



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. 50 of 3 August 2023 on the Candidacy of Iulian MUNTEAN,
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 20 July 2023 and 3 August 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

Iulian MUNTEAN, lawyer at the Lawyer’s Office “Iulian MUNTEAN” and lecturer at the Technical University of Moldova (“the candidate”), was on the list of candidates submitted by the Parliament to the Commission on 5 May 2023 for evaluation for the position of member of the Superior Council of Magistracy.

The candidate graduated with a degree in electromechanics in 2000 and a law degree in 2003. He worked as a coordinating economist in the Science Service of the Academy of Economic Studies of Moldova between 2003 – 2006. Between 2006 – 2022, he worked as a lecturer at the Academy of Economic Studies of Moldova, University “Perspectiva – INT” and State Agrarian University of Moldova. Since 2022, he has been a lecturer at the Technical University of Moldova. The candidate has been a licensed lawyer and member of the Moldovan Lawyer’s Union since 2011. In 2009 the candidate obtained a PhD in Law.

On 12 May 2023, the Commission sent an ethics questionnaire to the candidate to be filled in voluntarily and returned to the Commission by 1 June 2023. The candidate submitted the completed questionnaire to the Commission on 1 June 2023.

On 18 May 2023, the Commission sent a request to the candidate for completing and submitting by 25 May 2023 the Declaration of assets and personal interests for the past five years (hereinafter “the five-year declaration”) 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 25 May 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 by the candidate's declaration and questionnaire and the information collected, those issues were raised in written questions with the candidate and during the public hearing.

Written communication with candidate:

On 9 June 2023, the Commission sent to the candidate a request for clarifying information, containing six questions, including 25 sub-questions and 18 requests for further documentation. The candidate replied within the requested time period on 13 June 2023 to all questions and provided most of the requested documents. The candidate sent additional information on 14 June 2023.

On 22 June 2023, the Commission sent a second round of eight questions, including 31 sub-questions and 20 requests for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 25 June 2023 to all questions and provided most of the requested documents. The candidate sent additional information on 27 June 2023.

On 30 June 2023, the Commission sent a third round of three questions, including 10 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 4 July 2023 to all questions and provided most of the requested documents. The candidate sent additional information on 6 July 2023.

On 6 July 2023, the Commission sent a fourth round of two questions, including four sub-questions and two requests for further documentation, to clarify some issues that came out during the evaluation. The candidate replied within the requested time period on 8 July 2023 to all questions and provided most 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 20 July 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, on 21 July 2023, 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 he deems necessary, in order to remove suspicions about his 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.

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.

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).

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.

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.

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 Commission did not have serious doubts concerning any ethical integrity issues with respect to the candidate as per art. 8 para. (1) and (2) of Law No. 26/2022. The candidate was asked at the hearing about the following financial issues:

1. Donations received during 2008 – 2022

a. The facts

According to information from the State Tax Service (hereinafter “STS”) and the five-year declaration, including annual declarations of assets and personal interests for 2018 – 2022 (hereinafter “annual declarations”), that the candidate submitted to the Commission, between 2008 – 2022, the candidate and his wife had total income of 9,510,627 MDL, as follows:

- 5,542,000 MDL – donations from the candidate’s parents and parents-in-law;
- 3,968,627 MDL – the candidate’s net salary of 1,623,402 MDL; the candidate’s wife’s net salary of 1,968,734 MDL; 225,000 MDL proceeds from the sale of property; and 151,491 MDL interest from bank deposit

Table No.1 – candidate and his wife’s income for 2008 – 2022, including donations:

Income 2008 – 2022		Donations 2008 – 2022 vs. income	
Candidate	Candidate’s wife	From candidate’s parents	From candidate’s parents-in-law
1,623,402 MDL	1,968,734 MDL	276,000 MDL	5,266,000 MDL
376,491 MDL (225,000 MDL, proceeds from the sale of property and 151,491 MDL interest from bank deposit)			

Total for 2008 – 2022	3,968,627 MDL (est. 42% of total income)	5,542,000 MDL (est. 58% of total income)
	9,510,627 MDL	

Regarding donations from the candidate's parents, in written communication with the Commission the candidate stated that he and his family received donations from his parents every year between 2009 – 2022 in the total amount of 276,000 MDL, ranging from 20,000 MDL to 42,000 MDL (Table No.2). He also declared that the donations from his parents were made in cash at various events, such as birthdays, Christmas, Easter, 8 March, Wedding Day, summer holidays. He also declared that the source of these donations was the salary and pension of his father. According to the STS, between 2008 – 2022, the candidate's parents had total income of 1,649,089 MDL, from which they donated 276,000 MDL, or 16,7%, to the candidate and his family. At the same time, they had average consumption costs of 1,024,608 MDL according to the National Bureau of Statistics and acquired two assets (*a 0.09 ha agricultural plot of land in Criuleni district and a car model Chevrolet Aveo, m./y. 2004*). At the hearing the candidate stated that the agricultural plot was not bought, but distributed for free to his father. He could not recall the exact amount paid for the Chevrolet, but provided an estimate of 4,000 – 5,000 EUR. The Commission concluded that the candidate's parents had sufficient resources to make the declared donations to him and his family in the total amount of 276,000 MDL.

