

**Evaluation Report No. 33 of 30 April 2026
on Stanislav ODAJIU, prosecutor delegated to the Anti-Corruption Prosecutor's Office,
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 21 April 2026 and approved this report on 30 April 2026.

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

*Christopher LEHMANN – Panel’s Chair
Nadejda HRIPTIEVSCHI
Saskia de VRIES*

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

I. Introduction

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

II. Subject of the Evaluation

4. Stanislav ODAJIU (“the subject”) was appointed as a prosecutor on 29 October 2018 within the Rezina Prosecutor’s Office. Between 21 February 2022 and 20 February 2024, 26 February 2024 and 25 February 2025, 10 March 2025 and 9 March 2026, as well as from 17 March 2026, the subject has been delegated to the APO.

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 MDL¹. 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 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

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

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 Judgment 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 defence, 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. Stanislav ODAJIU 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 paras. (1) lit. e) and (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 11 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 A.
21. On 16 August 2024, the Commission notified the subject by email that his evaluation file had been randomly assigned to Panel A consisting of the following members: Christopher LEHMANN (Chair of the Panel), Nadejda HRIPTIEVSCHI, and Saskia de VRIES. The subject was informed that he may request, in writing and at the earliest possible time, the recusal of Panel 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 2012 - 2023 (*unjustified 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 under Law No. 133/2016 on the declaration of assets and personal interests (“Law No. 133/2016”).
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, 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. The Commission also received a complaint from a member 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 2 March 2026, the Panel asked the subject to provide additional information by 16 March 2026 to clarify certain matters ("first round of written questions"). The subject provided his answers and supporting documents within the deadline – on 16 March 2026. On 31 March 2026, the Panel asked the subject to provide additional information by 7 April 2026 to clarify certain matters ("second round of written questions"). The subject provided his answers and supporting documents within the deadline – on 7 April 2026.
27. On 9 April 2026, the Panel notified the subject that it had identified certain areas of doubt regarding his compliance with the integrity criteria and invited him to attend a public hearing on 21 April 2026, pursuant to art. 16 para. (2) of Law No. 252/2023. The subject was informed of his rights under art. 16 para. (5) of Law No. 252/2023, including the right to request access to the evaluation materials.
28. On 11 April 2026, the subject requested that the hearing be conducted in closed session. In relation to the first issue that was proposed to be discussed during the hearing, the subject contended that it pertained to the private life of several persons who are not public figures, encompassing aspects that have never been examined in public, which the persons concerned had a legitimate expectation to be protected. With the respect to the second issue, the subject highlighted the pending court proceedings. On 14 April 2026, the Panel examined the request and unanimously decided to grant it.
29. Following the subject's request, on 15 April 2026, he was granted access to the evaluation materials in accordance with art. 16 para. (5) lit. c) of Law No. 252/2023.
30. On 21 April 2026, the subject participated in a closed hearing before 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 had no corrections or additions to the answers 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 analysed and, where necessary, sought further clarifications from the subject on the following matters:

1. *Conduct following a complaint filed by A:*
 - a. *Possible failure to initiate criminal prosecution under article 173 of the Criminal Code (sexual harassment);*
 - b. *Failure to conduct in a timely manner the contravention.*
2. *Handling of a criminal case in which the defendant was convicted under a plea agreement, but extended confiscation had not been requested.*

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. Conduct following a complaint filed by A:

a. Possible failure to initiate criminal prosecution under article 173 of the Criminal Code (sexual harassment).

34. According to the information available to the Panel, on 20 July 2020, a woman (“A”) made a phone call to the emergency number 112, claiming that she had been physically assaulted by a man (“B”). On 24 July 2020, she made another call to the emergency phone number claiming material damage by B.
35. These events, which later formed the basis of a registered criminal process, occurred in the context of an ongoing business relationship between A and B. According to the statements made by A, she agreed to rent from B commercial premises to open a cafe. The premises needed some repair works, the cost of which was to be paid by A, and these works lasted approximately five months.
36. In this context, on 20 July 2020, A and B had an argument, during which B physically assaulted A in the presence of several witnesses. According to the subject’s order dated 2 September 2020 (analyzed below), “[B] turned towards [A] and said, ‘You, stupid bitch’, whilst grabbing her by the throat with his hand and shoving her against the wall. Frightened, she asked him what he was doing, whereupon he shoved her in the head, and she hit her head against the wall. Then he shoved her into a chair again, all the while swearing at her. She then tried to leave the premises, whereupon [he] grabbed her by the neck again and shoved her against the wall.”
37. The physical assault described above is corroborated by the forensic evidence. According to the findings of the report produced on 22 July 2020 by the Centre for Forensic Medicine, A presented “massive bruising on the left buttock, bruises on the face, chest, back, and lower limbs, which could have been caused by traumatic action with a hard blunt object.”
38. In addition to the physical assault, A reported instances of inappropriate conduct of a sexual nature occurring during the period in which the repair works were being carried out. She stated that, on multiple occasions, B displayed inappropriate behaviour towards her, including attempts to touch her intimate parts in the presence of several witnesses,

including two minors, accompanied by lustful comments about her appearance and private life. On another occasion, when the two were alone, he attempted to touch and hug her despite her protests.

