PROSECUTOR VETTING COMMISSION

Evaluation Report No. 44 of 17 July 2026
on Grigore POTORAN, Interim Deputy Chief Prosecutor of the Chisinau Prosecutor's Office,
subject of evaluation under Law No. 252/2023 in his capacity as prosecutor in the Anti-Corruption Prosecutor's Office

Evaluation Panel B ("the Panel") of the Prosecutor Vetting Commission ("the Commission") established by Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts ("Law No. 252/2023"), discharging the powers under the same Law, deliberated in private on 3 July 2026 and approved this report on 17 July 2026.

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

Virginia MORARU – Panel's Chair
Cornel LEBEDINSCHI
Irmantas MIKELIONIS

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

I. Introduction

1. This report concerns the subject of evaluation Grigore POTORAN, Interim Deputy Chief Prosecutor of the Chisinau Prosecutor's Office.

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

3. The Panel unanimously concluded that Grigore POTORAN meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Grigore POTORAN ("the subject") was appointed as a prosecutor in the Soldanesti District Prosecutor's Office on 19 July 2011. On 25 February 2013, he was transferred to the Centru District Prosecutor's Office of Chisinau Municipality. From 2 September 2019 to 6 September 2020, the subject was delegated to the Anti-Corruption Prosecutor's Office ("APO"). On 7 September 2020, he was appointed as a prosecutor in the APO. Since 18

May 2026, he has served as Interim Deputy Chief Prosecutor of the Chisinau 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

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

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 final judgments shall be taken into account by the Commission, except for judgments that the Commission considers to be arbitrary or manifestly unreasonable. The Commission may rule only on breaches of the rules of ethics and professional conduct, without ruling on the legality of the decisions in question.

12. In applying art. 11 para. (3) of Law No. 252/2023, the Commission cannot apply the term “serious doubts” without considering the accompanying phrase “determined by the fact that”. This phrase suggests that the Commission must identify as a “fact” that the specified conduct has occurred.

13. Regarding the standard of “serious doubts” in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Prosecutors can only decide not to promote a subject if the report examined contains “confirming evidence” regarding the non-compliance with the integrity criteria. The word “confirms” suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording “serious doubts” with the text “confirming evidence”, the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).

14. The Commission notes that the Venice Commission underlined that in “a system of prior integrity checks, the decision not to recruit a subject can be justified in case of mere doubt, on the basis of a risk assessment. However, the decision to negatively assess a current post holder should be linked to an indication of impropriety, for instance unjustified wealth, even if it cannot be proven beyond doubt that this wealth does come from illegal sources” (Opinion No. 1064/2021 of 20 June 2022, CDL-AD (2022)011-e, para. 10; Joint Opinion of 14 March 2023, CDL-AD(2023)005, para. 69).

15. Shifting the burden of proof to the subject, once the evaluating body has identified integrity issues, has been found permissible by the European Court of Human Rights (“ECtHR”), even in the vetting of sitting judges who may lose their positions or otherwise be sanctioned as a consequence of the evaluation. In *Xhoxhaj v. Albania,* no. 15227/19, 31 May 2021, § 352, the Court stated that “it is not per se arbitrary, for the purposes of the ‘civil’ limb of Article 6 § 1 of the Convention, that the burden of proof shifted onto the applicant in the vetting proceedings after the IQC [Independent Qualification Commission] had made available the preliminary findings resulting from the conclusion of the investigation and had given access to the evidence in the case file” (confirmed for the vetting of prosecutors

in *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 130).

16. Once the Commission establishes substantiated doubts based on particular facts that could lead to failure of evaluation, the subject will be afforded the opportunity to oppose those findings and to submit arguments in defense, as provided by art. 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

17. Grigore POTORAN 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 7 June 2024. Due to the subject's omission of certain close persons from his initial five-year declaration, he completed and resubmitted the declaration 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 B.

21. On 16 August 2024, the Commission notified the subject by email that his evaluation file had been randomly assigned to Panel B consisting of the following members: Virginia MORARU (Chair of the Panel), Cornel LEBEDINSCHI, and Irmantas MIKELIONIS. The subject was informed that he may request, in writing and at the earliest possible time, the recusal of members from the evaluation. He did not submit any recusal request.

