

European Rule of Law Mechanism

I. Justice System

A. Independence

1. Appointment and selection of judges, prosecutors and court presidents

a. General provisions: appointment into the leading positions within the district courts, tribunals, courts of appeal and corresponding prosecutor's offices as provided under the art. 48 and 49 of the law no. 303/2004 on the statute of judges and prosecutors, republished with following amendments and completions, is possible only through an examination organized by the Section for judges/prosecutors of the Superior Council of Magistracy, through the National Institute of Magistracy, any time considered necessary.

Judges/prosecutors who have received the rating "very good" in the last evaluation, who were not disciplinary sanctioned within the last 3 years and who meet the legal requirements of seniority may sit for the competition.

The competition or the examination consists in presenting a project on the exercise of the duties that are specific of the leading office and of written tests on the management, communication, human resources, and the candidate's ability to take decisions and to assume responsibility, his/her resistance to stress and of a psychological test.

The examination board shall be appointed by the Section for judges/prosecutors of the Superior Council of Magistracy, at the proposal of the National Institute of Magistracy and shall be composed of 2 judges from the High Court of Cassation and Justice/ 2 prosecutors from the Prosecution Office attached to the High Court, 2 judges/prosecutors from the courts of appeal/prosecution offices attached and 3 specialists in management and institutional organization. When setting up the commissions, the judges/ prosecutors who have attended the management courses shall be mainly taken into account.

The Section for judges/prosecutors of the Superior Council of Magistracy shall validate the result of the competition or of the examination and shall appoint the judges/prosecutors into the leading offices provided in paragraph (1) within 15 days from the date when the final results were posted. The provisions of art. 21 paragraph (3) shall apply accordingly.

The appointment of judges/prosecutors who obtained the best result in the competition or, as the case may be, who succeeded in the examination for the offices for which they applied, shall be made for a 3 years term of office, which is renewable only once according to paragraph (1). The appointment of judges/prosecutors into the other leading offices shall be made for a 3 years term of office, which is renewable only once, by the Section for judges/prosecutors of the Superior Council of Magistracy, at the proposal of the president of the court/general prosecutor of the Prosecutors Office of the High Court of Cassation and Justice.

The judges/prosecutors who have the "very good" rating at the last evaluation, who have not been disciplinary sanctioned in the past 3 years and who fulfill the conditions of seniority provided by law may be appointed in the leading offices provided in paragraph (9).

The leading offices vacancies within the courts shall be public and available permanently on the web pages of the Superior Council of Magistracy, of the National Institute of Magistracy, Prosecution Office of the High Court of Cassation and Justice and of the Ministry of Justice, as well as by posting at the premises the courts/prosecution offices.

➤ Current updates in terms of amendments proposed in the matter of admission to the National Institute of Magistracy, the initial professional training of judges and prosecutors, the exam for graduating the National Institute of Magistracy, the internship and capacity examination of the judges and prosecutors:

In the meeting of 25.06.2020, the Plenum of the Superior Council of Magistracy decided to refer the Minister of Justice to initiate the amendment of some provisions of Law no. 303/2004 on the statute of judges and prosecutors, republished, as amended and supplemented.

The above-mentioned initiative of the Superior Council of Magistracy was determined by the Decision No. 121 of March 10, 2020, published in the Official Gazette of Romania, Part I, no. 487 of June 9, 2020, whereby the Constitutional Court admitted an exception of unconstitutionality and found that the provisions of Art. 106 let. d) of Law no. 303/2004 on the statute of judges and prosecutors are unconstitutional, establishing, in essence, that the lack of regulations, within the scope of the Organic Law on the statute of judges and prosecutors, of the essential aspects regarding the competition for admission to the judiciary, such as phases and tests of the competition, the method of establishing the results and the possibility of challenging each phase of the competition, is contrary to the provisions of Art. 73 par. (3) let. l) of the Constitution, according to which the organisation and functioning of the Superior Council of Magistracy and the organisation of courts are regulated by organic law.

The Court held the existence of a lack of constitutionality both as regards the form of Law no. 303/2004 prior to the entry into force of Law No. 242/2018, and the Law no. 303/2004, in its current form, given that even in the new regulation essential aspects of admission to the judiciary are not provided for in the law.

The Court also noted that, in order to comply with the constitutional provisions, the legislator must supplement the provisions of Law no. 303/2004 not only with the essential aspects of the competition for admission to magistracy, organised according to Art. 33 of the law, but also with the essential aspects related to the occupation of the positions of judge or prosecutor by other means of admission to the magistracy. Thus, the Court held that even in the case of the competition for admission to the National Institute of Magistracy, of the exam for graduating the National Institute of Magistracy and the capacity examination of the trainee judges and of trainee prosecutors, the law must lay down the essential aspects, such as, for example, the conditions of participation, the general rules for setting up the competition commissions, the type of competition phases and stages, the method of determining the results and the possibility of contesting each stage.

In the aforementioned context, at the level of the Superior Council of Magistracy there were formulated a number of proposals for amending and supplementing Law no. 303/2004, republished, with subsequent amendments and completions.

At the same time, these proposals aimed at regulating in a more efficient manner some aspects related to the admission competition to the National Institute of Magistracy, the competition for admission to magistracy, the initial professional training of judges and prosecutors, the exam for graduation of the National Institute of Magistracy, the traineeship and capacity examination of judges and prosecutors, in relation to the configuration of the new regulatory framework in the field.

In fact, previously, by address no. 4164/2020 of 27.02.2020, the Superior Council of Magistracy reported to the Ministry of Justice some practical difficulties that are emerging in the application of the new legal provisions regarding the organisation of the admission competition to the National Institute of Magistracy, the training courses of the auditors of justice, the duration of the traineeship and the capacity examination of the judges and prosecutors.

Also, there was a reiteration of the proposals of the Plenum of the Superior Council of Magistracy formulated within the session of 30.04.2020 – which were sent to the Minister of Justice by address no. 17698/2019 of 15.05.2020 – aimed at amending the provisions of Art. 33¹ of Law no. 303/2004, republished, with subsequent amendments and completions, regarding the appointment in judge or prosecutor position, without competition or examination, of persons who have held for at least 10 years such positions, as well as of the provisions of Art. 102 of the same law.

The aforementioned proposals were forwarded to the Ministry of Justice by address no. 8138/2020 from 30.06.2020.

By the Decision no. 161 of 24 August 2020 the Plenum of the Superior Council of Magistracy gave a positive endorsement, with observations, on the draft Law concerning some temporary measures regarding the admission to the National Institute of Magistracy, the initial professional training of judges and prosecutors, the exam for graduating the National Institute of Magistracy, the internship and capacity examination of the judges and prosecutors, as well as the examination of admission to magistracy.

The draft law proposed temporary measures in order to regulate, in relation to the operative part and the reasons/reasoning of the Decision of the Constitutional Court no. 121/2020, the essential aspects regarding the organisation and conduct of the competition for admission to magistracy in 2020 and 2021, the competition for admission to the National Institute of Magistracy in 2020 and 2021, the initial professional training and the exam for graduating of the National Institute of Magistracy for the auditors of justice admitted in 2020 and 2021 and also their traineeship and capacity examination.

2. Irremovability of judges, including transfers of judges and dismissal

Current updates in terms of amendments proposed in the matter of transfer of judges and prosecutors.

➤ Within the session of 12 November 2020, the Plenum of the Superior Council of Magistracy decided to refer the Ministry of Justice in order to initiate normative steps to amend and supplement Law no. 303/2004 on the statute of judges and prosecutors, republished, with subsequent amendments and completions, and also to supplement Law no. 317/2004 on the Superior Council of Magistracy, republished, with subsequent amendments and completions. The proposals for amending and supplementing the mentioned normative acts concern the transfer of judges and prosecutors.

As regards the proposals on the transfer of judges and prosecutors, they were formulated in the context of the Constitutional Court Decision no. 454 of 24 June 2020 concerning the exception of unconstitutionality of the provisions of Art. 60 of Law No. 303/2004 on the statute of judges and prosecutors, as drafted previously to the Law no. 242/2018 on amending and supplementing Law no. 303/2004 on the statute of judges and prosecutors, of Art. 60 par. (1) and (3) of Law no.303/2004 of the Law no.303/2004, as drafted previously to the Law no. 242/2018, and of Art. 40 i) of Law no.317/2004 on the Superior Council of Magistracy, as drafted previously to the Law no. 242/2018 on amending and supplementing Law no.317/2004. The aforementioned proposals were submitted to the Ministry of Justice on 24.11.2020 (letter no. 8138, 12924).