39. These allegations are partially corroborated by witness statements. At least one witness interviewed by the police stated that he had observed B attempting to inappropriately touch A. When the witness asked A why she tolerated such behaviour, she allegedly responded that she had invested significant financial resources in the business venture and could not afford to lose that investment.
40. The Panel notes that A was interviewed by a police officer on 24 July 2020 and subsequently on 17 August 2020 by a criminal investigator. During both interviews, she provided detailed accounts of the incidents described above, including both the physical assault of 20 July 2020 and the prior instances of conduct of a sexual nature.
41. According to the interview report of 24 July 2020, it appears that A complained of the following three actions committed by B: a) sexual harassment; b) causing pecuniary damages through fraud; and c) physical assault.
42. The criminal process was registered on 3 August 2020 by the Rezina Police Inspectorate on the basis of a report drafted on the same date by a police officer concerning alleged illegal actions perpetrated by B and detailed in the interview of 24 July 2020.
43. The victim interview report drafted by the police on 17 August 2020 contains the following statement made by A: “While the repair work was being carried out, when I was present at the premises and B arrived, he would speak to me in a vulgar manner, attempting to touch my body in the chest and buttocks areas, which outraged me, and I reported this to his wife, F. I note that B did not blackmail me, did not coerce me, and did not threaten me to have sexual relations with him, which is why I do not wish to file any complaint against him. I never had any intimate relations with B, but sometimes he would make suggestive remarks or say that it’s not a bad thing if a wife occasionally cheats on her husband.”
44. On 2 September 2020, the subject issued an order refusing to initiate a criminal investigation and ordered the dismissal of the case. The subject reasoned that: (1) the alleged sexual advances were not accompanied by threat, coercion, or blackmail; (2) the alleged pecuniary damage constituted a civil law dispute arising from a contractual relationship; and (3) the physical assault did not reach the severity threshold of a criminal offence.
45. In his order, the subject relied on the wording of art. 173 of the Criminal Code as in force at the material time, according to which threat, coercion, or blackmail constituted defining elements of the offence of sexual harassment.² Referring to the case-law of the Supreme

² Art. 173 of the Criminal Code (as in force in July 2020) provides the following definition: “Sexual harassment, i.e. the manifestation of physical, verbal or nonverbal behaviour that violates the dignity of a person or creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere with the aim of determining a

Court of Justice, the subject concluded that sexual advances, even if repeated or disturbing, did not meet the threshold of criminal liability in the absence of such elements.

46. A challenged the subject's order. The refusal to initiate criminal proceedings was upheld on 1 February 2021 by a hierarchically superior prosecutor and, subsequently, on 7 June 2021 by the Orhei Court. The court decision also records the subject's statement that a contravention sanction had not been applied at that stage because his order not to start criminal investigation had been challenged, and that such a sanction would be applied if the refusal were upheld (this remark by the court becomes relevant below, when the Panel discusses the subject's handling of the contravention case).
47. The Panel notes, however, that the materials available at the time of the subject's decision not to open a criminal case included: (1) detailed statements by A describing repeated unwanted physical contact and sexually suggestive conduct; (2) corroborating witness testimony confirming attempts by B to inappropriately touch A; and (3) the broader factual context in which A indicated that she continued to tolerate such behaviour due to her financial investment in the business relationship.
48. In light of these elements, the Panel had doubts as to whether the subject's assessment at the pre-investigative stage remained within the limits of a preliminary legal characterization of the facts or whether it amounted, in substance, to a definitive exclusion of the applicability of art. 173 of the Criminal Code in circumstances where the available materials were capable of supporting more than one reasonable interpretation. In particular, the Panel considered that the elements of a violation of art. 173 appear to have been met in this case, namely, there was a "manifestation of physical, verbal, or non-verbal conduct" by B; this conduct "violated [the victim's] dignity [and] create[d] an unpleasant, hostile, degrading, humiliating, discriminatory, or insulting environment"; this conduct appears to have had "the purpose of inducing a person to engage in sexual relations or other unwanted acts of a sexual nature" (e.g. according to the victim, the assailant "would speak to her in a vulgar manner and attempt to touch her on the chest and buttocks..., he would sometimes make suggestive remarks or suggest that it was not wrong for a wife to occasionally have an affair"); and the acts in question were committed in a context of threat and coercion, namely loss to A of the funds she had invested in the renovation. The combination of repeated unwanted conduct of a sexual nature, corroborating witness statements, and the factual context described above required a more cautious approach at the stage of deciding whether to initiate criminal proceedings, rather than a conclusive determination by the subject that the constitutive elements of the offence were absent. These doubts were raised with the subject in written communication and discussed at the hearing.
49. During the hearing, the subject provided additional explanations for his decision not to initiate a criminal investigation into the alleged offence of sexual harassment. He acknowledged that he did not personally interview A and that his decision was based on the materials submitted by the police. The subject further emphasized that, the victim interview report of 17 August 2020 recorded A's express statement that she did not wish

person to engage in sexual intercourse or other unwanted sexual acts, committed by threat, coercion, blackmail..."

to file a complaint concerning the alleged sexual harassment. The subject did not verify whether A was informed by the interviewing officer that her allegations regarding sexual harassment will not be investigated in the absence of a formal preliminary complaint filed by her under the applicable provisions of the Code of Criminal Procedure.

