

**Evaluation Report No. 21 of 5 January 2026
on Vitalie IVANOV, prosecutor in 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 on 19 December 2025 and approved this report on 5 January 2026.

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

Virginia MORARU – Panel's Chair

Cornel LEBEDINSCHI

Irmantas MIKELIONIS

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

I. Introduction

1. This report concerns the subject of evaluation Vitalie IVANOV, prosecutor in 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 Vitalie IVANOV meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Vitalie IVANOV (“the subject”) was appointed as a trainee prosecutor on 14 February 2005. He subsequently served as an interim prosecutor at the Ciocana District Prosecutor's Office, Chișinău municipality, from 18 April 2005, and was appointed as a prosecutor in the same office on 15 February 2006. On 2 June 2014, the subject was appointed as a prosecutor in the Division of Supervision of Criminal Investigations and Methodical Assistance within the General Prosecutor's Office (“GPO”). On 29 July 2016, he was transferred to the APO, where he has served continuously since.

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 five 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 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 para. (4) and (5) of Law No 132/2016 on the National Integrity Authority.

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

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 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. Vitalie IVANOV 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.
18. The subject was evaluated based on provisions of art. 3 para. (1) lit. e) and para. (3) 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 12 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 B.
21. On 16 August 2024, the Commission notified by email the subject that his evaluation file had been randomly assigned to Panel B, composed of 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.
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 2012 - 2023 (*unjustified wealth*) and 2014 - 2023 (*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 subject, the Commission obtained information from numerous sources. The sources generally included the GPO, specialized Prosecutor's 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, 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 25 August 2025, the Panel asked the subject to provide additional information by 8 September 2025 to clarify certain matters ("first round of questions"). The subject provided answers and documents within the set deadline – on 7 September 2025.
27. On 13 November 2025, the Panel asked the subject to provide additional information by 20 November 2025 to clarify certain matters ("second round of questions"). The subject provided answers and documents within the set deadline – on 20 November 2025.
28. On 8 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 19 December 2025. The subject was informed that he could request access to the evaluation materials.
29. Following the subject's request, on 11 December 2025, the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.
30. On 19 December 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 Panel'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 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 rounds 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. Plausibility of a 2014 donation of a residential house by the subject's mother-in-law to the subject's wife.

34. The Panel examined the plausibility of a donation made on 19 March 2014 by the subject's mother-in-law to the subject's wife, consisting of a residential house of 139 sq. m. and a garage of 30 sq. m., located in Cruzești village, Chișinău municipality.
35. According to the ownership history, the land on which the property was built was purchased by the subject's mother-in-law in 2005. Satellite imagery confirms that no construction existed on the land in 2008. The foundation works appear to have started in 2011, while the roof structure was completed in 2013. The final acceptance of the house and garage was registered in 2013, shortly before the donation. These elements indicate a gradual construction process, rather than a sudden investment.
36. The donation was formalized by a notarized contract, and the construction itself was authorized by a building permit. While the subject was unable to provide full construction records or receipts, he explained that the house was built without specialized construction companies and that no detailed accounting of labour and materials was kept (R1-Q14).
37. According to the subject, at the time of the donation, the house was completed and suitable for living, equipped with water, electricity, gas, autonomous heating, and sewage (R1-Q14). The garage was also completed and equipped with electricity and a gate. The subject stated that the total investment in the house and garage did not exceed the cadastral value, namely 882,706 MDL (approximately 52,800 EUR) for the house and 49,604 MDL (approximately 3,000 EUR) for the garage. These values appear to correspond to market realities of that period. For instance, according to data from the Lara real estate agency, the estimated cost in 2013 of a residential house of similar size and characteristics was approximately 886,264 MDL (around 53,000 EUR).
38. The Panel further examined the donor's financial capacity. The information available to the Panel shows that between 2002 and 2013, the subject's mother-in-law worked in Italy as a caregiver. Based on the documents submitted and the calculations reflected in the evaluation materials, her cumulative income for that period amounted to approximately 106,000 EUR. According to the subject's explanations, during those years, she incurred very limited living expenses, as accommodation and meals were typically provided by her employers (R1-Q25). No evidence was identified suggesting significant alternative expenditures during that period.
39. Importantly, certificates issued by the competent Italian authorities confirm that the subject's mother-in-law did not own or purchase any immovable property in Italy during the relevant years. This significantly reduces the likelihood that her income was diverted

to real estate investments abroad rather than used for the construction of the house in the Republic of Moldova.

40. The subject also provided a coherent explanation of the donation's context (R1-Q14). Initially, the mother-in-law intended to return to the Republic of Moldova and live in the house together with her daughter's family. Following the subject's mother-in-law's marriage in Italy in 2014 and her decision to remain abroad, she chose to donate the completed house to her daughter. This explanation is consistent with the timing of the donation.
41. Taking these elements together, the Panel finds that the construction of the house on land owned by the donor, the level of investment reflected by the cadastral values, the donor's long-term income abroad, and the absence of competing property investments provide a plausible explanation for the donation. Accordingly, the costs related to the construction of the house cannot be attributed to the subject's household and are not relevant for the assessment of the subject's expenses.
42. In light of the above, the Panel concludes that in relation to the issue of the 2014 donation, the subject meets the criterion of financial integrity under art. 11 para. (3) lit. a) of Law No. 252/2023.

Issue 2. Purchase of vehicles at deflated prices by the subject's wife in 2016 and by the subject in 2017.

43. The Panel examined the circumstances surrounding the purchase of two Toyota Prius vehicles, m./y. 2007, acquired in 2016 by the subject's wife and in 2017 by the subject, respectively, at prices below market value.
44. As regards the Toyota Prius, m./y. 2007, purchased and imported in 2016 by the subject's wife, customs data indicate a customs value of 50,000 MDL and import duties amounting to 11,772 MDL, resulting in a total estimated cost of 61,772 MDL (approximately 2,759 EUR). In the subject's 2016 annual declaration of assets and personal interests ("annual declaration"), the vehicle was recorded at a value of 1,800 EUR plus the customs duties. The subject submitted to the Panel a copy of the purchase contract concluded in Italy for the amount of 1,800 EUR.
45. The Panel notes that no supporting documents were provided to demonstrate that the vehicle's technical condition would justify such a low purchase price. Moldovan market analysis places the value of a 2007 Toyota Prius at approximately 4,000 – 5,000 EUR in 2016. At the same time, the Panel notes that car prices on the secondary market in Italy were lower than in Moldova (by approx. 1,000 – 2,000 EUR). Given the discrepancy between the contractual price and the indicative market value, the Panel considers it reasonable to rely on the Moldovan market value rather than the declared purchase price.
46. As regards the Toyota Prius, m./y. 2007, purchased by the subject in 2017, the declared purchase price was 60,000 MDL (approximately 2,867 EUR). The vehicle was later sold in June 2021 for the same amount, as confirmed by the supporting documents submitted.

According to customs data, the vehicle was imported in August 2017 by a third party, with a declared customs value of 80,000 MDL and import duties of 12,543 MDL, resulting in a total customs-based value of 92,543 MDL (approximately 4,443 EUR). Similarly, the difference between the contractual price declared by the subject and both the customs-based value and the market value is notable. The Panel, therefore, considers that the market value of approximately 4,000 – 5,000 EUR should be used in this case as well.

47. In both cases, the Panel examined whether applying market values would reveal unjustified wealth. The Panel notes that the subject and his spouse had sufficient income to cover the purchase of both vehicles even at market values. No other significant expenses were identified in the relevant years, and the use of market values does not reveal unjustified wealth. In these circumstances, while the discrepancies between the contractual prices and the market values justified closer scrutiny, they do not affect the overall assessment of the subject's financial integrity.
48. At the same time, under Law No. 252/2023, failures to declare assets at their real value to the NIA do not automatically (and exclusively) fall under the criterion of financial integrity. Failure to declare assets at their real value may, in itself, engage the criterion of ethical integrity, given 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 to promote transparency and prevent financial impropriety.
49. The Panel notes that the discrepancies in the declared values of the vehicles could, in principle, also have been examined under the ethical integrity criterion, as outlined in para. 48 above. However, under art. 11 para. (2) lit. a) of Law No. 252/2023, violations of the Prosecutors' Code of Ethics are relevant only if they were committed within the five years preceding the initiation of the evaluation. As the annual declarations concerned fall outside this limitation period, the Panel cannot assess this issue under the ethical integrity criterion and cannot establish any ethical violation on that basis.
50. In light of the above, the Panel concludes that, in relation to the acquisition of vehicles at prices below indicative market value in 2016 and 2017, the subject meets the criterion of financial integrity under art. 11 para. (3) lit. a) of Law No. 252/2023.

VI. Conclusion

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

VII. Further Action and Publication

52. 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.

53. 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.
54. 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).
55. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 5 January 2026 and signed by the Vice-Chairperson of the Commission.
56. Done in English and Romanian.

Signature:

Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission