

**Decision of 4 November 2025
regarding the request for recusal of Nadejda HRIPTIEVSCHI,
submitted by Lilia POPA, subject of evaluation under Law No. 252/2023**

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, adopted this decision during a meeting held in hybrid format. The members participating in the approval of the decision were:

*Ion GRAUR
Cornel LEBEDINSCHI
Christopher LEHMANN
Irmantas MIKELIONIS
Virginia MORARU
Laura ȘTEFAN
Saskia de VRIES*

Consistent with the Rules of Procedure of the Prosecutor Vetting Commission (“the Commission Rules”), the decision on this matter was adopted without the presence of member Nadejda HRIPTIEVSCHI, who had previously presented the factual circumstances referred to in the recusal request. Based on the discussions held and subsequent votes cast, the Commission, acting unanimously, adopted the following decision.

I. The Facts

1. On 8 May 2025, the Commission notified prosecutor Lilia POPA, subject of evaluation under Law No. 252/2023 (“the subject”) of its initiation of evaluation.
2. On 21 October 2025, the Commission notified the subject that her evaluation file had been randomly assigned to Panel C (“the Panel”), composed of members Nadejda HRIPTIEVSCHI, Irmantas MIKELIONIS and Pierangelo PADOVA. The subject was informed that she may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
3. On 23 October 2025, the subject submitted a written statement informing the Commission that she originates from the same locality as Panel member Nadejda HRIPTIEVSCHI, and that it was possible they have mutual acquaintances or other indirect personal connections. The subject considered that this circumstance could affect the appearance of impartiality of the members of the Commission.

4. Considering the nature of the facts set out in the subject's statement and with a view to ensuring transparency of the evaluation procedure, the Commission decided to treat the statement as a request for the recusal of Panel member Nadejda HRIPTIEVSCHI.
5. Panel member Nadejda HRIPTIEVSCHI explained that she has no relationship with the subject and does not personally know her.

II. The Law

6. According to art. 2 para. (2) lit. a) and b) of Law No. 252/2023, the Commission's evaluations shall be carried out based on the principles of independence and fairness.
7. According to art. 10 para. (1) lit. c) of Law No. 252/2023, the Commission's members shall not carry out activities that could give rise to a conflict of interest, and actions incompatible with their role and, if they do so – to disclose them in the manner laid down in the Commission Rules.
8. Subjects of evaluation have the right to request the recusal of Panel members, as provided by art. 16 para. (5) lit. g) of Law No. 252/2023. This right is reflected in art. 10 para. (3) of the Commission Rules, which requires that such requests must be reasoned and submitted in writing at the earliest possible time.
9. In considering recusal requests, the Commission is guided by the case-law of the European Court of Human Rights ("ECtHR"). Doubts of impartiality may be assessed under a subjective test and an objective test.
10. The subjective test considers whether the judge held any personal prejudice or bias in a given case (*Xhoxhaj v. Albania*, 9 February 2021, § 292).
11. The objective test considers whether a reasonable observer would conclude there is an appearance of bias or legitimate doubt about impartiality. That is, this test seeks to ascertain if the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality (*Xhoxhaj v. Albania*, cited above, § 292).
12. As per art. 10 para. (5) of the Commission Rules, the member whose recusal is requested may explain the circumstances to the other members, but the decision on recusal shall be made by the other members outside the presence of that member.

III. Reasoning

13. The Commission recalls that the main purpose of the rules on recusal is to guarantee the subject's right to an impartial and objective evaluation. At the same time, recusal must not be based on hypothetical assumptions.

14. In the present case, the subject did not actually indicate the existence of any relationship between her and Panel member Nadejda HRIPTIEVSCHI. The sole circumstance invoked was that both the subject and the Panel member originate from the same locality and that, therefore, they may have mutual connections. We note, also, that the locality in question is not a particularly small locality, and that it has about 8,000 residents.
15. The Commission took note of the explanations provided by Panel member Nadejda HRIPTIEVSCHI, who stated that she has no relationship with the subject and, moreover, does not personally know her. In the absence of elements indicating specific interactions between the subject and the Panel member, the Commission has no basis to conclude that there is a real or apparent conflict of interest.
16. In view of the foregoing, the Commission concludes that the circumstances invoked by the subject are not capable of affecting the impartiality of Panel member Nadejda HRIPTIEVSCHI. Accordingly, the subject's request for recusal is unfounded and is to be rejected.

IV. Decision

17. Based on art. 10 para. (1) lit. c) of Law No. 252/2023 and art. 9 para. (1) lit. e) and 10 para. (4) of the Commission Rules, the Commission, acting unanimously, decides to reject the request for the recusal of Nadejda HRIPTIEVSCHI as unfounded.

V. Further Action and Publication

18. The Commission will send this decision to the subject via email and will publish it on the Commission's official website.
19. Done in English and Romanian.

Signature:



Christopher LEHMANN
Chairperson
Prosecutor Vetting Commission