PROSECUTOR VETTING COMMISSION

Evaluation Report No. 36 of 19 May 2026
on Veaceslav POTÎNGA, prosecutor within the Chișinău Municipal Prosecutor's Office,
subject of evaluation under Law No. 252/2023 in his former capacity of prosecutor within the Anti-Corruption Prosecutor's Office

Evaluation Panel F ("the Panel") of the Prosecutor Vetting Commission ("the Commission"), established by Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts ("Law No. 252/2023"), discharging the powers under the same Law, deliberated in private on 12 March 2026 and approved this report on 19 May 2026.

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

Virginia MORARU – Chair of the Panel
Nadejda HRIPTIEVSCHI
Laura ȘTEFAN

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

I. Introduction

1. This report concerns the subject of evaluation Veaceslav POTÎNGA, prosecutor within the Chişinău Municipal Prosecutor's Office, formerly prosecutor in the Anti-Corruption Prosecutor's Office ("APO").

2. The Panel evaluated the subject of evaluation ("the subject") according to the procedure and criteria regulated by Law No. 252/2023, and according to the Rules of Procedure of the Prosecutor Vetting Commission ("the Commission Rules") approved by the Commission pursuant to art. 5 para. (4) of Law No. 252/2023.

3. The Panel unanimously concluded that Veaceslav POTÎNGA does not meet the financial integrity criterion identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Veaceslav POTÎNGA ("the subject") was appointed to the position of prosecutor within the Nisporeni District Prosecutor's Office on 21 April 2008. On 11 March 2013, the subject was transferred to the position of prosecutor within the Botanica District Prosecutor's Office, Chişinău Municipality. During the period from 18 July 2016 to 1 May 2018, the

subject held the position of prosecutor within the APO. Since 2 May 2018, the subject has held the position of prosecutor within the Chișinău Municipal Prosecutor's Office.

III. Evaluation Criteria

5. Under art. 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.

6. Art. 11 para. (2) of Law No. 252/2023 provides that a subject is deemed not to meet the requirements of ethical integrity if the Commission has determined that:

   a) over the last 5 years, the subject has seriously violated the rules of ethics and professional conduct of judges or, as the case may be, of prosecutors, as well as if the subject acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of law, and the European Court of Human Rights has established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights.

   b) over the last 10 years, the subject has admitted in his/her activity incompatibilities and conflicts of interest that affect the position held.

7. Art. 11 para. (3) of Law No. 252/2023 provides that the subject shall be deemed not to meet the criterion of financial integrity if the Commission has serious doubts determined by the fact that:

   a) the difference between assets, expenses, and income, for the last 12 years, exceeds 20 average salaries per economy, in the amount as set by the Government for the year 2023.

   b) over the last 10 years, the subject admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount as set by the Government for the year 2023.

8. The average salary per economy for 2023 was 11,700 MDL[1]. Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.

9. Art. 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, the sources of funds of the subject's wealth.

10. Art. 11 para. (5) of Law No. 252/2023 provides that in evaluating compliance with the criteria set out in para. (3) of this article, the Commission shall also take into account the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the

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

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 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 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. Veaceslav POTÎNGA was on the list of subjects submitted by the SCP to the Commission on 23 May 2024 for evaluation, pursuant to art. 12 para. (1) of Law No. 252/2023.

18. The subject was evaluated based on provisions of art. 3 para. (1) lit. e) and para. (3) of Law No. 252/2023.

19. On 24 May 2024, the Commission notified the subject of its initiation of evaluation and requested that he complete and return the declaration of assets and personal interests for the last five years ("five-year declaration"), which includes the list of close persons in the judiciary, prosecution, and public service, and an ethics questionnaire within 20 days, as provided in art. 25 para. (3) of the Commission Rules, consistent with art. 12 para. (4) of Law No. 252/2023. The subject returned the completed five-year declaration and ethics questionnaire within the deadline, on 12 June 2024.

20. Pursuant to art. 15 para. (2) of Law No. 252/2023 and art. 17 of the Commission Rules, the file in this matter was randomly assigned to Panel A.

21. On 16 August 2024, the Commission notified the subject by email that his evaluation file had been randomly assigned to Panel A, composed of Christopher LEHMANN (Chair of the Panel), Nadejda HRIPTIEVSCHI, and Saskia de VRIES. The subject has been informed that he may request, in writing and at the earliest possible opportunity, the recusal of members from his evaluation panel. The subject did not request the recusal of any member of the Panel.

22. Subsequently, on 22 October 2025, the subject was informed by email of the Commission's decision of 15 September 2025 regarding the recusal of national member Ion GRAUR, adopted pursuant to art. 17 para. (3) of the Commission's Rules of Procedure.

23. On 18 November 2025, the subject was notified by email of the Commission's decision of 5 November 2025, adopted pursuant to art. 17 para. (2) of the Commission Rules of Procedure. According to this decision, the subject's evaluation file was reassigned and allocated for examination to Panel F, composed of members Virginia MORARU (Chair of the Panel), Nadejda HRIPTIEVSCHI, and Laura ȘTEFAN. The subject was informed that he could request, in writing and at the earliest possible opportunity, the recusal of members from his evaluation panel. The subject did not request the recusal of any member of the Panel.

24. 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.

25. During the last 12 years of the evaluation period, the subject was required to file declarations, both under Law No. 133/2016 on the declaration of assets and personal interests ("Law No. 133/2016"), and under the previous Law No. 1264/2002 on the declaration and control of income and property of persons with public dignity positions, judges, prosecutors, civil servants and some persons with managing positions ("Law No. 1264/2002").

26. 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 General Prosecutor's Office ("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. All information received was carefully screened for accuracy and relevance.

27. 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.

28. On 19 November 2025, the Panel asked the subject to provide additional information by 28 November 2025, to clarify certain matters ("first round of written questions"). The subject provided answers and documents within the set deadline - on 28 November 2025.

29. On 24 December 2025, the Panel requested the subject to provide additional information by 9 January 2026, to clarify certain matters ("second round of written questions"). The subject provided answers and documents within the set deadline - on 9 January 2026.

30. On 16 January 2026, the Panel requested the subject to provide additional information by 23 January 2026, to clarify certain matters ("third round of written questions"). The subject provided answers and documents within the set deadline - on 21 January 2026.

31. On 30 January 2026, the Panel requested the subject to provide additional information by 6 February 2026, to clarify certain matters ("fourth round of written questions"). The subject provided answers and documents within the set deadline - on 6 February 2026.

32. On 27 February 2026, the Panel notified the subject that it had identified certain areas of doubt regarding his compliance with the integrity criteria and invited the subject to participate in a public hearing on 12 March 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 and that he may request access to the evaluation materials.

33. On 3 March 2026, the subject submitted a request seeking that the hearing be held in closed session. On the same date, the Panel unanimously decided to: (1) reject the request to hold the hearing in closed session in relation to the first issue; and (2) grant the request to hold the hearing in closed session in relation to the second issue.

34. Following the subject's request, on 6 March 2026, he was granted access to the evaluation materials in accordance with art. 16 para. (5) lit. c) of Law No. 252/2023.

35. The subject submitted additional information and supporting documents on his own initiative on 11 March 2026.

36. On 12 March 2026, the subject took part in a partially public hearing of the Panel.

37. 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.

38. On 17 April 2026, the Panel sent a new round of written questions (R5) following the hearing. The subject responded within the set deadline, on 22 April 2026.

39. Given the need for a detailed examination of complex factual circumstances, on 23 April 2026, pursuant to art. 17 para. (2) of Law No. 252/2023, the Panel unanimously decided to extend the deadline for issuing the evaluation report until 19 May 2026. On 27 April 2026, the subject was duly informed of this decision.

V. Analysis

40. This section discusses the relevant facts and reasons for the Panel's conclusion.

41. Based on the information it collected, the Panel analyzed and, where necessary, sought further clarifications from the subject on the following matters:

    - *Unjustified wealth of 684,981 MDL in two years of the assessed period (2013 and 2020).*

- *The subject's involvement in two cases examined by the European Court of Human Rights (ECtHR), where violations of the European Convention on Human Rights ECHR) were identified (a. Mașaev v. Moldova; b. Mîțu v. Moldova).*

The issue that raised doubts during the evaluation and leads to non-promotion under Law No. 252/2023:

Issue 1. Unjustified wealth of 684,981 MDL in two years of the evaluation period (2013 and 2020)

Unjustified wealth for 2013

42. According to the information available to the Panel, in 2013, the subject's outgoing financial flow exceeded the incoming financial flow, resulting in a negative balance of 123,894 MDL.

43. According to the Panel's calculations, based on the information available and not disputed by the subject, the subject's household income for the 2013 calendar year amounted to 777,384 MDL.

44. The incoming financial flow includes the amount of 397,432 MDL recorded as savings. According to the subject's response to the first round of written questions (R1-Q7), at the end of 2012 and the beginning of 2013 he held cash savings of 380,000 MDL.[2] Additionally, the bank savings (balance) identified in the bank accounts of the subject and his former wife at the end of 2012 and carried over to the beginning of 2013, amounting to 11,550 MDL and 5,882 MDL, are included in the incoming financial flow.

45. The incoming financial flow also includes the subject's net salary from the Prosecutor's Office amounting to 71,152 MDL, according to the information available to the Panel for 2013 from the STS information system.

46. The incoming financial flow also comprises the donation of 280,000 MDL received by the subject's former wife from her father, according to the annual declaration of income and property for 2013 ("the annual declaration") filed with the National Integrity Council ("NIC"). The donation was accepted by the Panel after verifying the sources of the funds of the subject's former wife's father.

47. A child allowance of 28,800 MDL paid to the subject's former wife is also included as income, as per the subject's 2013 annual declaration and data from the CNAS information system.

[2] According to the European Court of Human Rights (*Xhoxhaj v. Albania*), savings (both cash and bank savings) have a dual nature: they are treated as an inflow of funds at the beginning of the year; and they are treated as an outflow of funds at the end of the year. The outflow of savings at the end of the previous period equals the inflow of savings at the start of the next period.

48. According to the information available to the Panel, the total inflow of the subject's household for 2013 amounted to 777,384 MDL.

49. As regards the outgoing financial flow, during the evaluation the subject did not accept the Panel's calculations for some of the subject's expenses for 2013. The disagreements relate to the actual price paid by the subject and his former wife on 2 December 2013 for the flat in the town of Durlești, Chișinău municipality.

50. The Panel did not accept the subject's response (R1-Q2) stating that the sale–purchase transaction for the flat was conducted lawfully at the real price of 325,990 MDL agreed by the parties, as confirmed by notarised sale–purchase contract No. 18424 of 2 December 2013. Under donation contract No. 10414 of 18 September 2014, concluded during the marriage, the subject donated his share of the flat to his former wife, who became the sole owner of that flat. In the 2016 annual declaration of assets and personal interests ("the annual declaration") filed with the NIA, the subject indicated that flat as his domicile.

51. To check the reasonableness of the contract price, the Panel sent a request to the "LARA" real estate exchange regarding the average price for a flat located at the same address as the subject's flat, for the period 1 January 2013 to 31 December 2013. According to the response from the "LARA" real estate exchange, the average price for such a flat, in shell condition, was 6,700–7,200 MDL per sq. m.

52. The Panel notes that during the rounds of written questions (R1-Q26), the subject explained that the flat had been bought by his former wife and was not in shell condition but had a basic refurbishment, stating the following: *"I know the flat had only a simple refurbishment, just painted walls, and was furnished with a sofa in the living room, a kitchen with a gas hob, a fridge and a washing machine. I know that, at the seller's request, about 2,000 EUR were paid additionally for these items, with an additional receipt issued. I do not have a copy of that receipt. I was only informed of its existence."*

53. Given that, according to the subject's response, he and his wife purchased a refurbished flat equipped with the minimum necessary furniture, and that he and his family moved into that flat shortly after purchase -confirming the flat was not in shell condition or uninhabitable - the Panel took the mid-range of the market average provided by the "LARA" real estate exchange, of 6,950 MDL per sq. m, yielding 447,580 MDL (27,725 EUR) for a 64.4 sq. m. flat. Besides this price, the flat's total value also includes EUR 2,000 (est. 33,441 MDL), indicated by the subject in the written questions (R1-Q26) as an additional payment to the seller because the flat had a simple refurbishment and was furnished. The total price for the flat in Durlești town therefore amounts to about 481,021 MDL.

54. The difference between the contractual price of 325,990 MDL and the evidence-backed estimated market value of about 481,021 MDL is significant – approximately 155,031 MDL (47.55%). The Panel finds that such a difference raises serious doubts about the correctness of the transaction price declared by the subject. Such a deviation is significant and typically exceeds normal market fluctuations, and without objective explanations, it undermines the credibility of the declared amount.

55. A subsidiary element that reinforces the Panel's doubts is the fact that the contractual price of 325,990 MDL coincides with the cadastral value recorded in the Register of Immovable Goods. The Panel notes that such a situation seems far from coincidental and reflects a well-known practice in the Republic of Moldova where the cadastral value was often used as the contract price in real estate transactions. Given that the cadastral value, in most cases, did not reflect the real market value of the asset, this overlap only amplifies doubts about the authenticity and correctness of the contractual price.

56. The Panel observes that, even applying the 2013 minimum market price from the "LARA" real estate exchange (6,700 MDL per sq. m.) and adding the additional payment of 2,000 EUR (33,441 MDL), the Durlești flat would still be priced at 464,921 MDL. Including this price in the household's financial flows for 2013 would still result in a negative difference between the subject's family's income and expenditure of 107,794 MDL.

57. In conclusion, basing its reasoning on the information collected, the Panel does not accept the contractually declared price for purchasing the flat in Durlești town as the real one. From the Panel's calculations a plausible final value for the flat in Durlești is 481,021 MDL.

58. The outgoing financial flow also includes cash savings of 330,000 MDL, according to the subject's response to R1-Q7, and bank savings identified by the Panel through the analysis of the bank accounts held by the subject and his former wife, totalling 16,673 MDL (11,541 MDL the subject's savings and 5,132 MDL his former wife's savings).

