



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. 41 of 9 June 2023 on the Candidacy of Elena ROȘIOR,
Candidate for the Superior Council of Prosecutors*

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 25 May 2023 and 9 June 2023. The members participating were:

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

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

I. The procedure

Elena ROȘIOR, Deputy Chief Prosecutor, Anenii Noi District Prosecutor’s Office (“the candidate”), was on the list of candidates submitted by the Superior Council of Prosecutors to the Commission on 7 April 2022, as updated on 13 January 2023, for evaluation for the position of member of the Superior Council of Prosecutors.

The candidate was appointed as a prosecutor on 10 August 1999 to serve in Anenii Noi District Prosecutor’s Office and had been working there since then. On 28 June 2022, the Interim Prosecutor General appointed the candidate as Deputy Chief Prosecutor, Anenii Noi District Prosecutor’s Office for a five-year term.

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 23 January 2023 the Commission sent a request to the candidate for completing and submitting by 30 January 2023 the Declaration of assets and personal interests for the past five 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 30 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 14 April 2023 the Commission sent to the candidate a request for clarifying information, containing 15 questions, including 32 sub-questions and 17 requests for further documentation. The candidate replied within the requested time period on 20 April 2023 to all questions and provided most of the requested documents.

On 28 April 2023, the Commission sent a second round of seven questions, including 11 sub-questions and eight requests for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 3 May 2023 to all questions and provided most of the requested documents.

On 11 May 2023, the Commission sent a third round of four questions, including 12 sub-questions and six requests for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 14 May 2023 to all questions and provided most of the requested documents. The candidate sent additional information on 18 May 2023.

On 16 May 2023, the Commission sent a fourth round of one question, including one sub-question and one request for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 18 May 2023 to all questions and provided the requested documents.

Following the candidate's request, on 22 May 2023 the candidate was granted access to the evaluation materials according to art. 12 para. (4) lit. c) of Law No. 26/2022.

On 25 May 2023, the candidate took part in a public hearing of the Commission.

Partly in response to questions put to the candidate at the hearing and partly at the candidate's own initiative, the candidate provided additional information after the hearing, pursuant to art. 12 para. (4) lit. d) of Law No. 26/2022. The Commission accepted this information, in accordance

with the candidate's right to submit additional data and information, which she deems necessary, in order to remove suspicions about her integrity pursuant to art. 12 para. (4) lit d) of Law No. 26/2022.

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 prosecutors over the period of time covered by the evaluation. The codes were *Prosecutor's Code of Ethics*, approved by the Prosecutor General order No. 303/35 of 27 December 2007, *Prosecutor's Code of Ethics*, approved by the Superior Council of Prosecutors' decision No. 12-3d-228/11 of 4 October 2011, *Prosecutor's Code of Ethics and Conduct*, approved by Superior Council of Prosecutors' decision No. 12-173/15 of 30 July 2015 and *Prosecutor's Code of Ethics*, approved by the General Assembly of Prosecutors' decision No. 4 of 27 May 2016, amended by General Assembly of Prosecutors' decision No. 1 of 22 February 2019.

Opinion No. 13 (2018) of the Consultative Council of European Prosecutors (CCPE) on the "Independence, accountability and ethics of prosecutors", adopted on 23 November 2018 ("CCPE (2018) Op. No. 13") 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 of 2 May 2022, pursuant to Law No. 26/2022 (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. Sources of funds for declared bank deposits in 2009 - 2016

a. The facts

During 2009 – 2016, the candidate declared 10 deposit accounts and five savings accounts in her declarations on assets and personal interests (hereinafter “annual declaration”). The combined declared deposit accounts contained 10,000 USD, 300,000 MDL and 12,000 EUR, totaling approximately 34,500 EUR. The candidate confirmed these amounts in written communication and at the hearing.

Asked about the source of funds for these deposits, in written communication with the Commission and during the hearing, the candidate indicated money earned by her husband in Greece as the source of funds. In written communication with the Commission, the candidate explained that her husband worked in Greece between 1997 – 1999 and 2001 – 2003. She further explained that her husband worked without legal documents in Greece between fall 1997 and 1 September 1999. He returned to Greece in June 2001 in order to obtain documents to work legally in Greece. He received the documents in September 2001. The candidate also provided two certificates from a person in Greece, D.G., dated 24 November 2022, attesting that the candidate’s husband worked at this person’s construction company from 25 October 1997 to 30 August 1999 and had a salary of 276,000 Greek drachmas per month (est. 830 EUR * 22 months = 18,260

EUR) and that the candidate's husband had also worked there from 28 June 2001 to 26 December 2003 and had a salary of 1,100 EUR per month (30 months* 1,100 EUR = 33,000 EUR). According to the two certificates, the candidate's husband received total income of 51,260 EUR during the two periods of his stay in Greece.

At the hearing the candidate was asked why the two certificates regarding her husband's income in Greece were dated 24 November 2022, before the evaluation of the candidate started. The candidate explained that she had watched recordings of the Commission's hearings of other candidates and understood that she would need to present documents confirming the sources of funds from abroad. She asked her husband if he had any documents confirming his income during the periods he worked in Greece (1997 – 1999 and 2001 – 2003). She explained that she had never asked her husband about his work prior to 2001 since they were not married at that time. Because there were no documents attesting to the income received by the husband in either of the two periods, she asked her husband to inquire of his former employer (who was his employer for both periods) and obtain confirmation of the income earned. She explained that her husband communicated with his former employer, and he explained the need for requesting confirmation documents, namely that his wife (the candidate) would be evaluated and might need to present documents confirming his income while working in Greece. The candidate further explained that the candidate's husband had to present documents to his Greek employer from his stay back in 1997 – 1999 and 2001 – 2003 in order for the employer to identify him. The candidate further explained that they furnished the number of the passport that her husband had used at that time, which they kept by chance. The candidate could not explain the signature date of 24 November 2022, as the communication between her husband and his former employer took a while. She also explained that the certificates were written by her husband's former employer, based on their data, not based on suggestions from her or her husband. She added that the certificates were sent to the candidate's husband by his former employer via bus.

At the hearing, the candidate was also asked why she did not present documents from a public authority on her husband's income from his work in Greece, but only the certificates from the employer. The candidate explained that her husband inquired about obtaining such documents from the City Hall in the locality where he worked or from the tax authorities but was told that he could obtain such documents only by appearing in person before these authorities. This required travelling to Greece which would have been too costly for the candidate and so she and her husband contacted the former employer and requested the certificates from him. The candidate also emphasized that the certificates issued by her husband's former employer are official documents, issued by a head of a company, not by an ordinary individual. The Commission notes that the certificates are issued on the company's letterhead, signed and stamped, and contain relevant contact information details. The construction company of the Greek employer was identified on the www.echamber.arcci.gr platform with the name and contact data that coincide with the data from the certificates presented by the candidate.

The candidate was asked to explain how the candidate's husband covered his living expenses in

Greece while he was sending almost all his earnings to the Republic of Moldova. The candidate indicated that her husband had lived for a short while at his sibling's place in Greece and then, while working for D.G., her husband's living expenses (food and accommodation) were covered by D.G. She also noted that her husband carried out additional work for which he was paid, aside from the construction work, hence his income was greater than the indicated monthly income. The candidate provided to the Commission another certificate from D.G., dated 15 May 2023, in which he attests that the candidate's husband worked in his construction business, and that D.G. provided him shelter and food between 25 October 1997 – 30 August 1999 and 28 June 2001 – 26 December 2003.

In her annual declarations for 2009 to 2012, the candidate declared three bank deposits for which the source of money was her husband's work in Greece (2,500 USD since 2009 and 3,000 USD since 2010, and 150,000 MDL since 2012). In 2014 she declared a new deposit of 3,000 USD, one deposit of 100,000 MDL, one deposit of 5,000 EUR and one deposit of 2,500 EUR. She indicated to the Commission that the source of the funds for all of the deposits was her husband's work in Greece in 2001 - 2003. The candidate was asked why the deposits that she listed in her 2014 annual declaration were not included in her previous annual declarations if the source of income for these deposits was her husband's income received while working in Greece during 2001 – 2003. The candidate replied that the money declared by her in 2012 – 2016 was earned by the husband while working abroad and he managed it as he wished, keeping the funds in banking institutions or at their home. At the hearing, the candidate stated that since 2009 she has declared all of the money that she and her husband received as income (salaries) that was held in banks, as was required at that time. The money that was earned in Greece was kept in cash at their house. Since 2016 she started declaring that cash as required by a change in the law.

b. The law

In determining whether a candidate meets the criterion of financial integrity, the Commission must verify that the candidate's wealth acquired in the past 15 years corresponds to the declared revenues as per art. 8 para. (4) lit. b) of Law No. 26/2022.

Art. 8 para. (5) lit. d) of Law No. 26/2022 provides that in order to assess the candidate's financial integrity, the Commission is required to verify the sources of income of the candidate and, where appropriate, of the persons referred to in art. 2 para. (2).

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

“Close persons”, as defined in Law No. 133/2016 on declaration of assets and personal interests, are: “husband/wife, child, cohabitant of the subject of the declaration, the person supported by

the subject of the declaration, as well as any person related through blood or adoption to the subject of the declaration (parent, brother/sister, grandparent, nephew/niece, uncle/aunt) and any person related by affinity with the subject of the declaration (brother-in-law/sister-in-law, father-in-law/mother-in-law, son-in-law/daughter-in-law) ”.

c. Reasoning

The Commission is required to verify that the candidate’s wealth acquired in the past 15 years corresponds to the declared revenues. In this respect, the Commission is required to verify the sources of income and assets of the candidate and, where appropriate, of the persons referred to in art. 2 para. (2) of Law No. 26/2022.

During 2009 – 2016, the candidate declared 10 deposit accounts and five savings accounts in her annual declarations, totaling 34,500 EUR. When asked about the source of the funds for the deposit accounts, the candidate indicated the income earned by her husband in Greece between 1997 – 1999 and 2001 – 2003. The candidate indicated that during the first period (1997 – 1999) her husband worked without legal documents, while during the second period (2001 – 2003) he had already received legal documents allowing him to work there (he received the documents in September 2001). The candidate provided two certificates from a person in Greece, D.G., dated 24 November 2022, attesting that the candidate’s husband worked at this person’s construction company from 25 October 1997 to 30 August 1999 and had a salary of 276,000 Greek drachmas per month (a total of 18,260 EUR for the entire period) and that the candidate’s husband had also worked there from 28 June 2001 to 26 December 2003 and had a salary of 1,100 EUR per month (a total of 33,000 EUR for the entire period). According to the two certificates, the candidate’s husband received during the two periods of his stay in Greece total income of 51,260 EUR. In addition, the Commission asked the candidate to explain how the candidate’s husband covered his living expenses during his stay there while he sent almost all his earnings to the Republic of Moldova. The candidate indicated that during both periods of her husband’s stay in Greece, his employer provided food and accommodation besides salary and provided the Commission a certificate from the employer of 15 May 2023 confirming this fact.

Because the total amount earned by the candidate’s husband exceeded the 16,760 EUR deposited into the deposit accounts and because the candidate’s husband was provided with food and accommodation by his employer in addition to his salary, the Commission concluded that the candidate mitigated the doubts regarding the sources of funds for the declared deposit accounts during 2009 – 2016.

The Commission also examined the lapse of time between 1997 – 2003, when the husband earned the income, and 2009 – 2016, when the candidate declared these funds. The candidate explained that the money earned by her husband was kept in cash and that she declared all money that was deposited into the banks as required by the legislation at that time. She stated that she did not declare cash savings before 2016 since the law did not require it until then. The Commission

found the candidate's explanations acceptable.

