

**Evaluation Report No. 19 of 30 December 2025
on Gheorghe BORŞ, prosecutor in the General Prosecutor's Office,
subject of evaluation under Law No. 252/2023**

Evaluation Panel F (“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 15 December 2025 and approved this report on 30 December 2025.

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

*Virginia MORARU – Panel's Chair
Ion GRAUR
Laura ȘTEFAN*

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

I. Introduction

1. This report concerns the subject of evaluation Gheorghe BORŞ, prosecutor in the General Prosecutor's Office (“GPO”).
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 Gheorghe BORŞ meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Gheorghe BORŞ (“the subject”) was appointed as a prosecutor on 8 September 1998 to serve in the Hînceşti District Prosecutor's Office. On 20 December 2017, he was appointed as a prosecutor in the Policies, Reform and Project Management Section, GPO. Between 19 August 2019 and 8 December 2019, the subject served as the Interim Head of this Section. On 25 October 2021, he was again appointed Interim Head of the Section. On 3 May 2022, he was appointed as a prosecutor in the Policies and Project Management Section of the GPO.

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 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.
7. 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.
8. 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.
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 consider 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 para. (4) and

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

(5) of Law No 132/2016 on the National Integrity Authority.

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 considered 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.
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 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 unjustified 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 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).

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. Gheorghe BORŞ was on the list of subjects submitted by the Superior Council of Prosecutors (“SCP”) to the Commission on 7 May 2025 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 8 May 2025, 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 27 May 2025.
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 F.
21. On 21 October 2025, the Commission notified by email the subject that his evaluation file had been randomly assigned to Panel F, composed of members Pierangelo PADOVA, Ion GRAUR and Laura ȘTEFAN. On 27 November 2025, as per art. 14 para. (5) of the Commission Rules, the Commission decided to substitute Pierangelo PADOVA with Virgina MORARU, as he has not yet been formally delegated by his national authorities. The subject was informed about the substitution and 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 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 financial criteria evaluation included 2013 – 2024 (inexplicable wealth) and 2015 – 2024 (tax irregularities). The evaluation period for the ethical criterion includes the past five 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 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”).

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 Prosecutors Office (“GPO”), specialized Prosecutors Offices, Superior Council of Prosecutors (“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 (“CS”), State Tax Service (“STS”), General Inspectorate of 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. 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 5 November 2025 the Panel asked the subject to provide additional information by 13 November 2025 to clarify certain matters (“first round of questions”). The subject provided answers and documents within the set deadline – on 13 November 2025
27. On 4 December 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 15 December 2025. The subject was informed that he could request access to the evaluation materials.
28. The subject did not request access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023 and therefore did not receive the materials.
29. On 15 December 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 did not find any issues that raised doubts as to the subject’s compliance with the ethical and financial integrity criteria as per art. 11

of Law No. 252/2023. The subject clarified all questions the Panel had within the round of written questions.

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

Issue 1. Purchase of two vehicles at deflated price.

33. The Panel examined the circumstances surrounding the purchase of two vehicles – Mazda 2, manufacture year 2005, acquired in 2016 and Ford Fiesta, manufacture year 1998, acquired in 2013 by the subject, at prices below customs value.
34. With respect to the Mazda 2 vehicle, manufacture year 2005, in his NIA annual declaration of assets and personal interests for 2016 (“annual declaration”), the subject indicated a purchase price of MDL 10,000. However, based on obtained information from the Customs Service database, the vehicle was imported in 2015 with a customs value of 40,000 MDL, and additional customs duties of 20,551 MDL.
35. Moreover, the estimated customs value following the import was between MDL 60,000 and MDL 70,000. From this standpoint, there is a substantial discrepancy between declared purchase price (MDL10,000) and the customs value, particularly given that the vehicle was reportedly acquired less than one year after importation.
36. The Panel asked the subject about the actual purchase price paid and the discrepancy between declared value in annual declaration and customs value. In response to the first round of questions (R1Q27), the subject stated the actual amount paid to the seller was 1,500 EUR (approximately 30,000 MDL), allegedly at the seller’s insistence and acknowledged that the declared amount did not reflect the full price paid.
37. Regarding the Ford Fiesta vehicle, the Panel notes that based on the information from Customs Service database, this vehicle was imported on 9 October 2006 by a third party, with a customs value of 15,000 MDL and additional import duties of 4,110 MDL.
38. The subject declared that he purchased the vehicle in 2013 for 10,000 MDL, without written documentation, based on a verbal agreement with his godfather and using a power of attorney granting the right of disposal.
39. The Panel underlines that considering the age of the vehicle, its estimated level of wear, and the declared import value (15,000 MDL), the price discrepancy appears broadly consistent with normal depreciation patterns.
40. In both instances, the Panel assessed whether the application of customs values would disclose the existence of unjustified wealth. The analysis indicates that the subject had sufficient lawful income to cover the acquisition of both vehicles, even when assessed at customs value. No other significant expenditures were identified during the relevant periods, and the application of customs values does not reveal the existence of crucial

unjustified assets. In these circumstances, while the divergence between the declared prices and the estimated custom values justified additional consideration, it does not alter the overall assessment of the subject's financial integrity. (see paras 44 – 49).