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, both under Law No. 133/2016 on the declaration of assets and personal

interests ("Law No. 133/2016"), and under the previous Law No. 1264/2002 on the declaration and control of income and property of persons with public dignity positions, judges, prosecutors, civil servants and some persons with managing positions ("Law No. 1264/2002").

24. As part of the evaluation of the ethical and financial integrity of the subject, the Commission obtained information from numerous sources. The sources generally included the GPO, specialized Prosecutor's Offices, SCP, National Integrity Authority ("NIA"), National Anti-Corruption Center ("NAC"), Office for Prevention and Fight Against Money Laundering ("AML"), Ministry of Internal Affairs ("MIA"), Customs Service, State Tax Service ("STS"), General Inspectorate of Border Police, the National Office of Social Insurance ("CNAS"), Public Services Agency ("PSA"), Governmental Agent within the Ministry of Justice, banks, financial institutions etc. Information was also sought, and where applicable obtained, from other public and private entities, as well as open sources, such as social media and investigative journalism reports. All information received was carefully screened for accuracy and relevance.

25. To the extent that issues were raised from the subject's five-year declaration, and ethics questionnaire and collected information, those issues were raised in written questions with the subject.

26. On 9 February 2026, the Panel asked the subject to provide additional information by 23 February 2026 to clarify certain matters ("first round of written questions"). On 20 February 2026, the subject requested additional time to complete his answers, without specifying the length of the requested extension. The Panel granted an extension until 26 February 2026. The subject submitted his answers and supporting documents within the extended deadline, on 26 February 2026.

27. On 6 April 2026, the Panel asked the subject to provide additional information by 15 April 2026 to clarify certain matters ("second round of written questions"). The subject provided answers and documents within the set deadline, on 15 April 2026.

28. On 2 June 2026, the Panel asked the subject to provide additional information by 9 June 2026 to clarify certain matters ("third round of written questions"). The subject provided answers and documents within the set deadline, on 9 June 2026.

29. On 18 June 2026, the Panel notified the subject that it had not identified in its evaluation any areas of doubt about the subject's compliance with the integrity criteria and invited the subject to attend a public hearing on 30 June 2026 pursuant to art. 16 para. (2) of Law No. 252/2023. The subject was also informed about his rights under art. 16 para. (5) of Law No. 252/2023 and that he could request access to the evaluation materials.

30. The subject did not request access to the evaluation materials and, accordingly, was not provided with them.

31. On 26 June 2026, Panel B notified the subject that the hearing had been rescheduled for 3 July 2026. The subject consented to the new date.

32. On 26 June 2026, the subject participated in a public hearing before the Panel. 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

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

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

- *Donations received during the evaluated period.*
- *Failure to declare and pay tax on the capital gain resulting from the sale of a parking slot.*
- *Improper declaration of debts.*

35. These issues were mitigated before the hearing.

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. Donations received during the evaluated period

36. According to the subject's annual declarations submitted to the NIC and NIA, during the evaluated period, his family received donations amounting to 752,585 MDL in 2013, 35,000 MDL in 2014, 27,000 MDL in 2015, 32,000 MDL in 2016, 31,000 MDL in 2017, 42,000 MDL in 2018, 90,000 MDL in 2019, 166,000 MDL in 2020, 103,463 MDL in 2021, 141,847 MDL in 2022, and 78,500 MDL in 2023. The respective amounts were also reflected, in most instances, in the annual declarations submitted by the subject's wife.

37. In his answers to the Panel's questions, the subject attributed the declared donations to several sources: monetary gifts received at his wedding and at the christening celebration of his son, financial support provided by his father, gifts provided to his wife by her brother, and monetary gifts received by members of the household on their birthdays.

38. In R1-Q12, the subject stated that he received net wedding gifts of 45,000 EUR, equivalent to approximately 752,585 MDL, following his wedding on 7 September 2013. According to the subject, the wedding took place at the "C." restaurant in Chisinau and was attended by approximately 260 – 270 guests.