In light of the above circumstances, the Commission did not find serious doubts (art. 13 para. (5) of Law No. 26/2022) as to the candidate's compliance with the criterion of financial integrity as per art. 8 para. (4) lit. b) and para. (5) lit. d) of Law No. 26/2022 with respect to the sources of funds for the bank account deposits during 2009 - 2016 because the candidate provided explanations and accompanying documents regarding the sources of funds, thus the candidate mitigated the Commission's concerns regarding this issue.

2. Declaration of the value of two cars

a. The facts

In her 2014 annual declaration, the candidate declared a Dacia Logan model car (m/y 2008) (Dacia Logan 1) owned by her husband, that was purchased in 2014 for 2,000 MDL (est. 100 EUR). She provided the Commission with a statement from her husband indicating that the seller of the car was a third party and that her husband did not have any relationship with the seller. The candidate's husband declared that the director of the company "S.C." L.L.C., where the husband worked until 2020, offered him the car for service use during 2009 – 2013, based on an oral agreement, with the intention to sell it to the candidate's husband at a preferential price of 2,000 MDL in view of its technical condition. The candidate's husband used the car between 2009 – 2013 and then purchased it at a preferential price of 2,000 MDL, taking into account the "deplorable condition of the car" at the time of concluding the sale contract, as per the candidate's husband description. The candidate presented the sale-purchase contract of 2014, which stated the price of 2,000 MDL for the car. The candidate did not provide any documents supporting the technical condition of the car. The candidate also presented a statement from the prior owner of the car, confirming the candidate's husband's statement.

At the hearing, the candidate explained that her husband worked for about ten years as sales agent for a company that included in the compensation package for their agents an offer to sell the car used by the sales agent for work, at a preferential price of 2,000 MDL, if the sales agent worked for the company for at least three years. The offer was not formalized in writing. Given that the salary was low, the ability to buy the car at such a low price was attractive to the candidate's husband. He bought the car after three years of service to that company and after having used the car throughout the country, including on countryside roads, in his capacity as sales agent. The candidate stated that the car is still used by the family.

In her 2016 annual declaration, the candidate declared another Dacia Logan car (m./y. 2007) (Dacia Logan 2) owned by her husband, purchased in 2015. She declared the value of the car as 5,000 MDL (est. 220 EUR). The candidate provided the Commission another statement from her husband, according to which "the price of the car corresponded to its technical condition". The candidate also presented to the Commission an estimate of the repairs needed to be carried out on

the Dacia Logan 2, indicating its poor technical condition. According to this act, the repairs would have cost 16,680 MDL. The candidate's husband explained that the car was later repaired by a relative and then sold in 2021 for 10,000 MDL. The candidate's husband stated that 5,000 MDL was the real purchase price. The candidate presented the sale-purchase contract from 2015, which stated the price of 5,000 MDL. The candidate declared the income from the sale of Dacia Logan 2 car in her 2021 annual declaration.

At the hearing the candidate explained that the technical condition of the Dacia Logan 2 car was poor, which her husband knew from the beginning, but the price was so attractive that they decided to buy it mainly for spare parts in order to merge the two cars (Dacia Logan 1 and Dacia Logan 2) to have a better one. After the purchase, the candidate's husband took the car to a car service to have a full evaluation of its condition. The estimate for the cost to repair the vehicle, including replacement parts, was 16,680 MDL. Given the high prices of the car service, the candidate's husband used the services of a relative who carried out the repairs for free, with the candidate's husband only paying for parts that needed replacement. The candidate also explained that her husband used some parts from their Dacia Logan 1 as initially he had planned to merge the two cars. However, in the end, given the unsatisfactory technical condition of Dacia Logan 2, her husband decided to sell it, which he did in 2021. The candidate did not present the sale-purchase contract for the sale of the Dacia Logan 2 in 2021, to confirm the selling price of 10,000 MDL. The State Tax Service (hereinafter "STS") records show that the candidate's husband paid tax on the capital increase from selling the car in 2021. The candidate also stated that she and her husband did not sell the Dacia Logan 1 car since the value was so low, and they decided to keep it for periodic farm work.