59. According to the information available to the Panel, the level of Consumer Expenditures of the Population (CEP)[3] for the subject's family, consisting of two adults and one child, for 2013 was 73,584 MDL.

60. Consequently, in 2013 the subject's household recorded an outgoing financial flow of 901,278 MDL.

61. Accordingly, for 2013, the balance between the incoming financial flow (777,384 MDL) and the outgoing financial flow (901,278 MDL) of the subject's household is negative, at 123,894 MDL.

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[3] The Consumption Expenditures for Population (CEP) are determined and published on annual basis by the National Bureau of Statistics (NBS). The exact amount per subject of evaluation is calculated by the Commission using the NBS data, taking into account the number of family members, residence area (rural or urban). The CEP for any year between 2006 - 2018 is calculated based on NBS methodology applied for the period of 2006 - 2018 (on the basis of "stable population" in the "discontinued series") and the method available on the NBS site (ENG). In this case, the indicator of Consumption expenditures by population according to purpose of expenditures, number of children and area 2006 - 2018 is chosen with the following variables: Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person. The generated result is multiplied by the number of family members and 12 calendar months. The CEP for any year between 2019 - 2023 is calculated based on NBS methodology and the method available on the NBS site (ENG). In this case, the indicator of Consumption expenditures by population according to purpose of expenditures, number of children and area 2019 - 2023 is chosen with the following variables: Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person. The generated result is multiplied by the number of family members and 12 calendar months.

Table 1. The subject's household incoming and outgoing financial flows for 2013

Incoming financial flow MDL		Outgoing financial flows MDL	
Cash and bank savings at the beginning of 2013 (transferred as savings from previous year)	397,432	Cash and bank savings at the end of 2013	346,673
Net salary of the subject	71,152	CEP	73,584
Donation received by the wife from her father	280,000	Purchase price of the flat in Durlești town	481,021
Child allowance from CNAS for childcare	28,800		
TOTAL income	**777,384**	**TOTAL expenditure**	**901,278**
BALANCE: - 123,894			

Inexplicable wealth for 1 January 2020 – 13 April 2020.

62. According to the information gathered by the Panel, and based on the subject's answers during written question rounds and hearings, on 7 August 2020 the subject purchased, by sale- purchase contract, a real estate asset in Cricova town, Chișinău municipality, at a contractual price of 760,412 MDL. The Panel has doubts regarding the actual purchase price of the said property, as well as the date the subject purchased it. The circumstances and facts established by the Panel during the evaluation (the significant decrease in the property's market value, the circumstances of the subject's interactions with individuals who at certain stages valued the asset and later alienated it) reinforce these doubts and indicate that the asset was acquired by the subject before the date recorded in the contract.

63. Thus, according to the available information, the Panel took into account that for the period 1 January 2020 – 13 April 2020, the subject's outgoing financial flow exceeded the incoming financial flow, resulting in a negative balance of 561,087 MDL.

64. The negative balance is caused by the price paid by the subject for the real estate, comprising a dwelling house with an area of 101 sq m and adjoining land of 0.0327 ha, located in Chișinău municipality, Cricova town, formally acquired under the sale and purchase contract of 7 August 2020.

65. Relying on the materials collected, the Panel analysed how the property — the dwelling house and its adjoining land in Cricova town, was acquired, which underpins the Panel's doubts.

A. *Factual data and circumstances relevant to understanding the context in which the subject obtained the real estate in the town of Cricova*

a. *Significant reduction in the value of the real estate*

66. According to the information available to the Panel, on 22 January 2013, a dwelling house of 101 sq. m. and the adjoining land of 0.0327 ha, located in Cricova town, were sold by the previous owner (G.L.) for 1,600,000 MDL (95,691 EUR), and on the same date the buyer (A.B.) concluded a mortgage contract amounting to 1,600,000 MDL (95,691 EUR) to pay the price of the property. According to point 7 of the mortgage contract of 22 January 2013, the market value of the mortgaged property was 2,198,000 MDL (131,455 EUR).

67. Subsequently, within the enforcement proceedings, at the initiative of bailiff Nicolae Pașa, "Gofma-Consulting" SRL on 16 January 2020 issued an evaluation report setting the market value of the real estate at 1,056,129 MDL (est. 53,498 EUR). This evaluation report was a determining factor in the subsequent establishment of a significantly reduced price for the dwelling house and the adjoining land.

68. A second evaluation report was drawn up just a few months later, on 27 July 2020. Under that report, the property's value stands at 983,000 MDL (50,131 EUR). According to this evaluation report, the beneficiary of the evaluation was R.Ș., and the purpose of the evaluation was to determine the market value of the real estate for securing the loan.

69. The subject purchased the dwelling house and the adjoining land in August 2020 for 760,412 MDL (est. 38,519 EUR). This price represents around 35% of the property's estimated market value in 2013, i.e. a decrease in value of about 65%. Such a significant depreciation is unusual in the context of the property market's evolution, particularly in the Chișinău municipality and its suburbs, where between 2013 and 2020 there was generally a steady upward trend in real estate prices. This approach and line of argument were also confirmed by the Supreme Court of Justice.[4]

b. *The holding of the 7 April 2020 auction during the state of emergency*

70. On 7 April 2020, amid the 60-day state of emergency declared due to the COVID-19 pandemic, bailiff Nicolae Pașa organised an auction for the house and the adjacent land. There were two participants — R.Ș. and O.R-I. The starting price at the auction was 760,412 MDL (est. 38,519 EUR). At the close of the auction, R.Ș. was declared the winning bidder, purchasing the house for 763,412 MDL (38,671 EUR).

71. The Panel notes that, under Decision No. 9 of the National Union of Bailiffs ("UNEJ") of 27 March 2020, in carrying out enforcement actions, priority shall be given to those of an immediate nature, and which could objectively be performed under the restrictions imposed by the competent authorities (point 2.2). It is unclear whether this auction complied with

[4] Decision of the Supreme Court of Justice No. 03-7/24 of 4 July 2024, pag. 41, https://jurisprudenta.csj.md/search_col_civil.php?id=75501

the condition imposed by the UNEJ decision and whether it could be held during the state of emergency.

72. On 9 June 2020, the Chișinău Court, Centru venue, confirmed the results of the 7 April 2020 auction for the sale of the house and adjoining land in Cricova town to R.Ș. for 763,412 MDL (38,671 EUR).

73. The Panel also notes that, according to public information, on 19 January 2023 the Minister of Justice announced orders withdrawing the licences and terminating the activity of bailiffs Nicolae Pașa and George Boțan, on the basis of disciplinary board decisions finding that they *"grossly violated the law, their duties, and failed to comply with court judgments"*.[5]

c. *Criminal investigation regarding the actions of certain decision-makers of "Gofma-Consulting" SRL and of bailiff George Boțan in criminal case No. 2018011172*

74. According to the information available to the Panel, between 23 July 2019 and 27 February 2020, the subject handled criminal case No. 2018011172. The case concerned the involvement of bailiff George Boțan and certain decision-makers of "Gofma-Consulting" SRL in reducing property prices, with suspected offences under art. 328 para. (3) lit. (d) of the Criminal Code - exceeding official authority or overstepping service duties, and art. 335 para. (1^1) of the Criminal Code - abuse of office.

75. According to the materials in criminal case No. 2018011172, *"on 23 November 2015 the decision-makers at "Gofma Consulting" SRL, seeking to reduce the real cost of immovable property located in Chișinău, A Street, having found on site that it has an area of 377.8 sq. m., valued the said immovable property at 1,257,777 MDL. In the evaluation summary they stated that the ground-level flat was a one-storey residential block with an area of 147.85 sq. m., thereby underestimating the price of the property compared to the real price determined at 2,067,319 MDL. On 5 June 2017, following the organisation of a fictitious auction, the immovable property at A. Street was sold for 911,000 MDL."*

76. On 27 February 2020, the subject issued an order discontinuing criminal proceedings No. 2018011172 on the ground that no offence had occurred. That order was upheld by an order of the superior prosecutor dated 10 September 2020. By the ruling of the Chișinău Court, Ciocana venue, of 28 September 2021, the orders issued by the subject and by the superior prosecutor were declared null and void, the criminal investigation being ordered to resume and the shortcomings to be remedied. The court stated that:

- *"The prosecutor prematurely reached the conclusion to issue the order closing the criminal proceedings on 27 February 2020, (...) because the bailiffs Oleg Ungureanu and Gheorghe Boțan were not heard, and witnesses familiar with the alleged events reported by the petitioner were not identified nor heard.*

[5] Ziarul de Gardă: Two bailiffs have been stripped of their licences: "They grossly violated the law, their duties and did not respect court rulings" https://www.zdg.md/stiri/stiri-justitie/ultima-ora-doi-executori-judecatoresti-au-ramas-fara-licente-au-incalcat-in-mod-grosolan-legislatia-atributiile-lor-si-nu-au-respectat-hotarari-ale-instantelor-de-judecata/

- *The criminal investigation body did not examine the execution procedure initiated on the basis of writ of execution No. 2-22-4990/11 of 27 January 2012. Likewise, it did not check the petitioner's claim that the bailiff was supposed to take action to remedy the irregularities in the conduct of the auction — a fact explicitly noted in the ruling of the Chișinău Court, Ciocana venue of 11 April 2018.*
- *the criminal investigation body did not examine the actions of the bailiffs concerning the eviction of G.T.'s family members from the immovable property, (...) where one of the family members is a minor, nor the fact that there are two evaluation reports of the said property with contradictory conclusions.*
- *The prosecutor's conclusion regarding the absence of significant damage caused to petitioner G.T. was not substantiated. The prosecutor presented no such evidence to be checked and assessed in line with the other materials submitted, nor in conjunction with petitioner G.T.'s application.*
- *The prosecutor did not respond to all of the petitioner's arguments and did not fully elucidate all the circumstances, which led to an ineffective examination of the complaint; the court considers that these circumstances constitute a failure to respect the right to a fair trial, guaranteed by Article 6 of the ECHR."*

77. On 23 May 2023, the Chișinău Court of Appeal dismissed as unfounded the appeal of prosecutor G.Z. and upheld without modification the ruling of the Chișinău Court, Ciocana venue, of 7 December 2022.

78. On 12 July 2023, the criminal investigation in criminal case No. 2018011172 was resumed. At the Panel's request, the Prosecutor's Office of Chișinău municipality informed that in the above-mentioned criminal case, as of February 2026, no final decision had been taken.

79. The Panel notes that, according to the information available, in 2023, disciplinary proceedings were instituted against the subject and prosecutor G.Z. regarding their actions in managing criminal case No. 2018011172, following a complaint lodged by E.M. in the interests of G.T.

80. On 29 August 2023, the Prosecutors' Inspection ordered the termination of the disciplinary proceedings on the grounds that no basis for disciplinary liability had been identified. The Prosecutors' Inspection found that *"although the orders adopted by prosecutors Potînga Veaceslav and G.Z. were declared null by court decisions, as a result of omissions made, these shortcomings cannot be classified as disciplinary offences warranting sanction. It was not established that the prosecutors acted in bad faith, intentionally or with gross negligence, and art. 36 of Law No. 3/2016 on the Prosecution Service allows disciplinary sanctions for prosecutors for the offences provided in Article 38 only if these are committed intentionally or through gross negligence"*.

81. The decision of the Prosecutors' Inspection was upheld by the decision of the Discipline and Ethics Board of 29 November 2024, which in turn was upheld by the decision of the Superior Council of Prosecutors of 20 November 2025.

d. *R.Ș., winning bidder at the 7 April 2020 auction, and the seller of the immovable property in Cricova town to the subject*

82. Based on the materials gathered, the Panel underlines the following important aspects concerning the value of the immovable property in the town of Cricova, purchased by the subject from R.Ș. (1) According to the mortgage contract of 22 January 2013, the immovable property (the house and the adjoining land) had a market value of 2,198,000 MDL (est. 131,455 EUR). (2) On the basis of the valuation report drawn up by "Gofma-Consulting" SRL in January 2020, the market value was estimated at 1,056,129 MDL (est. 53,498 EUR). In April 2020, the house was purchased at the 7 April 2020 auction by R.Ș, at a price of 763,412 MDL (est. 38,671 EUR). (3) On 27 July 2020, according to another evaluation report No. 11644 carried out by "Expert Group Consulting" SRL, the value of the house was estimated at 983,000 MDL (est. 50,131 EUR). (4) In April 2020, the house was purchased at the 7 April 2020 auction by R.Ș., at a price of 763,412 MDL (est. 38,671 EUR). On 7 August 2020, R.Ș. sold that immovable property to the subject at a price of 760,412 MDL (est. 38,519 EUR), approximately 3,000 MDL less than the auction price.

83. During the hearing, the Panel asked the subject questions concerning the seller of the house in Cricova town, R.Ș., and concerning their relationship with him. According to the subject, a friend working as an estate agent supplied his details, but he currently does not possess R.Ș.'s up-to-date contact details. (time interval 1:15:00 – 1:18:50)

84. According to information from public sources available to the Panel, a journalistic investigation published by "Ziarul de Gardă" in November 2025 notes that R.Ș. participated in another auction, held on 29 April 2020 by another bailiff. The investigation conducted by Ziarul de Gardă states that *"ZdG analysed the minutes of that auction (of 29 April 2020). According to the document, the starting sale price of the eight immovable properties (flats with areas between 65 and 145 square metres) was 195,615 EUR (almost four million MDL), being set according to the evaluation by the company "Gofma Consulting". ZdG had previously written that this company valued other assets below market price, all subsequently sold by George Boțan. <u>At the auction, a certain [R.Ș.] submitted exactly the offer requested by the bailiff — 195,615 EUR — and soon became the owner of the eight flats.</u> However, an appraisal of the immovable properties, carried out at the request of "Neocasa" SRL in November 2019, showed that, at the market price of that period, they were worth nearly six million MDL, around two million more than the price for which they were sold by Boțan."*[6]

85. Open-source information about R.Ș.'s participation, over a short period, in real estate transactions as a buyer who secured the purchase of several properties sold at auction, prompted the Panel's doubts regarding his financial capacity to acquire the assets at those values and whether he acted in good faith, bearing in mind that in both cases the market

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[6] Ziarul de Gardă: https://www.zdg.md/investigatii/ancheta/video-un-om-de-afaceri-a-murit-dupa-o-altercatie-cu-un-executor-judecatoresc-amenintari-scheme-litigii-de-milioane-si-dosare-fara-finalitate/#:~:text=%C3%AEntre%20cei%20doi%20a%20ap%C4%83rut,care%20o%20avea%20%E2%80%9ENeocasa%E2%80%9D%20SRL

value of the immovable properties was undervalued with the help of the same valuation company.

86. The Panel notes that both auctions were organised in April 2020 during the state of emergency: R.Ș. purchased the house in Cricova town on 7 April 2020 at the auction organised by bailiff Nicolae Pașa, and on 29 April 2020 he purchased eight flats worth 195,615 EUR at the auction organised by bailiff George Boțan. In order to organise the 29 April 2020 auction, the assets were also valued by "Gofma Consulting" SRL, at a total of 195,615 EUR (approximately MDL 4 million); an investigation by Ziarul de Gardă published in November 2025 notes that the same assets had been valued in 2019 at around 6 million MDL.

87. The ruling of the Chișinău Court, Centru venue, of 7 August 2024 admitted he claim of "Neocasa" SRL against R.P. (the wife of bailiff Nicolae Pașa) on challenging the judicial act, with bailiff Oleg Ungureanu as accessory intervener, the successor in the procedures of bailiff George Boțan, and the accessory interveners R.Ș. and bailiff Nicolae Pașa and annulled the auction record of 29 April 2020 drawn up by bailiff George Boțan on awarding "Neocasa" SRL's immovable assets.

88. Excerpt from the ruling of the Chișinău Court, Centru venue, of 7 August 2024:

"With regard to the bidder's good faith, the court accepts the arguments presented by "Neocasa" SRL which raise serious doubts as to the good faith of the bidder, R.Ș. It is found that there are indications of the bidder's affiliation with the seller (R.P.) and his prior involvement in actions aimed at dispossessing "Neocasa" SRL of assets.

The court takes into account that R.Ș. acted as a representative of "Nemesis Consulting" SRL, whose administrator is R.P., and was involved in acquiring other claims against "Neocasa" SRL, thus demonstrating a close connection with the mortgage creditor and a prior interest in taking over the company's assets.

The court considers that these aspects must be analysed carefully, in accordance with the principle of good faith stipulated in art. 11 of the Civil Code and taking into account the provisions of art. 14 of the Civil Code, which state: "No one may profit from their own unlawful act."

Moreover, the court finds that the other parties, namely the creditor R.P. and bailiff George Boțan, did not present conclusive evidence to rebut the claimant's statements and arguments regarding the bidder R.Ș.'s lack of good faith. In the absence of such countervailing evidence, the court is inclined to give weight to the arguments and evidence submitted by "Neocasa" SRL concerning the bidder's affiliation and prior involvement in actions that appear to have been aimed at obtaining the claimant's assets."[7]

[7] Ruling of the Chișinău Court, Centru seat, of 7 August 2024, https://jc.instante.justice.md/ro/pigd_integration/pdf/YTAyMDNiMGQtMmNlZC00NDdiLTkzOGItMzBiNmI5Y2E4NzUy

89. Subsequently, by the decision of the Chișinău Court of Appeal of 2 December 2024, the appeal lodged by R.P. was allowed and the ruling of the Chișinău Court, Centru venue, of 7 August 2024 was quashed. Subsequently, "Neocasa" SRL's appeal against the decision of the Chișinău Court of Appeal of 2 December 2024 was declared inadmissible on 21 January 2026 by the Supreme Court of Justice.[8] Thus, "Neocasa" SRL's action contesting the auction record of 29 April 2020 was irrevocably dismissed.

90. The Panel notes that the information set out above outlines a complex and problematic picture, indicating the existence of possible connections between the subject, in his capacity as prosecutor, on the one hand, and bailiff George Boțan and decision-makers at "Gofma Consulting" SRL — persons featured in a criminal case handled by the subject — on the other. At the same time, the Panel also considers relevant the involvement of third parties, namely R.Ș. and R.P., the wife of bailiff Nicolae Pașa, who participated in the auctions organised by George Boțan where they acquired assets, or directly benefited from the outcome of the auction. The factual circumstances and the context mentioned reinforce the appearance of connections and converging interests among these individuals.

91. The information about R.Ș. from public sources presented above was also confirmed by other information available to the Panel.

92. At the Panel's request, R.Ș. provided information that, in 2020, he participated in the auction organised by Nicolae Pașa on 7 April 2020, intending to invest in cosmetic repairs to the house in Cricova town and to live there during the pandemic, with the subsequent disposal of the property. He also stated that, because he lacked full access to the property before purchase, he underestimated the investments required to rehabilitate it, and therefore decided to sell it as quickly as possible to recover his money.

93. According to the information available to the Panel, during 2017 - 2023, R.Ș. participated in two public auctions, on 15 February 2019 and on 7 April 2020. At the same time, to pay the price of the asset purchased at the 7 April 2020 auction, R.Ș. made two separate payments of 100,000 MDL each, both on 13 April 2020; 200,000 MDL on 15 April 2020; 125,392 MDL on 16 April 2020; and 200,000 MDL on 17 April 2020.

94. The Panel notes that it had limited ability to verify the financial capacity of R.Ș. and his family for the acquisition of properties at auction. Thus, based on the information gathered, the following aspects are noted regarding the financial capacity of R.Ș.

95. According to the information available to the Panel, in 2019 R.Ș. deposited in cash a total of 222,150 MDL into the account of "M L" SRL under sale-purchase contract no. 109 of 25 July 2019 and paid 48,000 MDL in 2019 and 11,960 MDL in 2020 to BC "MAIB" SA towards a loan.

96. The information available to the Panel regarding R.Ș. and his wife does not show that they held 763,412 MDL in their bank accounts in April 2020. Also, BC "Moldindconbank" SA

[8] Ruling of the Supreme Court of Justice No. 2ra-234/24 of 21 January 2026, https://jurisprudenta.csj.md/search_col_civil.php?id=80609

informed on 10 August 2020 that R.Ș. received into his account a transfer of 640,000 MDL from the banking institution for the sale of the house. On the same date, he withdrew the entire amount in cash.

97. In the response provided by the subject in the post-hearing round of questions, he explained that *"The Commission's criticisms regarding the impossibility of Ș.R. having the financial resources to purchase the property are contradicted by the documents presented by the Commission, as well as by its conclusion that Ș.R. engages in purchase/sale activity in the real estate field, a circumstance that excludes the Commission's doubt about the possibility of paying for the property in Cricova town, and by extension about myself as the person who purchased the asset through an intermediary. This argument is also confirmed by responses of Ș.R., where he confirms that he worked as a bank employee in bank debt recovery,* ***and that part of the money was borrowed****, as well as by information obtained by the Commission showing that he had previously been the beneficiary of the purchase of other properties."* The responses of R.Ș. on 30 March 2026 and 16 April 2026 do not indicate that he took any loan to pay the price of the house in April 2020; more precisely, in the response of 16 April 2026 he stated that *"the amount paid for the purchase of the property concerned had its origin in his own resources, accumulated at that time from ordinary, day-to-day sources".*

98. According to the information available to the Panel, on 1 February 2017, R.Ș. sold two immovable properties for a total price of 490,000 MDL, and on 30 September 2019 he sold an apartment for 287,728 MDL.

99. According to information provided by the STS, the Panel finds that R.Ș. worked in the banking sector during 2012 – 2018. At the same time, he signed the email sent to the Panel as currently employed, recovery and enforcement expert in the Judicial Recovery of Problem Claims Directorate of the Debt Recovery Department of BC "MAIB" SA.

100. The Panel also observes that R.Ș. (litigation during 2021 – 2022),[9] bailiff Nicolae Pașa (litigation during 2021)[10] and R.P., the wife of bailiff Nicolae Pașa (the above-mentioned litigation, 2021 – 2025) had the same lawyer in court proceedings concerning enforcement procedures.

e. Aspects regarding the purchase of the immovable property in Cricova town by the subject under evaluation

101. According to the information collected by the Panel, on 3 August 2020 the subject obtained a loan of 640,000 MDL from BC "Moldindconbank" SA for the purchase of the aforementioned dwelling house and the adjoining land. On 7 August 2020, a mortgage was registered over the said immovable property. According to Evaluation Report no. 11644 of

[9] Decision of the Chișinău Court of Appeal No. 2a-2435/22 of 1 December 2022, https://cac.instante.justice.md/ro/pigd_integration/pdf/N2ZmNzJiOTYtOTA0NC00Y2ExLTliZWUtZDY3M2IzNTFiODgx

[10] anticorupție.md: Decision of the Chișinău Court, Rîșcani seat No. 3-3369/2020 of 3 August 2021, https://anticoruptie.md/ro/investigatii/justitie/afacerea-de-familie-a-executorului-nicolae-pasa?fbclid=IwAR0cOefRplX0h0GObNrZwuOOEGfKTDxbwQjIt_cwcI8VizzWAC1B2k13f-I

27 July 2020, issued by "Expert Grup Consulting" SRL, the market value of the mortgaged property is 983,000 MDL.

102. As the property was valued at under 1,000,000 MDL, the subject qualified for the state "First Home" program—the program's Implementation Regulation, point 15, in force in 2020, includes a mandatory condition on eligible immovable properties: the value stated in the sale-purchase contract shall not exceed 1 million MDL.

103. According to the sale-purchase contract of 7 August 2020, the subject bought the dwelling house from R.Ș. at a price of 760,412 MDL, exactly the starting price at the 7 April 2020 auction and 3,000 MDL less than the price paid by R.Ș. at the 7 April 2020 auction. The subject stated that the contractual price is the actual price agreed and paid.

104. According to the subject's response during the post-hearing round of questions, *"it is illogical to raise a doubt that I bought the property at a lower price "from supposedly own funds", only then to take out a mortgage loan which in the end will double the price of the immovable property".*

The Panel's reasoning

105. An analysis of all the contextual circumstances mentioned above reveals a set of elements that ultimately raise serious doubts about the subject's participation in an auction via R.Ș.

106. The Panel observes that art. 131 of the Enforcement Code stipulates, under penalty of absolute nullity, that MPs, judges, lawyers, notaries, prosecutors, bailiffs, police officers and criminal investigation officers may not participate in auctions.

107. From the outset, the Panel observes that the evolution of the property's value may generate serious doubts as to its consistency with economic logic, given the reduction from approximately 2.2 million MDL in 2013 (in the context of a transaction price of 1.6 million MDL) to approximately 1,056,129 MDL in January 2020, then being estimated in July 2020 at 983,000 MDL (just under the 1 million MDL ceiling laid down for the "First Home" program): a drop of over 50% that is hard to justify objectively.

108. The Panel notes that, as a rule, the property market shows a medium and long-term[11] upward trend, supported by objective factors: inflation, rising construction costs and steady demand. Declines of such magnitude occur only in exceptional circumstances, which the Panel does not identify in this case. Given the figures in the evaluation reports issued in 2013 and 2020, the reduced auction price of 763,412 MDL in April 2020 could be accepted as resulting from the legal provisions allowing an initial 20% reduction of the auction price and a further 10% for the repeat auction (art. 132 and 142 para. (2) of the Enforcement Code). However, this price reduction cannot be deemed automatically justified. Although the Enforcement Code permits successive reductions of the auction price, the application of those reductions must be analysed against the asset's real value and the evolution of

[11] According to data from the "LARA" property exchange, the average price per square metre of residential houses in Chișinău's suburbs increased from 6,376 MDL/sq. m. (2013) to 6,605 MDL/sq. m. (2020).

existing valuations. In particular, the price set at the April 2020 auction appears unjustifiably low compared with the 2013 price. At the same time, the 2020 valuation reports raise multiple questions concerning the accuracy and basis of the values indicated, matters that will be analysed below.

109. Secondly, one of the relevant evaluation reports (the January 2020 Evaluation Report) was drawn up by "Gofma-Consulting" SRL on 16 January 2020. This company was the subject of a criminal case handled by the subject himself between 23 July 2019 and 27 February 2020, concerning the artificial reduction of real estate values. Although the case was closed by the subject in February 2020 - immediately after the evaluation report of 16 January 2020 was prepared - this decision was later quashed by the court, which found the investigation to be incomplete. The Panel notes a problematic intersection between the subject's professional activity and elements pertinent to the transaction analysed. The Panel maintained this doubt even after the subject's statement during the hearing that he did not have access to the enforcement file for the immovable property and was unaware of the evaluation report prepared by "Gofma-Consulting" SRL.

110. Thirdly, the subject's purchase of the property on 7 August 2020 is linked to an auction held on 7 April 2020, during the state of emergency declared as a result of the COVID-19 pandemic. The auction was organised by bailiff Nicolae Pașa, whose licence was later withdrawn for serious breaches of the law. This bailiff has repeatedly been the subject of investigative reports concerning potential abuses in enforcement proceedings. The Panel notes that, although auctions were not expressly banned, both Order No. 1 of 18 March 2020 and Order No. 6 of 26 March 2020 of the Commission for Exceptional Situations of the Republic of Moldova, as well as the UNEJ decision of 27 March 2020, permitted the continuation of enforcement activity only in urgent and priority cases. The information available to the Panel shows that the auction of 7 April 2020 was not marked by any special or urgent circumstances.

111. Fourthly, the Panel notes that the real estate were awarded to R.Ș. for 763,412 MDL and resold four months later for 3,000 MDL less, exactly at the auction's starting price - a development hard to explain by ordinary economic logic. Normally, a winning bidder seeks to make a profit or at least preserve the value of the investment, not to resell at a loss so soon, unless exceptional circumstances are demonstrated.

112. This sequence of transactions raises further doubts, especially given R.Ș.'s experience in auctions and litigation procedures and the apparent connection with the bailiff Nicolae Pașa, which heightens doubts about the transaction's genuineness and competitive nature.

113. Concurrently, the Panel asked the former owner of the house, R.Ș., clarifying questions about the purchase and sale of the property in 2020. In his reply of 30 March 2026, he confirmed that the price stated in the contract was genuine. As regards the sale price and the need to sell, he said he had underestimated the repairs he would need to carry out on the property, so he decided to sell it as quickly as possible to get his money back. The Panel notes that a similar argument was put forward by the subject during the 12 March 2026

hearing (time interval 1:05:08–1:05:30). R.Ș. also confirmed that he did not know the subject prior to the August 2020 transaction.

114. Additionally, the Panel asked the subject to explain the economic rationale for R.Ș. selling him the property at a price 3,000 MDL lower than the price paid at auction just four months earlier. The subject provided the following response (R3-Q2): *"Possibly, the exchange-rate difference between the auction date and the sale date generated this difference of 3,000 MDL; possibly, the need to incur additional expenditure to make the property habitable led the seller to put the house up for sale at a quick-sale price equal to the purchase price. I cannot state the seller's economic rationale for selling me the immovable property at a price 3,000 MDL lower than the auction price, as I consider that the difference resulted from the exchange rate at the dates of acquisition and disposal, as national legislation forbids sale and purchase transactions between residents in foreign currency. In this context, the agreement for the sale of the property was in euros, with the sum converted into MDL in the contract."* The Panel notes that R.Ș. offered a similar response in his reply of 30 March 2026.

115. Analysing the subject's argument that the 3,000 MDL difference was due to an exchange-rate fluctuation, the Panel finds it implausible. The Panel found that the price at which the auction was won on 7 April 2020 was 763,412 MDL (est. 37,926 EUR), according to the exchange rate of the National Bank of Moldova on 7 April 2020. The amount of 37,926 EUR as of 7 August 2020 was est. 746,342 MDL, according to the NBM's exchange rate on 7 August 2020. Therefore, the Panel does not accept the subject's claim that the reduction in the price in MDL was due to exchange-rate fluctuations, because converting the euro price at purchase (37,926 EUR) into MDL at the sale date yields approx. 746,342 MDL, which does not match the price stated in the sale and purchase agreement of 7 August 2020.

116. The Panel also does not accept the subject's response (R4-Q3) that the negotiated price of 760,413 MDL, set out in the sale and purchase agreement of 7 August 2020, was real because it had allegedly been confirmed through the bank's and Organization for the Development of Small and Medium-Sized Enterprises ("ODIMM") analysis and acceptance. In this regard, the Panel notes that the regulations of the "Prima Casă" program do not provide that ODIMM verifies "purchase prices" or assesses whether a property is over- or undervalued on the market.

117. The subject argued that the reduced price of the property was justified by the poor technical condition of the house, stating that *"no one had lived there for many years; unknown persons had entered the dwelling by damaging/forcing the window and had removed certain components from the electric boiler; the heating system was defective/frozen; rusty water from the system had been drained into the middle of the rooms. The yard, according to the photos sent earlier, had not been tended for 5-10 years, the gate was already rotten. The house was not connected to the central water supply or to the gas network."* (R2-Q8). However, this explanation is disproved by the body of evidence in the case. Firstly, the photographs attached to the evaluation report of 27 July 2020 do not show an advanced state of deterioration of the property that would justify a substantial reduction

in its value. Secondly, the repair works subsequently carried out by the subject were completed within a relatively short time and with insignificant investment. It is likewise relevant that the subject himself prepared the property for the valuation of July 2020, which shows that he had access to the house long before concluding the sale and purchase contract of 7 August 2020. The Panel considers that this further contradicts the subject's version regarding the allegedly unfit condition of the dwelling. Moreover, the subject's access to the property prior to concluding the sale and purchase contract and paying the price confirms the Panel's doubts about the 7 April 2020 transaction, namely that the subject participated in the auction through R.Ș. The subject offered no alternative logical explanation for why he had access to the property before concluding the sale and purchase contract, despite asserting he "did not know the seller" (R.Ș.).

118. The Panel also has doubts as to whether R.Ș. acted as the subject's intermediary and whether the price paid for the purchase of the house at auction was in fact covered by the subject. The payments for the dwelling were made in cash and in instalments by R.Ș. into the bailiff's account (two separate payments of 100,000 MDL on 13 April 2020, 200,000 MDL on 15 April 2020, 125,392 MDL on 16 April 2020, and 200,000 MDL on 17 April 2020), which raises questions as to compliance with the provisions of Law No. 308 of 22 December 2017 on preventing and combating money laundering and the financing of terrorism. The Panel also observed that the funds transferred in August 2020 into R.Ș.'s account were withdrawn by him in full on the same day. The exclusive use of cash in high-value real-estate transactions, although common in the socio-economic context of the Republic of Moldova, further fuels doubts about the traceability of financial sources and the transparency of the transaction.

119. The Panel notes that, unlike the criteria referred to in art. 11para. (2) of Law No. 252/2023, which concern a conclusive finding that misconduct occurred in cases of ethical integrity, the criteria in para. (3) involve "serious doubts" regarding financial integrity. Therefore, in matters of financial integrity, a partial reversal of the burden of proof is also permissible, placing it on the subject of the evaluation once serious doubts have been established.[12]

120. Bringing together all the aspects mentioned above - the discrepancies in values, the context of the evaluations, the lack of rational economic behaviour, the opacity of the relationships between the participants, the subject's access to the property prior to the execution of any legal instrument transferring ownership to him, as well as the subject's inability to demonstrate with further relevant evidence the soundness of the price reduction - serious doubts arise that the transaction of 7 August 2020 does not reflect real market conditions, and the declared price may be merely formal, used to conceal a different factual situation.

121. Thus, in light of the above, the Panel has serious doubts regarding the purchase of the immovable property in Cricova town by the subject under the sale -purchase contract of 7 August 2020 and raises doubts as to his participation in the auction of 7 April 2020 through a proxy, R.Ș., contrary to the mandatory provision of art. 131 of the Enforcement Code.

[12] Decision of the Supreme Court of Justice no. 3-7/25 of 19 September 2025, para. 82, https://jurisprudenta.csj.md/search_col_civil.php?id=80545

B. The subject’s financial resources as of 13 April 2020

122. In the context of the relevant facts and the findings retained above, the Panel will next examine whether, on 13 April 2020, the date of the first payments made to the bailiff Nicolae Pașa, the subject had sufficient financial resources to cover the cost of purchasing the real property in Cricova town, amounting to 763,412 MDL.