50. The subject relied on art. 276 para. (1) of the Code of Criminal Procedure, as in force at the material time, which provided that criminal proceedings for certain offences, including sexual harassment, could be initiated only upon the filing of a preliminary complaint by the victim. He argued that, in the absence of such a complaint, initiating criminal proceedings would have been contrary to the law and could have exposed the prosecution to allegations of lack of objectivity or undue influence on the victim.
51. At the same time, the Panel notes that during her interview of 24 July 2020, A described both physical violence and conduct of a sexual nature. The materials available to the Panel do not clarify the reasons for the subsequent statement of 17 August 2020, in which A indicated that she did not wish to pursue a complaint in respect of sexual harassment. When asked at the hearing whether he had considered the possibility that A might have been discouraged from pursuing such allegations, or whether he had taken steps to clarify her position, the subject stated that he had not contacted her and did not consider it appropriate to do so, in order to avoid any appearance of influencing the victim.
52. The Panel considers that the subject's decision must be assessed in light of the procedural framework governing the initiation of criminal proceedings. Under art. 28 para. (1) and art. 274 para. (1) of the Code of Criminal Procedure, the prosecutor is required, upon receiving information indicating the possible commission of an offence, to determine whether the available materials disclose elements capable of giving rise to a reasonable suspicion and, where that threshold is met, to initiate criminal proceedings.
53. In this context, the obligation to ensure a full, objective, and complete elucidation of the circumstances, as provided for in art. 19 para. (3) of the Code of Criminal Procedure, is primarily realised through the initiation and conduct of criminal proceedings.
54. The Panel notes that art. 276 para. (1) of the Code of Criminal Procedure does not displace the obligation under art. 19 para. (3) of the Code of Criminal Procedure but delineates the legal framework within which that obligation is exercised at the stage of deciding on the initiation of criminal proceedings. The prosecutor remains bound to assess the available material in a full and objective manner. However, the absence of a complaint may, as a matter of law, preclude the opening of criminal proceedings.
55. Still, the Panel considers that the subject was required to assess whether the factual allegations and supporting materials disclosed elements capable of substantiating a reasonable suspicion of an offence under art. 173 of the Criminal Code. While this assessment necessarily involves a preliminary legal characterization of the facts, it does not extend to a definitive exclusion of the applicability of a criminal provision in circumstances where the available materials allow for more than one reasonable interpretation and would require further clarification through the investigative process.

56. The sequence of events reflected in the case file (the initial emergency calls, the detailed statement of 24 July 2020 referring to both physical violence and conduct of a sexual nature, followed by the subsequent statement of 17 August 2020 indicating that no complaint would be pursued) disclosed elements of factual inconsistency that warranted careful assessment. While the applicable procedural framework conditioned the initiation of criminal proceedings on the existence of a preliminary complaint, these circumstances could raise legitimate questions as to whether the victim's position had been fully clarified at the relevant stage.
57. In such a context, the Panel considers that a more proactive approach on the part of the subject, including, at a minimum, seeking clarification of A's position in light of the apparent change between her statements, would have been consistent with the prosecutor's role in ensuring an effective assessment of the available information prior to deciding on the initiation of criminal proceedings. The Panel does not accept that any form of contact with the victim for the purpose of clarifying her position would, in itself, have been incompatible with the requirement of objectivity, provided that such steps were limited to ascertaining her procedural intent and did not amount to influencing her decision.
58. At the same time, the Panel takes into account that, under the legal framework applicable at the material time, the initiation of criminal proceedings for the offence of sexual harassment was formally conditioned upon the submission of a complaint by the victim, and that during her interview with police on 17 August 2020, A expressly indicated that she did not wish to pursue a complaint regarding sexual harassment.
59. In these circumstances, although a more probing approach would have been advisable from the perspective of thoroughness, the subject's decision to treat the absence of a complaint as determinative is in line with the provisions of art. 276 of the Code of Criminal Procedure then in force. The Panel therefore distinguishes between a restrained interpretation of the prosecutor's role and an interpretation that would amount to a clear disregard of the applicable legal conditions for initiating proceedings, the latter threshold not being met in the present case.
60. Concurrently, the Panel notes that in his order of 2 September 2020 resolving not to start criminal investigation, the subject did not refer to art. 276 of the Code of Criminal Procedure but simply concluded that B's actions "did not contain the elements of the crime provided for in art. 173 of the Criminal Code". The orders of 7 June 2021 and 18 November 2021, issued by the subject in the framework of the contravention proceeding and discussed in *Section b* below, contain similar conclusions, i.e. that no offence under art. 173 of the Criminal Code was committed. The Panel contends that the subject could not make such a definitive assessment when he refused to start a criminal investigation into B's alleged actions of sexual nature. These inconsistent explanations for the same procedural act denote a rather superficial attitude of the subject in discharging his professional duties.