3. Promotion of judges and prosecutors

Regarding the provisions in the matters covered by points 1, 2, 3 of the contribution, the following updates should be mentioned, regarding the Council's position referring to the proposed amendments for all the 3 laws of the judiciary:

On 30.09.2020, the Ministry of Justice published for public debate the new projects on the Laws on the Judiciary, namely the draft Law on the Statute of Magistrates in Romania, the draft Law on Judicial Organisation and the draft Law on the Superior Council of Magistracy.

In this context, a preliminary analysis was carried out within the specialised commissions of the Superior Council of Magistracy and with this occasion some matters of principle regulated by the draft normative acts were discussed.

Thus, in its meeting of 19.11.2020, the joint Commission No.1 "Legislation and Interinstitutional Cooperation" examined the draft Law on the Superior Council of Magistracy, considering, with majority, that general observations should be made on certain aspects, with

a consolidated opinion to be expressed by the Superior Council of Magistracy – including on matters that were not subject of the analysis – after consulting the judicial system.

Also, in the meetings of 19.11.2020 and 23.11.2020 Commission no. 1 – Judges “Legislation and Interinstitutional Cooperation” has analysed the draft Law on judicial organisation and draft law on the statute of magistrates in Romania, in terms of the proposals regarding the courts and the statute of judges.

Similarly, Commission No 1 - Judges considered, with majority, that general observations on certain issues were necessary, and that a consolidated opinion would be expressed – including on matters not covered – after consultation of the judicial system.

The comments made were sent to the Ministry of Justice by letter no. 11009/2020 of 4.12.2020.

At the same time, in the session of the Section for Prosecutors on 20 October 2020 it was decided to set up an interinstitutional working group composed of the Superior Council of Magistracy, the Prosecutor’s Office attached to the High Court of Cassation and Justice, the National Anti-Corruption Directorate, the Directorate for Investigation of Organised Crime and Terrorism and the professional associations for analysing the draft laws on the judiciary, sent for public debate by the Ministry of Justice on 30.09.2020.

The working group held several meetings, resulting in deciding to agree upon a questionnaire on the main proposals in the mentioned draft laws, as well as on the own proposals of the members of the working group. The questionnaire was sent to the prosecutor’s offices within the Public Ministry.

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

➤ Current updates in terms of defending independence of the Judiciary and of judges and prosecutors; Proposals in terms of secondary legislation:

At the level of the Superior Council of Magistracy, there was considered the need for amending and completing the secondary legislation regarding the requests for defending the independence of the judiciary as a whole, as well as the requests for defending of the independence, impartiality and professional reputation of judges and prosecutors

Therefore, by the decision no. 155 of July 23rd, 2020 of the Plenum of the Superior Council of Magistracy the Regulation (adopted by the SCM Plenum decision no. 1073/2018) for organising and functioning of the Council has been modified.

The aim of this approach was to regulate a **filter procedure** in order to ensure ways of rapidly solving requests for defending the independence of the judiciary as a whole, requests for defending of the independence, impartiality and professional reputation of the individual judge/prosecutor when it is obvious that the aspects in question do not involve any of their professional activity, as well as the requests for defending the independence of judges/prosecutors when these requests are being submitted by another individual than the judge/prosecutor subject to this request.

Thus, the Judicial Inspection shall be relieved of dealing with verifications in these cases, aspect that leads to increasing the celerity in carrying out specific verifications in other cases where such verifications are needed.

In the session of November 16th, 2020, the joint Commission no.2 of the SCM “Human resources and organisation” has decided on publishing for public debate the draft of the Plenum Decision for modifying the above mentioned Regulation of the Council **on another aspect**, namely, avoid rendering contradictorily decisions where, for the same deeds/aspects there are submitted, ex officio, both requests for defending the independence of judges or prosecutors, as well as requests for defending the independence of the judiciary as a whole

The draft document proposes a series of measures in this matter.

6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules, judicial immunity and criminal liability of judges

➤ Current updates in terms of legislative amendments:

Within the session of 12 November 2020, the Plenum of the Superior Council of Magistracy decided to refer the Ministry of Justice with the proposals to amend Law no. 303/2004 on the statute of judges and prosecutors, republished, with subsequent amendments and completions, and, respectively, to supplement Law no. 317/2004 on the Superior Council of Magistracy, republished, with subsequent amendments and completions.

The proposals for amending and supplementing the mentioned normative acts are aimed at suspending judges and prosecutors from office if the corresponding Section of the Superior Council of Magistracy applies the disciplinary sanction of the exclusion from the judiciary, provided by Art. 100 letter e) of Law no. 303/2004, republished, with subsequent amendments and completions.

The proposals were submitted to the Ministry of Justice by letter no.19008/2020 of 19.11.2020.

➤ Ethical rules

According to the provisions of the art. 30 para. (6) of the Law no. 317/2004 on the Superior Council of Magistracy, republished with further amendments and completions, the Superior Council of Magistracy shall ensure compliance with the law and the criteria of professional competence and ethics in the conduct of the professional career of judges and prosecutors, and according to art. 38 of the same normative act, The Plenum of the Superior Council of Magistracy approves the Deontological Code of Judges and Prosecutors.

➤ Criminal liability

According to the provisions of art. 94 of the Law no. 303/2004, republished, with further amendments and completions, judges and prosecutors shall be subject to civil, disciplinary and criminal liability, according to the law.

According to the provisions of art. 95 of the same normative act, judges and prosecutors may be searched, restrained or held in custody only with the approval of the Section for judges or, as the case may be, of the Section for prosecutors of the Superior Council of Magistracy. In case of flagrant offence, judges and prosecutors may be held in custody and searched according to the law. The Section for judges or, as the case may be, of the Section for prosecutors will be immediately informed by the body that ordered the custody or the search.

According to art. 62, judges or prosecutors may be suspended from office in the following cases: a) he/she has been sent to trial for committing a crime, after the confirmation of the preliminary chamber judge; a¹) when the measure of preventive arrest or house arrest was ordered against him/her; a²) when against him/her the preventive measure of judicial control or judicial control on bail was taken and the judicial body established for him/her the obligation not to exercise the profession in whose exercise he/she committed the offence.

And according to art. 65 judges and prosecutors shall be removed from office in case of conviction, postponement of the sentence and the renunciation to the sentence, ordered by a final decision, as well as the renunciation to the criminal prosecution, confirmed by the preliminary chamber judge, for an offense harming the prestige of the profession, among other situations.

According to art. 83^{2*} para.(1), of the same normative, judges and prosecutors shall not benefit from the service pension if, even after the release from office, they have received a final conviction or it was ordered the postponement for the application of the penalty for a corruption offense, a crime assimilated to corruption offenses or a crime in connection with them, as well as one of the offenses included in Title IV of Law no. 286/2009, as subsequently amended and supplemented, "Offenses against the execution of justice" committed before the release from office, do not benefit from the service pension provided in art. 82 and 83¹ and from the

allowance provided in art. 81. These persons receive a pension in the public system, according to the law.

10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

➤ Regarding the legislative mechanism the Superior Council of Magistracy exercises for defending both the independence of the Judiciary as a whole and the independence, impartiality and professional reputation of individual judges and prosecutors, aspects that have been presented in our previous report, a statistical overview might be needed for the referred period, in terms of affecting the independence and how the Council has sanctioned it:

January 1 st 2020 ó February 1 st 2021 (Plen, SJ, SP)			
TOTAL decisions: 52 ¹	Defending the independence of the judiciary: Plenum 17	Defending professional reputation, independence and impartiality: Section for judges 22	Defending professional reputation, independence and impartiality: Section for prosecutors 13
	Out of which:	Out of which:	Out of which:
	Admitted: 1 Dismissed: 16*	Admitted: 7 Dismissed: 15**	Admitted: 9 Dismissed: 4

* out of the 16 dismissal decisions 8 requests were submitted by the same person, a judge (currently suspended from office as a consequence of submitting the second appeal against the decision of the Section for Judges of the SCM for sanctioning the judge in question with the disciplinary sanction of removing from office);