39. The subject identified 25 guests, primarily family members, close relatives, and friends, who had offered gifts totaling 16,800 EUR. He stated that he could no longer recall the

amounts offered by the remaining guests individually, but that the monetary gifts generally ranged from 200 EUR to 350 EUR per couple.

40. In R2-Q5, the subject provided additional details concerning the number of guests. He explained that 18 tables had been arranged, with approximately 12 – 16 guests at each table. A separate table accommodated approximately ten close family members who were not included in the guest list, while the godparents were seated at the bride and groom's table and were likewise not included in that list.

41. The subject also submitted photographs from the wedding. The photographs and the information concerning the organization of the tables supported his explanation that the event was attended by a substantial number of persons. Publicly available information concerning the venue indicated that it had a capacity of approximately 200 – 350 persons, which was compatible with the size of the event described by the subject.

42. The Panel notes that the precise amount received at the wedding cannot be independently reconstructed. The subject did not provide a complete list of the guests or contemporaneous records of the gifts received, and the amounts attributed to most of the guests were based on estimates provided more than ten years after the event.

43. Nevertheless, the occurrence and scale of the wedding were sufficiently established. The declared amount was not manifestly inconsistent with the number of guests, the amount of 16,800 EUR attributed to the identified donors, and the general range of gifts indicated by the subject. The Panel therefore did not identify sufficient grounds to exclude the wedding donations from the household's incoming financial flow.

44. In R1-Q13, the subject stated that his family received 38,000 MDL following the christening celebration of his son on 5 September 2020. He explained that the event took place in a gazebo outside Chisinau and was attended by approximately 23 adults.

45. According to the subject, seven of the participants were close relatives, while the remaining guests consisted of eight families of close persons, corresponding in total to 11 couples and one single person. The subject identified the close relatives but could not identify all the remaining guests or specify the amount offered by each of them. He stated that the gifts generally ranged from 200 EUR to 400 EUR per couple.

46. The Panel notes that the evidence concerning the christening gifts was limited. The subject did not provide a complete list of participants, statements from the alleged donors, or other contemporaneous evidence concerning the amounts received.

47. However, the declared amount of 38,000 MDL was not disproportionate to the number of guests described by the subject. It was also below the amount that would result from applying even the lower end of the range indicated by him to the number of couples said to have attended. Although the exact amount could not be verified, the Panel did not identify sufficient grounds to regard it as implausible.

48. In R1-Q14, the subject stated that his father provided his family with 75,000 MDL in 2020, 40,000 MDL in 2021, 60,000 MDL in 2022, and 30,000 MDL in 2023. According to the subject, the amounts were provided in cash, sometimes in several instalments, from savings accumulated by his father over time.

49. The subject explained that his father's savings included financial support received from his godson, V.R., who lived in the Russian Federation. Information obtained from B.C. "V." S.A. confirmed that, in 2013, the subject's father received transfers totaling 1,450,000 RUB, equivalent to approximately 560,700 MDL, and, in 2014, transfers totaling 555,000 RUB, equivalent to approximately 214,545 MDL. The transfers were made by V.R. or, in some instances, through V.R.'s daughter.

50. At the same time, information obtained from Moldovan banks did not confirm that the subject's parents had received international transfers through rapid-remittance services between 2000 and 2011.

51. In R2-Q18, the subject stated that he did not possess documents confirming the financial support allegedly received by his father during that earlier period. He explained that some funds had been brought to the Republic of Moldova by drivers travelling from the Russian Federation and that no written declarations, statements, or receipts had been prepared.

52. The Panel could therefore not verify the subject's assertion concerning the funds allegedly received by his father before 2012. However, the bank information for 2013 and 2014 objectively demonstrated that the subject's father had received substantial financial resources.

53. The aggregate support reportedly provided to the subject's family between 2020 and 2023 amounted to 205,000 MDL, substantially less than the transfers confirmed for 2013 and 2014. The Panel nevertheless notes that the donations were allegedly made six to ten years after the confirmed transfers and that the subject did not provide information permitting a complete analysis of his father's income, expenses, or savings during the intervening period.

54. This passage of time reduced the probative value of the confirmed transfers as evidence of the father's financial capacity at the date of each donation. However, there was no evidence demonstrating that the confirmed funds had been exhausted or that the father otherwise lacked the capacity to provide the amounts declared by the subject.

55. Considering the close family relationship, the amounts involved, and the substantial transfers objectively confirmed in the donor's name, the Panel considered that the doubts concerning the father's financial capacity were sufficiently mitigated.

56. In R1-Q15, the subject stated that his wife received 500 EUR in 2021 and 1,500 EUR in 2022 from her brother, M.A. The subject explained that the first amount originated from M.A.'s salary earned in Belgium, where he had worked since approximately 2018. In

support of this explanation, the subject submitted a copy of M.A.'s individual employment contract.

57. According to the subject, the amount of 1,500 EUR originated from savings accumulated following M.A.'s wedding in 2022. Although the precise source of that amount was not independently verified, the donations were relatively modest. Considering the evidence of M.A.'s employment abroad, the Panel did not identify sufficient grounds to question his capacity to provide them.

58. The subject's family also declared recurring monetary gifts allegedly received on the birthdays of the subject, his wife, and their children. The amounts totaled 501,500 MDL between 2014 and 2023, comprising 35,000 MDL in 2014, 27,000 MDL in 2015, 32,000 MDL in 2016, 31,000 MDL in 2017, 42,000 MDL in 2018, 90,000 MDL in 2019, 91,000 MDL in 2020, 53,000 MDL in 2021, 52,000 MDL in 2022, and 48,500 MDL in 2023.

59. In R1-Q16, the subject stated that the gifts were offered by family members, close relatives, and friends invited to family birthday celebrations. He identified several persons belonging to the family's close circle, including his father, parents-in-law, sister, brother-in-law, and aunt.

60. However, the subject could not indicate, for each year, which persons had offered gifts or the amounts provided by each donor. He did not submit statements from the alleged donors or other evidence permitting the Panel to reconstruct the amounts received in particular years. The subject explained that a significant part of the gifts had been added to the family's household savings.

61. In R1-Q16, the subject also stated that, when attending events organized by relatives or friends, he generally offered symbolic gifts rather than monetary gifts. In R2-Q7, he explained that neither he nor his wife had maintained records of the weddings, christenings, or other events they had attended during the evaluated period. He acknowledged that they had occasionally offered monetary gifts but maintained that the amounts had been modest.

62. The Panel considered that the subject could not reasonably be expected to preserve detailed records of every birthday gift received over a period of ten years. Nevertheless, the recurring nature and cumulative value of the amounts declared required a sufficiently specific and credible explanation.

63. The subject's inability to identify the donors and amounts by year, coupled with the absence of corroborating evidence, prevented the Panel from verifying that the entire amount of 501,500 MDL had been received as declared.

64. The Panel also considered that recurring gifts received within a family and social circle would ordinarily entail some reciprocal expenditure when the subject and his family attended events organized by the same persons. The subject's assertion that the family generally offered only symbolic or modest gifts was not corroborated.

65. However, the Panel could not conclude, solely on the basis of general social practices concerning reciprocity, that the value of the gifts offered by the subject's family necessarily equaled the value of the gifts received. Nor could the Panel determine the value of any reciprocal expenditure that had not already been reflected in the family's consumption expenses. The Panel therefore did not treat the net financial effect of the birthday gifts as automatically amounting to zero.

66. In view of the limited supporting evidence, the Panel retained doubts concerning whether all the birthday gifts were received in the amounts declared. Those doubts, however, are not determinative for the outcome of the evaluation.

67. The financial-flow analysis shows that, even if the entire amount of 501,500 MDL declared as birthday gifts between 2014 and 2023 is excluded from the family's incoming financial flow, the subject's household does not record a negative balance during the evaluated period.

68. Only under the further adverse assumption that the financial support received from the subject's father is also excluded would the calculation result in negative balances of 18,947 MDL in 2018, 66,923 MDL in 2021, and 42,205 MDL in 2022. The cumulative negative balance under that scenario would amount to 128,075 MDL.

69. This cumulative negative balance resulting from the adverse calculation remains 105,925 MDL below the statutory threshold of 234,000 MDL. Accordingly, even if the Panel were to disregard both the recurring birthday gifts and the financial support attributed to the subject's father, the resulting discrepancy would not reach the threshold established by art. 11 para. (3) lit. a) of Law No. 252/2023.

70. Accordingly, in relation to the issue of donations received during the evaluation period, the Panel finds that the subject meets the criterion of financial integrity under art. 11 para. (3) lit. a) of Law No. 252/2023.

Issue 2. Failure to declare and pay tax on the capital gain resulting from the sale of a parking slot

71. During the evaluated period, the subject owned a parking slot, located on B. Street, Chisinau. The subject acquired the future asset under an investment contract of 2 December 2016, concluded with "P." S.R.L.

72. According to the investment contract, the price of the parking slot was 2,000 EUR, payable by 31 December 2018. On 11 June 2018, the subject transferred 39,479 MDL to "P." S.R.L. as payment for the parking slot.

73. In his annual declarations for 2018 – 2021, the subject declared the parking slot at a value of 2,000 EUR. He did not declare it in the sections concerning immovable property in his annual declarations for 2016 and 2017.

74. In R1-Q38, the subject explained that, when he concluded the investment contract in 2016, the construction was at an early stage, and the amount of 2,000 EUR represented the actual contractual price. He stated that the funds used for the purchase originated from the monetary gifts received at his wedding in 2013.

75. The subject further explained that he had not declared the parking slot as immovable property in 2016 and 2017 because, at that time, he had concluded only an investment contract and had not yet made any payment. According to him, he instead referred to the investment contract in the section concerning debts. He stated that, after paying the full price and consulting representatives of the NIA, he began declaring the asset in the section concerning immovable property from 2018 onwards.

76. On 26 April 2022, the subject and his wife sold the parking slot to E.A. for 100,000 MDL. The sale was reflected in the subject's annual declaration for 2022.

77. In R1-Q38, the subject explained that the sale formed part of an arrangement intended to replace parking slot no. 63 with another parking slot in the same residential complex. According to him, his wife was dissatisfied with the initial parking slot, and the administrator of the construction company informed them that a direct exchange could not be carried out. Two separate sale-purchase contracts were therefore concluded: one for the sale of a parking slot for 100,000 MDL and another for the acquisition of a parking slot for 120,000 MDL. The subject stated that he added 20,000 MDL to the proceeds from the first transaction.

78. In R2-Q9, the subject stated that the buyer paid the amount of 100,000 MDL in cash. According to him, approximately two days later, he deposited the amount into his bank account and transferred it to "P." S.R.L. as part of the payment for the replacement parking slot.

79. The subject acknowledged that he had not submitted the income tax declaration for fiscal year 2022. He explained in R2-Q9 that he considered the two transactions to represent, in substance, an exchange of immovable assets and that he had neither pursued nor obtained a taxable capital gain.

80. The Panel notes that the subject's explanation concerning the economic purpose of the transactions is supported by their chronology and by the close correspondence between the amount received from the sale, 100,000 MDL, and the price paid for the replacement parking slot, 120,000 MDL. The available information therefore supports the subject's assertion that his intention was to replace one parking slot with another rather than to realize and retain a profit.

81. However, the legal form chosen by the parties consisted of two distinct sale-purchase transactions. The first parking slot was sold to E.A., while the second was acquired from "P." S.R.L. No exchange contract was concluded.

82. The tax consequences were therefore to be determined by reference to the sale of the first parking slot as a separate transaction. The fact that the proceeds were subsequently used to acquire another immovable asset did not eliminate the capital gain resulting from the first transaction.

83. Under art. 18 lit. e) of the Tax Code, capital gains constitute a taxable source of income. Under art. 39 para. (1) lit. b) of the Tax Code, immovable property constitutes a capital asset. Under art. 40 para. (1) of the same Code, the capital gain resulting from the disposal of a capital asset represents the difference between the amount received and the adjusted cost basis of the asset.