61. Art. 173 of the Criminal Code and art. 276 of the Code of Criminal Procedure were amended on 9 January 2023. The amended version of art. 173 of the Code of Criminal Procedure³ replaced the earlier ancillary elements of “threat, coercion, blackmail” with the broader formula “taking advantage of the victim’s state of dependence or by threat,” thereby reducing some of the evidentiary difficulties created by the previous wording. The amendment to art. 276 of the Code of Criminal Procedure removed sexual harassment from the category of offences for which criminal proceedings could be initiated only upon a preliminary complaint by the victim.
62. As a result, where facts capable of grounding a reasonable suspicion of sexual harassment are now brought to the attention of law-enforcement bodies or prosecutors, the initiation of criminal proceedings no longer depends on a formal request for prosecution by the victim. These developments confirm that, at the material time, the legal framework did impose constraints on the prosecutorial response, which are relevant in assessing the margin of appreciation available to the subject.
63. The Panel must consider whether the subject’s conduct in relation to the issue of the alleged sexual harassment perpetrated by B raises an ethical issue in light of art. 6.5.1 of the Code of Ethics of Prosecutors (*the prosecutor shall be aware that the highest level of professional competence is one of the main premises for an efficient functioning of the prosecutor's office, as well as for public trust in this service*) and art. 6.5.2 (*the prosecutor shall contribute to the improvement of professional skills, to be up to date with the legislation, modern case law and human rights standards*). In so doing, the Panel considers that the subject’s restrained understanding of his procedural role is more appropriately characterized as a matter of professional performance and prosecutorial judgment than as a serious ethical violation of the Code of Ethics of Prosecutors, as the subject’s decision remained anchored in an identifiable legal provision governing the initiation of criminal proceedings. Accordingly, while the Panel has issues with the subject’s performance, and with his professional analysis of the record in this case vis a vis the statute, these issues do not rise to the level of a “serious violation” of the Code of Ethics of Prosecutors within the language of art. 11 para. (2) lit. a) of Law No. 252/2023.
64. In this context, the Panel also takes heed of the Constitutional Court’s conclusion in Judgment No. 2 of 16 January 2025, at paras. 182–183, namely that while the ECtHR has held that it is consistent with the spirit of the vetting process for there to be a more limited scale of sanctions where a person does not meet one of the criteria established by the vetting law (*Xhoxhaj v. Albania*, para. 412), the proportionality of dismissal from office for failing the evaluation must be assessed in light of the conduct for which that measure is applied.
65. The Panel must also analyze the subject’s actions in terms of whether the subject’s failure to initiate a criminal investigation into the alleged offense of sexual harassment committed

³ Art. 173 of the Criminal Code (as of 9 January 2023) provides the following definition: “*Sexual harassment, i.e. the solicitation of a sexual act or other action of a sexual nature through physical, verbal or nonverbal behavior, if this creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere for the victim, committed by taking advantage of the victim's state of dependence or by threat, provided that the act does not meet the elements of rape or non-consensual sexual acts...*”

by B, as well as the inconsistent reasoning provided by the subject to support his decision constitute arbitrary acts contrary to “imperative rules of law and the European Convention on Human Rights” as provided by art. 11 para. (2) lit. a) of the Law no. 252/2023. As is more fully articulated below in part b of this section, the facts of this case, and the injury to the victim, raise concerns that her rights under Article 3 of the ECHR may have been violated, and that the subject’s actions (and inactions) failed to fulfil the state’s obligation to protect those rights, rights about obligations that have been well and clearly articulated by the ECtHR, see e.g., *I.G. v. the Republic of Moldova*.⁴

66. In reviewing the subject’s failure to initiate a criminal proceeding in this case, the Panel concludes that the subject was ultimately bound by the limitations then set forth in art. 276 of the Code of Criminal Procedure. He therefore did not have legal discretion to open the criminal investigation. The Panel does have concerns that the subject might have been more proactive in ascertaining whether the victim fully understood the procedural complexities of the case, and in ascertaining whether she had otherwise been intimidated from pursuing the filing of a complaint; these concerns are particularly relevant, given the affirmative obligation of the State to insure that Article 3 rights are fully protected. Ultimately, however, the Panel finds that these inactions fall short of constituting the “arbitrary acts” necessary to establish a violation of art. 11 para. (2) lit. a) of Law No. 252/2023. The Panel also remains mindful of the ECtHR guidance on proportionality of the sanction in the exercise of vetting responsibilities. The Panel concludes, therefore, that the subject did not act arbitrarily in handling the case file before him and did not issue arbitrary acts but relied on a procedural act drawn by a police officer, which warranted *prima facie* that the alleged victim did not want to file a complaint on sexual harassment.
67. Accordingly, in respect of the issue presented by the failure to initiate a criminal investigation under art. 173 of the Criminal Code, the Panel finds that the subject meets the criterion of ethical integrity.

b. Failure to conduct, in a timely manner, the contravention proceedings

68. The Panel notes that situations in which a prosecutor, upon examining the materials of a case, determines that the alleged act constitutes a contravention are governed by art. 396 para. (3) of the Contravention Code. According to this provision, “in the event of a refusal to initiate criminal proceedings, or the termination of criminal proceedings because the act constitutes a contravention, the prosecutor shall mandate, by a reasoned order, the institution of contravention proceedings and ... examine the case.”
69. The contravention order in this case was not issued by the subject until more than nine months after the subject’s 2 September 2020 order, shortly before the statute of limitations for resolving such a contravention matter would expire. Specifically, the subject issued an order to initiate contravention proceedings against B (“contravention case X”) only on 7 June 2021, which was the same day that the Orhei Court finally upheld the subject’s order refusing to initiate criminal investigation. In that order, the subject classified B’s actions of 20 July 2020 as corresponding to the elements of the contravention provided for in art.

⁴ <https://hudoc.echr.coe.int/?i=001-110904>

78 para. (2) of the Contravention Code, namely “intentional minor bodily injury resulting in a short-term health impairment or an insignificant but permanent loss of working capacity.” Referring to art. 396 para. (1) of the Contravention Code, the subject ordered that the case file be transmitted for examination to the Rezina Police Inspectorate.

70. During the hearing, the subject explained that he did not commence the contravention proceedings earlier, i.e. immediately after he had resolved not to initiate criminal investigation, in order to avoid a potential situation of double jeopardy. As noted above, the subject’s order not to start criminal investigation was contested in court by the victim, A, meaning that if his order was later overturned, the subject would have been obliged to initiate the criminal investigation. Therefore, the subject claimed that he acted to postpone the contravention proceedings until the court confirmed his decision that criminal investigation shall not be initiated. This explanation provided by the subject is also recorded in the court decision of 7 June 2021. The Panel does not undertake a legal analysis of accuracy of the subject’s double jeopardy concerns, but notes that the subject at least articulated conscious reasoning for why he did not issue the contravention order at an earlier date.
71. The statute of limitations for contravention liability is one year, pursuant to art. 30 para. (2) of the Contravention Code. In the present case, because the acts attributed to B were committed on 20 July 2020, this means that the statute of limitations expired on 20 July 2021, about one month and a half after the contravention proceedings were initiated by the subject. Pursuant to the provisions of the Contravention Code⁵, the limitation period is not suspended if a potentially competing criminal proceeding was not definitely closed. Due to this legislative shortcoming, the subject was left with only approximately one month and a half to conclude the contravention proceedings.
72. In his explanations (R1-Q21 and at the hearing), the subject maintained that he had taken all necessary steps to ensure an objective examination of contravention case X. However, the materials available to the Panel indicate that substantive procedural steps aimed at examining the case were undertaken only after the expiration of the limitation period on 20 July 2021.
73. Although the subject’s order of 7 June 2021 had also ordered that the newly opened contravention case be sent to the Rezina Police Inspectorate, for reasons that are not fully clarified, the actual transmittal of that file did not occur until 23 August 2021, already after the statute of limitations had expired. On 23 September 2021, the case file was returned to the Rezina Prosecutor’s Office, with reference to the competence established under art. 396 para. (3) of the Contravention Code.
74. Following the return of the case file on 23 September 2021, the subject, acting within reasonable diligence, summoned B on 22 October 2021 and again on 27 October 2021. According to the subject’s explanations (R1-Q21 and at the hearing), B did not appear.

⁵ Article 30 para. (7) of the Contravention Code provides only one circumstance where the limitation period is suspended: “The limitation period is suspended if the person who committed the contravention evades the contravention proceedings”.

The subject further indicated that he attempted to contact B by telephone, but that B requested the presence of an authorised interpreter due to his limited knowledge of the Romanian language.

75. On 18 November 2021, the subject issued an order terminating contravention case X. In the order, the subject declared that B's guilt in committing the alleged contravention is fully proven, but the statute of limitations for holding B contravention liable has expired and, therefore, his liability is to be dismissed. As a result, B was not held liable under contravention law for the acts of violence committed against A. The Panel observes that the expiration of the limitation period had the direct consequence that, although the subject established B's guilt in committing the contravention, no sanction could be imposed.
76. The Panel further notes, however, that the subject's actions in effectuating the untimely order, while failing to allow for application of a statutory sanction against B under the Contravention Code, at least allowed the victim to pursue civil remedies. Such a solution is in line with the provisions of art. 45 of the Contravention Code,⁶ which is designed to allow victims of contravention to seek civil law remedies, including in situations where the contravention liability of the perpetrator is dismissed.
77. The Panel further notes, as a relevant contextual element, that in the order of 18 November 2021 the subject concluded that B's guilt in committing the contravention had been established on the basis of the evidence collected. That conclusion was subsequently challenged by B, but upheld by the Orhei Court on 6 May 2022, which confirmed the correctness of the legal classification and the evidentiary assessment. The Chişinău Court of Appeal reached the same conclusion on 4 October 2022.
78. These judicial findings confirm that the factual circumstances of the case were ultimately established and that the person responsible was identified. At the same time, the Panel reiterates that the effectiveness of the proceedings was affected by the fact that no sanction could be imposed due to the expiry of the limitation period, a consequence directly linked to the manner in which the proceedings were conducted at the initial stage.
79. The Panel also notes that on 18 November 2021, the victim A filed a complaint with the SCP, alleging, *inter alia*, that the subject had failed to properly discharge his duties and had allowed the contravention proceedings to become time-barred. She also expressed disagreement with the classification of the acts and complained that the proceedings had been unduly protracted.
80. On 16 December 2021, Inspector L of the Prosecutors' Inspection dismissed the initiation of disciplinary proceedings against the subject. A appealed that decision, but on 25 March 2022, the Discipline and Ethics Board of the SCP upheld the decision and dismissed the

⁶ Art. 45 para. (1) of the Contravention Code: "A person whose right or legitimate interest has been harmed by a contravention may defend it by means of a civil action brought in accordance with the civil procedural law. This person shall in particular be entitled to compensation for the pecuniary and non-pecuniary damage caused by the contravention. This paragraph shall apply equally where [...] it is considered that the perpetrator was not subject to contravention liability."

appeal. The Panel notes that neither the Prosecutors' Inspection nor the Discipline and Ethics Board examined the issue of the subject's failure to ensure the examination of the contravention case within the statutory limitation period, their analysis being limited to the lawfulness of the refusal to initiate criminal investigation.

81. Because this case involves rights that the State has a duty to protect under Article 3 of the ECHR, the Panel had an obligation to address issues related to that matter. Specifically, the Panel notes that, according to the case-law of the ECtHR, states are required to ensure that their legal systems provide effective protection against acts of ill-treatment involving rights protected under Article 3 of the ECHR, including those committed by private individuals, and that such protection must be capable of leading, in appropriate cases, to the identification and punishment of those responsible (*M.C. v. Bulgaria*⁷, para. 149).
82. The ECtHR has also held that the effectiveness of such protection may be undermined where proceedings are discontinued as a result of the expiry of limitation periods attributable to the inactivity of the authorities (*Beganović v. Croatia*⁸, para. 85). These principles underline the importance of diligence on the part of prosecutorial authorities in handling cases involving allegations of violence.
83. The relevance of the above-mentioned principles lies in informing the standard of diligence expected from prosecutorial authorities. In the present situation, the Panel considers that the established circumstances raise concerns as to the diligence exercised in the conduct of the contravention proceedings.
84. The Panel observes that according to the ECtHR case law, "the obligation on the State to bring to justice perpetrators of acts contrary to Article 3 of the Convention serves mainly to ensure that acts of ill-treatment do not remain ignored by the relevant authorities and to provide effective protection against acts of ill-treatment." (*Beganović v. Croatia*, para. 79).
85. The subject's conduct in handling the contravention proceedings shows that he did not have the intention to ignore B's violent actions against A, and some protection, albeit imperfect, was provided to the victim. In this respect, the Panel notes that A subsequently sought civil remedies and, by judgment of 30 October 2024, the Orhei Court awarded her pecuniary and non-pecuniary damages, as well as legal assistance expenses, in the total amount of 15,500 MDL. While such remedies do not substitute for the imposition of contravention liability, they constitute a form of redress available to the victim within the domestic legal system.
86. At the hearing, the subject maintained that he had acted diligently and attributed the delay in the examination of the contravention case to objective difficulties, including the need to secure interpretation services due to B's limited proficiency in Romanian. He further argued that the establishment of B's guilt, even in the absence of a sanction, was of relevance for the victim, including in the context of subsequent civil proceedings.

⁷ <https://hudoc.echr.coe.int/?i=001-61521>

⁸ <https://hudoc.echr.coe.int/?i=001-93258>

87. The Panel must note that some of the delays in this case were also set by institutional limitations beyond the control of the subject. These include the court's delay in issuing its decision on the underlying order to not initiate criminal investigation under Art. 173 of the Criminal Code, the subject's concurrent concern about avoiding double jeopardy in the face of such judicial delays, and the existence of a statutory framework that left inadequate time for the subject to have reasonably concluded the contravention proceeding before the expiration of the statute of limitations. It cannot also help but note that the court in this case also shared some of the responsibility for protecting the rights of the victim in the sense of art. 3 of the ECtHR, and its delays in addressing the case in the face of those responsibilities is a factor in the subject's not being able to resolve the contravention case before the statute of limitations expired.
88. Ultimately, in view of all of these factors, the Panel finds that the subject did not act arbitrarily or issue arbitrary acts in the sense of Law no. 252/2023 and the subsequent case law. It takes into account that the facts in this case were ultimately examined on the merits, that they were confirmed by judicial authorities, and that the handling of the case did not appear to disclose elements indicative of careless disregard of the substantive issues in the case or intentional excessive delay or arbitrariness.
89. This outcome distinguishes this case from the case law cited above where the ECtHR found that failure by the national authorities to conduct an effective investigation into the alleged ill-treatment committed by private individuals constituted violations of Article 3 of the ECHR. For example, in the *M.C. v. Bulgaria* case cited above, the national authorities refused to initiate criminal proceedings into alleged actions of sexual nature despite the victim's complaint and repeated appeals, and some limited evidence collected at the pre-investigative stage. Accordingly, the ECtHR found that the investigation of the applicant's case and, in particular, the approach taken by the investigator and the prosecutors in the case fell short of the requirements inherent in the States' positive obligations. In *Beganović v. Croatia* case the national courts discontinued the proceedings against the perpetrators of a physical assault, on the ground that the prosecution of the offences with which they were charged had become time-barred, and accordingly their guilt or lack thereof was never ascertained. The victim instituted civil proceedings against the perpetrators, but the court decided to stay the proceedings pending the outcome of the criminal case. When the ECtHR issued its decision in 2009, the mentioned civil proceedings were still pending before the national court, more than 7 years after their start. The case involving the subject is therefore distinguishable. The contravention proceeding was resolved by the subject despite the time bar (though too late for sanctions against the perpetrator), and the victim was, on that basis, able to obtain civil remedies.
90. The Panel must also consider whether the subject's actions constitute a "serious violation" of the Prosecutors Code of Ethics, within the parameters of art. 11 para. (2) lit. a) of Law No. 252/2023. The Panel notes that the failure to ensure the examination of contravention case X within the statutory limitation period reflects a lack of diligence in the handling of the case at the relevant stage. This failure had a tangible procedural consequence, namely the impossibility of imposing a contravention sanction on B despite the subsequent

establishment of his guilt. The Panel, therefore, considers that the subject's conduct in handling the contravention case X raises an ethical issue in light of art. 6.5.1 and art. 6.5.2 of the Code of Ethics of Prosecutors cited above. Ultimately, after reviewing the overall efforts that were undertaken by the subject to advance this case, the Panel concluded that while there were clear concerns as to the degree by which the Code of Ethics was violated, such violations did not rise to the level of "serious" within the context of Law No. 252/2023.

91. In light of all of the foregoing, the Panel concludes that the subject's handling of the contravention proceedings did not constitute arbitrary actions contrary to the ECHR, as provided by art. 11 para. (2) lit. a) of Law No. 252/2023. The Panel further concludes that while the subject's actions did raise ethical issues regarding the subject's professional conduct, those issues do not rise to the level of a "serious" ethical violation of the rules of ethics and professional conduct in the context of art. 11 para. (2) lit. a) of Law No. 252/2023.
92. Accordingly, in respect of Issue 1 as a whole, the Panel finds that the subject meets the criterion of ethical integrity.

Issue 2. Handling of a criminal case in which the defendant was convicted under a plea agreement, but extended confiscation had not been requested.

93. Beginning on 26 March 2024, the subject led the criminal investigation in a criminal case in regard of corruption-related actions perpetrated by several individuals.
94. On 8 October 2024, the subject concluded a plea agreement with the defendant D ("D"). Under the agreement, D admitted to three separate instances of passive corruption (art. 324 of the Criminal Code), committed between April and May 2022. The latter was sentenced by the Chişinău Court on 27 January 2025, to imprisonment and a fine, with deprivation of the right to hold public office for a period of ten years. The court also ordered special confiscation of the proceeds of the crimes, namely the funds in various currencies, which were discovered and seized at D's residence.
95. The offenses for which D was convicted fall under art. 106¹ of the Criminal Code, which provides for extended confiscation. However, when the plea agreement was drafted, the subject did not request the application of extended confiscation with respect to D.
96. The SCP was notified of the subject's actions by F, a co-defendant in the same criminal case, who was charged with active corruption in one of the episodes admitted by D. The petitioner F drew the SCP's attention to two issues: (1) the allegedly erroneous legal classification of D's actions by the subject, and (2) the subject's failure to take action to enforce the provisions of articles 106 and 106¹ of the Criminal Code regarding confiscation. F specifically emphasised in his complaint to the SCP that the subject had not sought extended confiscation in the case involving D.

97. In line with the statutory requirements, the SCP referred the complaint submitted by F to the Prosecutors' Inspection. On 31 July 2025, Inspector I of the Prosecutors' Inspection resolved to terminate the disciplinary proceedings against the subject. However, on 12 December 2025, the Discipline and Ethics Board ordered that the disciplinary proceedings be returned to the Prosecutors' Inspection for further verification of the allegations regarding the subject's failure to request the application of extended confiscation in the aforementioned criminal case. After the re-examining the case, on 26 February 2026, Inspector T of the Prosecutors' Inspection reached a similar conclusion to that dated 31 July 2025 and decided to terminate the disciplinary proceedings against the subject.
98. During the first round of questions (R1-Q20), the subject presented two arguments to justify his failure in requesting that extended confiscation be applied in the case of D. First, according to the subject's explanations, "the application of the extended confiscation mechanism could potentially occur when it was established that the property had a direct connection to the crime for which the person was convicted" and "[The Criminal Code in force at the time the crimes in question were committed] requires the court, when applying any form of extended confiscation, to establish beyond a doubt that the property to be confiscated has a criminal origin; in other words, the person must be convicted of a crime, and the object/property to be confiscated must be either the object of the crime or a *corpus delicti*."
99. The Panel is concerned that the interpretation of art. 106¹ of the Criminal Code advanced by the subject is incorrect. Para. (2) of art. 106¹ of the Criminal Code, in force at the material time, provides that extended confiscation shall be ordered where (a) the value of the property acquired by the convicted person during the relevant reference period substantially exceeds the income lawfully earned by that person, and (b) the court finds, on the basis of the evidence, that such assets derive from criminal activities of the nature provided for in para. (1).
100. The Panel considers that, on the basis of the materials available in the criminal case file at the investigation stage, there existed sufficient factual elements not merely to permit, but to require a concrete assessment of the applicability of extended confiscation and, where appropriate, the formulation of a corresponding request to the court. In particular, the operational analysis report prepared by the NAC on 24 March 2022 contains a longitudinal analysis of the income, expenditure and assets of D's family over a 12-year period. According to that report, the family's expenses exceeded its income for the years 2014–2018, 2020 and 2021, resulting in a cumulative deficit exceeding 600,000 MDL. Furthermore, during the period 2018–2021, D's family acquired several immovable and movable assets.
101. While such analytical material does not, in itself, determine the outcome of judicial proceedings, it constitutes a sufficiently concrete evidentiary basis to trigger the prosecutor's duty to engage with the mechanism of extended confiscation, including by assessing whether the statutory conditions may be met and, if so, by bringing the matter before the court. The apparent discrepancy between lawful income and acquired assets, coupled with the temporal overlap between the accumulation of wealth and the exercise

by D of the same public office subsequently used to commit corruption offences, was capable of grounding a reasoned prosecutorial request, subject to judicial verification.

