



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. 1 of 25 September 2023 on the candidacy of Radu MÎRZA,
Candidate to 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 September 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:

The facts

Radu MÎRZA, currently working as expert at the AO Henri Capitant, was on the list of candidates submitted by the Government to the Commission on 15 August 2023 for evaluation for the positions of member of the Superior Council of Prosecutors. By message dated 19 September 2023 and addressed to the Commission, Radu MÎRZA withdrew from the competition as candidate for the position of member of the Superior Council of Prosecutors.

The law

Art. 13 para. (1) of Law No. 26/2022 on certain measures relating to the selection of candidates for the position of member in the self-administration bodies of judges and prosecutors (hereinafter “Law No. 26/2022”) provides that a candidate’s withdrawal from the competition after the institution in charge of organizing the elections or the competition submits the list of candidates to the Commission shall be the equivalent to failing the evaluation by the concerned candidate, irrespective of the reason given by the candidate.

Decision

Based on art. 13 para. (1) of Law No. 26/2022, the Commission concludes that the withdrawal of Radu MÎRZA from the competition is equivalent to failing the evaluation.

Appeal and publication of the decision

Art. 14 para. (1) of Law No. 26/2022 provides that the candidate is entitled to appeal a decision of the Commission within 5 days from receiving the decision.

Art. 13 para. (7) of Law No. 26/2022 provides that 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 Government. 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 Government 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 members of the Commission.

Done in English and Romanian.

Signature:



Herman von HEBEL
Chairman of the Commission