According to the information in April 2023 on [999.md](https://www.999.md) platform, the market value of similar cars in 2023 varies from 2,200 EUR (44,396 MDL) to 4,999 EUR (100,879 MDL).

b. The law

In determining whether a candidate meets the criterion of financial integrity, the Commission must verify that the candidate has complied with the legal regime of declaring assets and personal interests, as per art. 8 para. (4) lit. a) and para. (5) lit. b) of Law No. 26/2022.

Pursuant to art. 8 para. (2) lit. c) and (4) lit. a) 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.

According to art. 8 para. (5) lit. a) of Law No. 26/2022, in assessing the candidate's financial integrity, the Commission is required to verify the compliance by the candidate with the tax regime in the part related to the payment of taxes on using funds and income derived from the owned property, as well as taxable income and the payment of import duty and export duty.

c. Reasoning

Art. 8 para. (2) lit. c), para. (4) lit. a) and para. (5) lit. a) and b) of Law No. 26/2022 require the Commission to verify that a candidate has complied with the legal regime of declaring assets and personal interests and whether the candidate complied with the tax regime.

In her 2014 annual declaration, the candidate declared a Dacia Logan car (m./y. 2008) (Dacia Logan 1) owned by her husband, purchased in 2014 for the price of 2,000 MDL (est. 100 EUR). This car is still owned by the candidate's husband and used by the candidate's family. In her 2016 annual declaration, the candidate declared another Dacia Logan car (m./y. 2007) (Dacia Logan 2) owned by her husband, purchased in 2015 for the price of 5,000 MDL (est. 220 EUR). In her 2021 annual declaration, the candidate declared income from the sale of the Dacia Logan 2 car for 10,000 MDL. The candidate did not provide the sale-purchase contract for this sale, but the STS records show that the candidate's husband paid tax on the capital increase from selling the car in 2021.

The Commission questioned the real value of the two cars purchased by the candidate's husband and the candidate's compliance with both the legal regime of declaring assets and personal interests and the tax regime. In written communication and at the hearing, the candidate explained in detail how both cars were purchased.

With respect to Dacia Logan 1, the candidate provided a credible explanation regarding the employment offer provided to her husband that allowed him to buy the car at a preferential nominal price of 2,000 MDL provided he worked for the sales company that owned the car for three years. Although not documented in writing, the Commission found it plausible that a sales company would make such an offer. The Commission also considered the fact that the Dacia Logan 1 is not a luxury car and if being used as sales agent traveling throughout the country for three years, the technical condition may worsen significantly and dictate lower than average market prices. The Commission further noted that the candidate's family has been making private use of the car for more than nine years. In addition, the Commission took note of the candidate's detailed and consistent explanations, both in written communication and at the hearing, and in the written statements of others (the candidate's spouse and the former owner) explaining the facts that were provided to the Commission. In view of these facts, the Commission concluded that the candidate mitigated its doubts regarding the purchase price of the Dacia Logan 1 car.

With respect to Dacia Logan 2, the candidate provided detailed explanations regarding the technical condition of the car and a document containing a repair estimate for the car, which indicate at least indirectly that the car was in a bad technical condition. The Commission considered the fact that the car was not a luxury car, the candidate's explanations for buying a second Dacia Logan in order to merge two cars for one improved car and the fact that capital increase tax was paid on the sale of the car. In view of these facts, the Commission concluded that the candidate mitigated its doubts regarding the purchase price of the Dacia Logan 2 car.

In light of the above circumstances, the Commission did not find serious doubts (art. 13 para. (5) of Law No. 26/2022) as to the candidate's compliance with the criterion of ethical or financial integrity as per art. 8 para. (2) lit. c), (4) lit. a) and (5) lit. b) of Law No. 26/2022 with respect to the declaration of the value of the two purchased cars because the candidate provided consistent explanations and confirmation documents regarding the purchase price, thus the candidate mitigated the Commission's concerns regarding this issue.

IV. Decision

Based on art. 8 para. (1), (2) and (4) and art. 13 para. (5) of Law No. 26/2022, the Commission decided that the candidate is compliant with the ethical and financial integrity criteria and thus passes 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 Superior Council of Prosecutors. 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 Superior Council of Prosecutors 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