

c. Reasoning

Although the candidate did not produce a sale-purchase contract for the car, the Commission found it plausible that the contractual value of the car amounted to 48,000 MDL. The Commission furthermore found that the custom taxes paid by her husband amounted to 21,862 MDL. Both in the written rounds of questions to the candidate and during the hearing, the candidate acknowledged that the declared price of 28,494 MDL for the car was based on an error. This error occurred for the first time in the annual declaration by her husband in 2013. Both he and the candidate, when she started her declarations upon becoming a judge in 2017, continued to reproduce this error in their yearly declarations. It was only during the present evaluation procedure, that the candidate realized that these declarations were based on an error. The mistaken price did not benefit the candidate or her husband. The Commission finds the candidate's explanation plausible and considers it to be an unintentional error.

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. a) of Law No. 26/2022 with respect to the declared value of the car because the candidate acknowledged that she had made a mistake and the mistake was of a clearly unintentional character.

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

Art. 14 para. (1) of Law No. 26/2022 provides that a candidate is entitled to appeal a decision of the Commission within 10 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 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, Commission