41. Pursuant to Law No. 252/2023, inaccuracies in the declaration of assets at their real value before the NIA do not, in and of themselves, automatically fall within the criterion of financial integrity. Such deficiencies may, however, be relevant to the criterion of ethical integrity, in light of the obligations set out in art. 6.6^{1.7} of the Prosecutors' Code of Ethics approved by the Decision of the General Assembly of Prosecutors No. 4 of 27 May 2016, and the objectives of Law No. 133/2016 aimed at ensuring transparency and preventing financial impropriety.
42. At the same time, art. 11 para. (2) lit. (a) of Law No. 252/2023 provides that only serious ethical violations may be considered under the criterion of ethical integrity, and such violations must be clearly established. In this regard, the European Court of Human Rights has consistently held that not every instance of non-compliance with asset declaration requirements justifies dismissal from office or the imposition of similarly severe measures (see, *inter alia*, Nikëhasani v. Albania, judgment of 13 December 2022, § 117; Sevdari v. Albania, judgment of 13 December 2022, § 85; Thanza v. Albania, judgment of 4 July 2023, § 153).
43. In the light of the above, the Panel concludes that, in relation to the acquisition of vehicles at prices below indicative customs value in 2013 and 2016, the subject meets the criterion of financial integrity under art. 11 para. (3) lit. a) of Law No. 252/2023, and in relation to the failure to declare the real purchase price of the vehicle in 2016 – the criterion of ethical integrity under art. 11 para. (2) lit. a) of the same Law.

Issue 2. Difference between the assets, expenses and income (unjustified wealth in the total amount of 86,234 MDL for the years 2013, 2014, 2015 and 2016)

44. Following a detailed analysis of the subject's financial situation, based on the available information, the Panel calculated the income and expenses for the subject's family in the evaluated period and established a negative balance for the years 2013, 2014, 2015 and 2016 amounting to 86,234 MDL. According to Panel's calculations, the difference between income (incoming cash flows) and expenses (outgoing cash flows) in these years was 26,844 MDL (2013), 15,921 MDL (2014), 42,373 MDL (2015) and 1,096 MDL (2016), thereby resulting in a total unjustified wealth of -86,234 MDL.
45. The Panel notes that the main category of expenses incurred by the subject's household, which caused the negative balance, is represented by the living expenses (Consumption expenditure for Population – "CEP") calculated as per the National Bureau of Statistics information and methodology.
46. The Panel also notes that in each of the four years where negative balance was established, the total net salary income of the subject's family was lower than the CEP calculated for his family for the same years. (see Table no. 1).

Table no. 1

Year	Salary (net) MDL	CEP
2013	70,446	86,563
2014	70,204	79,776
2015	72,244	105,936
2016	94,246	102,096

47. Considering the relatively small amounts identified as negative balances, the Panel accepts that these discrepancies may be partly attributable to the limitations of the consumption expenditures estimated by the National Bureau of Statistics. The margin of error for household consumption estimates is $\pm 5\%$. (Judgment of the Supreme Court of Justice, Andrian Ciobanu v. Superior Council of Magistracy, 4 March 2025, §§ 49, 65).²
48. The Panel also takes into account the considerations expressed by the Supreme Court of Justice in its Decision³ of 16 August 2024, issued in the case concerning Rodica Chirtoacă, regarding the use of CEP data in assessing consumption expenditures. The Court noted that, given the statutory limitations on judges' and prosecutors' income sources and their professional workload, it may be unreasonable to require them to demonstrate income sufficient to fully cover CEP-based consumption estimates, particularly where total household income is lower than average consumption levels and the partner is unable to generate income or earn a higher income.
49. In the light of the above, the Panel concludes that even if the negative balance were considered unjustified wealth, it would not exceed the threshold of 234,000 MDL under art. 11 para. (3) lit. a) of Law No. 252/2023. Accordingly, the Panel did not request further explanation on this issue.

VI. Conclusion

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

VII. Further Action and Publication

51. 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

² https://jurisprudenta.csj.md/search_col_civil.php?id=79556

³ https://jurisprudenta.csj.md/search_col_civil.php?id=76117

Commission will publish on its official website the information on the result of the evaluation.

52. 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.
53. 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).
54. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 30 December 2025 and signed by the Vice-Chairperson of the Commission.
55. Done in English and Romanian.

Signature:

Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission