



Decision No. 3 of 12 January 2024 on the candidacy of Corina STRATAN to the Superior Council of Prosecutors Selection and Evaluation Board

The Prosecutor Vetting Commission (“the Commission”) discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amendments of some regulatory acts (hereinafter “Law No. 252/2023”) and Law No. 26/2022 on measures related to the selection of candidates for the positions of members in the self-administration bodies of judges and prosecutors (hereinafter “Law No. 26/2022”) deliberated in private on 12 January 2024.

The members participating were:

1. Cornel LEBEDINSCHI
2. Christopher LEHMANN
3. Irmantas MIKELIONIS
4. Tatiana RADUCANU
5. Saskia de VRIES

The Commission delivers the following decision which was adopted on that date:

The facts

Corina STRATAN, attorney, was on the list of candidates submitted by the Superior Council of Prosecutors (hereinafter “SCP”) to the Commission on 15 December 2023 for evaluation for the position of member of the SCP Selection and Evaluation Board.

On 29 December 2023, Corina STRATAN submitted directly to the Commission a request to withdraw her candidacy from the list of candidates participating in the competition.

The law

Art. 22 para. (12) lit. b) of Law No. 252/2023 provides that the subjects referred to in art. 2 para. (1) lit. e) of Law No. 26/2022, for applications filed after 1 September 2023, and the subjects referred to in art. 2 para. (1) lit. f) to h) of Law No. 26/2022, regardless of the date of submission of the application, shall be evaluated by the Prosecutor Vetting Commission, including candidates to the SCP Selection and Evaluation Board.

According to art. 22 para. (13) of Law No. 252/2023, the Commission shall evaluate the subjects referred to in para. (12) according to the procedure and criteria regulated by Law No. 26/2022.

According to art. 13 para. (1) of Law No. 26/2022, withdrawal of a candidate from the competition after the institutions in charge of organizing the elections or the competition, as appropriate, submit

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the lists of candidates to the Evaluation Commission, **shall** be equivalent to failing the evaluation by the candidate concerned, irrespective of the reason given by the candidate.

Decision

Based on art. 13 para. (1) of Law No. 26/2022, the Commission decides that the candidate Corina STRATAN failed the evaluation. At the same time, the Commission notes that this is a procedural failure and does not reflect substantive review.

Publication of the decision

According to art. 13 para. (7) of Law No. 26/2022, the Commission's decision, edited in Romanian, shall be sent to the candidate to his e-mail and to the institution responsible for organizing the elections or competition, which in this case is the Superior Council of Prosecutors. On the same day, the Commission publishes on its official website the information if the candidate has passed or not the evaluation. 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 Superior Council of Prosecutors, in a de-personalized form, except for the candidate's name and surname that shall 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:



CHRISTOPHER LEHMANN
Chairperson
Prosecutor Vetting Commission