123. The Panel made the following calculations concerning the balance between the subject’s incoming and outgoing financial flows for the period 1 January 2020 – 13 April 2020:

- According to the information available to the Panel, as of 13 April 2020 the subject recorded a higher outgoing financial flow than incoming financial flow, resulting in a negative balance of 561,087 MDL.
- The incoming financial flow includes cash savings at the end of 2019 – beginning of 2020 amounting to 130,000 MDL, according to the subject’s response to R2-Q8, and bank savings identified in the subject’s bank accounts amounting to 9 MDL.
- The incoming financial flow also includes the subject’s net salary of 64,657 MDL from the Prosecutor’s Office and the National Institute of Justice, according to the banking information available to the Panel for the period 1 January 2020 – 13 April 2020.
- The incoming financial flow also includes donations of 2,000 USD (est. 34,640 MDL) from the subject’s brother, according to the annual declaration of assets and personal interests for 2020.[13]
- It follows from the above that, for the period 1 January 2020 – 13 April 2020, the subject’s household’s total net income amounted to **229,306 MDL**.
- The outgoing financial flow includes the cost of purchasing the individual dwelling house with an area of 101 sq. m. and the 0.0327 ha land plot, located in Chișinău municipality, Cricova town, amounting to 763,412 MDL.
- The outgoing financial flow also includes payment of child maintenance of 14,000 MDL, calculated on the basis of the subject’s explanations (R4-Q3), according to which he paid 48,000 MDL annually by way of maintenance.
- The outgoing financial flow also includes CEP for the subject, calculated for one person living in an urban area for a period of three and a half months, amounting to 12,981 MDL.
- It follows that, for the period 1 January 2020 – 13 April 2020, the household’s outgoing financial flows amounted to **790,393 MDL**.
- As a result, the negative balance between the subject’s income and expenditure for the period 1 January 2020 – 13 April 2020 is 561,087 MDL.

Table 1. Incoming and outgoing financial flows of the subject’s household for the period 1 January 2020 – 13 April 2020

Incoming financial flow MDL	**Outgoing financial flows MDL**

[13] Although the Panel does not know the exact date of the donation, it was taken into account.

Cash and bank savings at the beginning of 2019 (*transferred as savings from previous year*)	130,009	CEP (one adult in the household in urban area)	12,981
Net salary of the subject	64,657	The purchase price of the dwelling house and the adjoining land plot	763,412
Donation from the brother	34,640	Alimony support	14,000
TOTAL income	**229,306**	**TOTAL expenditure**	**790,393**
BALANCE: - 561.087			

124. Considering the above, the Panel determined that the total difference between assets, expenditure and income (unjustified wealth) during the assessed period is 684,981 MDL: 123,894 MDL in 2013 and 561,087 MDL in 2020. This amount exceeds the threshold of 20 average salaries in the economy (234,000 MDL) provided for in art. 11 para. (3) lit. a) of Law No. 252/2023. Accordingly, the Panel concludes that the subject does not meet the financial integrity criterion laid down in art. 11 para. (3) lit. a) of Law No. 252/2023.

Aspects that raised doubts during the evaluation but do not lead to failure under Law No. 252/2023:

Aspect 2. The subject's involvement in two cases examined by the European Court of Human Rights (ECtHR), where violations of the European Convention on Human Rights (ECHR) were found (a. Mașaev v. Moldova; b. Mîțu v. Moldova)

a. Case of Mașaev v. Moldova, No. 14043/18

125. According to the information available to the Panel, certain procedural acts adopted by the subject regarding the deprivation of liberty of Denislam Mașaev were examined by the ECtHR, in the case of *Mașaev v. the Republic of Moldova*, decision of 4 April 2023.

126. According to the case materials reviewed by the ECtHR, criminal proceedings concerning alleged acts of corruption were initiated in February 2017, and on 13 July 2017 the subject brought charges against Denislam Mașaev.

127. The subject issued the following acts relating to the deprivation of liberty of Denislam Mașaev:
- issued the arrest order (12 July 2017);
- submitted and argued before the court the application for the imposition (14 July 2017) and extension (7 September 2017) of pre-trial detention; [14]
- participated in three hearings of the Chișinău Court of Appeal, requesting either that the appeal lodged by the claimant's lawyer be rejected and pre-trial detention be upheld (20 July 2017 and 20 September 2017) or that house arrest be replaced with pre-trial detention (23 August 2017).

[14] On 4 August 2017, another prosecutor submitted the application to extend the pre-trial detention.

128. Following Denislam Mașaev's complaint, the ECtHR found a violation of art. 5 para. 1 of the ECHR on the grounds that the materials submitted by the prosecution were insufficient to justify his deprivation of liberty.[15]

129. As the criminal case against Denislam Mașaev was pending at the Court of Appeal when the subject was heard, the Panel examined this matter in a closed session.

130. At the hearing, when asked about this matter, the subject argued, just as during the written round of questions, that it was the court's failure to give reasons for imposing pre-trial detention. The subject also referred to the fact that, in the same case, the judges' evaluation commission did not find the conduct of the judge who granted the subject's initial application and imposed pre-trial detention to be arbitrary.

131. The Panel observes that the acts issued by the subject resulted in Denislam Mașaev being deprived of liberty between 12 July 2017 and 20 September 2017. Between 4 August 2017 and 23 August 2017, the preventive measure of house arrest was applied in respect of Denislav Mașaev.

132. The Panel notes that, although the decision on pre-trial detention belongs to the judge, the prosecutor's role in seeking and supporting the application of such measures entails a high level of responsibility. Accordingly, the prosecutor must act with heightened caution and diligence when his applications may affect a person's fundamental rights.

133. However, including in the light of the Supreme Court of Justice's findings on the interpretation of art. 11 para. (2) lit. a) of Law No. 252/2023,[16] the Panel considers that the subject's omissions in the present case, do not, taken individually, reach the threshold required to establish the legal criterion that would cause the subject to fail the evaluation.

b. Case Mîțu v. the Republic of Moldova, No. 23524/14

134. According to the information available to the Panel, certain procedural acts adopted by the subject, in relation to the applicant's complaint concerning the use of force by police officers, were examined by the ECtHR in the case of *Mîțu v. the Republic of Moldova.*[17]

135. According to the case materials, on 30 May 2013 the applicant lodged a complaint with the police regarding the excessive use of force by police officers. On 20 June 2013, the subject refused to initiate criminal proceedings.

136. Following the applicant's complaint, ECtHR found a violation of art. 3 of ECHR, both in its substantive and procedural aspects.

[15] Mașaev v. Moldova, no. 14043/18 of 4 April 2023, para. 16, https://hudoc.echr.coe.int/eng?i=001-223922
[16] Decision of the Supreme Court of Justice No. 3-7/25 of 19 September 2025, para. 89, https://jurisprudenta.csj.md/search_col_civil.php?id=80545.
[17] Mîțu v. the Republic of Moldova, no. 23524/14 of 30 June 2020, https://hudoc.echr.coe.int/eng?i=001-203304

137. Although the materials analysed might, at first glance, confirm the existence of a potential arbitrary act on the basis of ECtHR' finding of a procedural breach of art. 3 of ECHR, the Panel notes that the subject issued his order on 20 June 2013, beyond the ten-year period set by Law No. 252/2023. Accordingly, this aspect was not examined further.

VI. Conclusion

138. Based on the information it obtained and that was presented by the subject, the Panel proposes that Veaceslav POTÎNGA does not pass the external evaluation made according to the criteria set in art. 11 of Law No. 252/2023.

VII. Further Action and Publication

139. 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.

140. 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.

141. 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).

142. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 19 May 2026 and signed by the Vice-Chairperson of the Commission.

143. Done in English and Romanian.

Signature:

Digitally signed by Moraru Virginia
Date: 2026.05.22 10:26:18 EEST
Reason: MoldSign Signature
Location: Moldova
MOLDOVA EUROPEANĂ

Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission