



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 12 September 2022 on the candidacy of Judge Dumitru PUȘCA to 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 12 September 2022. 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

Judge Dumitru PUȘCA, Bălți Court of Appeals, was on the list of candidates submitted by the Superior Council of Magistracy to the Commission on 6 April 2022 for evaluation for the positions of member of the Superior Council of Magistracy. By letter dated 9 September 2022 and addressed to the Commission, Judge Dumitru PUȘCA withdrew from the competition as candidate for the position of member of the Superior Council of Magistracy.

The law

Article 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” (“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 Article 13 para. 1 of Law No. 26/2022, the Commission concludes that the withdrawal of Judge Dumitru PUȘCA from the competition is equivalent to failing the evaluation.

Appeal and publication of the decision

Article 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.

Article 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 Superior Council of Magistracy. 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 Magistracy 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 translated into Romanian.

Signature:

A handwritten signature in blue ink, appearing to read 'H. von HEBEL', with a stylized flourish at the end.

Herman von HEBEL
Chairman of the Commission