Table No. 2 – donations from the candidate's parents in 2008 – 2022:

Year	2009	2010	2012	2013	2015	2016	2017	2018	2019	2020	2021	2022
MDL	20,000	15,000	15,000	15,000	15,000	15,000	15,000	40,000	41,000	33,000	42,000	10,000
Total	276,000 MDL											

In written communication with the Commission and at the hearing, the candidate confirmed that he and his family received donations from his parents-in-law between 2008 – 2022 in the amount of 5,266,000 MDL (Table No.3). This is a significant amount compared to the candidate's and his wife's total income of 3,968,627 MDL during the same period. For this reason, the Commission analyzed in detail the source of funds for these donations.

In written communication with the Commission and at the hearing, the candidate stated that all donations that he and his wife received from his parents-in-law between 2008 – 2022 were made in cash, except a donation of 4,000,000 MDL in 2020 which was transferred to his wife. Also, according to the candidate, most of these donations were made at various events such as birthdays, Christmas, Easter, 8 March, Wedding Day, summer holidays, except certain donations that were made for purchasing cars or real estate. These are analyzed below.

Table No. 3 – donations from the candidate’s parents-in-law in 2008 – 2022:

Year 2000	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22
MDL in thousands	250	20	30	250	30	30	200	30	30	30	70	74	4,062	81	79
Total	5,266,000 MDL														

Between 2008 - 2022, the candidate and his wife acquired four assets, which, according to the candidate’s answers in written communication with the Commission and at the hearing, were partially or fully paid for through donations from his parents-in-law.

- The first: in 2022 the candidate purchased a Volvo XC40 car m./y. 2022 for 857,176 MDL [est. 42,000 EUR, cost of the car – 793,000 MDL (est. 39,850 EUR) and import taxes in the amount of 64,176 MDL], which was partially paid for through a donation in 2020 of 4,000,000 MDL from his parents-in-law to the candidate and his wife to buy real estate.
- The second: in 2014 the candidate’s wife bought a Ford Focus car m./y. 2014, for 222,548 MDL (est. 11,950 EUR) using 200,000 MDL donated by her parents in 2014.
- The third: in 2011, the candidate bought a Toyota RAV 4 car m./y. 2011 for 358,207 MDL (est. 21,930 EUR) using 250,000 MDL donated by his parents-in-law in 2011.
- The fourth: between 2006 – 2008, the candidate and his wife acquired a 121,4 sq.m. apartment in Chişinău municipality, through a 2006 investment contract, for 61,950 EUR (est. 1,053,602 MDL) using donations from the candidate’s parents-in-law totaling 1,055,000 MDL between 2006 – 2008 (in 2006 – 505,000 MDL; in 2007 – 300,000 MDL; in 2008 – 250,000 MDL).

At the hearing, the candidate confirmed the donation of 200,000 MDL in cash from his parents-in-law for his wife’s purchase of the Ford Focus car in 2014. He also confirmed that he bought the Toyota RAV 4 car in 2011 with 250,000 MDL in cash donated by his parents-in-law. The candidate also confirmed that his parents-in-law donated the full amount of 1,055,000 MDL to his wife in order to acquire the 121,4 sq.m. apartment in Chişinău municipality, paid for in three installments between 2006 and 2008: in 2006 – 505,000 MDL; in 2007 – 300,000 MDL; in 2008 – 250,000 MDL. In reply to a question about the total amount paid by the candidate in 2008 for the apartment, he confirmed that the amount paid was 250,000 MDL but he presented to the Commission only two payment orders of 100,000 MDL each in 2008 and stated that the one for 50,000 MDL might have been lost.

At the hearing the candidate confirmed that he purchased the Volvo XC40 car in 2022, partially from the 4,000,000 MDL donated via bank transfer from his parents-in-law to his wife in 2020 for purchasing real estate.

