

**Evaluation Report No. 7 of 8 August 2025  
on Victor MUNTEAN, Interim Deputy Chief, Anti-Corruption Prosecutor's Office,  
subject of evaluation under Law No. 252/2023**

Evaluation Panel A ("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 on 11 July 2025 and 8 August 2025.

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

*Nadejda HRIPTIEVSCHI  
Christopher LEHMANN  
Saskia de VRIES*

Based on its work in collecting and reviewing the information, and subsequent deliberations, the Panel prepared the following evaluation report.

### **I. Introduction**

1. This report concerns Victor MUNTEAN, Interim Deputy Chief of the Anti-Corruption Prosecutor's Office ("APO").
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 Victor MUNTEAN meets the ethical and financial integrity criteria identified in Law No. 252/2023.

### **II. Subject of the Evaluation**

4. Victor MUNTEAN was designated as a trainee prosecutor in the Balti Military Prosecutor's Office on 24 February 2003. He was appointed as a prosecutor in the Balti Military Prosecutor's Office on 13 December 2004. On 24 January 2005, Victor MUNTEAN was relocated to the Chisinau Military Prosecutor's Office. He was appointed as a prosecutor in the APO on 5 July 2007. Since 22 November 2024, Victor MUNTEAN has been the Interim Deputy Chief of the APO.

### **III. Evaluation Criteria**

5. Under art. 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.

6. 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 established 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 ("ECtHR") has established, before the adoption of the act, that a similar decision was contrary to the European Convention for Human Rights ("ECHR").
  - b) over the last 10 years, the subject has admitted in his/her activity incompatibilities and conflicts of interest that affect the position held.
7. Art. 11 para. (3) of Law No. 252/2023 provides that the subject of the evaluation 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.
8. The average salary per economy for 2023 is 11,700 MDL<sup>1</sup>. Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.
9. 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.
10. Art. 11 para. (5) of Law No. 252/2023 provides that in evaluating compliance with the criteria set out in para. (3) of this article, the Commission shall also take into account the wealth, expenses, income of close persons, as defined in Law No. 133/2016 on the declaration of assets and personal interests ("Law No. 133/2016"), 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 ("Law No. 132/2016").
11. 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

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

may rule only on breaches of the rules of ethics and professional conduct, without ruling on the legality of the decisions in question.

12. 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.
13. 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 (“SCP”) 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).
14. 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).
15. Shifting the burden of proof to the subject, once the evaluating body has identified integrity issues, has been found permissible by the 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).
16. 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**

17. Victor MUNTEAN was on the list of subjects submitted by the SCP to the Commission on 23 May 2024 for evaluation, pursuant to art. 12 para. (1) of Law No. 252/2023.

18. The subject was evaluated based on provisions of art. 3 para. (1) lit. e) of Law No. 252/2023.
19. 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 7 June 2024.
20. 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 A.
21. On 16 August 2024, the Commission notified the subject by email that his evaluation file had been randomly assigned to Panel A with members Nadejda HRIPTIEVSCHI, Christopher LEHMANN, and Saskia de VRIES. The subject was informed that he may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
22. 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 5, 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 financial criteria for evaluation included 2012-2023 (*inexplicable wealth*) and 2014-2023 (*tax irregularities*). The evaluation period for the ethical criterion includes the past 5 or 10 years calculated as per art. 24 para. (3) lit. b) of the Commission Rules.
23. During the last 12 years of the evaluation period, the subject was required to file declarations, both under 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").
24. 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 Prosecutor's Office ("GPO"), specialized Prosecutor's Offices, SCP, National Integrity Authority ("NIA"), National Anti-Corruption Center ("NAC"), Office for Prevention and Fight against Money Laundering ("AML"), Ministry of Internal Affairs ("MIA"), Customs Service, State Tax Service ("STS"), General Inspectorate of Border Police, 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. The Commission also received and the Panel examined a complaint from a member of civil society. All information received was carefully screened for accuracy and relevance.
25. 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.

26. On 8 April 2025, the Panel asked the subject to provide additional information by 15 April 2025 to clarify certain matters (the “first round of questions”). On 5 May 2025, the Panel asked the subject to provide additional information by 13 May 2025 to clarify certain matters (the “second round of questions”). On 27 May 2025, the Panel asked the subject to provide additional information by 3 June 2025 to clarify certain matters (the “third round of questions”). The subject provided answers and documents within the set deadlines to all three rounds of questions.
27. On 30 June 2025, the Panel notified the subject that it had identified certain areas of doubt about the subject’s compliance with the financial and ethical criteria, and invited the subject to attend a public hearing on 11 July 2025, pursuant to art. 16 para. (2) of Law No. 252/2023. The subject was informed that he could request access to the evaluation materials.
28. Following the subject’s request, on 2 July 2025, the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.
29. On 9 July 2025, the subject submitted written explanations pertaining to the areas of doubt enunciated in the notice of hearing.
30. On 11 July 2025, the subject took part in a public hearing of the Panel.
31. 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 Commission’s requests for information.

## V. Analysis

32. This section discusses the relevant facts and reasons for the Panel’s conclusion.
33. Based on the information it collected, the Panel analyzed and sought further clarifications from the subject on the following matters:
  - Deflated sale price of an apartment on “R” Street and related non-payment of capital gains tax.
  - Failure to declare property in Ialoveni.
34. The two issues were discussed at the hearing.

**Issues that raised certain doubts during the evaluation but which do not lead to failure under the thresholds set by Law No. 252/2023:**

*Issue 1: Deflated sale price of an apartment on “R” Street and related non-payment of capital gains tax.*

35. In 2014, the subject’s wife, who worked for the Superior Council of Magistracy (SCM), was deemed eligible to purchase an apartment at a preferential price. Specifically, the selection Commission of the SCM decided that the subject’s wife was eligible to be a

beneficiary of the program for improving the living conditions, even though the subject and his wife already owned and occupied an 82 sq. m. apartment in Chisinau (which they continue to use as their residence to this day). At the hearing, the subject noted that, at the time of the application for this preferential housing, and despite the conditions that it was for those who required an improvement in their living conditions, the application filed by his wife was, in fact, "not to obtain another space to live". Rather, the purchase of the preferential apartment was in fact characterized by the subject as an "investment."

36. Once approved by the SCM for participation in the preferential program, the subject's wife concluded a purchase-sale contract with the construction company on 24 July 2014, for an investment in housing construction. The price of the apartment as specified in that 2014 contract was 27,180 EUR. The subject and his spouse subsequently registered the right of property on a 76,4 sq. m. apartment, located in Chisinau, on 'R' Street, as documented in the e-Cadaster on 28 July 2017. The purchase price of the apartment, as stated in the handover receipt of 26 July 2017, was listed in the contract as 564,860 MDL, and estimated in the same contract at 24,120 EUR.
37. The subject and his wife then sold the apartment on "R" Street a little over one year later, on 25 September 2018, for 533,207 MDL. The purchaser, when contacted, confirmed this sales price for the apartment. The sales price represented a loss of 31,653 MDL for the subject and his wife (as compared to the purchase price of the apartment of 564,860 MDL, as listed in the 2017 handover receipt and referenced in the preceding paragraph). According to the subject: "Therefore, the tax obligation to pay the income did not arise because a capital increase was not established." (See the subject's answers to the Commission's First Round of Questions, at Question 12.d).
38. The subject notes that fluctuations in exchange rates between MDL and EUR varied during the period from 2014 to 2018. The subject's main point in this regard is that while the exchange rate in 2017 was such that 564,860 MDL was worth only 24,120 EUR, by 2018, the exchange rate was such that 533,207 MDL was worth about 27,066 EUR. The subject argues, therefore, that the value in EUR obtained from the sale in 2018 (27,066) was technically higher than the 2017 purchase price (24,120 EUR), when the valuations are adjusted into EUR, meaning there was in fact a small profit from the sale. As noted, however, because the sales documents in 2017 and 2018 were denoted in MDL, that profit was not reflected as a taxable capital gain to the subject.
39. Nevertheless, and more significantly, the 2018 sales price differs dramatically and substantially from several independent valuations of the apartment. First, according to information provided to the Commission by LARA, the value of 1 sq. m. of an apartment in a new building, with the technical condition "white version", located at the relevant address in the Chisinau municipality, for the period from 1 January 2018 to 31 December 2018, amounted to 9,700 – 10,100 MDL per sq. m. (est. 488 – 508 EUR). Therefore, based on the LARA information, the average market value of 76,4 sq. m. apartment, in "white version", located on this address in Chisinau, in 2018, amounted to 741,080 – 771,640 MDL (est. 37,283 – 38,811 EUR). As a caveat, LARA specified that the given value may deviate depending on the number of rooms, location, planimetry, technical condition, transaction conditions, payment method, etc. The LARA estimate is obviously substantially higher than the 2018 sales price. The subject challenged the LARA valuation only on the grounds that the doors and windows in the apartment needed to be replaced and that the view (which was of another building) was not ideal.

40. Higher valuations of the apartment were also provided in loan documents taken out for the purpose of purchasing the apartment in question. Specifically, two loans were taken out by the subject's wife to make payments towards the purchase of the apartment. The first was for 50,000 MDL in 2014 from MICB bank. The interest paid on this loan (in the period 2014-16) was 8,027 MDL. Then, in 2017, the subject's wife took out a much larger MAIB bank loan of 369,040 MDL, for the same purpose. We note that 43,452 MDL in interest was ultimately paid on this loan by the subject's wife, in the period 2017-18. The total interest paid from 2014 to 2018 on the two loans taken out for the purchase of the apartment was 51,479 MDL.
41. The larger loan from MAIB, taken out in 2017, was in the form of a mortgage on the apartment (mortgage contract, dated 16 August 2017). According to the valuation report, drawn up at the bank's direction by an independent consultancy (Evaluation Report of 1 August 2017), the market value of the mortgaged property was 1,062,000 MDL (50,376 EUR), the replacement value of the mortgaged property was 962,411 MDL (45,343 EUR), and the liquidation value of the property was 849,600 MDL (40,029 EUR). The mortgage value of the mortgage asset agreed by the parties was 849,600 MDL (40,029 EUR). Specifically, at point 2.3.1 of the loan contract with MAIB, the contract provides a valuation for the apartment to be purchased; the loan agreement states that *"the Debtor provides timely repayment of the Credit, payment of interest and other payments for its use by constituting in the Creditor's favor the mortgage on the real estate in the amount of 849,600 MDL, purchased from the credit account."*
42. The Panel, therefore, has doubts as to the true sale price for the "R" Street apartment sold by the subject and his wife in 2018, based on the facts that (1) the apartment was sold so quickly at a loss, in spite of the fact that the couple had taken out large loans to purchase the apartment, and additionally, had paid over 50,000 MDL in interest on those loans; (2) there was a large discrepancy between the sale price of 533,207 MDL and the LARA estimate of 741,080 – 771,640 MDL, (3) the MAIB bank independently valued the apartment at 849,600 MDL for purposes of drawing up the mortgage agreement entered into by the subject's wife in 2017, and (4) the independent valuation report, drawn up at the bank's direction by an independent consultancy put the market value of the mortgaged property even higher, at 1,062,000 MDL (50,376 EUR), and the replacement value of the mortgaged property at 962,411 MDL (45,343 EUR). This difference between the sales price, on the one hand, and the LARA valuation, the mortgage amount, and the MAIB bank's external valuation, on the other, is of a substantial magnitude. This raises the question as to whether the subject may have failed to declare the real amount of capital gains on the sale of the apartment and pay the necessary capital gains taxes on the same, thereby potentially failing to meet the criterion for financial integrity under art. 11 para (3), lit. b) of Law No. 252/2023.
43. The Panel notes that the subject claims there was no loss on the sale of the apartment in 2018 when the valuations are converted from MDL to EUR. Even accepting the subject's assertion regarding the exchange rates, this does not help the subject's defense. First, the fact remains that the contractual amounts were in MDL, thereby establishing that there was a paper loss on the sale, and therefore, a paper trail that no capital gain had occurred. Second the EUR valuations of the 2017 and 2018 contractual amounts (both around 27,000 EUR, accepting the subject's exchange rate calculations, which are in line with the average exchange rates for 2017 and 2018) are still significantly lower than the valuations provided

by all external sources; as noted in the preceding paragraph, those valuations ranged from about 37,000-50,000 EUR. The external valuations suggest a substantial capital gain on the sale, regardless of what the exchange rates were.

44. Given the totality of the evidence in this case, the Panel has serious doubts as to the real sales price of the apartment on “R” Street in 2018. Art. 11 para. (3) lit. b) of Law No. 252 provides that “The subject of the evaluation shall be deemed not to meet the criterion of financial integrity if the evaluation commission has serious doubts determined by the fact that: b) over the last 10 years, the subject committed tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average wages per economy, as set by the Government for the year 2023.”
45. In this case, the tax irregularity in question would be the capital gains tax that was potentially avoided by reflecting in the sales contract a valuation for the apartment on “R” Street that was substantially lower than the amount the apartment could have been reasonably expected to have been sold for in an arms-length transaction. However, even if we assume the apartment was sold at the highest external valuation (1,062,000 MDL/ 50,376 EUR), the amount of capital gains tax that would have been avoided (29,828 MDL) would have been less than the amount of five average wages per economy, as set by the Government for the year 2023 (58,500 MDL).
46. In light of the above, the Panel established any tax irregularities engaged in by the subject during the evaluation period did not exceed the threshold of 58,500 MDL under art. 11 para. (3) lit. b) of Law No. 252/2023. Therefore, the Panel must conclude that the subject meets the criterion of financial integrity.
47. The Panel was also presented with the question of whether the 2018 sale of the apartment on “R” Street constituted a situation in which the subject, under art. 11 para. (2) lit. a) “shall be deemed not to meet the requirements of ethical integrity” for having “seriously violated the rules of ethics and professional conduct of . . . prosecutors.” Specifically, the Panel is presented with the question of whether the subject’s failure to report capital gains taxes to the tax authorities in order to minimize or avoid tax liability would constitute a serious violation of Art. 6.6<sup>1</sup>.7 of the 2016 Prosecutor Code of Ethics (requiring that a prosecutor “shall not hide and distort the information regarding assets held”), and may also violate additional provisions of that Code.
48. The precise five years period governed by art. 11 para. (2) lit. a) becomes relevant to our analysis. The Commission Rules provide, at art. 24 para. (3) lit. b) that: “The period is calculated as follows: The beginning of the period is the first day of the month 5 or 10 years ago, in which the Panels or Commission sent the questionnaire to the subject with a request to fill it out. The period ends the last day preceding the month in which the Panels or Commission sent the questionnaire to the subject.” As the Commission sent the questionnaire to the subject on 24 May 2025, the period of evaluation for the subject under art. 11 para. (2) lit. a) begins on 1 May 2019 and continues for five years from that date.
49. The obligation to report capital gains income for 2018 arises during the tax filing period in 2019. The specific period for filing taxes in that year ended on 2 May 2019<sup>2</sup>. Therefore, the

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<sup>2</sup> The date established by the STS. See, for example, the press release of 2 May 2019 available in Romanian at <https://monitorul.fisc.md/ru/editorial/ultima-zi-de-depunere-a-declaratiei-cu-privire-la-impozitul-pe-venit->

subject's obligation in 2019 to file a return reporting any capital gains taxes owed for the sale of property in 2018 overlaps with the five-year period for ethical review provided under art. 11 para. (2) lit. a) of Law No. 252/2023. His actions and obligation arising from the sale of the "R" Street apartment are therefore subject to ethical evaluation under the relevant provision of Law No. 252.

50. Given the totality of the evidence in this case, it is difficult for a reasonable person to find otherwise than that there would have been substantial capital gains from the 2018 sale of the apartment on "R" Street, and that those capital gains would have given rise to tax liability which should have been reported and paid in 2019. As noted above, in paragraph 45, the amount of such tax liability is approximately 29,828 MDL. As also noted in that paragraph, this amount is below the amount of five average wages per economy, as set by the Government for the year 2023 (58,500 MDL), and therefore any tax irregularities engaged in by the subject during the evaluation period did not rise to the level of establishing that the subject failed to meet the criterion for financial integrity under art. 11 para. (3) lit. b) of Law No. 252/2023.
51. Because the Parliament, in enacting Law No. 252/2023, established a clear threshold before tax irregularities are considered to violate art. 11 para. (3) lit. b) of the law, the Panel is bound by that threshold in examining tax irregularities within the context of evaluating ethical integrity under art. 11 para. (2) lit. a) of Law No. 252/2023.
52. In light of the above, the Panel has established that although the actions of the subject appear to violate provisions of the Prosecutor Code of Ethics, they do not rise to the level of "serious" violations in that they are below the corresponding threshold for tax irregularities established under art. 11 para. (3) lit. b) of Law No. 252/2023. Therefore, the Panel must conclude that the subject meets the criterion of ethical integrity under art. 11 para. (2) lit. a) of Law No. 252/2023.

*Issue 2: Failure to declare property in Ialoveni.*

53. According to the subject's annual declaration on assets and personal interests ("annual declaration") for 2024, filed on 24 March 2025, his wife, I. M., acquired the property rights over two land plots (0,0424 ha and 0,0753 ha), a dwelling house (93,8 sq. m.) and two adjacent structures (14,8 sq. m. and 28 sq. m.) in the town of Ialoveni. It was stated in this annual declaration that his wife had acquired the property rights by means of a contract of donation, use, and habitation of 29 March 2024.
54. The Panel notes that this contract was concluded before a notary on 1 December 2023, the parties to it being the subject's parents-in-law (as donators) and his wife (as donee). 29 March 2024 is the date on which the contract was registered with the Cadastral Service.
55. In response to the second round of questions and during the hearing, the subject explained that in his annual declaration for 2024, filed on 28 February 2024, he did not mention his wife's acquisition of the property rights over the immovables in Ialoveni because at the time, the contract was not officially recorded by the Cadastral Service. In this regard, the subject referred to art. 10 of the contract and art. 510 para. (2) of the Civil Code. He added

that his family has never lived in Ialoveni, his parents-in-law maintaining lifetime use and habitation rights over the property in question (as provided in the contract).

56. As per art. 510 para. (2) of the Civil Code, ownership of immovable property is acquired on the date of registration in the Immovable Property Register. Art. 10 of the contract of donation, use, and habitation of 29 March 2024 cites art. 510 para. (2) of the Civil Code.
57. At the same time, the Panel notes that according to art. 4 of this contract, possession of the immovable property was transferred to the subject's wife on the date of conclusion of the contract (*i.e.*, 1 December 2023). The Panel has no reason to challenge the subject's assertion that his family has never lived in Ialoveni and thus, his wife has never had factual possession of the immovable property. Still, art. 4 para. (1) lit. b) of Law No. 133/2016 and Point 33 of NIA's Regulation No. 4/2022 on the Manner of Filling in the Annual Declaration on Assets and Personal Interests in Electronic Format require that the subjects of declaration reveal all immovable assets that their family members possess – without distinguishing between *de facto* and *de jure* possession.
58. Under Law No. 252/2023, infractions related to non-declaration of assets to the NIA are not directly attributed to the criterion of financial integrity. Such infractions can reveal underlying questions about a subject's adherence to honesty and rectitude in financial practices. The Commission must also check whether the undeclared assets involve any issues related to inexplicable wealth.
59. Failure to declare assets to the NIA may be considered an ethical violation by itself. As per art. 6.6<sup>1</sup>.7 of the Prosecutor Code of Ethics, prosecutors have the duty to refrain from concealing and distorting information regarding the assets held. Prosecutors shall disclose such information.
60. A 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.
61. 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 must 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).
62. In this case, the subject has shown that his parents-in-law had sufficient (and legitimate) financial resources to buy immovable property in Ialoveni, which they later donated to his wife. In particular, the subject explained that the source of funds used by his parents-in-law for the purchase of property in Ialoveni was the income obtained from the sale of their dwelling house in Balti, which they had owned since 1991. The subject provided documents attesting that the property in Balti was sold on 25 August 2023 for 1,582,600 MDL (est. 82,000 EUR), and that the property in Ialoveni was purchased on 5 September 2023 for 55,000 EUR (est. 1,060,632 MDL). Moreover, the subject declared the donation in his 2025 declaration to the NIA, after his wife's right of property had been duly registered.
63. For these reasons, the Panel concluded that the subject's non-compliance in 2024 with the asset declaration regime set forth by Law No. 133/2016, even if questionable as per art.

6.6<sup>i</sup>.7 of the Prosecutor Code of Ethics, can be deemed as an error that has not risen to the high threshold of a *serious ethical violation*, warranting dismissal from office and other negative effects for the subject.

64. The Panel unanimously concluded that it has no serious doubts about the compliance of the subject with the criteria of financial and ethical integrity as per art. 11 paras. (2) and (3) of Law No. 252/2023.

#### **VI. Conclusion**

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

#### **VII. Further Action and Publication**

66. 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.
67. 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.
68. 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.
69. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation Panel on 8 August 2025 and signed by the Chairperson of the Commission.
70. Done in English and Romanian.

Signature:



Christopher LEHMANN  
Chairperson  
Prosecutor Vetting Commission