



Independent Evaluation Commission for assessing the integrity of candidates
for the position of member in the self-administration bodies of judges and prosecutors

Comisia independentă de evaluare a integrității candidaților la funcția
de membru în organele de autoadministrare ale judecătorilor și procurorilor

*Decision No. 30 of 24 March 2023 on the Candidacy of Tatiana CHIRIAC,
Candidate for the Superior Council of Magistracy*

The Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors (“the Commission”) deliberated in private on 1 March 2023 and 24 March 2023. The members participating were:

1. Herman von HEBEL
2. Victoria HENLEY
3. Vitalie MIRON
4. Tatiana RĂDUCANU
5. Nona TSOTSORIA

Nadejda HRIPTIEVSCHI was recused from this matter and did not participate.

The Commission delivers the following decision which was adopted on that date:

I. The procedure

Tatiana CHIRIAC (“the candidate”), was on the list of candidates submitted by the Parliament to the Commission on 9 June 2022 for evaluation for the position of member of the Superior Council of Magistracy. Since 23 July 2020, the candidate has served as the CEO of N.L. LLC.

The candidate was appointed as a judge on 16 June 1997 to serve in Calarasi court where she served until her resignation on 8 April 2008. On 29 May 2008, the candidate received her law license and served as a lawyer until 4 June 2013. On 5 June 2013, the candidate was appointed head of evidence and procedural documentation section in the Calarasi court. On 1 October 2014, the candidate was appointed chief of secretariat of Calarasi court where she served until her resignation on 10 May 2016.

On 21 June 2022 the Commission sent an ethics questionnaire to the candidate to be filled in voluntarily and returned to the Commission by 5 July 2022. The candidate submitted the completed questionnaire to the Commission on 4 July 2022.

On 27 December 2022 the Commission sent a request to the candidate for completing and submitting by 3 January 2023 the Declaration of assets and personal interests for the past 5 years as required by art. 9 para. (2) of Law No. 26/2022 on certain measures relating to the selection of candidates for position as a member of the self-administration bodies of the judges and prosecutors (hereinafter “Law No. 26/2022”). The declaration also includes the list of close persons in the judiciary, prosecution and public service, as required by the same article. The

candidate submitted a completed declaration to the Commission on 3 January 2023.

The Commission obtained information from numerous sources in order to assess the candidate's financial and ethical integrity. The sources from which information was obtained concerning evaluated candidates generally included the National Integrity Authority, State Fiscal Service, General Inspectorate of Border Police, financial institutions, public institutions, open sources such as social media and investigative journalism reports and reports from members of civil society. Not all sources produced information concerning each candidate and not all of the information produced by sources about a candidate was pertinent to the Commission's assessment. All information received was carefully screened for accuracy and relevance.

To the extent that issues were raised from the candidate's declaration and questionnaire and collected information, those issues were raised in written questions with the candidate and during the public hearing.

Written communication with candidate:

On 27 January 2023 the Commission sent to the candidate a request for clarifying information, containing 14 questions, including 46 sub-questions and 27 requests for further documentation. The candidate replied within the requested time period on 31 January 2023 to all questions and provided most of the requested documents.

On 9 February 2023, the Commission sent a second round of seven questions, including 17 sub-questions and seven requests for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 12 February 2023 to all questions and provided all of the requested documents.

The candidate did not request access to the evaluation materials according to art. 12 para. (4) lit. c) of Law No. 26/2022 and therefore did not receive the materials.

On 1 March 2023, the candidate took part in a public hearing of the Commission.

II. The law relating to the evaluation

The Commission's evaluation of candidates' integrity consists of verifying their ethical integrity and financial integrity (art. 8 para. (1) of Law No. 26/2022).

