

**Evaluation Report No. 4 of 15 July 2025
on Alexandru CERNEI, 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 and approved this report on 15 July 2025.

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

Panel B

Virginia MORARU – Panel's Chair

Cornel LEBEDINSCHI

Irmantas MIKELIONIS

Based on its work in collecting and reviewing the information, as well as the explanations provided in the public hearing and subsequent deliberations, the Panel B prepared the following evaluation report.

I. Introduction

1. This report concerns the subject of evaluation Alexandru CERNEI, prosecutor in the Anti-Corruption Prosecutor's Office.
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 Alexandru CERNEI [meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. The subject was appointed as Prosecutor in the Anti-Corruption Prosecutor's Office by Order of the Prosecutor General of the Republic of Moldova from 25 September 2014, where he has been working up to now.

III. Evaluation Criteria

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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 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.
11. Art. 11 para. (6) of Law No. 252/2023 provides that in assessing compliance with the

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

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 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 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. Alexandru CERNEI 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 holds the position of prosecutor in the Anti-Corruption Prosecutor’s Office and 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 6 June 2024.
20. Pursuant to art. 15 para. (2) of Law No. 252/2023 and art. 17 of the Commission Rules, the subject’s 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 with members 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. The subject did not request the recusal of members.
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 evaluation included the periods of 2012 - 2023 and 2014 - 2023. 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 10 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 Panel 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 Anticorruption 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 (“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. No complaints or information was received from members 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 23 December 2024, the Panel asked the subject to provide additional information by 31 December 2024 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents within the set deadline – on 31 December 2024.
27. On 8 April 2025, the Panel asked the subject to provide additional information by 15 April 2025 to clarify certain matters (hereinafter the “second round of questions”). The subject provided answers and documents within the set deadline – on 15 April 2025.
28. On 14 May 2025, the Panel asked the subject to provide additional information by 21 May 2025 to clarify certain matters (hereinafter the “third round of questions”). The subject provided answers and documents within the set deadlines – on 19 May 2025.
29. On 5 June 2025, the Panel notified the subject that it had identified certain areas of doubt about the subject’s compliance with the financial criteria and invited the subject to attend a public hearing on 16 June 2025 pursuant to art. 16 para. (2) of Law No. 252/2023. The subject was informed about his rights under art. 16 para. (5) and that he could request access to the evaluation materials.
30. Following the subject’s request, on 9 June 2025 the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.
31. On 16 June 2025, the subject took part in a public hearing of the Panel.
32. 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

33. This section discusses the relevant facts and reasons for the Panel’s conclusion.

34. Based on the information it collected, the Panel did not find any issues that raised doubts as to the subject's compliance with 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 and during the hearing.

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

35. Also, based on the information it collected, the Panel analyzed and sought further clarifications from the subject on the following matters:

- Potential difference between the assets, expenses and income (unjustified or inexplicable wealth) for the years 2020 and 2021;
- Non-declaration of cash savings in the annual declarations of assets and interests for 2018 and 2019 (potential serious violation of the rules of ethics and professional conduct of prosecutors)

- *Potential difference between wealth, expenses, and income (inexplicable wealth) for the years 2020 and 2021*

36. Based on the available information, the Panel calculated the income and expenses of the subject and his family for the evaluation period and established a negative balance for years 2020 and 2021 amounting to 145,418 MDL, which is below the threshold of 234,000 MDL under art. 11 para. (3) lit. a) of Law No. 252/2023.

37. **Inexplicable wealth in 2020.** According to information available to the Panel, the total net income of the subject's household for the year 2020 amounted to 2,553,347 MDL whereas total expenditures amounted to 2,577,145 MDL. Thus, the total outgoing financial flow exceeded incoming financial flows by **23,798 MDL**.

38. According to the information from the STS database, in 2020 the subject received a net salary from the Prosecutor's Office of 262,770 MDL, while his wife received a net salary of 31,561 MDL and dividends of 300,001 MDL. The subject's household incoming financial flow includes also childcare allowance from the Romanian Government, in the amount of 16,176 MDL (equivalent of 3,964 RON²) and allowance for temporary work incapacity, of 8,247 MDL as identified based on MConnect portal. It also includes the wife's income from rental of office space, of 18,900 MDL (based on bank account No. MDXXX97100 open at OTP Bank SA, the subject's wife received payment of 18,900 MDL for the rent from "D." SRL and declared the income to the STS).

39. The incoming financial flow includes also a loan of 1,000,000 MDL received from BC Moldova Agroindbank SA, as identified by the Panel based on the information received from the financial institutions, a loan of 4,000 EUR (est. 78,960 MDL) from the subject's mother, based on his reply to the first round of questions (R1, Q10), and a loan of 200,000 MDL, from the subject's wife's company (in accordance with his reply to second and third

² All amounts in foreign currency are converted to MDL based on the National Bank of Moldova average exchange rate for the year in subject, unless otherwise specified.

round of questions and presented supporting documents). It also includes bank interest as identified in the subject's wife's bank accounts, of 11,500 MDL and bank savings at the end of 2019 in the amount of 265,712 MDL. Cash savings of 300,000 MDL as informed by the subject in reply to the first round of questions to have been held by his family at the end of 2019 are also taken into account in the incoming financial flow for 2020. These are supplemented by the amount of 3,000 EUR (est. 59,520 MDL) cash savings as additionally informed by the subject to have been available to him at the end of 2019 and spent on 18.01.2020 as advance payment for the property the subject's family acquired in 2020. The Panel accepted the subject's explanation that he missed to include this amount in the total amount of cash savings at the end of 2019, due to the specific purpose of this amount.

40. The subjects' household's outgoing financial flow includes purchase of an immovable property of 100,000 EUR (est. 1,927,430 MDL), according to the sale-purchase agreement, tuition fees for the subject's children, of 21,108 MDL, based on the supporting documents presented by the subject from the educational institution, loan repayments to BC Moldova Agroindbank SA, of 269,370 MDL, based on information from the financial institutions. It also includes bank savings as identified in the subject's and his wife's bank accounts at the end of 2020 (both in MDL and RON), of 9,723 MDL, and cash savings as informed by him in reply to first round of questions (R1 - Q6). The Panel did not accept the subject's change in reply, with regard to the cash savings, as presented by him in reply to the second and third round of questions, namely the explanation that he stated in the first round of questions the cash savings at the date of submitting the declaration [declaration of assets and personal interests], considering the inconsistency in his replies and the fact that the questions in the first round clearly inquired about cash savings at the end of the year.
41. The Panel considered the retail expenses, i.e. payments made by banking card for the subject's household living expenses, in the amount of 149,511 MDL.³

Table no. 1. Incoming and outgoing financial flows for 2020

Income		Expenditure	
Description	Amount, MDL	Description	Amount, MDL
Salary from the Prosecutor's Office	262,770	Retail payments	149,511

³ The retail expenses do not include expenses related to categories travel, education, payments that were later refunded, or other expenses already included in the outgoing financial flow, as separate lines. The Panel takes into account the retail expenses instead of consumption expenditure for population ("CEP"), as these are higher than the CEP calculated ones based on the NBS methodology for the subject family and consequently more reflective of the living expenses. Even though the Panel applied only the retail bank expenses when calculating the current/living expenses, due consideration has to be given to the presumption that at the very least a part of the substantial available pool of cash expended throughout the year was probably used to cover some living expenses in cash. However, given that the Panel can't quantify expressly how much the subject household expended in cash for the living expenses, the Panel applies only the identifiable retail expenses. This, however, means that the already identifiable misbalance, applied only using the retail bank expenses, could be much higher if the Panel could quantify the cash expenditure incurred for current/living expenses.

Allowance for temporary work incapacity	8,247	House purchase	1,927,430
Wife's salary from "D." SRL	31,561	Loan repayment to MAIB	259,373
Wife's dividends from "D." SRL	300,001	Tuition fees for child	21,108
Wife's rental income from rent from "D." SRL	18,900	Declared cash savings for 2020	10,000
Wife's OTP Bank interest	11.500	Bank savings for 2020	9.723
Allowance for children, Romania - 3.964 RON	16,176	Loan reimbursement to wife's company "D." SRL	200,000
Loan from subject's mother - 4,000 EUR	78,960		
Loan from MAIB	1,000,000		
Cash and bank savings carried over from 2019	565,712+59,520		
Loan from wife's company "D." SRL	200,000		
TOTAL REVENUE	2,553,347 MDL	TOTAL EXPENSES	2,577,145 MDL
BALANCE: - 23,798 MDL			

42. **Inexplicable wealth in 2021.** According to information available to the Panel, the total net income of the subject's household for the year 2021 amounted to 1,016,462 MDL whereas total expenditure amounted to 1,118,387 MDL. Thus, the total outgoing financial flow exceeded incoming financial flows by **121,925 MDL**.

43. According to the information from the STS database, in 2021 the subject received a net salary from the Prosecutor's Office of 309,821 MDL, while his wife received a net salary of 32,219 MDL and dividends of 288,001 MDL. The subject's household incoming financial flow includes also childcare allowance from the Romanian Government of 21,599 MDL (est. 5,078 RON) and from the Republic of Moldova in the amount of 127,324 MDL, based on the subject's replies and as identified by the Panel on the MConnect portal. It also includes an allowance for temporary work incapacity, of 16,000 MDL, according to the subject's reply in round two of questions (R2-Q8) and as identified in the subject's bank accounts, and wife's income from rental of office space, of 201,775 MDL (based on lease agreement from 05 January 2021 and as included in the information to the STS). The Panel included in the incoming financial flow cash savings at the end of 2020, as informed by the subject in round two of questions (R1-Q6), of 10,000 MDL, and bank savings of 9,723 MDL, as identified by the Panel of the subject and his wife's bank accounts.

