

candidate failed the evaluation.”

Decision

Based on Article 9 para.2 of Law No. 26/2022, the Commission concludes that the candidate failed the evaluation based on the candidate’s failure to timely submit the declaration.

Article 9 para.2 of Law No. 26/2022 does not identify any bases to excuse a late filing. In the view of the Commission, a showing of extraordinary cause would be necessary to excuse a late filing, specifically circumstances of such a nature that, if not taken into consideration, would amount to gross injustice to the candidate. The reasons given by the candidate for not complying with the deadline, and instead notifying the Commission only that his declaration would be presented on an unspecified date the following month, were “excessive workload (the need to draft several court documents) and [REDACTED]”. Neither reason was further elaborated or substantiated. In the view of the Commission, those reasons do not amount to extraordinary circumstances justifying a late filing of the required declaration. The need to draft several court documents amounts to the regular press of court business for a judge and was likely a circumstance that many candidates faced. Candidates were furnished a draft of the declaration form more than six weeks before the deadline to allow sufficient time to assemble information and prepare the declarations. All of the other candidates (26) that were sent the asset declaration form for completion by the 15 July 2022 deadline, were able to do so. Similarly, with six weeks to prepare the asset declaration, [REDACTED] cannot be deemed an extraordinary cause preventing the candidate from submitting the declaration by the deadline.

Appeal and publication of the decision

Article 14 para.1 of Law No. 26/2022 provides that a 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 simultaneously 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 participating members of the Commission.

Done in English and translated into Romanian.

Signature:



Herman von HEBEL
Chairman of the Commission