Art. 8 para. (2) of Law No. 26/2022 provides that a candidate is deemed to meet the criterion of *ethical integrity* if:

- a) he/she has not seriously violated the rules of ethics and professional conduct of judges, prosecutors or, where applicable, other professions, and has not committed, in his/her

- activity, any wrongful actions or inactions, which would be inexplicable from the point of view of a legal professional and an impartial observer;
- b) there are no reasonable suspicions that the candidate has committed corruption acts, acts related to corruption or corruptible acts, within the meaning of the Law on Integrity No. 82/2017;
 - c) has not violated the legal regime of declaring personal assets and interests, conflicts of interest, incompatibilities, restrictions and/or limitations.

A number of versions of ethical codes applied to judges over the period of time covered by the evaluation. The codes were *Judge's Code of Professional Ethics*, adopted at the Conference of Judges on 4 February 2000, *Judge's Code of Ethics*, approved by the Superior Council of Magistracy decision No. 366/15 on 29 November 2007, *Judge's Code of Ethics and Professional Conduct*, approved by decision No. 8 of the General Assembly of Judges of 11 September 2015, amended by decision no. 12 of the General Assembly of Judges of 11 March 2016, as well as the *Commentary to the Code of Judges' Ethics and Professional Conduct*, approved by Superior Council of Magistracy's decision No. 230/12 of 8 May 2018. Since 2018, the *Guide for Judges' Integrity* approved by the Superior Council of Magistracy's decision No. 318/16 of 3 July 2018 is another relevant source for the purpose of assessing judicial integrity issues.

For lawyers, the *Code of Ethics of Lawyers from the Republic of Moldova*, adopted by Congress of Lawyers on 20 December 2002, with amendments adopted by Congress of Lawyers of 23 March 2007 and 1 July 2016, was applied over the period of time covered by the evaluation.

The *Public Servant's Code of Conduct*, adopted by Law No. 25/2008 regarding the public servant's Code of conduct, last amended by Law No. 305/2017, was applied over the period of time covered by the evaluation.

In the absence of rules of ethics and conduct approved for the field in which the candidate works or has worked, it shall be verified whether or not the past conduct of the candidate gives rise to reasonable doubts as to his/her compliance with the ethical and conduct standards established for judges and prosecutors (art. 8 para. (3) of Law No. 26/2022).

Also, the Bangalore Principles of Judicial Conduct, adopted by the Judicial Group on Strengthening Judicial Integrity as The Bangalore Draft Code of Judicial Conduct 2001 and as revised at the Round Table Meeting of Chief Justices on 25 – 26 November 2002 and endorsed by United Nations Social and Economic Council, resolution 2006/ 23 ("Bangalore Principles of Judicial Conduct") provide relevant guidance.

Opinion No. 3 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behavior and impartiality, adopted on 19 November 2002 ("CCJE (2002) Op. N° 3") provides further guidance.

Art. 8 para. (4) of Law No. 26/2022 provides that a candidate shall be deemed to meet the criterion of *financial integrity* if:

- a) the candidate's assets have been declared in the manner established by law;
- b) the Evaluation Commission finds that his/her wealth acquired in the last 15 years corresponds to the declared revenues.

Art. 2 para. (2) of Law No. 26/2022 provides that the evaluation of candidates includes a verification of the assets of persons close to candidates, as defined in Law No. 133/2016 on declaration of assets and personal interests, as well as of the persons referred to in art. 33 para. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.

Art. 8 para. (5) of Law No. 26/2022 provides that in order to assess the applicant's financial integrity, the Commission is required to verify the following:

- a) compliance by the candidate with the tax regime in the part related to the payment of taxes when using the means and income derived from the property held, as well as taxable income and the payment of import duty and export duty;
- b) compliance by the candidate with the regime of declaring assets and personal interests;
- c) the method of acquiring the property owned or possessed by the candidate or persons referred to in art. 2 para. (2), as well as the expenses associated with the maintenance of such assets;
- d) the sources of income of the candidate and, where appropriate, of the persons referred to in art. 2 para. (2);
- e) existence or not of loan, credit, leasing, insurance or other contracts capable of providing financial benefits, in which the candidate, the person defined in art. 2 para. (2) thereof, or the legal entity in which they are beneficial owners, is a contracting party;
- f) whether or not donations exist, in which the candidate or the person established in art. 2 para. (2) has the status of donor or recipient of donation;
- g) other relevant aspects to clarify the origin and justification of the candidate's wealth.

