PROSECUTOR VETTING COMMISSION

Evaluation Report No. 9 of 2 September 2025
on Sergiu RUSSU, Deputy Prosecutor General,
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 22 July 2025 and 2 September 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 Sergiu RUSSU, Deputy Prosecutor General.

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 Sergiu RUSSU meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Sergiu RUSSU was designated as a trainee prosecutor on 10 May 2006. On 15 May 2007, he was appointed as a prosecutor in the Dubasari Prosecutor's Office. He became Deputy Chief of the Dubasari Prosecutor's Office on 6 August 2009. On 8 April 2015, Sergiu RUSSU was appointed as Chief of the Dubasari Prosecutor's Office. On 1 August 2017, he was appointed as Head of the Division for Combating Human Trafficking at the General Prosecutor's Office ("GPO"). Since 18 June 2024, he has been the Deputy Prosecutor General.

III. Evaluation Criteria

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

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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[1]. 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

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

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.

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. Sergiu RUSSU was on the list of subjects submitted by the SCP to the Commission on 14 June 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. c) of Law No. 252/2023.

19. On 9 July 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 29 July 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 24 December 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, specialized Prosecutor's Offices, 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, 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. 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 24 December 2024, the Panel asked the subject to provide additional information by 2 January 2025 to clarify certain matters (the "first round of questions"). On 21 January 2025, the Panel asked the subject to provide additional information by 28 January 2025 to clarify certain matters (the "second round of questions"). On 19 May 2025, the Panel asked the subject to provide additional information by 26 May 2025 to clarify certain matters (the "third round of questions"). On 29 May 2025, the Panel asked the subject to provide additional information by 6 June 2025 to clarify certain matters (the "fourth round of questions"). The subject provided answers and documents within the set deadlines to all four rounds of questions.

27. On 11 July 2025, the Panel notified the subject that it had not identified in its evaluation any areas of doubt about his compliance with the ethical and financial integrity criteria, and invited the subject to attend a hearing on 22 July 2025. The subject was informed that he could request access to the evaluation materials.

28. Following the subject's request, on 14 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 22 July 2025, the subject took part in a public hearing of the Panel.

30. 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

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

32. Based on the information it collected, the Panel analyzed and sought further clarifications from the subject on the following matter: potential misbalance between income and expenditure for 2016-2017 and 2021-2022.

33. This issue was mitigated before the hearing, and, therefore, it was not discussed at the hearing.

34. The Annex to the Commission Rules sets forth the formula for calculating unjustified wealth. As per art. 3 para. (1) of the Annex to the Commission Rules, a period is defined first for each calculation; the fiscal year is the default period.

35. In the third round of questions, the subject was asked about the amount of cash savings he and/or his family members had during 2016-2023 at the end of each (fiscal) year. In his answers, he mentioned the following amounts: 2016 – 500 EUR and 10,000 MDL; 2017 – 12,000 EUR; 2018 – 4,500 EUR; 2019 – 5,050 EUR; 2020 – 10,800 EUR; 2021 – 21,400 EUR and 4,050 USD; 2022 – 26,300 EUR and 21,650 USD; 2023 – 40,900 EUR and 31,950 USD.

36. Considering these amounts, the Panel established a potential misbalance between income and expenditure for the following years: 2016 (-10,759 MDL), 2017 (-103,970 MDL), 2021

(-144,495 MDL), and 2022 (-207,926 MDL). The subject had been presented with this information and was asked for a reaction in the fourth round of questions.

37. In his answer, the subject explained that in December 2016, he sold four tires from a car he had previously owned to a neighbor for the price of 500 EUR (est. 10,745 MDL). The subject provided several details of the transaction and mentioned that he had inadvertently omitted to disclose this income in his annual declaration for 2016. The Panel considers that the subject's explanations in this regard are plausible. Therefore, the issue of potential misbalance between income and expenditure for 2016 has been mitigated.

38. As to the potential misbalance between income and expenditure for 2017, 2021, and 2022, the subject clarified that his household possessed the cash savings for 2017, 2021 and 2022 at the time of filing his annual declarations on assets and personal interests to the NIA ("annual declarations") – around March of the next year. The subject also mentioned that it was customary for him, to withdraw money from bank accounts before filing his annual declaration and then to declare his cash savings in his declaration.

39. The Panel observes that the amounts of cash savings mentioned by the subject at para. 35 as possessed by his household during 2016-2023 at the end of each year were indeed included in the subject's annual declarations for 2016-2023 where, as per art. 4 para. (1) lit. d) of Law No. 133/2016, cash savings as of the date of submitting annual declarations had to be reported. The Panel has established that the subject made no cash deposits and no significant purchases for which the source of funds is unknown to the Panel or that do not correspond to fair market value.

40. Based on the above, as well as on the subject's observed practice to withdraw funds from bank accounts during the first few months of the year, the Panel will adhere to the formula provided in the Annex to the Commission Rules by deducting these withdrawn amounts from the ones included in the subject's annual declarations:

	Cash savings included in the annual declaration			Withdrawn funds from bank accounts in the period 1 January – date of submission of annual declaration			Cash savings at the end of the year = (cash savings at the date of declaration) – (the amount of withdrawn funds from bank accounts between 31 December and 31 March).			Balance at the end of the year
Year	*MDL*	*EUR*	*USD*	*MDL*	*EUR*	*USD*	*MDL*	*EUR*	*USD*	*MDL*
2017		12,000		69,950	9,500	-	0	0	0	+93,921
2018				52,600			0	0	0	+235,613
2019				59390	1,100	500	0	4500	0	+166,133
2020		10,800		54,600	268	272				-10,852
2021		21,400	4,050	164,000	700	1,200	0	12,864	2,850	-9,232
2022		26,300	21,650	146,000	2,500	18,000	0	16,464	3,650	+128,110
2023		40,900	31,950	212,600	2000	4,400	0	28079	27,550	+145,434

41. Accordingly, the Panel notes only a misbalance between income and expenditure for 2020 (-10,852 MDL) and 2021 (-9,232 MDL), which is far under the threshold of 234,000 MDL, set forth by art. 11 para. (3) lit. a) of Law No. 252/2023. This also leads the Panel to the conclusion that the subject's error concerning the amount of cash savings possessed by his household during 2016-2023 at the end of each year was not made in bad faith.

42. 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

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

VII. Further Action and Publication

44. 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.

45. 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.

46. 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.

47. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation Panel on 2 September 2025 and signed by the Chairperson of the Commission.

48. Done in English and Romanian.

Signature:

Christopher LEHMANN
Chairperson
Prosecutor Vetting Commission