

### JUDICIAL SYSTEM

#### A. INDEPENDENCE

#### 2. Appointments and selection of judges, prosecutors and court presidents (including judicial review)

*Updating the general information on the relevant legislative framework with details of the relevant legislative changes during the reference period, as well as on procedures for entering the profession and filling vacancies:*

- *On 16.12.2022 the Law No 303/2022 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, No 1102/16.11.2022, entered into force.*

*Similar to the previous legislation, two methods are provided in the law for admission in profession, namely the admission contest/competition to the National Institute of Magistracy (Articles 5-24 of the Law) and the competition for admission in the magistracy (Articles 63-79 of the Law).*

*As a novelty, the duration of training courses for judicial auditors has been increased, starting with 2025, from 2 to 3 years.*

*The graduates of the National Institute of Magistracy with good reputation are appointed by the appropriate section of the Superior Council of Magistracy in the positions of junior/trainee judges or junior/trainee prosecutors, and at the end of the traineeship period judges and prosecutors are required/obliged to participate at the capacity examination. The judges and prosecutors who have passed the capacity examination, as well as the candidates admitted to the competition for admission in the magistracy are appointed in function by the President of Romania.*

*Regarding the appointment in the leading positions at the courts, the new law regulates distinctly the procedure of occupying the leading positions of the High Court of Cassation and Justice, respectively for the leading positions in the other courts.*

*At the High Court of Cassation and Justice, the President, Vice-Presidents and Presidents of Sections are appointed by the Section for Judges, following an interview consisting of presenting the managerial plan, the verification of the managerial and communication skills, focusing essentially on the organisational capacity, speed in decision-making, resilience to stress, self-improvement, capacity for analysis, synthesis, forecasting, short, medium and long-term strategy and planning, initiative, rapid adaptability, networking and communication capacity, as well as verification of the specific knowledge of the function/position the candidate has applied for.*

*Appointment in the positions of president of first instance courts, tribunals, specialised tribunals and courts of appeal shall be made only by means of competition or examination organised, whenever necessary, by the Superior Council of Magistracy, with the support of the National Institute of Magistracy. The law provides in details the manner of organising and conducting the contest, including the competition commissions, the evaluation criteria and the way of contesting the results, being fully ensured the transparency, objectivity and predictability of the procedure, to the exclusion of any subjective assessments.*

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*Appointment in the other leading positions shall be made by the Section for Judges, at the proposal of the President of the court, in consultation with the judges of the court and with the opinion/endorsement of the leading board. The proposal on the candidacy of the selected judge shall be reasoned and shall include an analysis of all the applications submitted, the reasons for the selection and the reasons for rejecting the other applications. If deemed necessary, the judge shall give an interview before the appropriate section consisting of presenting the management plan, checking managerial and communication skills, with focus essentially on organisational capacity, speed in decision-making, stress resistance, self-improvement, capacity for analysis, synthesis, forecasting, short, medium and long-term strategy and planning, initiative, rapid adaptability, networking and communication capacity, as well as verification of the specific knowledge of the function/position the candidate has applied for.*

- *On 16.12.2022 the Law No 304/2022 on judicial organisation, published in the Official Gazette of Romania, Part I, No 1104/16.11.2022 entered into force.*

*According to this law, the appointment of prosecutors within the Directorate for Investigating Organised Crime and Terrorism and the National Anticorruption Directorate is made by order of the Chief Prosecutor of the Directorate, with the opinion/endorsement of the Section for Prosecutors of the Superior Council of Magistracy, according to a procedure detailed in Articles 86-87.*

- *Given that the new legal provisions applicable in the matter entered into force at the end of 2022, during this year the competitions were launched in accordance with the provisions of Law No 303/2004, republished, as subsequently amended and supplemented.*

*Thus, the competition for admission to the National Institute of Magistracy is being organised during July 2022 and March 2023, a number of 300 positions of justice auditors and 26 positions of legal specialised staff assimilated to judges and prosecutors being open for competition. Also, during the period 2022-2023, two competitions for admission in the magistracy have been ongoing (under the conditions of Article 33 of Law No 303/2004, republished, as subsequently amended and supplemented).*

*At the same time, during 2022, the vacancies/vacant positions have been filled in through the following:*

- *Distribution of graduates of the National Institute of Magistracy, the 2022 promotion*

*In view of Constitutional Court Decision No 121/2020, no competitions for admission in the magistracy or to the National Institute of Magistracy were held between 2020 and July 2021, therefore during 2022 there is no promotion of graduates from the National Institute of Magistracy. However, as a result of a particular situation, at the request of the National Institute of Magistracy, by Decision no. 90/07.07.2022, the Plenum of the Superior Council of Magistracy approved the thematic, the bibliography, the way of examination and the timetable for carrying out an extraordinary procedure of the NIM graduation exam for one graduate, the 2021 promotion.*

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*The state/situation on the 2021 NIM graduates distribution with an impact on filling in the vacancies in terms of judge and prosecutor positions within first instance courts and prosecutors' offices attached to them was presented extensively in the previous report.*

- *Appointment to magistracy on the basis of competition*

*As a result of the amendments brought by Law No 192/2021, it was possible to organise a competition for admission in magistracy under (the conditions of) Article 33(1) of Law No 303/2004 republished, as subsequently amended and supplemented. Thus, following the approval by Decision No 125/2021 of the Plenum of the Superior Council of Magistracy, during July 2021 and March 2022, the competition for appointing 75 judge positions at the first instance courts and 50 prosecutor positions at the prosecutors' offices attached to them was carried out, by the decree of the President of Romania being appointed 75 judges (according to the proposal for appointment made by Decision No 999/17.03.2022 of the Judges Section) and 49 prosecutors (according to the proposal for appointment made by Decision No 999/17.03.2022 of the Section for Judges) and 49 prosecutors (according to the appointment proposal made by Decision No 504/17.03.2022 of the Section for Prosecutors).*

- *Appointment, upon request, of prosecutors in judge positions and of judges in prosecutor positions.*

*By the Decision no. 1349/18.11.2021 the Section for Judges decided on the opening of a session for appointing prosecutors in judge positions, and the announcement of the opening of the procedure was published on the Council's website on November 19<sup>th</sup>, 2021.*

*The interview under this procedure took place during the session on January 11<sup>th</sup>, 2022 of the Section for Judges and proposals for appointment in judge positions were made for 18 persons. Following the withdrawal of the agreement of one of the prosecutors, 17 prosecutors were appointed in judge positions by decree of the President of Romania.*

*During the same reference period, no requests for appointment from judge to prosecutor positions were analysed at the level of the Section for Prosecutors.*

- *Appointment in judge or prosecutor positions, after passing the capacity examination*

*According to Article 25(1) of Law No 303/2004, republished, as subsequently amended and supplemented, in force in 2022, at the end of the traineeship period, junior/trainee judges and junior/trainee prosecutors are required to participate in the capacity examination.*

*In line with these legal provisions, the capacity examination of junior/trainee judges and junior/trainee prosecutors was held between November 2021 and April 2022. As a result of this examination, during 2022, by the Decision of the Section for Judges No 1190/20.04.2022 and respectively, by the Decision No 757/19.04.2022 of the Section for Prosecutors, proposals have been issued for the appointment, by decree of the President of Romania, of **111** judges and **86** prosecutors, without actually representing a filling in of vacancies.*

- *Appointments and re-appointment in judge and prosecutor positions under to Article 83(3) of Law No 303/2004 republished, as amended and supplemented*

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*During 2022, no re-appointment procedures in judge or prosecutors positions were organised, under Article 83(3) of Law No 303/2004, republished, as subsequently amended and supplemented.*

- *Appointment of judges in leading positions of President and Vice-President of courts of appeal, tribunals, specialised tribunals and first instance courts*

*During 2022, two competitions were organised to fill in vacant management/leading positions as president and vice-president at courts. Following the competition held during May and August 2022, 42 leading positions (22 president positions and 20 vice-president positions) were filled in.*

*The second competition/exam for appointment in leading positions for 2022 took place between September and December 2022, as approved by Decision No 2057/08.09.2022 of the Section for Judges, for filling in 170 vacant positions (including positions to become vacant at the beginning of January 2023). In the session on December 15<sup>th</sup>, 2022 of the Section for Judges the results of the competition/exam were validated and the appointment in leading positions was ordered for 36 candidates, as of January 4<sup>th</sup>, 2023 and respectively as of January 7<sup>th</sup>, 2023.*

*By Decision No 1061/2022, the Section for Prosecutors of the Superior Council of Magistracy has approved the organisation, through the National Institute of Magistracy, in Bucharest, during August 1<sup>st</sup> and 16 November 2022, of the competition/exam for the appointment in leading positions of prosecutors at the prosecutors' offices attached to the courts of appeal, to the tribunals, specialised tribunals and to first instance courts.*

*213 vacant positions of Prosecutor General, Deputy Prosecutor General, First Prosecutor and First Deputy Prosecutor of the Prosecutor's Offices attached to the courts of appeal, tribunals and first instance courts were open for this competition.*

*By Decision No 1531/22.11.2022 of the Section for Prosecutors, the results of the competition or exam for the appointment of prosecutors in leading positions at the prosecutors' offices attached to the courts of appeal, tribunals and to first instance courts, held between 1 August and 16 November 2022, were validated, 60 prosecutors being appointed in leading positions.*

### **3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)**

*Updating the general information on the relevant legislative framework with details of the relevant legislative changes made during the reference period, as well as on the situation of magistrates exiting the profession:*

*As mentioned above, Law No 303/2022 on the Statute of Judges and Prosecutors, which regulates issues concerning the irremovability of judges, including the procedure for the transfer of judges and their dismissal from office/exiting the profession, entered into force on 16.12.2022.*

*With regard to the dismissal of judges and prosecutors, the new legislation contains several amendments, in the sense that the postponement of the application of the punishment or waiver of the application of the punishment, ordered by a final court decision, as well as waiver of the criminal investigation confirmed by the judge of the preliminary chamber, except for the situations*

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*in which these solutions were ordered for crimes committed unintentionally, for which the corresponding section of the Superior Council of Magistracy considers that it does not affect the prestige of justice, represent as well situations of dismissal from office. The failure of having a specialised expertise as provided for in Article 199 carried out, for reasons attributable to the judge or prosecutor is also a case of dismissal.*

*Revocation of judges from leading positions within the first instance courts, tribunals, specialised tribunals and courts of appeal shall be made by the Section for Judges, ex officio or at the proposal of the general assembly or the president of the court, and the removal from office of the President, Vice-Presidents and Presidents of Section of the High Court of Cassation and Justice shall be made by the Section for Judges, ex officio or upon the notification of the general assembly of judges of this court, in accordance with a procedure detailed in Article 169-170 of the same law.*

*In the new regulation the time limit within which the decision of the Section for Judges for revocation from the leading position can be challenged was increased from 5 days (since the ruling) to 15 days (since the communication) and it was stipulated that in all cases the appeal suspends the enforcement until the case is resolved.*

➤ *Given that no transfer session was organised at 2021 level, given that on December 28th, 2021 the Law No 313/2021 introducing amendments and additions to the Law no 303/2004, as regards the institution of transfer, it was published in the Official Gazette of Romania, in 2022 over 1600 transfer requests submitted by judges were analysed, as well as over 650 transfer requests made by prosecutors.*

➤ **Situation of exiting from the profession, during the reference period:**

*By decrees of the President of Romania published in 2022, until 16.12.2022 (including), 398 persons were released from the judge positions, as follows:*

- 396 persons through retirement;
- 1 person as a result of resignation;
- 1 person as a result of the application of the disciplinary sanction consisting of exclusion from the magistracy.

*At the same time, six positions became vacated this year following the death of some judges.*

*By decrees of the President of Romania published in 2022, until 19.12.2021 (including), 252 persons were released from the prosecutor positions, as follows:*

- 231 persons as a result of retirement;
- 3 persons as a result of resignation;
- 17 prosecutors were appointed in judge positions;
- 1 person, following the final conviction.

#### **4. Promotion of judges and prosecutors (including judicial control)**

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*Updating the general information on the relevant legislative framework with details of relevant legislative changes during the reference period as well as on promotion procedures carried out*

*The new law stipulates similar to the old regulation that promotion to the position of judge at the High Court of Cassation and Justice shall be carried out in two stages, namely an evaluation/assessment of the judicial decisions of the candidates, carried out by an examination commission and an interview before the Section for Judges of the Superior Council of Magistracy. Compared to the old regulation, Law no. 303/2022 on the status of judges and prosecutors provides as a condition for participation in the competition the performance of the function of judge at the court of appeal for a period of at least 5 years (compared to 3 years as before).*

*As regards the promotion of judges and prosecutors in non-leading positions, the law contains provisions on promotion in professional rank (on the spot) and on effective promotion. Thus, both forms of promotion are carried out only through a competition organised at national level, within the limits of the vacant positions, for the actual/effective promotion, or within the limits of the positions open for competition, for promotion on the spot.*

### ➤ **Promotion of judges**

*During 2022, two on-the-spot promotion competitions and one effective promotion competition were organised for non-leading positions.*

*In the session on 22.12.2021, the Section for Judges approved for a promotion competition on the spot for judges to be organised, for 350 positions at tribunals (for which 230 candidates who met the conditions have applied) and 350 positions at the courts of appeal (for which 626 candidates who met the conditions have applied).*

*As a result of this competition, according to the Decision No 1023/2022 of the Section for Judges, 282 judges were promoted in rank of court of appeal and 181 judges were promoted in rank of tribunal.*

*A second on-the-spot promotion competition was carried out under the Decision of the Section for Judges no. 2137/22.09.2022, during September - December 2022, for 371 positions at tribunals and for 784 positions at the courts of appeal. The results of this competition were validated in the session on December 15<sup>th</sup> 2022 of the Section for Judges, namely 420 judges promoted on the spot in rank of court of appeal and 167 judges promoted on the spot in rank of tribunal.*

*As regards the competition for effective promotion in non-leading positions, this competition was approved by Decision No 1525/26.05.2022 of the Section for Judges to be held during May — October 2022. For this competition, 81 positions were allocated/opened for competition at the courts of appeal and 375 positions at the tribunals.*

*In the session on November 3<sup>rd</sup>, 2022 the Section for Judges has validated the results of this competition and the effective promotion to the higher ranked courts was ordered starting with 15.11.2022 or, as the case may be, from 01.01.2023, for 169 judges, out of which 55 to the courts of appeal and 114 judges to the tribunals.*

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*Distinctly, by Decision No 1038/06.04.2022, the Section for Judges decided to promote 14 judges to the higher courts, starting with 15.04.2022 and one judge starting with 01.06.2022, following the valorisation of the result obtained at the competition for promotion in non-leading positions of judges held between April and August 2021.*

### ➤ **Promotion to the position of judge at the High Court of Cassation and Justice**

*At the level of the Supreme Court, following the completion of the competition held between July and December 2021, in the session on January 18<sup>th</sup>, 2022, the Section for Judges decided on/ordered for the promotion of 12 judges to the Supreme Court, occupying all the positions announced within this procedure.*

*Moreover, by the Decision No 1990/19.07.2022 the Section for Judges approved the promotion competition for the position of judge at the High Court of Cassation and Justice, to be held during July to November 2022, for 15 judge positions, out of which 4 positions at the 1st Civil Section, 6 positions at the Criminal Section and 5 positions at the Administrative and Tax Litigation Section.*

*In the session on December 15<sup>th</sup>, 2022 the Section for Judges has validated the results and eight judges were promoted to the Supreme Court as of 1 January 2023: one judge at the Criminal Section, 5 judges at the Administrative and Tax Litigation Section and 2 judges in 1st Civil Section.*

*Promotion competitions for the High Court are currently ongoing, to be finalised/completed in March 2023, for the filling in 17 judge positions, out of which 4 positions at the 1st Civil Section, 5 positions at the Administrative and Tax Litigation Section, 6 positions at the Criminal Section and 2 positions at the 2nd Civil Section.*

### ➤ **Promotion of prosecutors**

*In 2022 competitions for promotion in non-leading positions both effective and on-the-spot were also organised for prosecutors.*

*Thus, by Decision No 94/18.01.2022 the Section for Prosecutors approved the organisation of the competition for effective promotion of prosecutors in non-leading positions, for 98 positions. As a result of the competition, 35 non-leading positions were filled in, another 10 applications being valorised (1 prosecutor promoted to the Prosecutors' office attached to the High Court of Cassation and Justice, 11 prosecutors to Prosecutors' office attached to the courts of appeals and 33 prosecutors to Prosecutors' office attached to tribunals).*

*By the Decision No 1060/28.06.2022 the Section for Prosecutors approved the organisation of the competition for promotion on the spot of prosecutors, on 11 September 2022, in order to for 230 positions to be filled in (80 positions at the Prosecutors' office attached to tribunals - PoT, 100 positions at the Prosecutors' office attached to courts of appeals – PoCA and 50 positions for the Prosecutors' office attached to the High Court of Cassation and Justice - PoHCCJ).*

*As a result of the competition, 82 prosecutors were promoted on the spot for the PoT rank, 101 prosecutors for PoCA rank and 53 prosecutors for the PoHCCJ rank.*

## 5. Allocation of cases in courts

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*During the reference period there were no changes to the regulation of the random distribution of cases in court.*

### **6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)**

*The guarantor of judicial independence is, according to the Fundamental Law, the Superior Council of Magistracy, whose composition is strictly provided by the Romanian Constitution, republished.*

*On 16.12.2022, Law No 305/2022 on the Superior Council of Magistracy entered into force, published in the Official Gazette of Romania, Part I, No 1105/16.11.2022.*

*As regards the procedure for the election of the members of the Superior Council of Magistracy, it is regulated in a similar manner to Law no. 317/2004 on the Superior Council of Magistracy, republished, as subsequently amended and supplemented, without containing significant changes in this respect.*

*We would point out that during the reference period a procedure for the election of the members of the Superior Council of Magistracy was organised, the final list of judges and prosecutors elected as members of the Council being set out in Annex 3 to Decision No 138/2022 of the Plenum of the Superior Council of Magistracy. They were validated by the Romanian Senate by Decision No 172/2022, published in the Official Gazette of Romania, Part I, No 1203/14.12.2022.*

*Also, by Decision No 173/2022 of the Romanian Senate, published in the Official Gazette of Romania, Part I, No 1203/14.12.2022, the two representatives of civil society were elected to the Superior Council of Magistracy.*

*As regards the powers of the Superior Council of Magistracy to defend the independence of the judiciary, the new law provides in a similar way to the old regulation, that the Council sections are required to bring proceedings/ to refer cases, ex officio, in order to defend/protect judges and prosecutors against any act of interference in or in connection with their professional activity, which could affect their independence or impartiality, and against any act that might create suspicions about them, and to defend the professional reputation of judges and prosecutors. Similar to the old provisions, the complaints concerning the defending/protection of the independence of the judicial authority as a whole are dealt with, upon request or ex officio, by the Plenum of the Superior Council of Magistracy.*

### **7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)**

*The restrictions and incompatibilities of judges and prosecutors are regulated in Articles 227-234 of Law No 303/2022 on the status of judges and prosecutors, with a few specific amendments/changes*



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*compared to the old regulation (e.g. it is expressly stipulated that judges and prosecutors, including those who have the capacity of elected member of the Superior Council of Magistracy, are not dignitaries, being unable to be simultaneously part of the judicial, executive or legislative authority; the result of the checks carried out by the Supreme Council of National Defence establishing the violation of the incompatibility of being operative workers, including covered, informants or collaborators of any intelligence service, shall be materialised in a document and communicated to the Superior Council of Magistracy, to the Ministry of Justice, to the one subject of the verification, as well as, upon request, to any person).*

*Issues regarding the liability of judges and prosecutors can be found both in Law No 303/2022 on the status of judges and prosecutors, and in Law No 305/2022 on the Superior Council of Magistracy.*

*As regards the disciplinary liability, the new regulation no longer stipulates as disciplinary offences the manifestations that affect the professional honour or probity or the prestige of justice, committed in the exercise of or outside the exercise of office duties, and the failure to comply with the decisions of the Constitutional Court or the decisions of the High Court of Cassation and Justice in the settlement of appeals in the interest of the law. At the same time, Law no. 305/2022 on the Superior Council of Magistracy contains a series of amendments to the old regulation in terms of disciplinary procedure. We would point out, in this regard, that it has been established that the disciplinary liability of judges and prosecutors has a statute of limitations of 4 years from the date on which the disciplinary offence was committed, and the statute of limitations for disciplinary liability is suspended for the entire duration of the suspension of the disciplinary proceedings. At the same time, disciplinary liability is prescribed /time-barred no matter how many suspensions occur, if the 4-year term is exceeded by another year.*

*With regard to liability for damage caused by judicial errors, the new legislation provides that the Ministry of Finance will refer the matter to the appropriate section of the Superior Council of Magistracy in order to determine whether the judicial error is the result of the performance of the function by the judge or prosecutor in bad faith or gross negligence, and at the request of the appropriate section, the Judicial Inspection carries out checks to assess whether the judicial error is the result of the performance of the duties by the judge or prosecutor in bad faith or gross negligence. The procedure for carrying out checks is regulated in Law No 303/2022 on the status of judges and prosecutors, previously laid down in Law No 317/2004 on the Superior Council of Magistracy, republished, as subsequently amended and supplemented. The time limit for bringing an action for recourse is in accordance with the new law of one year from the date of payment by the State of the sums due by way of compensation.*

*As regards the criminal liability of judges and prosecutors, Law No 49/2022 on the dismantling of the Section for Investigating Criminal Offences within the Judiciary and the amendment of Law No 135/2010 on the Code of Criminal Procedure was adopted during the reference period. According to the new regulation, offences committed by judges and prosecutors, members of the Superior*

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*Council of Magistracy, judges of the High Court of Cassation and Justice and prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice, judges of the courts of appeal and the Military Court of Appeal and prosecutors of the prosecutors' offices attached to these courts, as well as the judges of the Constitutional Court of Romania, fall within the competence of the Criminal Prosecution and Forensic Section of the Prosecutors' Office attached to the High Court of Cassation and Justice, and offences committed by judges of first instance courts, tribunals, military courts and prosecutors of prosecutors' offices attached to these courts fall within the competence of the prosecutors' office attached to the court of appeal.*

### **8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information**

*There were no changes in this area during the reference period.*

#### *Transparency of the system and access to information.*

*With regard to transparency and accountability of the Superior Council of Magistracy, taking into account also the maintenance of the provisions in the new regulation (Article 32(2) of Law No 305/2022 on the Superior Council of Magistracy), in order to inform about the activity of courts and prosecutor's offices, the members of the Council regularly made visits to the premises of the courts and prosecutor's offices and organised meetings with judges, prosecutors, professional associations and representatives of civil society. Similarly, the members of the Superior Council of Magistracy participated at the general assemblies of courts and prosecutors' offices where the annual activity reports were debated and approved.*

*At the same time, the full transparency coordinates that characterise the activity of the Superior Council of Magistracy include the consultation of the courts and prosecutor's offices attached to them on draft normative acts related to the activity of the judicial authority. An example of this is the consultation on legislative initiatives aimed at dismantling the Section for Investigating Criminal Offences within the Judiciary, the views thus expressed being taken into account by the Superior Council of Magistracy when adopting the opinions issued in this regard. The Council also carried out a broad consultation of the courts and prosecutors' offices on the drafts of the three justice laws, submitted for endorsement by the Ministry of Justice, their contribution, with numerous comments and proposals being significant, grounding the opinion expressed by the Council.*

*In the same vein, transparency in the Council's work was also achieved through the communication to the courts and prosecutor's offices of relevant solutions adopted at Council level, in the Plenum, Sections or in specialised committees, thus being widely and timely disseminated to judges and prosecutors.*

*Similarly, as an expression of the institutional collaboration promoted by the Council, representatives of the courts and prosecutor's offices and professional associations were invited to participate in working groups or other activities carried out at Council level.*

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*The activity of the Superior Council of Magistracy is carried out in full transparency, enshrined in the provisions of its organic law, in which we mention, as an example, the provisions of Article 29(8) and (9) of Law No 305/2022, according to which the draft agenda to be submitted to the vote of the plenum or sections shall be published three working days in advance on the website of the Superior Council of Magistracy. The decisions of the Superior Council of Magistracy shall be published on the website of the Superior Council of Magistracy.*

*Also, in order to ensure transparency, the public sessions of the plenum and of the sections are and shall be (under the provisions of the new justice laws as well) transmitted live on the website of the Superior Council of Magistracy and the stream is available on the main page of the website, with maximum visibility, with the exception of the sessions of the sections where requests for permission to search, detention, pre-trial detention or house arrest, judicial control or judicial review on bail with regard to judges or prosecutors, as well as those concerning hearings and deliberations in disciplinary matters, which are not public (Article 29(1) of Law No 305/2022); the normative decisions of the Council adopted in plenum or in sections shall be subject to the provisions of Law no. 52/2003 on transparency of decision-making in the public administration, republished, as amended; at the end of the decisions adopted by the plenum or the sections, without prejudice to the secrecy of the vote, the number of votes “in favour”, the number of votes “against” and the number of votes “abstained”, as the case may be, shall be mentioned.*

*In addition, judges and prosecutors have access to the Council’s disciplinary case law/jurisprudence. We also remind that the website of the Superior Council of Magistracy has been redesigned, using the current visual identity elements of the Council, and the navigation is intuitive, the users having access to the information of interest in as few clicks as possible. The development of the institutional webpage is also important from the perspective of ensuring the possibility for the content of the new website to be retrieved within the E-Justice Portal developed at EU level.*

*At the level of primary legislation there are also institutional transparency responsibilities for elected members, representatives of civil society. Thus, Article 56(8) of Law No 305/2022 provides that the elected members of the Superior Council of Magistracy who are representatives of civil society, have the following specific duties:*

- a) ensure that civil society organisations are constantly informed about the work of the Superior Council of Magistracy;*
- b) conducts the consultation of civil society organisations on their proposals and suggestions regarding the necessary steps at the level of the Superior Council of Magistracy to improve the activity of judicial institutions as a public service in the service of society, drawing up a quarterly report on the analysis and synthesis of the proposals, which they send to the plenum or sections, as appropriate, for analysis and decision;*
- c) monitor compliance with the obligations of the Superior Council of Magistracy, transparency, ensuring public access to information and resolution of petitions in relation to civil society, and draw up an annual report which they publish on the website of the Superior Council of Magistracy.*

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*Also, as we will detail below (at point 12 and in the Annex), the Superior Council of Magistracy implements an extensive project with European funding (Project “TAEJ-Transparency, accessibility and legal education by improving public communication at the level of the judiciary”) whose general objective is to improve and uniformly address public communication at the level of the judiciary in order to strengthen its image, ensure greater transparency within and outside the system, as well as improve access to justice by increasing information, raising awareness of citizens’ rights and developing legal culture.*

*In the same line of promoting transparency, it is worth mentioning the recent establishment (December 2021) of the Civil Society Forum for a justice in the benefit of the citizen, which appeared in the context of the increasing complexity of activities in the field of justice, the need to strengthen the current legal system, but also its development in order to cope with an ever-changing and diversifying society. To this end, it was assessed that it was necessary to consult as many specialists as possible, including in the area of civil society, to help identify the problems at the justice level as early as possible, but also to find appropriate solutions to solve them.*

*The consultation of this Forum will be complementary/in addition to the public consultation process provided for by law (which, however, does not replace it) and aims to achieve a greater openness of public structures with responsibilities in the field of justice to civil society.*

*This permanent mechanism for dialogue with civil society has been put in place with a view to moving to a higher level of ensuring the principles of transparency. Thus, the involvement in the decision-making process of as many informed voices as possible would have the effect of identifying early problems at the level of justice, would increase the institutional foresight capacity of the Superior Council of Magistracy and would reduce the time to identify widely agreed solutions. The establishment of such an instrument would represent an important step in the management of change, an affirmation of the new vision for effective consultation and dissemination of the most important messages on the activity of the institution in relation to society, a concrete manifestation on openness to society in order to improve and strengthen the judiciary, especially in the current context of its reform.*

*Pursuant to Article 39(6) of Law No 305/2022, the Superior Council of Magistracy prepares annually a report on the state of justice and a report on its own activity, to be presented to the Joint Chambers of the Romanian Parliament by 15 February of the following year and publishes them in the Official Gazette of Romania, Part III, and on the website of the Superior Council of Magistracy.*

*In 2021 Rejust portal, <https://rejust.ro>. was launched, an application created and developed by the Superior Council of Magistracy to enable citizens and practitioners in the judiciary to have easier access to judicial decisions of national courts.*

*To highlight the success of the national case law portal, please find some statistical information: Thus, if 156 398 documents were accessed in the first three months after the launch of the case-law portal and conducted 180 166 searches using the filters available on the platform, 626 021*

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*documents were accessed in the last three months and 689 665 searches were made using the filters available on the platform.*

*It can therefore be noted that in just one year there has been a roughly fourfold increase in access to application functions, as a consequence of improvements made to the portal at a steady pace.*

*Thus, substantial changes have been made to the search engine throughout the period of time since launching to present and the available filters have been improved.*

*The search engine is optimised and there are no bottlenecks in using the portal, and the interface is very easy to use.*

*Among these changes we can list:*

*A. Ability to refine search using successive keyword series*

*Thus, searches can be done using keywords progressively, with the list of results updated after each set of keywords.*

*B. Displaying the relevant paragraphs of the judgment directly on the search page*

*Highlighting the paragraphs containing the keywords, the user can still clarify from the search interface whether the document is relevant or not, without opening each document individually.*

*C. Items available in search filter lists (e.g.: objects, instances) are updated after each application of filters and are ordered according to the number of documents containing that information*

*Next to each item in the list is displayed a percentage, but when positioning the mouse cursor above that element, the application also shows the number of documents.*

*In this way, the rejusr.ro portal also acquires a statistical value, and can be used as a working tool for determining certain statistics, especially in situations where it is necessary to search within documents.*

*The EC report on the Rule of Law Mechanism, chapter on Romania — 2022, mentioned the implementation of the Rejusr portal, noting that some shortcomings should be addressed for it to fulfil its function adequately.*

*It was noted that it was not possible to search by keywords or case number, which limits the practical use of this application.*

*In this respect, we would point out that, since its launching, there has been a text box allowing the introduction of keywords for filtering results, constituting an essential criterion for ordering the results, given the high number of court decisions.*

*Search using keywords has been constantly improved and results are displayed much faster, depending on relevance.*

*When a keyword search is performed, the relevant paragraph is displayed for each result highlighting the searched words.*

*Therefore, every document no longer needs to be opened in order to analyse whether it is indeed relevant in the analysis.*

*Keywords can be applied progressively, with the list of results narrowing down after each keyword series.*

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*Regarding the search using the number of the case, we would point out that, indeed, judgments cannot be searched by its number, but this information can be found in the content of the page on which the judgment is displayed.*

*The anonymisation is carried out in accordance with the rules applicable in Romania, the elimination of the possibility of searching by the number of the decision being expressly requested by the National Supervisory Authority for Personal Data Processing, given that allowing the search by case number/decision number allows de-anonymisation of the document.*

*The number of the decision can be easily obtained by physically studying the register of the hearing or by accessing a portal managed by MJ — portal.just.ro. The possibility of searching for a decision by its number makes virtually any anonymisation of the decision vulnerable.*

*The portal does not experience any technical problems and the availability time is very high, with the monitoring system indicating an uptime of 99.95 %.*

*Due to the success of the portal at national level and the performance of the search engine, within the Foster Transparency of Judicial Decisions and Enhancing the National Implementation of the ECHR (TJENI) project, the representative of the Superior Council of Magistracy was invited as a speaker to illustrate best practices in the technical field.*

### **11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

*With regard to the legislative mechanism which the Superior Council of Magistracy exercises in accordance with the law for the defending the independence of the judiciary in general, as well as of judges and prosecutors, maintained in the legislation in force as mentioned above (at point 6), it is worth summarizing the statistics regarding the breach of independence, as sanctioned by the Council, during the reference period:*

01 January 2022-22 December 2022 (Plenum, SJ, SP)			
TOTAL of decisions:	Defending Independence of the judiciary: (Plenum)	Defending professional reputation, independence, impartiality: (Section for Judges) 3,	Defending professional reputation, independence, impartiality: (Section for Prosecutors) 15,
18	0	of which:	of which:
ADMITTED: 8 REJECTED: 9 WITHDREW: 1	ADMITTED: REJECTED:	ADMITTED: 1 REJECTED: 2	ADMITTED: 7 REJECTED: 7 WITHDREW: 1

*Moreover, looking at the situation as compared to 2021 when 36 such decisions were rendered (23 admitted, 10 rejected, 1 withdrawn and 2 waivers; 7 rendered by the Plenum, 14 by the Section for*

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*Judges and 15 by the Section for Prosecutors), there is a substantial decrease in the requests for defending professional reputation, independence and/or impartiality of judges and prosecutors, but also the **absence, in 2022, of any request/referral to defend the independence of the judicial authority as a whole.***

*In this context, we consider that no developments affecting the perception of the public on the independence of the judiciary can be identified.*

### **B. QUALITY OF JUSTICE**

#### **12. Accessibility of courts (e.g. court/legal fees, legal aid, language)**

*On May 20<sup>th</sup> , 2022, the Law No 140/2022 on certain protection measures for persons with intellectual and psychosocial disabilities and amending and supplementing certain normative acts was published in the Official Gazette of Romania, Part I, No 500/2022.*

*This law regulates several aspects, such as assistance for the conclusion of legal acts by persons with intellectual or psychosocial disabilities, amending and supplementing the Code of Civil Procedure and amending Government Emergency Ordinance No 80/2013 on court/judicial stamp fees.*

➤ *At this point, we should also mention the developments in the project “Transparency, accessibility and legal education by improving public communication at the level of the judiciary system” (SIPOCA code 454/code MySMIS 118765), financed under the Operational Programme Administrative Capacity, and implemented by the Superior Council of Magistracy in partnership with the National Institute of Magistracy, the National School of Clerks, the Ministry of Justice, the Judicial Inspection and the Prosecutors’ Office attached to the High Court of Cassation and Justice, which aims, inter alia, to improve access to justice by increasing awareness/level of information, raising awareness of citizens’ rights and developing legal culture.*

*Within the project, some activities were implemented designed to contribute to increasing the transparency and accessibility of the services provided by the judicial system, by running an information campaign for citizens, developing the presence within the social media/platforms, diversifying the means/channels of communication of the judicial system to the public, including through the development of audio-video materials on the services provided by courts/prosecutor’s offices, the circuit and the way of solving requests, the integrated public information campaign being initiated as well , under the slogan “People for Justice. Justice for people.” The campaign is broadcast nationally, both in the off-line, through TV, radio and street panels, as well as online, through the platforms Facebook, Instagram, Twitter, LinkedIn, TikTok, on the YouTube channel and the [www.justitiepentruoameni.ro](http://www.justitiepentruoameni.ro) website.*

*The campaign has a significant component of increasing legal education among the general public, supporting the dissemination of information translated in accessible language regarding the institutions within the judicial system, the administrative circuit of a request, the way of solving*

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*requests, the guidance of the litigant within the court, as well as about the legal institutions of high interest.*

*In the same effort to strengthen the judicial culture, four information brochures were developed in the fields of Civil Enforcement, Citizens' Rights, Criminal Procedure for All and Civil Law, which are to be printed and distributed in a circulation of 80 000 copies at the premises of all courts and prosecutor's offices countrywide, during 2023.*

*Last but not least, 9000 informative roll-ups were designed — on the institutions within the judicial system, the guidance of the litigant in the court and the information package on vulnerable groups, which were displayed at the headquarters of local and central public authorities, courts, prosecutors' offices, bars, probation services at national level, the National Probation Directorate, the Ministry of Internal Affairs and institutions/units subordinated or coordinated by the Ministry of Internal Affairs, the Bucharest Airports National Company— Henri Coandă International Airport, the National Council for Combating Discrimination and the National Agency for Roma.*

*Details of the above activities carried out within the project can also be found in the Annex dedicated to externally funded projects under implementation at SCM level.*

### **13. Resources of the judiciary (human/financial/material)**

#### **Human Resources:**

##### **➤ January 2022:**

- *out of the total of 5072 judge positions, 4403 positions were filled in and 669 were vacant, with an employment rate of 86.81 % (approximately 73 % women and 27 % men),*
- *out of the total of 3041 prosecutor positions, 2379 were filled in (approximately 52 % women and 48 % men) and 662 were vacant;*
- *out of the total of 143 assistant magistrate positions at the High Court of Cassation and Justice 130 were filled in and 13 were vacant.*

##### **➤ December 2022:**

- *out of the total of 5077 judge positions, 4097 were filled in (about 72 % women and 28 % men) and 980 were vacant.*
- *out of the total of 3051 prosecutor positions, 2223 were filled in (about 51 % women and 49 % men) and 828 were vacant.*
- *out of the total of 143 assistant magistrate positions at the High Court of Cassation and Justice 134 were filled in and 9 were vacant.*

*For more details, the Report on the activity of the Superior Council of Magistracy for 2022 can be checked.*

### **14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)**

**➤** *The National Institute of Magistracy, the institution that carries out the recruitment of judges and prosecutors, the initial training and the continuous training of judges and prosecutors in office,*



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as well as training of trainers, is organized and operated, until 16th of December 2022, according to the provisions of Law no. 304/2004 regarding the judicial organization, Law no. 303/2004 regarding the statute of judges and prosecutors and Law no. 317/2004 regarding the Superior Council of Magistracy, reissued, as subsequently amended, as well as according to the provisions of the Regulation of the National Institute of Magistracy.

From 16th of December 2022, the new laws governing the justice system were adopted: Law 303/2022 regarding the statute of judges and prosecutors, Law 304/2022 regarding the judicial organization and Law 305/2022 regarding the Superior Council of Magistracy. These laws currently provide the legal framework for the functioning of the National Institute of Magistracy.

**As new developments**, it is worth mentioning the entry into force of the new laws of the justice system. The resulting changes will increase the **duration of the initial training** period from 2 to 3 years of training. This change will not operate immediately, the auditors admitted in the period 2022 - 2024 will be going through 2 years of study, as before, as a transitional period. The content, however, will undergo changes, in the sense that in the first year of initial training there will be at least 3 months of practical internships, and for the second year, at least 6 months.

For the **continuous training**, the new developments include the further implementation of 2 extensive projects based on European funds. The first one is a project solely implemented by the NIM - 'Justice 2020: Professionalism and integrity', code SIPOCA 453, MySMIS2014 + 118978, that includes training in professional ethics for judges and prosecutors, judicial management, fight against corruption. The second project is implemented in partnership with the Superior Council of Magistracy - "Professional training and consolidation capacity at the level of the judicial system", financed by the "Justice" Program, financed under the Norwegian Financial Mechanism (MFN) 2014-2021, that includes training sessions in judicial cooperation in civil and criminal matters, the jurisprudence of Court of Justice of the European Union and European Court of Human Rights.

➤ The **initial professional training** organized by the National School of Clerks continues to take into account exclusively the training of clerks with higher legal education, the initial training activity of the School responding to the need to fill vacancies for qualified clerks with higher legal education. In the accounting period of this report, due to the situation created by the COVID-19 pandemic, the initial training organized by the National School of Clerks returned to normal in 2022, with courses taking place exclusively in face-to-face format, for a number of 137 students (of which 97 for courts and 40 for prosecutor's offices), assigned to vacant positions in the judiciary on 20 December 2022. Also in terms of **continuous training** organized by National School of Clerks for clerks from the courts and the prosecutor's offices attached to them, the year 2022 meant a return to normality. The Plenary Decision of the Superior Council of Magistracy no. 22/11.02.2022 approved the proposal of the National School of Clerks regarding the multi-year continuous professional training program of specialized auxiliary staff from the courts and the prosecutor's offices attached to them for the years 2022-2023, developed within the project "Effective training for unified ethical,

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*administrative and judicial practices (FEPEAJU)", SIPOCA code 1156, SMIS code 152441, financed through the Operational Administrative Capacity Program 2014-2020. Out of the total training sessions scheduled within the project, in the first year of implementation of the multiannual continuous training program, 81 training sessions were carried out, in centralized and decentralized face-to-face format, as well as webinar online training sessions, as follows: 21 decentralized sessions in the field of the unification of administrative and judicial practices and related fields, 49 centralized sessions (30 in the field of the unification of administrative and judicial practices, 12 in the field of professional ethics and non-legal skills, 7 for junior clerks in the field of the unification of administrative and judicial practices), 11 webinar sessions (8 in the field of unification of administrative and judicial practices and 3 in the field of professional ethics), with a total of 2.116 court and prosecutor's office clerks trained.*

*In addition to these training sessions, 6 eLearning sessions were carried out on the training platform, attended by a total of 253 clerks (in the field of unified administrative and electronic record practices in criminal matters, as well as practices regarding the enforcement of criminal decisions, unitary approach regarding the random allocation of cases before the courts, international judicial cooperation in criminal matters, the Romanian language and legal English).*

### **15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)**

*In 2022, both the volume of information on the judicial system made available online to the general public and the quality of access to this information increased. Through the new project developed at CSM level — [www.rejust.ro](http://www.rejust.ro) , the old mechanism has been improved([www.rolii.ro](http://www.rolii.ro) ), which makes judicial decisions available to the general public.*

*The matrix below shows the volume of judgments published on the Internet by jurisdiction and domains*

<b>Degree level</b>	<b>Degree of Jurisdiction</b>	<b>Domain</b>	<b>Published judgments/decisions*</b>	<b>Source</b>
4	First Instance Court	Civil/Commercial Cases	All decisions	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		Administrative cases	All decisions	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		Criminal cases	All decisions	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual	All decisions	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
3	Tribunal	Civil/Commercial Cases	All decisions	<a href="https://www.rejust.ro">https://www.rejust.ro</a>

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		<i>Administrative cases</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		<i>Criminal cases</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		<i>Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
2	Court of Appeal	<i>Civil/Commercial Cases</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		<i>Administrative cases</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		<i>Criminal cases</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
		<i>Other causes disputes with professionals, minors and family, bankruptcy, labour disputes, social security, intellectual property, maritime and river law, insolvency of the individual</i>	<i>All decisions</i>	<a href="https://www.rejust.ro">https://www.rejust.ro</a>
1	High Court of Cassation and Justice	<i>Civil/Commercial Cases Decisions of the Complaints for the Settlement of Legal Matters in Civil Matters</i>	<i>Only some decisions</i>	<a href="https://www.iccj.ro">https://www.iccj.ro</a>
		<i>Administrative cases Decisions of the Complaints for the Settlement of Matters of Law — in Administrative and Tax Matters</i>	<i>Only some decisions</i>	<a href="https://www.iccj.ro">https://www.iccj.ro</a>
		<i>Criminal cases Decisions of the Complaints for the Settlement of Law Matters — in Criminal Matters</i>	<i>Only some decisions</i>	<a href="https://www.iccj.ro">https://www.iccj.ro</a>

\* For the level of the courts namely first instance courts, tribunals, courts of appeal, there is a list of objects in the field of Criminal law, Administrative and Tax Litigation, Minors and Family and Intellectual Property that are excluded from publication, for reasons related to the protection of the person and national security. The list of excluded objects can be found at: <https://www.rejust.ro/info/excluderi>

Comments on the quality of access to information:

- Decisions are constantly published on the day of their drafting;
- The decision-search tools use a number of advanced technologies which allow quick identification of judgments.
- Not only the final decisions, but also the minutes of the hearings are published.

### **B. Access to information of public interest on the judicial system**

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At the level of the judicial system there is a platform - <https://portal.just.ro>, through which each court publishes information of public interest, in accordance with Law 544/2001. In addition, a number of courts have chosen to build an additional website of their own, in which they provide to the public a number of other services of interest to them.

### **C. Remote communication**

For distance communication all courts use videoconferencing systems, in so far as the specifics of the procedure allow hearings to be organised in this way, technically optimal.

➤ Within the project “Professional training and capacity building at judicial level”, financed under the Norwegian Financial Mechanism 2014-2021 and implemented by the Council, as detailed in the Annex, the public procurement procedure of audio-video systems was carried out during the reference period, the delivery of the goods will take place as soon as possible.

Also, the procedures for procuring IT equipment for the Superior Council of Magistracy, the National Institute of Magistracy, the National School of Clerks and the courts have been completed. The endowment component of the project was completed with equipment designed to increase cybersecurity at the level of the Superior Council of Magistracy, the procurement procedure being underway at this time (equipment to be delivered during the first semester of 2023).

➤ Within the project “Strengthening the organizational and administrative capacity of the Superior Council of Magistracy, in progress at Council level, as detailed in the Annex, will be implemented the CSMapp IT system, through which the Council aims to manage a functional application, able to meet its digitisation needs, using the latest technologies. The CSMapp IT system will ensure integration with other national IT systems, such as ECRIS (the application used at court level for electronic file management), but also with other IT systems that are currently developed or to be developed in the next period in other projects.

## **16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)**

### **➤ A. Electronic Case Management System**

All courts use the ECRIS electronic case management system. The system is being continuously developed and the ECRIS V version is currently under development. The system provides appropriate tools for the random distribution of cases.

### **B. Statistics of Courts**

The STATIS tool is used to generate statistical data. This system retrieves existing data in ECRIS systems and enables the generation of many statistics, such as:

R01 Statistics incoming cases.	R02 Statistics load cases.
R09 Statistics suspended cases.	R10 Statistical Situations Solved cases.
R11 Statistics pending cases.	R13 Statistics Activity Volume.
R14 Statistical situations, file object attributes.	IJ-QL Statistical Situations, File Circuit in System

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R99 Lists of folders: Statistical situations exclusions files.	
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The data provided through statistical reports provide information support for a number of indicators to monitor and evaluate the work of courts and staff.

A new version of the STATIS application is currently under development, which will provide new reports and allow real-time querying of ECRIS data with advanced filters.

➤ It should be noted that, as mentioned in the previous report, a large number of **externally funded projects** are ongoing at Council level, of which 6 are projects with European funding (POCA) and which are also included in the Strategy for the Development of the Judicial System 2022-2025, information on their implementation being regularly updated in the reports to the EC.

It should be pointed out that the activities of all these projects, in order to achieve their general and specific objectives, were also aimed at the achievement of the objectives of the CVM.

Moreover, through the objectives and results pursued in the externally funded projects on the various components of judicial reform they foresee (**professional training, optimising the management of courts and prosecutor's offices respectively, eliminating factors for case inflation, strengthening the organizational and administrative capacity of the Council or improving the evaluation and psychological assistance system at the level of the judiciary**), but also through the **IT mechanisms and applications** that are developed within them, a substantial reform of the judiciary will be carried out and tools for improving performance and efficiency will be made available to the system.

For example, in the framework of the project "Optimisation of management at the level of the judiciary. The court component" is to be developed an integrated information system for court management, designed to support the administrative and managerial activities of the courts; within the project "Optimisation of management in the judicial system. The prosecutor's office component" an IT application will be developed aimed to calculate the complexity and workload of prosecutors/prosecution units; within the project "Elimination of factors for inflation of causes, identification of normative elements and trends of agglomeration — EFICIENCE" the STATIS application was developed and updated by elaborating an IT module for judicial statistics on inflation of causes and repetitive causes with their highlight in real time; within the project "CPCI — Increasing institutional performance and quality by improving the system of evaluation and psychological assistance at the level of the judiciary" an integrated information system for evaluation and psychological assistance at the level of the judiciary will be developed.

Data on the activities carried out during the reference period in all projects under implementation can be found in the Annex.

**17. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases**

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*During the reference period, there were no changes in the number of courts and prosecutor's offices, as it is also apparent from the Annex to the new applicable legislative act, namely Law No 304/2022 on judicial organisation, with the further clarification that, in fact, the Insuraṭei first instance Court still does not function.*

*Also, in the Official Gazette no. 244/11.03.2022 Law no. 49/2022 on the abolition of the Section for the Investigation of Offences in the Judiciary, as well as for the amendment of Law No 135/2010 on the Code of Criminal Procedure was published. The law entered into force on 14 March 2022.*

*According to the provisions of Article 1(1) in relation to Article 2(2) of the Law, on the date of entry into force of the law, the Section for the Investigation of Offences in the Judiciary within the Prosecutor's Office attached to the High Court of Cassation and Justice was dismantled, and its prosecutors, including those with managerial positions, returned to the prosecutors' offices where they came from or to the prosecutors' offices where they promoted, regaining the professional level of execution and remuneration corresponding to it previously or, as the case may be, the corresponding ones as a result of the promotion.*

*In accordance with the provisions of Article 3(3) of the Law, the Plenum of the Superior Council of Magistracy shall make proposals for the appointment by the Prosecutor General of the Prosecutors' Office attached to the High Court of Cassation and Justice of the prosecutors who will carry out the criminal prosecution in the cases expressly provided for in Article 3(1) and (2) of Law No 49/2022.*

*According to Article 10 of the same normative act, the maximum number of assigned prosecutors from the criminal investigation and forensic section is 14, and the maximum number of assigned prosecutors from the prosecutors' offices attached to the courts of appeal is 3 for each of them.*

*In this context, during 2022, by decisions of the Plenum of the Superior Council of Magistracy, 43 prosecutors were proposed for the appointment by the Prosecutor General of the Prosecutors' Office attached to the High Court of Cassation and Justice to carry out the criminal prosecution in the cases provided for in Article 3(2) of Law No 49/2022.*

*As a novelty element, starting with 16.12.2022, the date of entry into force of Law no. 304/2022, according to the provisions of Article 45(2) of the Law, at the courts of appeal and tribunals, if the special law provides for the obligation to set up specialised panels, they shall be established by decision of the Section for Judges of the Superior Council of Magistracy, on the proposal of the President of the Court. In accordance with these provisions, the Section for Judges ordered the establishment of specialised panels in some courts of appeal and tribunals on the basis of some/several special laws (Law No 78/2000, Law no. 273/2004, Law No 101/2016, Law 85/2014, Law No 247/2005, Law No.71/2011, Law no.151/2015, Law No 211/2004).*

### **C. EFFICIENCY OF THE JUSTICE SYSTEM**

#### **18. Length of proceedings**

➤ *Within the project "Elimination of factors for inflation of causes, identification of normative elements and trends of agglomeration — EFFICIENCY" mentioned above (at point 16) and detailed*

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*in the Annex, a mechanism was created to identify early inflation of cases caused by regulatory deficiencies, as well as repetitive causes, which allows early warning, management and remedy of these phenomena that seriously affect the efficiency and quality of the justice act and access to justice of the public.*

*The project included a guide to standardise the drafting of court decisions and a Standard for good regulation and quality of legal norms, necessary for clarity, predictability and predictability of laws and secondary normative regulations and a draft law amending and supplementing Law no. 24/2000 on the technique for drafting normative acts.*

➤ *During 2022, the improvement of the REJUST.RO case law portal represents a measure designed to improve the length of court proceedings.*

*Thus, since June 2022, the portal has been developed in such a way that judges have access to the entire case-law, without excluded objects, in an unanonymised format.*

*The portal <https://rejust.ro> , launched at the end of last year, allows searching for both court decisions and hearings' minutes, the database currently containing approximately 40 million documents.*

*The search engine has been improved and searches are now faster, and results are displayed according to relevance.*

*When a keyword search is performed, the relevant paragraph is displayed for each result highlighting the searched words. If there are several relevant paragraphs in the document, they can be displayed by pressing the Expand button.*

*Keywords can be applied progressively, with the list of results narrowing down after each keyword series.*

*Through the new interface of non-anonymised documents, relevant court decisions can be sought in relation to the specificities of a type of case (e.g.: unfair terms within bank contracts, small claims promoted by companies dealing with debt recovery, etc.).*

*In practice, the use of the portal simplifies the process of drafting court decisions, at least for the introductory part thereof, which is repeatable in the case of certain types of cases.*

➤ *Last but not least, we mention that within the project on the "Optimisation of management at the level of the judicial system. The court component" (details can be found in the Annex) implemented by the SCM, a pilot exercise on the assistants of the judge was carried out and completed. Thus, given that during the implementation period of the project it was possible to observe the positive impact of the activity carried out by this category of staff on the duration of solving the cases and the deadline/timeline for drafting the decisions and, in general, on the act of justice/length of proceedings, by Emergency Ordinance No 127 of 21 September 2022 on the establishment of contractual staff positions in the organizational chart of the Superior Council of Magistracy, 165 positions of legal experts were created, in order to take over the existing experts — assistants of the judge. The law approving the emergency ordinance was promulgated at the end of December 2022.*

OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

**A. THE PROCESS FOR PREPARING AND ENACTING LAWS**

**48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic - judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic - oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic, - processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances**

➤ *The alert state was maintained in Romania until 8 March 2022, when Government Decision No 171/2022 on the extension of the state of alert on the territory of Romania as of 7 February 2022 ceased to apply, as well as the establishment of the measures to be applied during that period to prevent and combat the effects of the COVID-19 pandemic.*

➤ *Until the end of the alert state, as detailed in the previous reports, the Superior Council of Magistracy has expressed a constant concern for the safe maintenance of the health of the court and prosecutor's office staff and, equally, of the beneficiaries of the act of justice, adopting in this regard a series of decisions ensuring a uniform implementation of preventive measures, as well as guarantees for all persons who appeal to justice. The aim of these measures was to ensure both adequate and secure access to justice. Even after the cessation of the state of alert, preventive warnings were maintained during the competitions organised by the Superior Council of Magistracy.*

**C. Accessibility and judicial review of administrative decisions**

**52. Judicial review of administrative decisions: - short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).**

*No legislative changes have taken place in the reference period for judicial review of judgments in administrative matters.*