** out of the 15 dismissal decisions 6 requests have regarded requests for defending the independence, impartiality and professional reputation submitted by the above mentioned judge

B. Quality of justice

12. Resources of the judiciary (human/financial/material)

Human resources:

January 2020:

- out of a total of **5067 positions of judge**, there 4608 positions were occupied (approximately 73% women and 27% men) and 459 vacant.
- out of the total of **3030 positions of prosecutor**, 2572 positions were occupied (approximately 52% women and 48% men) and 458 vacant.
- out of a total of **123 positions of assistant-magistrate at the High Court of Cassation and Justice**, there 119 positions were occupied and 4 vacant.

January 2021:

- out of the total of **5076 positions of judge**, 4523 positions were occupied (approximately 73% women and 27% men) and 553 vacant.
- out of the total of **3020 positions of prosecutor**, 2530 positions were occupied (approximately 52% women and 48% men) and 490 vacant.

¹ There were not taken into account, by these statistics, the decisions where the Plenum/Sections have taken notice of the withdrawn requests.

○ out of a total of **143 positions of assistant-magistrate at the High Court of Cassation and Justice**, there 112 positions were occupied and 31 vacant.

For more details on human resources please see the Report of the Superior Council of Magistracy for 2020, to be published.

13. Training of justice professionals (including judges, prosecutors, court staff)

➤ Professional training of judges and prosecutors. The National Institute of Magistracy is the public institution, under the coordination of the Superior Council of Magistracy that carries out the recruitment of judges and prosecutors, the initial training and the continuous training of judges and prosecutors in office, as well as training of trainers.

The Institute is organized and operates 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.

According to the law and internal regulations the **initial training** of justice auditors takes place over a period of two years, the first year being dedicated to theoretical and practical training through courses and seminars held at the Institute, and the second year to internships in courts and prosecutor's offices.

The curriculum for the first year includes the fields of study, the number of courses and seminars related to each field, including ethics and judicial organisation, as well as the assessment methodology, and the curriculum for the second year provides the practical training internships.

After completing the courses within NIM, the justice auditors take a graduation exam which assesses the acquired knowledge, skills and abilities necessary to perform the function of judge or prosecutor. One of the exams refers to professional ethics and judicial organisation. Following this exam, the justice auditors opt for the positions of junior judges and junior prosecutors, their distribution being made according to the final graduation grade.

Continuous training is both a right and a duty for judges and prosecutors. According to the law and internal regulations the responsibility for the continuous training of judges and prosecutors belongs to the National Institute of Magistracy, to the heads of the courts or prosecutor's offices where they carry out their activity, as well as to each judge and prosecutor, through individual training.

Judges and prosecutors take part, at least every 3 years, in continuous training programs organized by the National Institute of Magistracy at centralized level, by national or international higher education institutions or in other professional development trainings.

The continuous training consists in knowing and gaining in-depth knowledge of the national legislation, of the European and international documents issued by the bodies to which Romania is a party, the jurisprudence of the courts and of the Constitutional Court, the jurisprudence of the European Court of Human Rights and of the Court of Justice of the European Union, comparative law, as well as professional ethics and deontology.

Given the relevance of the rule of law mechanism at the European level, the NIM currently runs the project *Justice 2020: Professionalism and integrity* ÷ code SIPOCA 453, MySMIS2014 + 118978, that provides training both in professional ethics for judges and prosecutors (2 national conferences and 10 workshops) and fight against corruption (12 workshops). Within this framework, in 2020 NIM organized one national conference in ethics for judges and prosecutors and one workshop in the field of fight against corruption.

➤ Professional training of auxiliary personnel of courts/prosecution offices. In Romania, the professional training of specialized auxiliary personnel for courts and prosecutor's offices falls primarily under the regulations of Law 567/2004 regarding the status of this category of

personnel, and is also regulated at a secondary level by the Regulation of the National School of Clerks, adopted by the Superior Council of Magistracy's Decision no. 183/2007, and the Regulation for the admission into the National School of Clerks, adopted by the same institution, by Decision no. 173/2007.

According to the above indicated normative acts, the professional training of the auxiliary personnel is mainly ensured by the National School of Clerks, a public institution, with legal personality, under the coordination of the Superior Council of Magistracy.

Based on the criterion of the type of training, the professional training of auxiliary personnel falls in one of two categories: initial training and continuous training.

Initial training is exclusively provided by the National School of Clerks, which holds the highest responsibility in the selection process as well.

Over the course of the last few years, the selection process for admission into the National School of Clerks has been held only for graduates of higher legal education, the initial training of which lasts 6 months. Initial training is conducted at a central level and has a mainly practical nature.

Although the possibility of entering the profession of specialized auxiliary personnel for courts and prosecutor's offices of graduates of secondary or higher education of a type other than that of legal education is regulated, such selection processes have been held, over the last few years, only at a decentralized level.

As a matter of fact, in the Romanian justice system, the share of auxiliary personnel with higher legal education is over 86%.

The continuous training of the auxiliary personnel is provided for the most part by the National School of Clerks, through seminars, classes, foreign exchanges and other such training activities, both internally and internationally.

According to the regulations in force, in addition to the continuous training provided by the National School of Clerks, within each court and prosecutor's office, on a quarterly basis, profession training of auxiliary personnel is conducted.

Since its formation and to the present, the National School of Clerks has recruited and provided initial training for approximately 1.800 clerks. In the accounting period of this report, due to the situation created by the COVID-19 pandemic, the admission examination into the National School of Clerks has been delayed, such that in 2020 the initial training of 80 clerks has been commenced, clerks that will be provided to the judicial system only in March 2021.

Also since its formation, the National School of Clerks has recorded over 43.000 participations in the continuous training sessions. Even though 2020 has been a challenge for the continuous training program, as the pandemic has caused cancellations of all the training activities scheduled to take place in a face-to-face format, the National School of Clerks has managed to adapt and hold all continuous training sessions exclusively in an online format, recording 4.229 participations.

C. Efficiency of the justice system

17. Length of proceedings

Current updates on legislative amendments in this matter and statistics detailed in the Annex. By the Decision no. 223 of 2 December 2020, the Plenum of the Superior Council of Magistracy gave a positive endorsement, with observations, on the Legislative Proposal for supplementing Law no. 304/2004 on judicial organisation and Law no. 134/2010 on the Civil Procedure Code, submitted for approval by the Chamber of Deputies (PI-x 676/2020).

The legislative proposal seeks to promote certain measures to reduce the length of court proceedings in the case of courts facing an excessive amount of improper requests, which have a manifest conspicuous or denigrating character or content, do not clearly fall within the jurisdiction provided by law or are essentially identical to a previously examined request and do not contain any new elements compared to the previous request.

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

41. COVID-19: provide update on significant developments with regard to emergency regimes 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

Measures taken in the context of the situation generated by the COVID pandemic.

In the exceptional context of the COVID 19 pandemic situation and of its evolution within Romania, the Superior Council of Magistracy has been expressing a constant concern for maintaining in safe parameters the health of the staff within courts and prosecution offices and of the court users as well. Therefore SCM has adopted a series of decisions in order to insure a proper unitary implementation of the preventive measures at the level of all courts / prosecution offices countrywide as well as guarantees in this matters for all those accessing the judiciary.

Thus, during the emergency state, the following measures/decisions have been taken:

By the **Decision no. 192/March 10th, 2020 the Section for judges** of the Council has settled urgent supplementary measures in terms of judicial activity in courts in order to: avoid crowded gatherings in the premises of courts; limit as much as possible, the presence of participants in judicial activities in courts; settling exact time frames for each of the hearings etc.

On **March 10th, the Section for Prosecutors** has issued a circular address for the Prosecution Office of the High Court of Cassation and Justice, the National Anticorruption Directorate, the Directorate for Investigating Organise Crime and Terrorism as well as for the prosecution offices of the courts of appeal with recommendations to be implemented at the level of prosecution units. Among the recommended aspects the following can be mentioned: to suspend direct working program with public, to adapt prosecutors' activities, aspects regarding epidemiological triage of persons under measures depriving of liberty, evaluating the need to proceed several procedural activities involving a higher number of persons etc.

By the **Decision no.257/March 17th, 2020 the Section for Judges** has decided on the following: limit the judicial activity of courts in non/criminal matters strictly to very urgent cases; communication, in criminal matters, the list of very urgent cases to the president of the court to be posted on the court's portal, on the web site of the courts, and for informing the lawyers bars and the prosecution offices.

By the **Decision no.417/March 24th, 2020 the Section for Judges** has decided on the cases to be dealt with during the emergency state, considering the courts' competences.

By the **Decision no.479/March 31st, 2020 the Section for Judges** has decided that in those areas where the quarantine measure has been taken or in the areas under protection the judicial activity of the courts to be limited to the cases regarding exceptional situations that can be considered as very urgent cases.

By the **Decision no.707/April 30th, 2020 the Section for Judges** has extended the list of cases to be dealt with during the emergency state.

Subsequently, by the **Decision no. 734/May 12, 2020 the Section for Judges** of the Superior Council of Magistracy has settled a series of rules towards organising the judicial administrative activity of the courts, to be implemented during 15.05.2020 - 31.08.2020, such as the following: the possibility to adapt the working schedule, including the public relations; setting precise time frames for: access to different compartments performing public relations activities, access to session rooms; the possibility to organise hearings through videoconference both in criminal and non-criminal cases; the possibility to draft the hearing lists for calling the cases, by groups of cases within certain time frames; the recommendation for the procedural

documents, requests, appeals or any documents send to court as well as documents communication to the parties to be made, where possible, by distance communication means. Moreover, taking into account the referred period, there should be mentioned that the decision no.734/12.05.2020 of the Section for Judges has also stated, among other aspects, that, exceptional to the Internal Regulation of courts, for 2020, magistrates holiday shall be reduced to one month for the period 1-31 august; moreover, the judicial panels shall be able to decide on other types of cases, other than the urgent ones (set by the leading board of the court), to be dealt with during the magistrates holiday.

Subsequently, by the **Decision no. 1095/August 20th, 2020 the Section for Judges** has decided that the provisions of the previous decision no. 734/May 12, 2020 regarding the administrative-judicial activity of courts to continue to be implemented after 31st of August 2020, all along the duration of the state of alert, with amendments and completions that have entered into force beginning with September 1st 2020.

By the **Decision no. 527/June 2nd, 2020 the Section for Prosecutors** decided to modify the Internal Regulation of prosecution offices and completing the provisions with a chapter dedicated to Rules for carrying out activities in exceptional situations on aspects regarding the working program in such situations within the prosecution units/work from home, as well as on the access of public observing the access to justice.

By the **Decision no. 81/May 7th, 2020 the Plenum of the Council** has positively endorsed the legislative proposal for completing the Law no. 304/2004 on judicial organisation, with observations, resulting in the further adoption of the Law no. 120/2020 on July 9th 2020 on aspects regarding the judicial activity during the state of siege and emergency.

On **November 11th, 2020**, in the current epidemiological context, a working meeting was held at the Council's premises, with the participation of the members of the Section for Judges, members of the Council representing the civil society, and the minister of justice, the topic of the discussions aiming at analysing the need for adopting legislative amendments regarding the activity in courts with safeguarding the health of all participants to the judicial proceedings.

In the same context, taking into consideration the evolution of the SARS-CoV-2 epidemiological situation countrywide, and considering the need for new measures to be adopted in a coordinated approach for a unitary implementation designed to allow courts and prosecution offices to safely continue to function in order for access to judiciary proceedings to be granted as a fundamental right of citizens and for ensuring as well the standards for sanitary protection for judges, prosecutors, auxiliary staff and of all participants in the proceedings, by the **decision no. 222 of 18.11.2020, the Plenum of the Council** has positively endorsed, with observations, the draft law on measures in the field of the Judiciary in the COVID-19 pandemic context.

Also, at the level of the International Relations department of the Council an exchange of information and updates has been conducted regarding the measures taken in the in the COVID-19 pandemic context by the councils and other similar bodies within the Member States of the EU, through the European Network of Councils for the Judiciary (ENCJ), the Superior Council of the Magistracy being also part of the Project team carrying out a ENCJ project in these matters.