Regarding the donation of 4,000,000 MDL from the candidate's father-in-law to the candidate's wife, the candidate presented to the Commission two documents: first, a bank statement for a deposit account of his father-in-law indicating a credit of 4,200,000 MDL on 2 December 2019 and zero balance on 3 December 2020, with the destination of the funds as "external"; and second, a copy of a bank cash collection order on 30 December 2020 in his wife's name in the amount of 4,000,000 MDL. Neither of these documents confirm that there was a bank transfer from the candidate's father-in-law to the candidate's wife. At the hearing, the candidate confirmed that 4,000,000 MDL was transferred via bank transfer to his wife, not in cash. He explained that the passage of time between the closing of his father-in-law's deposit account (on 3 December 2020) and the deposit of 4,000,000 MDL to his wife's account (on 30 December 2020) could be due to the fact that his father-in-law closed the deposit account and transferred the amount to a current account and later asked his daughter to come to the bank for the transfer. He was certain that there was no cash payment, only a bank transfer of 4,000,000 MDL out of 4,200,000 MDL in his father-in-law's account to his wife's account. He volunteered to provide further clarification on this issue after the hearing.

On 21 July 2022, the candidate sent additional explanations regarding the 4,000,000 MDL donation. He explained that his father-in-law opened a deposit account with 4,200,000 MDL on 2 December 2019. The interest from this account, amounting to 231,000 MDL by the end of 2020, was transferred automatically to his father-in-law's current account. On 3 December 2020, the father-in-law closed the deposit account and transferred the 4,200,000 MDL to his current account, creating a total balance of 4,431,050 MDL. On 30 December 2020, the father-in-law transferred 4,000,000 MDL to the candidate's wife deposit account and 431,050 MDL to a new deposit account in the father-in-law's name. These transactions do not appear as bank transfers but as cash deposits and cash withdrawal orders. The candidate presented three orders confirming these transactions, all on the same date of 30 December 2020: order to withdraw cash in the amount of 4,431,000 MDL in the father-in-law's name, order to deposit 4,000,000 MDL in a deposit account in the candidate's wife's name and order to deposit 431,050 MDL in a deposit account in the candidate's father-in-law's name.

Regarding the income of the candidate's parents-in-law, according to the STS, during 2008 – 2022 they had total income of 18,277,581 MDL, as shown in the Table No.4 below. According to the information available to the Commission on the financial turnover and taxes paid by the parents-in-law's company, they had the financial means to pay the claimed salary and dividends.

Table No. 4 – candidate's parents-in-law income during 2008 – 2022:

Source of funds	Net income (<i>salary and dividends for 2015 – 2022</i>) STS (FVID form)	Bank deposits <i>Interest</i> (<i>according to the candidate</i>)	Dividends for the period 2008 – 2014 (<i>according to the document provided by the candidate</i>)	Pension (<i>according to the candidate</i>)

Amounts MDL	13,703,711	1,452,870 (for the period 2010 – 2020)	2,065,000 [295,000 x 7 years (2008 – 2014)] ¹	1,056,000 MDL [(6,500 + 4,500) x 12 months x 8 years (2015 – 2022)]
Total	18,277,581 MDL			

Between 2008 – 2022, the candidate’s parents-in-law donated to the candidate’s family 5,266,000 MDL, representing 29% of their total income of 18,277,581 MDL. In addition to donations to the candidate, the candidate’s parents-in-law had average consumption costs of 1,024,608 MDL and purchased real estate/cars between 2008 – 2022 in an amount of est. 1,116,183 MDL (total average consumption costs and real estate/cars – 2,140,791 MDL). Asked about donations made to the candidate’s wife’s sibling, the candidate stated that his parents-in-law made total donations/assets estimated at 4,732,707 MDL to that person. The combined donations to both children are slightly more than half of the candidate’s parents-in-law income.

The candidate did not provide any other evidence to the Commission of the donations he declared which he confirmed at the hearing.

Asked at the hearing about his expectations about maintaining the same living standards in the future, when donations might not be available from his parents-in-law, the candidate replied that he does not have such an expectation because the father-in-law has reached retirement age and does not do business anymore. Asked if he thinks that his reliance upon donations from his parents and parents-in-law makes him vulnerable in any way to external influences, the candidate replied that he does not think so, as his wife has properties that could be rented out in the future, but at present, the interest rates from the donated amounts are enough to live in Moldova without the need for illegal sources of income. He further added that any parent, if s/he can make donations during his/her lifetime is ok, in order to strengthen the family and for the children not to look for an illegal way of obtaining income.

The candidate and his wife, as well as their parents, were not subjects of the declaration of assets and personal interests when the donations were made. The candidate declared the donations initially in his five-year declaration and five annual declarations for 2018 – 2022 submitted to the Commission on 25 May 2023 according to art. 9 para. (2) of Law No. 26/2022. He further presented the donations for the entire period of 2008 – 2022 in reply to the Commission’s written questions prior to the hearing and confirmed them at the hearing.

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.

¹ According to confirmatory document issued by the LLC “S”, for the period 2006 – 2022, the provided dividends amounted to 2,655,000 MDL (est. 295,000 MDL on each year).

Art. 8 para. (5) lit. d) and f) 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), and the existence of donations.

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

Art. 8 para. (4) lit. b) of Law No. 26/2022 requires the Commission to verify that a candidate's wealth acquired in the past 15 years corresponds to the declared revenues. Art. 8 para. (5) lit. d) and f) of Law No. 26/2022 requires the Commission to verify the sources of income of the candidate and, where appropriate, of the persons referred to in art. 2 para. (2), and the existence of donations.

The Commission noted that throughout the evaluation period – 2008 - 2022 – the candidate used donations from his parents-in-law to make several purchases for him and his family: a 121,4 sq.m. apartment in Chişinău municipality acquired in 2006 – 2008, three cars purchased by the candidate and his wife between 2011 and 2022, and a monetary donation of 4,000,000 MDL in 2020, which is still in the candidate's wife's bank account. The candidate identified for the Commission the donations received from his parents and his parents-in-law on a yearly basis between 2008 and 2022. Overall, the Commission established that the candidate's family received 5,542,000 MDL throughout 2008 – 2022, which is an estimate of 58% of the total income of 9,510,627 MDL that the candidate and his wife received during this period. The candidate confirmed this amount at the hearing. He claimed that all these donations were made in cash, usually for family events or holidays, except for the 4,000,000 MDL donation that was transferred through the bank.

The candidate and his wife, as well as their parents, had not been subjects of the declaration of assets and personal interests when the donations were made. The candidate declared the donations initially in his five-year declaration and five annual declarations for 2018 – 2022 submitted to the Commission on 25 May 2023 according to art. 9 para. (2) of Law No. 26/2022. He further

presented information concerning the donations for the entire period of 2008 – 2022 in reply to Commission’s written questions prior to the hearing and confirmed them at the hearing. Although the candidate did not provide any evidence regarding the claimed donations, except for the 4,000,000 MDL, the Commission was satisfied that these donations were made in light of the detailed and consistent explanations provided by the candidate throughout the written procedure and during the hearing.

The Commission analyzed the source of funds for the donations declared by the candidate. In that context, the Commission analyzed the income of the candidate’s parents and parents-in-law. The candidate declared donations from his parents every year between 2009 – 2022 in the total amount of 276,000 MDL, ranging from 20,000 MDL to 42,000 MDL. The donated amount constituted 16,7% of the candidate’s parents’ income. Taking into account the average consumption costs and the assets acquired during the evaluation period, the Commission concludes that the candidate’s parents had sufficient resources to make the declared donations to him and his family in the total amount of 276,000 MDL.

The Commission also analyzed the income of the parents-in-law. The STS data shows that during 2008 – 2022 they had total income of 18,277,581 MDL. The donations to the candidate’s family totaled 5,266,000 MDL, representing 29% of their total income. Taking into account average consumption costs (1,024,608 MDL), the major assets acquired during 2008 – 2022 (real estate/cars – 2,140,791 MDL), as well as the donations to the candidate’s wife’s sibling (estimated at 4,732,707 MDL by the candidate), the Commission concluded that the parents-in-law had sufficient resources to donate 5,266,000 MDL to the candidate and his family.

The Commission analyzed the claimed transfer of 4,000,000 MDL to the candidate’s wife’s bank account in 2020. In response to written questions from the Commission, the candidate provided two cash collection orders, not documents confirming the transfer. At the hearing, the candidate provided some clarification about his understanding of the transfer, and he undertook to provide more information after the hearing. The following day, the candidate sent an explanation of the banking transactions involving the 4,000,000 MDL and provided confirmation documents showing that three transactions took place on the same day: the father-in-law closed the bank account of 4,431,050 MDL, deposited 431,000 MDL to one of his accounts and deposited 4,000,000 MDL to the candidate’s wife’s bank account. The candidate’s explanations and documentation mitigated the Commission’s concern about the donation of 4,000,000 MDL.

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) and f) of Law No. 26/2022 with respect to the candidate’s lifestyle and donations at an estimated of 58% of his and his wife’s income between 2008 – 2022 because 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 Parliament. If within 48 hours of sending the decision, the candidate does not notify the Commission of his 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