In assessing and deciding upon the criteria related to financial and ethical integrity, the Commission is not to depend on the findings of other bodies competent in the field concerned (art. 8 para. (6) of Law No. 26/2022). The Commission is required to assess the information gathered about candidates using its own judgment, formed as a result of multi-faceted, comprehensive and objective review of the information. None of the submitted materials has a predetermined probative value without being assessed by the Commission (art. 10 para. (9) of Law No. 26/2022).

A candidate shall be deemed not to meet the integrity criteria if serious doubts have been found as to the candidate's compliance with the above-listed requirements which have not been mitigated by the evaluated person (art. 13 para. (5) of Law No. 26/2022). As noted in the recent Venice Report on vetting in Kosovo, "In a system of prior integrity checks, the decision not to

recruit a candidate can be justified in case of mere doubt, on the basis of a risk assessment. However, the decision to negatively assess a current post holder should be linked to an indication of impropriety, for instance inexplicable wealth, even if it cannot be proven beyond doubt that this wealth does come from illegal sources”. Also, “[I]n other investigations like wider integrity checking the burden of proof will be discharged on the balance of probability”. Venice Commission, CDL-AD(2022)011-e, Kosovo - Opinion on the Concept Paper on the Vetting of Judges and Prosecutors and draft amendments to the Constitution, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022), §§10,9.

Shifting the burden of proof to the candidate, once the evaluating body has identified integrity issues, has been found permissible by the European Court of Human Rights, even in the vetting of sitting judges who may lose their positions or otherwise be sanctioned as a consequence of the evaluation. In *Xhoxhaj v. Albania*, no. 15227/19, §352, 31 May 2021 the Court stated that “it is not per se arbitrary, for the purposes of the “civil” limb of Article 6 § 1 of the Convention, that the burden of proof shifted onto the applicant in the vetting proceedings after the IQC [Independent Qualification Commission] had made available the preliminary findings resulting from the conclusion of the investigation and had given access to the evidence in the case file”.

Under art. 5 para. (1) of the Evaluation Rules of the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administrative bodies of judges and prosecutors, pursuant to Law No. 26/2022, of 2 May 2022 (hereinafter “Evaluation Rules”), only if a candidate fully meets all of the indicators set for the in art. 8 para. (2) – (5) of Law No. 26/2022 does the candidate satisfy the criterion of “ethical and financial integrity”.

III. Evaluation of the candidate

The candidate was asked at the hearing about the following financial and ethical issues:

1. Failure to submit declarations of income and property at appointment and release from office

a. The facts

The candidate was employed as head of evidence and procedural documentation section in the Calarasi court on 5 June 2013. Although the legislation concerning the declaration and control of income and property of state dignitaries, judges, prosecutors, civil servants and some persons in leading positions in effect at that time required a declaration of income and property (hereinafter “declaration”) to be submitted within 20 days from the date of appointment or election to office, according to the National Integrity Authority (hereinafter “NIA”), there is no record of a declaration submitted when the candidate was appointed.

The candidate resigned her position, then head of Secretariat at the Calarasi court, on 10 May

2016. Although the law provided that persons who were obliged to file declaration were required, at the end of the mandate or at the termination of the activity, to submit a declaration of income and property at the time of leaving office, according to NIA, there is no record of a declaration submitted when the candidate resigned.

There are annual declarations of income and property to NIA on file for the candidate for 2013, 2014 and 2015.

The candidate was asked written questions from the Commission to explain whether she had submitted a declaration on assuming office and a declaration on leaving office and, if she had submitted them, to present confirmatory documentation. She explained that she remembered submitting her declaration when she assumed office to the head of the court secretariat who would send them on as appropriate. The former head of secretariat is now in Canada. With respect to the declaration when she left office, she stated that she also submitted that declaration because she always tried to comply with the law and not to have weaknesses that could be used later, but, due to her previous employment litigation with the former president of the court, the candidate stated that the president “possibly did everything in her powers for [the candidate’s] declaration not to be filed in line with the legal procedure”. The candidate did not provide any confirmatory documents.

At the public hearing, the candidate restated that she had filed both declarations. By way of background, she explained that she had returned to the Calarasi court at the request of the president of the Court due to a need for help in the evidence and procedural documentation section, where there was a lot of work to be done. When she left the court in 2016, she had no intention of ever returning to employment in the courts and did not retain records from that time. According to the candidate, her assuming office declaration was filed with the head of secretariat and she received a certification that it had been filed. She stated that she submitted a leaving office declaration with the evidence and procedural documentation section at the Calarasi court as there was no head of secretariat when she left. She did not receive confirmation as there was no one there to give confirmation.

As to the candidate’s contention that her litigation with the Calarasi court president might have caused the president to interfere with the filing of the declarations, at the public hearing the candidate did not agree that her litigation with the Court president which began in 2016 would not have caused the president to interfere with the filing of the candidate’s assuming office declaration in 2013. She stated that the court president did not like her from the start and did not like her coming back to work. When asked why there were annual declarations on file for 2013, 2014 and 2015 if the president was interfering with the filing of her declarations, the candidate stated that the annual declarations were filed as a group and there was no way for the candidate’s annual declarations to disappear as “it would have been too obvious”. When asked whether she kept a copy of her leaving office declaration or some other record of its filing if she believed the court president was doing everything in her power to prevent her declaration from being filed, the candidate stated that she never thought she would be back and because she had not done

anything wrong, it made her less cautious.

The candidate also stated at the public hearing that in 2017 she had submitted an annual declaration for 2016 with the Straseni court evidence and records unit as the head of secretariat was not at the court. She recalls seeing the stamp on the document. She noted that there was a different president judge for the combined Calarasi and Straseni courts. There is no annual declaration for 2016 on file with NIA.

After the public hearing, the candidate submitted to the Commission an annual declaration for 2016 that the candidate stated she had found after searching her records. The declaration is dated 11 April 2017. The declaration bears stamps of “Judecatoria Straseni” dated “12 April 2017, with reference to “Intrare nr. 3699 și nr. 3700”.

b. The law

Art. 8 para. (5) lit. b) of Law No. 26/2022 requires the Commission to verify compliance of the candidate with the regime of declaring assets and personal interests.

Pursuant to art. 8 para. (2) lit. c), para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022 a candidate’s failure to declare personal assets and interests in the manner established by law is a failure to meet both the financial integrity criterion and the ethical integrity criterion.

Art. 8 para. (1) of Law No. 1264/2002 concerning the declaration and control of income and property of state dignitaries, judges, prosecutors, civil servants and some persons in leading positions (in force from 13 April 2012) (hereinafter “Law No. 1264/2002”), provided that the declaration of income and property shall be submitted within 20 days from the date of appointment or election to office. Para. (3) and (4) provided that at the end of their mandate or upon termination of their activity, the persons referred to in art. 3 shall be obliged to submit a new declaration on the incomes and assets they hold on that date and that the failure to submit the declaration, for imputable reasons, within 20 days from the termination of the activity, leads to the *ex officio* initiation of the control procedure. Para. (5) provided that the subjects of declaration were obliged to submit the declaration after the expiry of one year from the termination of the activity until 31 March of the following year.

Art. 6 para. (1) of Law No. 1264/2002 (in force from 13 April 2012), provided that the declaration of income and property is a personal and irrevocable act, which is made in writing, on the declarant's own responsibility, and which may be rectified only under the conditions of art. 10 para. (2).

Art. 9 of Law No. 1264/2002 (in force from 13 April 2012), provided that persons responsible for collecting declarations were required to receive and register the declarations in a special register of a public nature, called the Register of declarations on income and property, immediately issue to the declarant a proof of receipt and keep a copy of the declaration received,

which was required to be annexed to the declarant's personal file (para. (3) lit a), b) and f)).

Art. 6 of Law No. 133/2016 on declaration of assets and personal interests (in force from 1 August 2016) on deadlines for submission of the declaration reads as follows:

Para. (1) The declaration is to be submitted annually, until March 31, indicating the income obtained by the subject of declaration together with the family members, his/her cohabitant in the previous fiscal year, also the assets held and the personal interests provided in art. 4 para. (1) lit. b) – m) on the date of submission of the declaration.

Para. (2) In case of employment, mandate validation or appointment, as the case may be, the declaration shall be submitted within 30 days from the date of employment, mandate validation or appointment, indicating the income obtained by the subject of declaration together with the family members, his/her cohabitant in the previous fiscal year, as well as the assets and the personal interests held provided in art. 4 para. (1) lit. b) – m) at the date of submitting the declaration.

Para. (3) In the event of a change of position within the same entity, by promotion or appointment to another position, no new declaration shall be submitted.

Para. (4) After termination of the mandate or employment or service relations, the subject of the declaration is obligated to submit the declaration within 30 days from the date of termination of the mandate, employment or service relations. The declaration shall indicate the income obtained by the subject of the declaration together with the family members, his/her cohabitant in the current fiscal year, as well as the assets and the personal interests held under art. 4 para (1) lit. b) – m) on the date of its submission.

Para. (5) The subject of declaration who, in accordance with the legislation in force, has suspended employment or service relations shall submit the declaration within 30 days after reinstatement, indicating in the declaration the income obtained together with the family members, his/her cohabitant throughout undeclared periods, also the assets and the personal interests held mentioned in art. 4 para. (1) lit. b) – m) at the date of submitting the declaration.

The Evaluation Rules state that undeclared income or expenditures are relevant for financial integrity, including but not limited to insofar as they relate to prohibited secondary incomes, tax evasion, or violation of anti-money laundering provisions (art. 6 para. (1)).

c. Reasoning

The Commission is required to verify the candidate's compliance with the regime of declaring assets and personal interests. In this instance, for the period between 2013 and 2016 when the candidate was employed at the Calarasi court, there are annual declarations on file for the candidate for 2013, 2014 and 2015, but no declaration upon assuming office and no declaration upon leaving office, as required by law.

The candidate contends that she filed both declarations and conceded that she received written confirmation of the filing of her assuming office declaration. She did not keep that confirmation or copies of the declarations because when she left the office, she never intended to return to public service, let alone work in the judiciary.

According to the candidate, because of animosity towards her, the Calarasi court president may have interfered with the filing of the candidate's statements because of litigation instituted by the candidate against the court president. Although that litigation was initiated in 2016, when asked how it would have caused the court president to interfere with the filing of the candidate's assuming office statement in 2013, the candidate indicated that the court president disliked her from the start and did not like her coming back to work. This seemed inconsistent with the candidate's earlier explanation that she had been recruited to return to the court by the court president due to a need for help in the Evidence and procedural documentation section, where there was a lot of work to be done.

At the public hearing, the candidate stated that in 2017 she came to the Straseni -court where there was then a different -court president to file an annual declaration for 2016 and she witnessed a stamp being placed on the document. The Law No. 133/2016 on declaration of assets and personal interests (in force from 1 August 2016), in 2016 excluded the requirement of filing an annual declaration on income and property after leaving office while retaining the requirement of filing a leaving office declaration at the end of employment and thus, the candidate apparently was not required to file a 2016 annual declaration although she said she did so. However, there is no 2016 annual declaration on record at NIA for the candidate. After the public hearing, the candidate produced what appears to be a copy of a 2016 annual declaration that she had found with what appears to be the stamp of the Straseni Court and notations regarding entry numbers, which lent credibility to her contention that she submitted declarations that did not get filed with NIA. Since this was an annual declaration that, according to the candidate, would have been packaged with other employees' declarations and there was a different court president, the absence of that declaration on file with NIA seems unlikely attributable to the former court president. Also, the 2016 annual declaration might not have been filed with NIA if it was no longer legally required.

The regime of declaring assets and personal interests serves a critical role in monitoring the financial integrity of public officials. The failure of the subject of declaration to comply with the requirements of the declaration regime threatens to undermine that critical safeguard. The omission of assets or income that were required to be disclosed can have serious implications. The Evaluation Rules state that undeclared income or expenditures are relevant for financial integrity, including but not limited to insofar as they relate to prohibited secondary incomes, tax evasion, or violation of anti-money laundering provisions (art. 6 para. (1)). The complete failure to file a declaration necessarily increases the risk of serious implications.

Non-filing of annual declarations has been grounds for failing a number of candidates in the pre-

vetting process for leadership positions in the self-administration bodies of judges. In most of these instances, the declarations that were not filed covered multiple years and the Commission's ability to assess the candidate's financial activities was impaired by a lack of information about the candidate's income and assets. While the candidate strongly contends that she filed an assuming office and a leaving office declaration, neither declaration is on file with NIA. The candidate did file annual declarations for 2013 - 2015, and apparently submitted one for 2016, however, there is no record of the assuming office and leaving office declarations being filed. When asked what she had done to try to locate proof that she submitted the declarations, the candidate stated that she had only made efforts to recall and to check her own records. She did note that the assuming office declaration might still be at the court and that the head of Secretariat also kept some records in the register and that he was taking notes on his own but that she did not try to go to the court and inquire. The law in effect at the time required the officials responsible for processing declarations to register the declarations in a special register and to keep a copy of the declaration received, which was required to be annexed to the declarant's personal file. Indeed, the copy of the 2016 annual declaration that the candidate produced after the hearing contains what appear to be references to entry numbers in a register. Other candidates have produced confirmation of their declarations having been registered when they did not retain records of filings. The candidate did not do so and the Commission's concerns that the declarations were not submitted were not mitigated by the candidate.

In light of above circumstances, the Commission has serious doubts (art. 13 para. (5) of Law No. 26/2022) about the compliance of the candidate with the criterion of financial and ethical integrity as per art. 8 para. (2) lit. c), para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022 with respect to compliance with the regime of declaring assets and personal interests, namely the submission of assuming office and leaving office declarations in 2013 and 2016 respectively, which have not been mitigated by the candidate.

2. Sub-estimated value of car model Honda CR-V m/y 2011

a. The facts

On 7 April 2015, the candidate purchased a car model Honda CR-V, m./y. 2011. In the 2015 annual declaration, the candidate declared that the purchase price of the car was 100,000 MDL (est. 4,785 EUR). According to information from the Customs Service, the car was imported to Moldova in late 2014 for the price of 180,000 MDL plus customs duties paid in the amount of 31,000 MDL. The total cost of the car when imported to Moldova was 211,000 MDL. At the public hearing, the candidate confirmed that she was not able to provide a copy of the sale purchase contract when the car was bought in 2015, as she had not kept a copy of the contract herself and the Public State Agency ("PSA") does not keep records of such contracts for more than six years.

On 14 September 2017, more than two years later, the candidate sold the car. According to her

2017 annual declaration to the Commission, the car was sold for the same price of 100,000 MDL (est. 4,807 EUR). However, the candidate provided a copy of the sales contract which stated that the selling price was 50,000 MDL.

When asked at the public hearing about the difference between the purchase price declared in the 2015 annual declaration and the value indicated by the Customs Service, the candidate explained that the information she provided was information given to her by her husband. It was her husband who always took care of these matters, and she was never involved herself. According to her husband, this car was bought from a person who imported the car from Sweden and that the car had erosion on the entire body and required serious restoration. At the public hearing, she added that also other repairs had been necessary, such as the replacement of the gear box.

At the public hearing, she also confirmed that her husband had informed her that the sales price in 2017 had also been 100,000 MDL. She explained that the price was the same as the purchase price in 2015, as in the meantime a number of repairs had taken place and the car was therefore in a better condition when it was purchased. However, she was not able to explain the difference between this price and the price of 50,000 MDL indicated on the 2017 sale - purchase contract, but observed that the signature on the contract was the signature of her husband.

b. The Law

Pursuant to art. 8 para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022, the Commission is required to verify that the candidate has complied with the legal regime of declaring assets and personal interests in the manner established by law.

Pursuant to art. 8 para. (2) lit. c), para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022 a candidate's failure to declare personal assets and interests in the manner established by law is a failure to meet both the financial integrity criterion and the ethical integrity criterion.

c. Reasoning

In 2015, the candidate purchased a car model Honda CR-V, m/y 2011, for the price of 100,000 MDL, according to her 2015 annual declaration. This price, for which the candidate was not able to provide a copy of the sale purchase contract, is less than half of the value of 211,000 MDL when the car was imported months earlier in late 2014, according to information from the Customs Service. In 2017, the car was sold for the same price of 100,000 MDL, according to the candidate's 2017 annual declaration to the Commission. However, the candidate also provided a copy of the sale - purchase contract in 2017 which indicated a price of 50,000 MDL.

During the public hearing, the candidate indicated that she herself was not involved in the buying and selling of cars and that she left this entirely to her husband. The information provided in her 2015 and 2017 declarations is information that she received from her husband. She also informed

the Commission that the car was not in a good condition and required extensive repairs. This explained, according to the candidate, both the price of the car when it was bought in 2015 and the price of the car when it was sold in 2017.

The candidate was not able to provide a copy of the 2015 contract for the purchase of the car. The candidate herself did not keep a copy of the contract and she was not able to get a copy from the PSA, as such records are destroyed after six years. In addition, the candidate was not able to explain the difference in the price of 100,000 MDL that she indicated in her 2015 annual declaration and the value of 211,000 MDL that the Customs Service provided when the car was imported in late 2014. Her explanation that the car was imported from Sweden and had erosion on the entire body and required serious restoration was not convincing as these factors must also have formed part of the value assessed by the Customs Service at the time of import of the car and did not likely occur in the few months between importation of the vehicle and the candidate's purchase of it.

The candidate was also not able to explain the differences in the sales price of the car in 2017 between her own declaration to the Commission, which indicated a price of 100,000 MDL, and the sales contract which indicated a price of 50,000 MDL. Notwithstanding the fact that the car was purchased and registered in the candidate's name, she emphasized at the public hearing that she herself never handled issues relating to the buying and selling of cars and that she left this entirely to her husband who in her view was an expert on such issues. The Commission, however, was not convinced by this argument, as it is the responsibility of the candidate herself to ensure the completeness and correctness of information she submitted to NIA in her 2015 annual declaration and to the Commission in her 2017 annual declaration.

In light of above circumstances, the Commission has serious doubts (art. 13 para. (5) of Law No. 26/2022) about the compliance of the candidate with the criteria of financial and ethical integrity as per art. 8 para. (2) lit. c), para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022 with respect to the accuracy of the information and lack of convincing explanations regarding the purchase of the Honda CR-V car in 2015 and the sale of that car in 2017, which have not been mitigated by the candidate.

IV. Decision

Based on art. 8 para. (2) lit. c), para. (4) lit. a) and para (5) lit. b) and art. 13 para. (5) of Law No. 26/2022, the Commission decided that the candidate does not meet the integrity criteria as serious doubts have been found as to the candidate's compliance with the ethical and financial integrity criteria and thus fails the evaluation.

V. Appeal and publication of the decision

Pursuant to art. 14 para. (1) of Law No. 26/2022, the candidate is entitled to appeal this decision within 5 days from receiving the decision.

Pursuant to art. 13 para. (7) of Law No. 26/2022, this decision is sent by email to the candidate and to the institution responsible for organizing the election or competition, which in the present case is the Parliament. If within 48 hours of sending the decision, the candidate does not notify the Commission of his or her refusal to publish the decision, the decision shall be published on the website of the Parliament in a depersonalized form, except for the surname and first name of the candidate that remain public. The Commission will also publish the decision on its website if the candidate does not object to publication.

This decision was adopted unanimously by all participating members of the Commission.

Done in English and translated into Romanian.

Signature:



Herman von HEBEL
Chairman, Commission