102. Contrary to the subject's position, the applicable legal framework did not require the prosecutor, at the stage of drafting the plea agreement or formulating requests to the court, to establish beyond reasonable doubt that each asset subject to extended confiscation had a direct connection to the offence of conviction. Rather, the prosecutor was required to assess whether the evidence available disclosed elements capable of satisfying the cumulative conditions set out in art. 106¹ para. (2) of the Criminal Code and, where such elements were present, to formulate a reasoned request enabling the court to carry out the final determination. The final assessment of whether the statutory threshold is met lies with the court, not the prosecution.
103. The Panel notes that the subject's understanding of confiscation appears to conflate the legal regimes of special confiscation and extended confiscation. The requirement that assets must constitute the object of the crime, a *corpus delicti*, or otherwise be directly linked to the offence with which the defendant is charged pertains to art. 106 of the Criminal Code (special confiscation), which was indeed applied in the present case with respect to the funds seized during the search at D's residence. However, the application of special confiscation does not exclude the separate examination of extended confiscation, which operates on a different evidentiary and legal basis.
104. The subject further argued that extended confiscation was not applicable because the assets in question had been acquired, for the most part, prior to 25 February 2014, the date of introduction of the institution into domestic law.
105. The Panel finds that this argument is not supported by the materials in the case file. The NAC operational analysis report identifies several assets acquired by D's family after 2014, including a residential house with auxiliary constructions, two plots of land and a vehicle. The existence of assets acquired within the temporal scope of application of art. 106¹ of the Criminal Code was sufficient to trigger an assessment of the applicability of extended confiscation, irrespective of whether other assets had been acquired prior to that date. The subject did not demonstrate that the temporal element constituted a legal impediment to at least examining the applicability of the measure.
106. In light of the foregoing, the Panel concludes that no legal or factual impediment prevented the subject from assessing the applicability of extended confiscation in the case of D and, where appropriate, from formulating a request to that effect. The materials available in the file disclosed elements indicative of a potential disproportion between lawful income and assets, as well as circumstances capable of supporting an inference, subject to judicial verification, that such assets may derive from criminal activities of the relevant nature. In these conditions, the Panel considers that the prosecutor was required to engage with the mechanism of extended confiscation as part of the overall prosecutorial response to corruption.

107. During the hearing, the subject explained that this was the first plea agreement he had negotiated and that, in drafting the document, he relied on a template circulated by the GPO. He further indicated that the draft agreement had been reviewed by his hierarchically superior prosecutor, who did not raise objections, a fact reflected in the court's judgment of 27 January 2025.
108. The template submitted by the subject indeed does not contain a section relating to extended confiscation. While the use of institutional templates and the existence of hierarchical review are relevant contextual elements, they do not dispense the prosecutor from the obligation to apply the law in its entirety. At the same time, these elements indicate that the omission occurred within a broader operational framework in which the issue was not identified at the supervisory level of the prosecutorial system.
109. The subject also argued that, due to the ambiguity of art. 106¹ of the Criminal Code, prosecutors and courts have shown reluctance in applying extended confiscation for fear of potential incompatibility with the ECHR. In support, the subject submitted two recent judicial decisions (dated 6 February 2025 and 9 February 2026) rejecting requests for extended confiscation.
110. The Panel accepts that, at the material time, the practical application of art. 106¹ of the Criminal Code may have raised interpretative questions and required careful alignment with ECHR standards, including those relating to foreseeability and proportionality. However, the existence of such difficulties did not relieve the prosecutor of the obligation to examine, based on the available evidence, whether the legal conditions for invoking the mechanism were met. The subsequent amendment of art. 106¹ of the Criminal Code on 5 August 2022 confirms the legislator's intention to clarify the scope of this instrument.
111. When asked at the hearing whether the absence of a request for extended confiscation could have reflected a deliberate prosecutorial strategy aimed at securing a conviction and special confiscation, the subject denied this and stated that it had not occurred to him to consider the application of extended confiscation. He further indicated that his attention had been focused on the relatively new plea agreement mechanism.
112. In assessing these elements, the Panel finds that the subject's conduct reveals deficiencies in the interpretation and application of the relevant legal framework, as well as in the comprehensive assessment of available prosecutorial measures. Extended confiscation constitutes an important tool in addressing the proceeds of corruption and requires active consideration where the factual circumstances indicate its potential applicability. Hence, the Panel considers that the subject's conduct in handling the plea agreement in the criminal case under consideration raises an ethical issue in light of art. 6.5.1 and art. 6.5.2 of the Code of Ethics of Prosecutors cited above. However, the Panel also takes into account that the omission occurred in the context of the subject's limited practical experience with plea agreements, within a working environment apparently relying on standardised templates, and in the absence of corrective intervention at the supervisory level.

113. In light of the above, the Panel concludes that, while the subject's failure to assess and, where appropriate, seek the application of extended confiscation in the case of D raises justified concerns regarding the subject's professional judgment and conduct, it does not, in the specific circumstances of the case, reach the threshold of a serious ethical violation within the meaning of art. 11 para. (2) lit. a) of Law No. 252/2023. Accordingly, the Panel finds that, in respect of Issue 2, the subject meets the criterion of ethical integrity.

VI. Conclusion

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

VII. Further Action and Publication

115. 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.

116. 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.

117. 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).

118. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 30 April 2026 and signed by a Panel member designated by the Chairperson of the Prosecutor Vetting Commission in accordance with art. 29 para. (6) of the Commission Rules.

119. Done in English and Romanian.

Signature:

Nadejda HRIPTIEVSCHI,

Panel member designated on 29 April 2026 by the Chairperson of the Prosecutor Vetting Commission, by email, to sign the evaluation report in accordance with art. 29 para. (6) of the Commission Rules