

**Evaluation Report No. 3 of 15 July 2025
on Octavian IACHIMOVSKI, Interim Deputy Chief Prosecutor of the Anti-
Corruption Prosecutor's Office, subject of evaluation under Law No. 252/2023**

Evaluation Panel B ("the Panel") of the Prosecutor Vetting Commission ("the Commission") established by Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts ("Law No. 252/2023"), discharging the powers under the same Law, deliberated in private and approved this report on 15 July 2025.

The members participating in the approval of the evaluation report were:

Panel B

Virginia MORARU – Panel's Chair

Cornel LEBEDINSCHI

Irmantas MIKELIONIS

Based on its work in collecting and reviewing the information, as well as the explanations provided in the public hearing and subsequent deliberations, the Panel B prepared the following evaluation report.

I. Introduction

1. This report concerns the subject of evaluation Octavian IACHIMOVSKI, Interim Deputy Chief Prosecutor of the Anti-Corruption Prosecutor's Office.
2. The Panel evaluated the subject of evaluation ("the subject") according to the procedure and criteria regulated by Law No. 252/2023, and according to the Rules of Procedure of the Prosecutor Vetting Commission ("the Commission Rules") approved by the Commission pursuant to art. 5 para. (4) of Law No. 252/2023.
3. The Panel unanimously concluded that Octavian IACHIMOVSKI meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. The subject was appointed as prosecutor in the Anti-Corruption Prosecutor's Office by Order of the Prosecutor General of the Republic of Moldova from 14 June 2011. According to Decision No. 1-39/2023 of 15 March 2023 the Superior Council of Prosecutors approved the interim appointment of the subject as Deputy Chief Prosecutor of the Anti-Corruption Prosecutor's Office, by order of the Acting Prosecutor General No. 177-p of 7 February 2023.

5. During 2009 to 2011, the subject worked as a lecturer at the University of European Studies in Moldova. Since 2017, he has been a trainer and module director at the National Institute of Justice.

III. Evaluation Criteria

6. Under art. 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
7. Art. 11 para. (2) of Law No. 252/2023 provides that a subject is deemed not to meet the requirements of ethical integrity if the Commission has determined that:
 - a) over the last 5 years, the subject has seriously violated the rules of ethics and professional conduct of judges or, as the case may be, of prosecutors, as well as if the subject acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of law, and the European Court of Human Rights has established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights.
 - b) over the last 10 years, the subject has admitted in his/her activity incompatibilities and conflicts of interest that affect the position held.
8. Art. 11 para. (3) of Law No. 252/2023 provides that the subject shall be deemed not to meet the criterion of financial integrity if the Commission has serious doubts determined by the fact that:
 - a) the difference between assets, expenses, and income, for the last 12 years, exceeds 20 average salaries per economy, in the amount as set by the Government for the year 2023.
 - b) over the last 10 years, the subject admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount as set by the Government for the year 2023.
9. The average salary per economy for 2023 was 11,700 MDL.¹ Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.
10. Art. 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, the sources of funds of the subject's wealth.
11. Art. 11 para. (5) of Law No. 252/2023 provides that in evaluating compliance with the

¹ Government decision No. 936/2022 on the approval of the amount of the average monthly salary per economy, forecast for 2023.

criteria set out in para. (3) of this article, the Commission shall also take into account the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of assets and personal interests, as well as of the persons referred to in art. 33 paras. (4) and (5) of Law No 132/2016 on the National Integrity Authority.

12. Art. 11 para. (6) of Law No. 252/2023 provides that in assessing compliance with the criteria set out in art. 11 paras. (2) and (3), the legal provisions in force when the relevant acts occurred are applied. The documents or findings of other entities with competence in the areas concerned shall have no predetermined value for the Commission. Findings in final judgments shall be taken into account by the Commission, except for judgments that the Commission considers to be arbitrary or manifestly unreasonable. The Commission may rule only on breaches of the rules of ethics and professional conduct, without ruling on the legality of the decisions in question.
13. In applying art. 11 para. (3) of Law No. 252/2023, the Commission cannot apply the term “serious doubts” without considering the accompanying phrase “determined by the fact that”. This phrase suggests that the Commission must identify as a “fact” that the specified conduct has occurred.
14. Regarding the standard of “serious doubts” in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Prosecutors can only decide not to promote a subject if the report examined contains “confirming evidence” regarding the non-compliance with the integrity criteria. The word “confirms” suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording “serious doubts” with the text “confirming evidence”, the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).
15. The Commission notes that the Venice Commission underlined that in “a system of prior integrity checks, the decision not to recruit a subject can be justified in case of mere doubt, on the basis of a risk assessment. However, the decision to negatively assess a current post holder should be linked to an indication of impropriety, for instance inexplicable wealth, even if it cannot be proven beyond doubt that this wealth does come from illegal sources” (Opinion No. 1064/2021 of 20 June 2022, CDL-AD (2022)011-e, para. 10; Joint Opinion of 14 March 2023, CDL-AD(2023)005, para. 69).
16. Shifting the burden of proof to the subject, once the evaluating body has identified integrity issues, has been found permissible by the European Court of Human Rights (“ECtHR”), even in the vetting of sitting judges who may lose their positions or otherwise be sanctioned as a consequence of the evaluation. In *Xhoxhaj v. Albania*, no. 15227/19, 31 May 2021, § 352, the Court stated that “it is not per se arbitrary, for the purposes of the ‘civil’ limb of Article 6 § 1 of the Convention, that the burden of proof shifted onto the applicant in the vetting proceedings after the IQC [Independent Qualification Commission] had made available the preliminary findings resulting from the conclusion of the investigation and had given access to the evidence in the case file” (confirmed for the vetting of prosecutors

in *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 130).

17. Once the Commission establishes substantiated doubts based on particular facts that could lead to failure of evaluation, the subject will be afforded the opportunity to oppose those findings and to submit arguments in defense, as provided by art. 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

18. Octavian IACHIMOVSKI was on the list of subjects submitted by the Superior Council of Prosecutors ("SCP") to the Commission on 23 May 2024 for evaluation, pursuant to art. 12 para. (1) of Law No. 252/2023.
19. The subject holds the position of Interim Deputy Chief Prosecutor of the Anti-Corruption Prosecutor's Office and was evaluated based on provisions of art. 3 para. (1) lit. e) and para. (3) of Law No. 252/2023.
20. On 24 May 2024 the Commission notified the subject of its initiation of evaluation and requested that he completes and returns the declaration of assets and personal interests for the last five years ("five-year declaration"), which includes the list of close persons in the judiciary, prosecution and public service, and an ethics questionnaire within 20 days, as provided in art. 25 para. (3) of the Commission Rules, consistent with art. 12 para. (4) of Law No. 252/2023. The subject returned the completed five-year declaration and ethics questionnaire within the deadline, on 12 June 2024.
21. Pursuant to art. 15 para. (2) of Law No. 252/2023 and art. 17 of the Commission Rules, the file in this matter was randomly assigned to Panel B.
22. On 16 August 2024, the Commission notified by email the subject that his evaluation file had been randomly assigned to Panel B with members: Virginia MORARU (Panel's Chair), Cornel LEBEDINSCHI and Irmantas MIKELIONIS. The subject was informed that he may request, in writing and at the earliest possible time, the recusal of members from their evaluation. The subject did not request the recusal of members.
23. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Panel evaluated compliance with these criteria over the past five, 10 and 12 years, respectively. Due to the end-of-the-year availability of the tax declarations and declarations on assets and personal interests, the evaluation under financial integrity criteria included the periods of 2012 - 2023 and 2014 - 2023. The evaluation period for the ethical integrity criteria includes the past five or 10 years calculated as per art. 24 para. (3) lit. b) of the Commission Rules.
24. During the last 12 years of the evaluation period, the subject was required to file declarations, both under Law No. 133/2016 on the declaration of assets and personal interests ("Law No. 133/2016"), and under the previous Law No. 1264/2002 on the

declaration and control of income and property of persons with public dignity positions, judges, prosecutors, civil servants and some persons with managing positions ("Law No. 1264/2002").

25. As part of the evaluation of the ethical and financial integrity of the subjects, the Commission obtained information from numerous sources. The sources generally included the General Prosecutors Office ("GPO"), specialized Prosecutors Offices, Superior Council of Prosecutors ("SCP"), National Integrity Authority ("NIA"), National Anticorruption Center ("NAC"), Office for Prevention and Fight Against Money Laundering ("AML"), Ministry of Internal Affairs ("MIA"), Customs Service ("CS"), State Tax Service ("STS"), General Inspectorate of Border Police ("Border Police"), the National Office of Social Insurance ("CNAS"), Public Services Agency ("PSA"), Governmental Agent within the Ministry of Justice, banks, financial institutions etc. Information was also sought, and where applicable obtained, from other public and private entities, as well as open sources, such as social media and investigative journalism reports. No complaints or information was received from members of civil society. All information received was carefully screened for accuracy and relevance.
26. To the extent that issues were raised from the subject's five-year declaration, and ethics questionnaire and collected information, those issues were raised in written questions with the subject.
27. On 10 December 2024, the Panel asked the subject to provide additional information by 17 December 2024 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the set deadline - on 16 December 2024.
28. On 17 January 2025, the Panel asked the subject to provide additional information by 24 January 2025 to clarify certain matters (hereinafter the "second round of questions"). The subject provided answers and documents within the set deadline - on 21 January 2025.
29. On 15 April 2025, the Panel asked the subject to provide additional information by 23 April 2025 to clarify certain matters (hereinafter the "third round of questions"). The subject provided answers and documents within the set deadline - on 16 April 2025.
30. On 13 May 2025, the Panel asked the subject to provide additional information by 20 May 2025 to clarify certain matters (hereinafter the "fourth round of questions"). The subject provided answers and documents within the set deadline - on 15 May 2025.
31. On 19 May 2025 the subject sent additional information requested from SCP.
32. On 5 June 2025, the Panel notified the subject that it had not identified in its evaluation any areas of doubt about the subject's compliance with the ethical and financial integrity criteria and invited the subject to attend a hearing on 16 June 2025. The subject was informed that he could request access to the evaluation materials.
33. Following the subject's request, on 9 June 2025 the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.

34. On 16 June 2025, the subject took part in a public hearing of the Panel.

35. At the hearing, the subject reaffirmed the accuracy of his answers in the five-year declaration and ethics questionnaire and stated that he did not have any corrections or additions to the answers he had previously provided to the Panel's requests for information.

V. Analysis

36. This section discusses the relevant facts and reasons for the Panel's conclusion.

37. Based on the information it collected, the Panel did not find any issues that raised doubts as to the subject's compliance with ethical and financial integrity criteria as per art. 11 of Law No. 252/2023. The subject clarified all questions the Panel had within the rounds of written questions.

Issues that raised certain doubts during the evaluation (potential serious violation of the rules of ethics and professional conduct of prosecutors) but do not lead to failure under the thresholds set by Law No. 252/2023

38. Based on the information it collected, the Panel analyzed and sought further clarifications from the subject on the following matters:

- Failure to declare a 16,500 EUR donation to a family member in the annual declaration of assets and personal interests for 2019.
 - Failure to declare six consumer loans in the annual declarations of assets and personal interests for 2021, 2022 and 2023.
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- ***Failure to declare a 16,500 EUR donation to a family member in the annual declaration of assets and personal interests for 2019***
39. During written communication the subject answered the Panel questions about donations made by him or his family members to other people. In R1-Q4 the subject declared that in 2019 he donated to his mother the amount of 16,500 EUR.
40. According to the annual declaration of assets and personal interests ("annual declaration") for 2019, the subject did not declare any gratuitous transfer of assets, as required by art. 4 para. (1) lit. c) of Law No. 133/2016 – the subject of declaration shall declare assets transferred by the declarant, personally or by members of his family, or by his partner, gratuitously or not, to any natural or legal person during the period of the declaration, if the value of each transferred asset exceeds 10 times the average salary in the economy.
41. At the same time, according to 2019 annual declaration, the subject declared the income resulting from the sale of a personal apartment located in Chişinău municipality, 3 D. Street,

in Chapter II. "Income earned by the declarant, his/her family members and his/her partner, both in the country and abroad", in the amount of 16,500 EUR.

42. According to the accumulated information, the subject and his family had in 2019 a total net income in the amount of 1,050,075 MDL (including the income from the sale of the apartment located in Chişinău municipality, 3 D. Street – 324,555 MDL (est. 16,500 EUR) and a total of expenditure in the amount of – 838,066 MDL (including the donation to his mother of 16,500 EUR (est. 324,555 MDL)). Thus, the subject's income exceeded his expenditure by 212,009 MDL.
43. According to art.11 para. (4) lit. b) and f) of Law of No. 252/2023, in the process of verifying financial integrity, the Commission may verify if the subject has complied with the legal regime of declaration of assets and personal interests and whether or not there are donations in which the subject of the evaluation or the person specified in para. (5) has the status of donee or donor.
44. According to art. 4 para. (1) lit. c) of Law No. 133/2016 the subject has had the obligation to declare "assets transferred by the subject of declaration, personally or by members of his family, or by his partner, gratuitously or not, to any natural or legal person during the period of the declaration, if the value of each asset exceeds 10 times the average salary per economy".
45. The Panel notes that this donation from the subject to his mother was declared only in the Panel's written communication with the subject.
46. In written communication (R1-Q4) the subject argued that this donation wasn't declared in the 2019 annual declaration, because the proper heading is missing in the form of declaration, and Law No.133/2016 does not provide for the obligation to declare donations in money, but only movable and immovable goods.
47. In R2-Q3, the subject was asked why this donation was not declared in his 2019 annual declaration, given that Section D of the declaration required it. The subject replied that the donation was of "moral nature, considering that my mother financially supported me at different times and that she returned permanently to the Republic of Moldova after spending 20 years in a European country." He also explained that the money was transmitted in cash. The subject also argued that in art. 4 of Law 133/2016, the legislator distinguishes between goods and financial assets (the latter being treated as fiat currencies). He mentioned that "the headings in the form of the declaration are designed for tangible assets other than financial assets. [...] Similarly, the statement does not contain a heading for the declaration of donations of financial assets (financial assets are regulated in Chapter V)".
48. Despite the subject's arguments, Law No. 133/2016 explicitly includes the obligation to declare all gratuitous property transfers, including financial ones, exceeding the threshold of 10 average monthly salaries. The distinction made by the candidate between tangible goods and fiat currencies is not supported by the legal framework, which broadly encompasses all forms of financial and tangible asset transfers.
49. The Panel notes that the Regulation on how to complete the declaration of assets and personal interests in electronic form, approved by NIA Order No. 15 of 27 February 2018

(in force at the time of submission of the 2019 annual declaration), provides in Chapter VII instructions on filling of the “Movable assets Section”. Thus, in section D **“Goods transmitted for consideration or free of charge, personally or by family members, cohabitee, to natural or legal persons during the declaration period, if the value of each asset exceeds the amount of 10 average salaries per economy”** the following information shall be indicated in the respective compartments:

- a) **“Description of the transferred asset”** - indicate all movable assets, including investments in the share capital of economic agents, transmitted gratuitously or not, in written or verbal form, by the subject of declaration, family members, cohabitee, to any natural or legal persons provided that, the value of the respective asset exceeds 10 average salaries per economy at the date of submission of the declaration;
- b) **“Mode of transmission”** – the type of transaction is to be indicated (e.g. sale-purchase, donation, etc.);
- c) **“Date of transmission”** - indicate the date of transmission of the asset (day, month, year);
- d) **“The person to whom it was transmitted”** - indicate the name, surname, date/month/year of birth and the identification number of the natural person or the name and registration number of the legal entity;
- e) **“Currency type”** – the type of the respective currency is selected from the list (e.g. Moldovan leu);
- f) **“Value of the asset”** - the contractual value of the asset or the value of the asset is to be indicated as a priority if the asset was obtained as a result of free transactions provided that the value of the asset in question exceeds 10 average salaries per economy on the date of submission of the declaration;
- g) **“Holder”** - indicate the name of the subject of the declaration, of the family member or of his/her concubine, who transmitted the asset.

- 50. Based on these provisions mentioned in para. 49, it is not indicated that only tangible immovable property is to be declared. Moreover, the lit. a) Description of the transferred asset states **“shall indicate all movable assets”**.
- 51. Also, the Panel notes that art. 459 of the Civile Code (in force of the time of submission of the 2019 annual declaration) provides in para. (5) that **“Assets that are not classified as immovable goods, including money, shares and other securities, shall be considered movable goods”**.
- 52. Therefore, the candidate’s justification for failure to declare the donation to his mother has no legal basis, and the omission constitutes a violation of the mandatory declaration of assets requirements, raising concerns about financial transparency and compliance with legal regime of declaration of assets and personal interests.
- 53. But in this case, the sum of 16,500 EUR had not come from obscure (and illicit) sources, but from the sale of the subject’s apartment, and the income from the sale was declared. Moreover, non-declaration of the donation does not lead to any financial impact on the subject’s potential inexplicable wealth and did not generate fiscal irregularities.

- ***Failure to declare six consumer loans in the annual declarations of assets and personal interests for 2021, 2022 and 2023***

54. In written communication with the Commission, the subject of the evaluation was asked to clarify the loans contracted between 2021 and 2023 from financial entities: "Easy Credit" SRL and BC "MAIB" SA. These loans, cumulatively with other loans declared for each year - 2021, 2022, 2023, exceeded the legal threshold set by art. 4 para. (1) lit. e) of Law No. 133/20216 but were not declared in the corresponding annual declarations. In addition, the annual declarations for 2021, 2022, and 2023 submitted to the NIA include only the larger loans from OTP Bank SA and BC "MAIB" SA, omitting the smaller loans, which were mandatory to be declared.

55. According to the 2021 annual declaration, the candidate declared the following loans:

- (1). The loan in amount of 140,000 MDL contracted by subject's spouse in 2021 from BC "MAIB" SA, with a maturity in 2026.
- (2). The loan in amount of 890,000 MDL contracted in 2020 by the subject from OTP Bank SA, with a maturity in 2030.
- (3). The loan in amount of 90,000 MDL contracted in 2016 by the subject from BC "MAIB" SA, with a maturity in 2021.

Pursuant to Government Decision No.458/2021 on the approval of the amount of the average monthly salary per economy for 2022 (date of submission of 2021 annual declaration) it was set in amount of 9,900 MDL (10 salaries amounted to 99,000 MDL).

56. In addition to these loans mentioned in para. 55, according to the information available to the Panel, the subject should have declared the following loans for the 2021 reporting year, but which were not declared in the 2021 annual declaration:

- (4). A loan from "Easy Credit" SRL in the amount of 11,999 MDL, contracted on 27 December 2021 and repaid on 27 May 2022.
- (5). A loan from "Easy Credit" SRL in the amount of 13,999 MDL, contracted on 27 December 2021 and repaid on 27 May 2022.

57. According to the 2022 annual declaration, the candidate declared the following loans:

- (1). The loan of 890,000 MDL contracted in 2020 by the subject from OTP Bank SA, with a maturity in 2030 and an interest rate of 7.5%.
- (2). The loan of 140,000 MDL contracted by subject's spouse in 2021 from BC "MAIB" SA in 2021, with a maturity in 2026 and an interest rate of 8.5%.

Pursuant to Government Decision No. 936/2022 on the approval of the amount of the average monthly salary per economy for 2023 (date of submission of the 2022 annual declaration), it was set in the amount of 11,700 MDL (10 salaries amounted to 117,000 MDL).

58. In addition to these loans mentioned in para. 57, according to the information available to the Panel, the subject should have declared the following loans for the 2022 reporting year, but which were not declared in the 2022 annual declaration:

- (3). The loan from "Easy Credit" SRL in the amount of 9,449 MDL, contracted on 1 August 2022 and repaid on 1 August 2023.
- (4). The loan from BC "MAIB" SA in the amount of 15,000 MDL, contracted on 21 December 2022 and repaid on 22 November 2023.

59. According to the 2023 annual declaration, the candidate declared the following loans:
- (1). The loan in the amount of 140,000 MDL contracted from BC "MAIB" SA in 2021 by the subject's spouse, with a maturity in 2026 and an interest rate of 8.5%.
 - (2). The loan from OTP Bank SA in the amount of 890,000 MDL contracted in 2020 by the subject, with a maturity in 2030, and an interest rate of 7.5%.
- Pursuant to Government Decision No. 1033/2023 on the approval of the amount of the average monthly salary per economy for 2024 (date of submission of the 2023 annual declaration) was set in the amount of 13,700 MDL (10 salaries amounted to 137,000 MDL).
60. In addition to these loans mentioned in para. 59, according to the information available to the Panel, the subject should have declared the following loans for the 2022 reporting year, but which were not declared in the 2022 annual declaration:
- (3). The loan from "Easy Credit" SRL in the amount of 6,808 MDL, contracted on 17 September 2023 and repaid on 17 July 2024.
 - (4). A loan from "Easy Credit" SRL in the amount of 3,398 MDL, contracted on 29 November 2023 and repaid on 29 May 2024.
61. Under art.11 para. (4) lit. b) and e) of Law No. 252/2023, in the process of verifying financial integrity, the Commission may verify whether the subject has complied with the legal regime of declaration of assets and personal interests and whether or not there are any loan, credit, leasing, insurance or other contracts that may provide financial benefits, in which the subject of the evaluation, the person referred to in para. (5) or the legal person in which they are the beneficial owners, is a contracting party. In other words, the Commission verifies compliance with the declaration of assets and personal interests' requirements in order to assess the subject's compliance with the financial integrity criteria specified in art. 11 para. (3).
62. According to art. 4 para. (1) lit. e) of Law No. 133/20216 the subject of declaration shall declare personal debts, of family members or of his/her partner in the form of debts, pledges, mortgages, guarantees issued in favor of third parties, loans and/or credit, if their value exceeds the value of 10 average salaries per economy.
63. In the second round of written questions (R2-Q7), the subject was asked to clarify six loans contracted between 2021 and 2023 as follows:
1. Loan from "Easy Credit" SRL in the amount of 11,999 MDL, taken on 27 December 2021 and repaid on 27 May 2022. *(not declared in 2021 annual declaration);*
 2. Loan from "Easy Credit" SRL in the amount of 13,999 MDL, taken on 27 December 2021 and repaid on 27 May 2022. *(not declared in 2021 annual declaration);*
 3. Loan from "Easy Credit" SRL in the amount of 9,449 MDL, taken on 1 August 2022 and repaid on 1 August 2023. *(not declared in 2022 annual declaration);*
 4. Loan from BC "MAIB" SA in the amount of 15,000 MDL, taken on 21 December 2022 and repaid on 22 November 2023. *(not declared for 2022 annual declaration);*

5. Loan from "Easy Credit" SRL in the amount of 6,808 MDL, taken on 17 September 2023 and repaid on 17 July 2024. *(not declared for 2023 annual declaration)*;
 6. Loan from "Easy Credit" SRL in the amount of 3,398 MDL, taken on 29 November 2023 and repaid on 29 May 2024. *(not declared in 2023 annual declaration)*.
64. In his answer (R2-Q7) the subject mentioned that *"these are not traditional loans, but rather installments (0%) for goods purchased (household appliances, car tires), most likely from the Bomba store"*. The subject also explained that the amount of 15,000 MDL represents a consumer loan contracted from BC "MAIB" SA. The purpose of this loan was to ensure the family budget had sufficient funds to cope with possible increases in expenses for paying bills during the winter period of 2022 - 2023 and for family events (subject's birthday). The subject did not keep the contracts related to the transactions mentioned by the Panel.
65. The subject argued that these loans were not declared as they do not fall under the declaration requirements according to art. 4 lit. para. (1) lit. e) of Law No. 133/2016. The provision referred to in the question does not contain the term *"cumulative"*. The term *"cumulative"* is only used in reference to services.
66. The subject also argued that art 4 para. (1) lit. e) of Law No. 133/2016 does not explicitly use the term *"cumulative"* in relation to credits and the regulation does not specify which types of credits fall under the declaration requirements.
67. The Panel cannot accept such an interpretation of the law provided by the subject. The Regulation on how to complete the declaration of assets and personal interests in electronic form, approved by NIA Order No. 4 of 25 January 2022, in force at the time of submitting the 2021, 2022 and 2023 annual declarations, clearly provides at point 41) that the declarer shall declare personal debts, debts of their family members or of their cohabiting partner in the form of unpaid dues (including taxes), collateral, mortgage, guarantee, issued for the benefit of third parties, loan and/or credit, **if the cumulative value of these debts exceeds 10 average monthly salaries in the national economy at the date of submission of the declaration.**
68. At the same time, the Panel notes that neither Law No. 133/2016 nor the Regulation mentioned in para. 67, distinguishes between the types of debts (in the sense brought up by the subject) that must be disclosed. In this regard, the Panel is guided by the principle that where the law does not distinguish, neither should we distinguish. (*"Ubi lex non distinguit, nec nos distinguere debemus"*)
69. Therefore, the candidate's justification for failure to declare six credits in three annual declarations has no legal basis, and the omission constitutes a violation of the mandatory declaration of assets requirements, raising concerns about financial transparency and compliance with legal regime of declaration of assets and personal interests.

70. Under Law No. 252/2023 non-declaration of assets and personal interests is not in itself a reason not to pass the evaluation. Considering that for the years 2021, 2022, and 2023, the subject declared loans which, taken separately, exceeded the value of 10 average salaries per economy at the date of submission of the declaration, and the subject misinterpreted the legal provisions in a manner unbecoming of a professional with over 10 years of experience in the legal field, the Panel finds that this violation raises questions about the subject's compliance with the legal regime for declaring personal assets and interests, but at the same time, this violation does not rise to the level of doubts established by art. 11 para. (3) of Law No. 252/2023.
71. The Panel notes under Law No. 252/2023, violations related to non-declaration of assets to the NIA are not attributed to the criterion of financial integrity. But both failures: declaring a donation made to a relative (in amount of 16,500 EUR) and declaring for three years a total of six loans, can reveal underlying questions about a subject's adherence to honesty and rectitude in financial practices.
72. At the same time both omissions in the declarations submitted to NIA (failure to declare the donation to the mother and failure to declare six loans) may be considered an ethical violation by itself. As per art. 6.6¹.7 of the Prosecutors Code of Ethics approved by the Decision of the General Assembly of Prosecutors No. 4 of 27 May 2016, prosecutors have the duty to refrain from concealing and distorting information regarding the assets held. Prosecutors shall disclose such information. The purpose of Law No. 133/2016 is to foster an environment of transparency for public officials. Another purpose is to deter and penalize financial impropriety, such as obtaining funds from obscure (and illicit) sources.
73. As per art. 11 para. (2) lit. a) of Law No. 252/2023, only serious ethical violations are attributed to the criterion of ethical integrity, and they have to be clearly established by the Commission. Not every instance of non-compliance with asset declaration regimes should trigger dismissal from office (Nikëhasani v. Albania, 13 December 2022, para. 117; Sevdari v. Albania, 13 December 2022, para. 85; Thanza v. Albania, 4 July 2023, para. 153).
74. For these reasons, the subject's non-compliance with the asset declaration regime set forth by Law No. 133/2016, manifested by the failure to declare a donation of EUR 16,500 made to his mother and six loans, even if questionable as per art. 6.6¹.7 of the Prosecutors Code of Ethics, has not risen to the high threshold of a serious ethical violation.

VI. Conclusion

75. Based on the information it obtained and that was presented by the subject, the Panel proposes that Octavian IACHIMOVACHI passes the external evaluation made according to the criteria set in art. 11 of Law No. 252/2023.

VII. Further Action and Publication

76. According to art. 17 para. (5) of Law No. 252/2023, this evaluation report shall be sent by e-mail to the subject and the SCP within three days of its approval, and on the same day the Commission will publish on its official website the information on the result of the evaluation.

77. Under art. 17 para. (6) of Law No. 252/2023, the Commission will submit to the SCP, within three days of approval of the evaluation report, a hard copy of that evaluation report, along with an electronic copy of the evaluation file of the subject.
78. Under art. 17 para. (8) of Law No. 252/2023 the evaluation report, in full, will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other people, within three days from the expiry of the deadline for appealing the SCP's decision (pursuant to art. 18 para. (3) lit. a) and c) of Law No. 252/2023) or from the date of issuance of the Supreme Court of Justice's decision (pursuant to art. 19 para. (5) point 1) and point 2) lit. c) of Law No. 252/2023).
79. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 15 July 2025 and signed by the Vice-Chairperson of the Commission.
80. Done in English and Romanian.

Signature:
Digitally signed by Moraru Virginia
Date: 2025.07.17 13:48:31 EEST
Reason: MoldSign Signature
Location: Moldova
MOLDOVA EUROPEANĂ



Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission