximately one week earlier, by a chance encounter with L.R. near a large commercial center in Chișinău. The subject had gone there to inquire about a mathematics course for her children. During their conversation, L.R. recommended the course, as followed also by her child. As their discussion evolved, the subject told L.R. that she was planning to travel to Barcelona and learned that L.R. had also an itinerary towards the

Iași airport. The subject offered to drive L.R. noting that the prosecutor complained about her car having issues. L.R. did not accept the offer immediately but later called her, and they agreed on the time and place in the Chișinău municipality where the subject would pick her up.

57. When asked whether she could substantiate this statement, the subject stated that she had neither ticket reservations nor any photos. She had changed her old phone. The only supporting evidence was a statement dated 5 May 2026 from her friend O., attached to the first round of questions. The subject also stated that she did not know the purpose of L.R.'s trip to Romania.

Explanations of the prosecutor L.R.

58. The prosecutor L.R. was asked by the Commission about the nature of her relationship with the subject and their crossing of the border together on 23 April 2023 and 1 May 2023. Like the subject, L.R. stated that she had known the subject since their university years and that, apart from attending the same law faculty, they had no other interactions.

59. She denied that they had travelled together. According to her, "after entering the territory of Romania, each person followed his or her own itinerary, with separate destinations, schedules, and activities." L.R. stated that she got out of the subject's vehicle in Iași. On 1 May 2023, also in Iași, she got back into the subject's vehicle to return to the Republic of Moldova.

60. Although specifically asked to provide these details, L.R. did not indicate the purpose of her trip, her destination, or the exact location where she got into and out of the subject's vehicle. She stated that only the departure from and return to the Republic of Moldova had been coordinated. As to how those arrangements had been made, L.R. replied that she did not remember but believed they had most likely been coordinated by telephone. She also stated that she could not recall how many times she had met or spoken with the subject by telephone to arrange the departure and return to the Republic of Moldova. Regarding the fuel costs, L.R. stated that the subject did not agree to let her pay half of the costs.

61. The Commission submitted requests to the PSA and to tourism company "D.", through which the subject stated she went on vacation, seeking details about any possible connection between the subject and L.R.'s family members, as well as any interactions between them.

62. The responses received from the PSA and the tourism company did not reveal any interactions between the subject and L.R. or her family members

or any trips taken together. The information showed that the subject had traveled with her husband and children.

Further circumstances

63. As noted above, before her appointment as a judge, the subject worked as a legal adviser at "I." JSC dealing with the production of cement-based construction materials, where a person named V.S. appears to have been a shareholder. A person with the same name has worked as a prosecutor from 2015 to 2025 and declared to the NIA 12 shares in "I." JSC throughout that period. The declared value of a share and its declared market value are 40 MDL.

64. At the hearing, the subject denied knowing a shareholder named V.S., who appeared to be prosecutor L.R.'S brother-in-law.

Examination by the subject of 94 cases involving the prosecutor L.R.

65. According to information provided by the Chișinău Court, between 2020 and 2025, the subject, acting as an investigating judge, exercised judicial oversight in 94 cases involving prosecutor L.R. Of the total number of cases:

- 69 concerned the authorization of procedural and investigative measures, such as the interception of communications, the seizure of assets, searches and other investigative measures (two motions were dismissed, the remainder were upheld, one proceeding was discontinued);
- 18 concerned the ordering, extension, or revocation of the remand in prison (in one case, the remand in prison was replaced with house arrest; in the remaining cases, the remand in prison was ordered or extended);
- 7 concerned complaints against acts issued by prosecutor L.R. (four complaints were dismissed, two were partially upheld, and one was upheld).

66. According to information provided by the Chișinău Court, in only two of the 94 cases did the prosecutor L.R. personally participate in the hearing of the applications. Those applications concerned requests for the extension of pre-trial detention and were granted in full (orders of 27 November 2023 and 14 February 2024). Of the 94 cases, 72 were decided after the subject's crossing of the border together with the prosecutor L.R.

Compliance with legal principles

67. As noted in other previous reports, judges have an obligation to perform their functional duties impartially and objectively. Art. 52 para. (1) of the Code of Civil Procedure, Art. 33 para. (2) p. 6) and Art. 34 para. (1) of the Code of Criminal Procedure, Art. 202 para. (1) of the Administrative Code, Art. 4 para. (4) and (5) of the Code of Ethics require the judge to self-recuse from examining the case when there are circumstances giving rise to reasonable doubts as to his impartiality.

68. According to the ECtHR's settled case-law, the existence of impartiality must be determined according to a subjective test (personal conviction and behavior of a particular judge) and an objective test (impartiality from the point of view of the external observer). As to the subjective test, the principle is that a "tribunal" must be presumed to be free of personal prejudice or partiality until there is proof to the contrary. As to the objective test, it should be determined whether, apart from the judge's conduct, there are ascertainable facts which may raise doubts as to his or her impartiality. In this connection even appearances may be of a certain importance or, in other words, "justice must not only be done, it must also be seen to be done". What is at stake is the confidence which the courts in a democratic society must inspire in the public (*Morice v. France* [GC], no. 29369/10, 23 April 2015, §§ 74, 76, 78).

Commission's assessment

69. The Commission has information from the Border Police establishing that, on 23 April 2023 and 1 May 2023, the subject crossed the border together with the prosecutor L.R., accompanied by their respective children. They travelled in the same vehicle, which was owned and driven by the subject. These circumstances imply prior communication between the subject and prosecutor L.R..

70. In determining whether there is a legitimate reason to doubt the subject's impartiality in examining 72 motions involving prosecutor L.R., the Commission must assess whether such doubts are objectively justified. In particular, it must determine whether the relationship between the subject and prosecutor L.R. was of such a nature and degree as to indicate a lack of impartiality on the part of the court.

71. The Commission notes that a judge is required to uphold the highest standards of integrity and accountability in order to maintain public confidence in the courts. In this context, Art. 5 para. (12) of the Code of Ethics provides that "the extrajudicial activities of the judge shall not give rise to any doubt as to his/her impartiality, objectivity or integrity." Under Art. 8

para. (3[1]) of the Law Nr. 544/1995, judges are prohibited from communicating with the parties to the proceedings or with other persons if such communication is related to a case pending before the judge.

72. During the rounds of questions and at the hearing, the subject described, with notable caution, her relationship with the prosecutor L.R. as one of "acquaintance" and professional collegiality.

73. In her explanations submitted after the hearing, the subject argued that the facts established by the Commission did not demonstrate either a conflict of interest or a personal relationship of such a nature and intensity as to require her recusal from cases involving prosecutor L.R.. The subject referred further to the reports on O. Mironov and I. Pâcaleu, as examples for not finding the existence of a personal relationship amounting to a conflict of interest. In a letter signed on 11 September 2026 and submitted by the subject, the President of the Chișinău Court, confirmed that during working meetings of judges at the Ciocana Office, the fact that the subject had known L.R. since university and that they had crossed the border together had been discussed. According to the letter, those discussions established that there were no family ties, financial relations or common interests between the subject and the prosecutor, nor any personal interest related to the cases examined; and that these circumstances did not, in themselves, demonstrate a personal relationship capable of giving rise to reasonable doubts as to the subject's impartiality.

74. The Commission considers that travelling abroad in the same vehicle with a prosecutor involved in cases examined by the subject can give rise to concerns in the context of judicial ethics. Such travel entails at least some logistical arrangements, including agreement on the place and time of departure and the possible allocation of fuel costs. Against this background, the subject's explanation that she was unaware of L.R.'s purpose for travelling to Romania appears unconvincing, particularly since the subject had told the prosecutor that she was going on holiday to Barcelona and had herself offered to drive her to Iași. Moreover, the subject was aware that L.R.'s car was under repair.

75. The Commission views critically the subject's argument that L.R.'s refusal to disclose to the Commission the purpose of her trip to Romania could not be used as evidence against her, and that she could not be required to prove facts of a personal nature concerning L.R. It notes that the subject could have sought information concerning the prosecutor's stay in Iași to substantiate her assertion that they had not travelled together beyond that point. This is

particularly relevant given that L.R. had expressed her willingness to provide information insofar as it concerned the subject.

76. At the same time, the Commission did not identify any other circumstances beyond the border crossing together, both when leaving and returning to the Republic of Moldova. Such conduct raises doubts as to the subject's impartiality. However, the identified border crossings and the subject's full payment of the fuel expenses do not, in themselves, establish a personal relationship of such intensity as to amount to a conflict of interest. Likewise, the fact that the subject granted most of the motions involving L.R. as a prosecutor does not establish that the subject derived any economic, personal or other benefit.

77. In these circumstances, the Commission concludes that the subject's occasional border crossing together with the prosecutor L.R. and their respective children, on 23 April 2023 and on 1 May 2023, while the subject examined cases involving that prosecutor after these border crossings, do not lead to a conflict of interest affecting her position as a judge and warranting the consequences provided by Law No. 252/2023.

VI. Conclusion

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

VII. Further action and publication

79. As provided in Article 40 para. (4) of the Rules, this evaluation report will be sent by e-mail to the subject and the Superior Council of Magistracy. The Commission will publish the evaluation's result on its official website on the same day.

80. No later than three days after the approval, a printed paper copy of the electronically signed report will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the evaluation file containing all the evaluation materials gathered by the Commission.

81. 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.

82. This evaluation report was approved by a unanimous vote of the Panel members on 22 September 2026 and signed pursuant to Articles 33 para. (2) and 40 para. (5) of the Rules.

83. Done in English and Romanian.

Marcel van de Wetering

Vice-chairperson of the Commission

Chair of Panel F