84. The subject received 100,000 MDL from the sale of the parking slot, while its documented acquisition cost was 39,479 MDL. The resulting capital gain amounted to 60,521 MDL.

85. Under art. 40 para. (7) of the Tax Code, 50% of the recognized capital gain was taxable. The taxable amount therefore constituted 30,261 MDL.

86. Applying the income tax rate of 12% provided by art. 15 lit. a) of the Tax Code, the tax payable on the transaction amounted to approximately 3,631 MDL.

87. The subject was therefore required to declare the capital gain and pay the corresponding income tax. His failure to do so constituted a tax irregularity.

88. The Panel considered the subject's explanation that he understood the transactions as an exchange. The explanation is relevant to the context in which the omission occurred, particularly because the proceeds from the first sale were used shortly afterwards to acquire the replacement parking slot. However, the subject's understanding could not alter the tax consequences of the two contracts actually concluded.

89. The Panel also notes that the subject is a seasoned legal professional and could reasonably have been expected to distinguish between an exchange contract and two separate sale-purchase contracts.

90. Under art. 11 para. (3) lit. b) of Law No. 252/2023, the subject does not meet the financial integrity criterion if the Commission has serious doubts determined by tax irregularities committed during the last ten years, as a result of which the total amount of unpaid tax exceeds five average monthly salaries per economy established for 2023.

91. According to Government Decision No. 936/2022, the average monthly salary per economy forecast for 2023 amounted to 11,700 MDL. The applicable threshold of five average monthly salaries therefore amounts to 58,500 MDL.

92. The unpaid tax resulting from the sale of the parking slot amounted 3,631 MDL. This amount is 54,869 MDL below the statutory threshold.

93. Accordingly, although the subject committed a tax irregularity by failing to declare the capital gain and pay the corresponding income tax, the amount of unpaid tax does not exceed the threshold established by art. 11 para. (3) lit. b) of Law No. 252/2023.

94. Accordingly, in relation to the issue of failure to declare and pay tax on the capital gain resulting from the sale of a parking slot, the Panel finds that the subject meets the criterion of financial integrity under art. 11 para. (3) lit. b) of Law No. 252/2023.

Issue 3. Improper declaration of debts.

95. The Panel examined whether the subject complied with his legal and ethical obligation to fully and accurately declare his personal debts.

96. In his annual declarations for 2021 and 2022, the subject declared a debt of 220,000 MDL to his brother-in-law, L.V., arising from the contract of sale and purchase of 5 April 2021. Under that contract, the subject purchased from L.V. a 2017 Mercedes E200D vehicle, with the outstanding amount to be repaid by 2024.

97. Information obtained from financial institutions showed that, during 2018 – 2023, the subject and his wife contracted several loans and credits, some of which were active during overlapping periods.

98. In particular, on 21 March 2022, the subject concluded a loan contract with O.C.N. "M." S.R.L. for the amount of 11,549 MDL. The respective obligation was not reflected in the subject's annual declaration submitted to the NIA on 22 March 2022 or in the subsequent annual declarations submitted on 25 March 2022 and 23 March 2023.

99. Under art. 4 para. (1) lit. e) of Law No. 133/2016, subjects of declaration were required to declare their personal debts and those of their family members, including loans and credits, where their aggregate value exceeded ten average monthly salaries per economy.

100. According to Government Decision No. 458/2021, the average monthly salary per economy forecast for 2022 amounted to 9,900 MDL. The applicable declaration threshold of ten average monthly salaries therefore amounted to 99,000 MDL.

101. The Panel notes that the subject's aggregate debt position already exceeded the statutory threshold, as he had declared the outstanding debt of 220,000 MDL arising from the purchase of the vehicle. Consequently, the additional obligation of 11,549 MDL toward O.C.N. "M." S.R.L. was also required to be reflected in his annual declarations. The fact that the amount of that obligation, viewed separately, was below 99,000 MDL did not remove the obligation to declare it, since art. 4 para. (1) lit. e) of Law No. 133/2016 concerned the aggregate value of the subject's debts.

102. In R1-Q18, the subject explained that he had not included certain loans or credits in his annual declarations because he did not consider them to be conventional loans. According to him, they represented interest-free instalment arrangements used to purchase household appliances from specialized stores. He also stated that neither the individual amounts nor

their cumulative value exceeded the statutory threshold and that most of the instalments were repaid from salary income.

103. The Panel does not accept this explanation in full. The legal obligation to declare a financial obligation does not depend exclusively on the subject's personal characterization of the underlying arrangement. The obligation toward O.C.N. "M." S.R.L. arose from a loan contract and constituted a personal debt within the meaning of art. 4 para. (1) lit. e) of Law No. 133/2016.

104. Moreover, the subject's position that the relevant amounts did not cumulatively exceed the statutory threshold did not take into account the debt of 220,000 MDL that he had already declared. Since the aggregate value of his debts exceeded 99,000 MDL, the additional obligation of 11,549 MDL should also have been disclosed.

105. The omission therefore constituted a breach of the subject's legal obligation to submit complete and accurate annual declarations of assets and personal interests.

106. The Panel considered the omission in light of the Prosecutors' Code of Ethics, adopted by the General Assembly of Prosecutors on 27 May 2016. Under art. 6.1.1, a prosecutor is required to comply with the law and to act consistently with the principle of legality. Under art. 6.3.1, a prosecutor must demonstrate integrity and responsibility and must act in a manner that preserves public confidence in the prosecution service. In addition, the ethical requirement of transparency concerning assets and financial obligations entails the accurate disclosure of information that is required by law to be made public by virtue of the office held.

107. The subject's failure to reflect the loan from O.C.N. "M." S.R.L. in his annual declarations was inconsistent with these duties of legality, responsibility, and financial transparency.

108. In assessing the seriousness of the breach, the Panel considers that the omission was repeated in more than one annual declaration. It did not concern information unrelated to the declaration regime, but an existing financial obligation that fell within a category expressly regulated by art. 4 para. (1) lit. e) of Law No. 133/2016. The subject was also not unfamiliar with the obligation to declare debts, since he had disclosed the substantially larger obligation of 220,000 MDL toward his brother-in-law.

109. At the same time, the Panel considers that the breach was limited in gravity. The omitted debt amounted to 11,549 MDL and was substantially smaller than the debt of 220,000 MDL that the subject had declared. The omission did not conceal a substantial financial obligation or materially distort the overall picture of the subject's indebtedness.

110. The Panel was not presented with evidence that the funds had an illicit source, that the loan concealed an improper financial relationship, or that it generated a conflict of interest or an advantage connected to the subject's prosecutorial duties. The available information

indicates that the obligation was connected to the acquisition of household goods and was repaid from the family's lawful income.

111. The Panel therefore considers that the omission of the debt of 11,549 MDL constituted a violation of the applicable declaration requirements and of the corresponding ethical duties under the Prosecutors' Code of Ethics.

112. However, under art. 11 para. (2) lit. a) of Law No. 252/2023, only a serious violation of the rules of ethics and professional conduct may lead to a finding that the subject does not meet the ethical integrity criterion.

113. Having regard to the limited amount involved, the declaration of the subject's substantially larger debt, the absence of evidence of illicit origin, conflict of interest, or improper advantage, and the limited effect of the omission on the transparency of the subject's overall financial position, the Panel does not consider the violation sufficiently serious for the purposes of art. 11 para. (2) lit. a) of Law No. 252/2023.

114. Accordingly, in relation to the issue of improper declaration of debts, the Panel finds that the subject meets the criterion of ethical integrity under art. 11 para. (2) lit. a) of Law No. 252/2023.

VI. Conclusion

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

VII. Further Action and Publication

116. 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.

117. 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.

118. 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).

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

120. Done in English and Romanian.

Signature:

Digitally signed by Moraru Virginia
Date: 2026.07.20 14:26:35 EEST
Reason: MoldSign Signature
Location: Moldova
MOLDOVA EUROPEANĂ

Virginia MORARU
Vice-Chairperson
Prosecutor Vetting Commission