44. The subject's household's outgoing financial flow includes tuition fees for the subject's children, of 57,027 MDL⁴, based on the supporting documents presented by the subject from the educational institution. It also includes a loan reimbursement of 4,000 EUR (est.

⁴ The amount for the tuition fees was corrected by 305 MDL compared to the expenses included in the Hearing Notice.

83,680 MDL) to the subject’s mother as well as a loan reimbursement of 215,249 MDL to BC Moldova Agroindbank SA, as established by the Panel based on the information received from financial institutions.

45. The Panel considered the retail expenses, i.e. payments made by banking card for the subject’s household living expenses, in the amount of 208,496 MDL.
46. The subject’s household’s outgoing financial flow includes also renovation expenses for the subject’s property, of 482,471 MDL, based on his annual declaration of assets and personal interests (“annual declaration”) for 2021 submitted to NIA, as well as based on his indirect acceptance of this amount in reply to the second round of questions (R2 - Q8). The Panel did not accept the subject’s explanation to the third round of questions that this amount is an overestimate and part of it was used to pay the 4,000 EUR loan to his mother, due to the following reasons:
- The renovation costs were included in the subject’s 2021 annual declaration of wealth and interest he submitted to NIA.
 - The subject’s explanation on the methodology of “calculating” the renovation costs, (i.e. that “*he was sure that the budget for the renovation of the house included the income from the payment of dividends as well as the rental income, forming approximately the amount indicated above*” and that “*by mistake, he missed the fact that from the rent payment he repaid the loan of 4,000 Euro*”) does not seem plausible and indicates that he did not present in his declaration, nor in reply to the Panel, veracious information on the actual renovation costs, which decreases substantially the level of credibility he may be attributed with regard to this matter.
47. The subject’s households’ outgoing financial flow includes also bank savings as identified on the subjects and his wife bank accounts at the end of the year, of 71,464 MDL, as well as cash savings of 20,000 MDL as informed by him in reply to first round of questions (R1, Q6). The Panel did not accept the subject’s change in reply, with regard to the cash savings, as presented by him in reply to the second and third round of questions, namely the explanation that he informed in the first round of questions on the cash savings at the date of submitting the declaration, considering the inconsistency in his replies and the fact that the questions in the first round clearly inquired about cash savings at the end of the year.

Table No. 2. Incoming and outgoing financial flows for 2021

Income		Expenditure	
Description	Amount, MDL	Description	Amount, MDL
Subject’s salary from the Prosecutor’s Office	309,821	Retail payments	208,496
Allowance for temporary work incapacity	16,000	Renovation expenses for the immovable property	482,471
Wife’s salary from “D.” SRL	32,219	Loan repayments, to MAIB	215,249
Wife’s dividends from “D.” SRL	288,001	Tuition fees for children	57,027

Wife's income from rental of office space	201,775	Loan repayment to the subject's mother - 4,000 EUR	83,680
Children allowance from Romania - 5.078 RON	21,599	Cash savings at the end of 2021	20,000
Allowance for childcare from the Republic of Moldova	127,324	Bank savings/ balance	71,464
Cash and bank savings carried over from 2020	19,723		
TOTAL REVENUE	1,016,462 MDL	TOTAL EXPENSES	1,138,387 MDL
BALANCE: - 121,925 MDL			

48. The Panel's doubts were generated by the difference between the subject's family's income and expenses for the years 2019 and 2020 and the inconsistent explanations provided by the subject during the written rounds of questions. Even if the negative financial flow for these years was treated as unjustified wealth, it does not exceed the threshold of 234,000 MDL under art. 11 para. (3) lit. a) of Law No. 252/2023.

49. Since the difference does not exceed the threshold established law, this does not lead to the subject's failure of the evaluation under financial integrity criteria established in art. 11 para. (3) lit. a) of the mentioned law.

- ***Non-declaration of cash savings in the annual declarations of assets and personal interests for 2018 and 2019 (potential serious violation of the rules of ethics and professional conduct of prosecutors)***

50. In his 2018 and 2019 annual declarations the subject did not declare any cash savings at the date of submitting the declarations (i.e. 21 March 2019 and 11 March 2020 accordingly).

51. However, he informed the Panel in replies to the first and second round of questions (R1-Q6 and R2-Q7) that in 2018 he had cash savings amounting to 90,000 MDL and an additional 3,000 EUR (est. 59,520 MDL), totaling approximately 149,520 MDL. Similarly, for the year 2019, according to the subject's replies to the first round of questions (R1-Q6) the subject and his wife had a total of approximately 300,000 MDL in cash savings (90,000 MDL from 2018, 150,000 MDL from salary savings, and 60,000 MDL from his wife's savings). Also, in the third round of questions (R3-Q1), the subject indicated that he had these amounts of cash savings at the time of submission of the 2018 and 2019 annual declarations.

52. According to the subject's replies, the sources of funds for the cash savings available at the end of 2018 were the 2018 salary and other official income gained in 2018, while for 2019 the sources represented the cash savings carried over from 2018, supplemented by the salary income and dividends from the wife's company. The sources of funds for the cash savings were confirmed based on the information received by the Panel from the financial institutions and based on the supporting documents presented by the subject.

53. Pursuant to art. 4 para. (1) lit. d) of Law No. 133/2016 (in force on the date of submission by the subject of the 2018 and 2019 annual declarations), the declarant must declare cash in national or foreign currency exceeding the value of 15 average salaries per economy and which is not deposited in financial institutions.
54. At the same time, the Regulation on how to fill out the declaration of assets and personal interests in electronic form, approved by NIA Order No. 15 of 27 February 2018, in section C “Cash in national currency and/or foreign currency exceeding the amount of 15 average salaries per economy and not subject to deposits in financial institutions and other documents incorporating property rights” indicates the following: cash in national currency or foreign currency exceeding the value of 15 monthly average salaries per economy on the date of submission of the declaration and which is not subject to deposits in financial institutions or other documents incorporating property rights [...].
55. According to Government Decision No. 21/2019 on the approval of the amount of the average monthly salary per economy, forecast for 2019 (date of submission of the annual declaration for 2018), it was set to 6,975 MDL (15 salaries made up the total of 104,625 MDL). And according to Government Decision No. 678/2019 on the approval of the amount of average monthly salary per economy forecast for 2020 (date of submission of the annual declaration for 2019), it was set at 7,953 MDL (15 salaries made up the total of 119,295 MDL).
56. The amounts of cash savings that the subject informed the Panel as being available at the end of 2018 – 90,000 MDL and another 3,000 EUR (est. 59,520 MDL), totaling approximately 149,520 MDL and at the end of 2019 - 90,000 MDL from 2018, 150,000 MDL from salary savings and 60,000 MDL from his wife’s savings clearly exceed the value of 15 average salaries in the economy mentioned in para. 55 above.
57. Under Law No. 252/2023 non-declaration of assets and personal interests is not in itself a reason not to pass the evaluation. Art. 11 para. (4) lit. b) of Law provides that, in the process of verifying financial integrity, the Commission may verify whether the subject has complied with the legal regime of declaration of assets and personal interests. In other words, the Commission verifies compliance with the declaration of assets and personal interests’ requirements in order to assess the subject’s conformity with the financial integrity criteria specified in art. 11 para. (3).
58. Therefore, even if it appears that the subject did not declare cash savings for 2018 and 2019, considering also that the sources of funds for the cash savings were confirmed, this issue alone is insufficient to establish that the subject does not comply with the criteria provided for in art. 11 of Law No.252/2023.
59. Under Law No. 252/2023, violations related to non-declaration of assets to the NIA are not attributed to the criterion of financial integrity. But they can reveal underlying questions about a subject’s adherence to honesty and rectitude in financial practices.
60. The failure to declare assets to the NIA may be considered an ethical violation by itself. As per art. 6.6¹.7 of the Prosecutors Code of Ethics approved by the Decision of the General Assembly of Prosecutors No. 4 of 27 May 2016, prosecutors have the duty to refrain from

concealing and distorting information regarding the assets held. Prosecutors shall disclose such information.

61. The 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.
62. 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 have to 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).
63. In this case, the subject has proven that the sources of cash savings that he failed to declare to the NIA for 2018 and 2019 were legitimate. In fact, these sources (the subject's salary and the dividends paid to his wife) were mentioned in the subject's 2018 and 2019 annual declarations, as income. Moreover, the undeclared cash savings were later on used to buy an immovable property, also duly declared in the subject's declarations.
64. For these reasons, the subject's non-compliance with the asset declaration regime set forth by Law No. 133/2016, even if questionable as per art. 6.6¹.7 of the Prosecutors Code of Ethics, has not risen to the high threshold of a serious ethical violation, which would generate doubts worthy of discussion during the hearing and which would justify the adjacent negative effects for the subject.

VI. Conclusion

65. Based on the information it obtained and that was presented by the subject, the Panel proposes that Alexandru CERNEI 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 15 July 2025 and signed by the Vice-Chairperson of the Commission.

70. Done in English and Romanian.

Signature:

Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission