

Questions on Committee and recommendation of 2025 Rule of Law Report

1. *What is happening now that the Committee to evaluate and revise the Justice Laws has been suspended, we understood, through a decision from the High Court of Cassation and Justice. Is this Committee still functioning, or consulting? Will it be reformed (maybe with another composition?) Or is an evaluation of the Justice Laws planned under another format?*

The High Court of Cassation and Justice – Administrative and Fiscal Litigation Section has decided to **suspend Decision no. 574/2025** regarding the establishment of the Committee for the analysis and revision of the legislation in the field of justice, set up at the initiative of Prime Minister, in the context of drafting and promoting amendments to the justice laws.

The decision of the High Court is final and has the effect of immediately suspending the activity of this committee.

COMUNICAT privind suspendarea Deciziei nr.574/2025 emise de prim-ministrul Ilie Bolojan privind înființarea comitetului constituit pentru legile justiției – Înalta Curte de Casație și Justiție a României

Case number **448/2/2026** is currently before the Bucharest Court of Appeal, concerning the annulment of administrative act **574/19.12.2025**, with the first hearing scheduled for 12.06.2026.

http://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=200000000456585&id_inst=2"

Article 14, paragraph 1 of the Administrative Litigation Law No. 554/2004 states:

(1) In well-justified cases and to prevent imminent harm, after notifying, under the provisions of Article 7, the public authority that issued the act or the superior hierarchical authority, or within a maximum of 30 days from becoming aware of the content of the act that can no longer be revoked, *the injured party may request the competent court to order the suspension of the execution of the unilateral administrative act until the court of first instance renders a judgment.* If the injured party does not file an action for annulment of the act within a maximum of 60 days from filing the suspension request and if the substance of the suspension request has not been decided, the court vested with the suspension request will acknowledge this circumstance and will reject the suspension request as lacking interest. If the suspension has been ordered, it ceases automatically and without any formalities.

(7) *The suspension of the execution of the administrative act results in the cessation of any form of execution, until the expiration of the suspension period.*

Article 15, paragraph 4:

(4) In the event that the action on the merits is admitted, the *suspension measure, ordered under the conditions of Article 14, is automatically extended until the final resolution of the case, even if the claimant did not request the suspension of the execution of the administrative act under paragraph (1).*

2. *The work on the 2025 Rule of Law Report recommendation on the independence of high-ranking prosecutors and on the organisation and functioning of the judicial police had been*

suspended (including the draft law to further strengthen safeguards to ensure the independence of high-ranking prosecutors). Was this work relaunched in some way?

Please, see the answer to the previous questions.

Moreover, on January 8th 2026, the Ministry of Justice initiated the selection procedure for high-ranking prosecutors and published the call for applications and *the procedure is now finalized. The procedural rules could not be amended during the selection process.*

2- Also, please, find below the presentation of the selection procedure for high-ranking prosecutors:

On the 8th of January 2026, the Ministry of Justice initiated the selection procedure for high-ranking prosecutors and published the call for applications, specifying the indicative timetable, the procedure governing the selection process, and the applicable selection criteria.

The selection procedure, as provided by law, is highly transparent and involves distinct levels of assessment: the selection committee and the Section for Prosecutors of the Superior Council of Magistracy (which issues a reasoned opinion). Subsequently, the proposals for appointment were submitted to the President of Romania. The entire procedure complied with the requirements of full transparency and objectivity.

A total of 18 candidates were interviewed for 8 positions, ensuring a sufficiently broad pool to allow for an effective and competitive selection process.

On the 2nd of March, we submitted reasoned proposals for all high-ranking prosecutor positions to the Prosecutors' Section of the Superior Council of Magistracy in order to obtain its opinion. According to the law, the Section was required to issue its reasoned opinion within a maximum of 30 days.

The reasoned opinions issued by the Prosecutors' Section were positive for three candidates and negative for three candidates. For two candidates, no opinion could be issued, as the vote resulted in a tie.

On the 7th of April, a new round of interviews was conducted for the candidates who had not received a positive reasoned opinion, in accordance with the law. On the same day, the selected candidates were forwarded to the President for appointment.

On the 8th of April, the President of Romania appointed 7 out of the 8 proposed candidates, with one candidate for the position of Deputy Chief Prosecutors of the Department for the Investigation of Organized Crime and Terrorism being rejected.

The procedure was carried out in accordance with the law and the Constitution—a process marked by maximum transparency, which could be followed live by any interested person, which underwent multiple institutional levels of assessment, and which concluded with appointments made by the President on the basis of well-founded factual and legal arguments.

As a result, we now have an almost complete line-up of high-ranking prosecutors.

The management projects and stated intentions of the appointed candidates are ambitious, aiming to prioritize cases concerning the fight against corruption and serious forms of crime,

to enhance the efficiency of criminal investigation activities in order to prevent the risk of statutes of limitation expiring, and to advance the digitalization of criminal investigation activities.

The new appointed high-ranking prosecutors will bring renewed momentum to the activity of the prosecution services.

3. Additionally, alongside the information presented above regarding the completion of the selection procedure, we have a series of updates and new developments that we would like to present:

a- Related to the reform of public service pensions for magistrates:

On the 18th of February, the Constitutional Court found that the draft Law on the public service pensions for magistrates is constitutional.

According to the Court:

- the law establishes a transitional mechanism until reaching the standard retirement age in the general pension system for the Judiciary;
- the elimination, under the conditions provided by the contested legal provisions, of the adjustment of public service pensions according to the allowances in payment is in accordance with the previous Constitutional Court caselaw;
- with regard to the determination of the amount of public service pensions, the Constitutional Court does not have the competence to establish either the nominal reference value of the pension level or the percentage applied to the calculation base for its determination.
- The draft law has been promulgated by the President of Romania and became *Law No. 24/2026 amending and supplementing certain normative acts in the field of service pensions*, published in the Official Gazette of Romania, Part I, No. 151 of 27 February 2026.

The reform of public service pensions for magistrates will ensure the stability of the human resources within the Judiciary.

b- Other aspects regarding some remaining aspects within the Judiciary:

- **It has to be stated that the draft Law of State budget for 2026, recently adopted by the Government has significantly increased the ICCJ, PICCJ and CSM budget.**
- Furthermore, the Ministry of Justice announced the unblocking of procedures for filling vacant positions within the judicial system, through the promotion of a legislative solution, adopted by the Government on the 16th of April 2026, which will allow the organization of competitions in duly justified cases, with the approval of the Government. This measure comes in the context of personnel shortage within the courts, public prosecutor's offices, and the National Institute of Criminalistics, as well as the increase in the workload within the judicial system.

This undertaking will ensure the efficient functioning of justice and strengthen institutional capacity, to ensure an efficient, functional judicial system that is adapted to current challenges.

Ministerul Justiției – măsuri urgente pentru eficientizarea Justiției, 16 aprilie 2026 – Ministerul Justiției

c- Related to the draft Law on the reorganization of the prosecutors' offices attached to the first – instance courts

- On the 24th of February 2026, the draft Law on the reorganization of the prosecutors' offices attached to the courts of first instance was published on the website of the Ministry of Justice, for public consultation.
- The draft Law was initiated by the Ministry of Justice, following the proposals submitted by the Superior Council of Magistracy and the General Prosecutor's Office.
- The Standard Integrated Management Analysis prepared within the project "*Optimization of Management at the Level of the Judicial System – Prosecution Component*", implemented by the Superior Council of Magistracy in partnership with the General Prosecutor's Office, concluded that a modification of the structure of the prosecutors' offices attached to first-instance courts - other than those in Bucharest - was necessary, in the sense that they should be organized as a single, unified prosecutor office at the level of each county.
- Accordingly, the "single prosecutor office" solution for the first-instance courts within a county would create the conditions to ensure:
 - a more effective criminal prosecution and supervision of the prosecution,
 - a balanced workload,
 - specialization of prosecutors,
 - greater staff mobility,
 - full realization of the managerial role of the chief prosecutor.

The public debate was finalized and the draft was sent in the interinstitutional endorsement procedure. After this phase, the draft Law will be submitted to the Government for approval.

4- Ensuring the effectiveness of the asset declaration system

Romania's National Recovery and Resilience Plan (RRP) foresees, through Milestone No. 431, the adoption and entry into force of a set of "consolidated laws on integrity." In this context, Romania has committed to updating and consolidating the legislative framework on integrity, including the unification, revision, or adoption of new legal acts to ensure a coherent, effective system adapted to current needs.

Furthermore, in the context of *Constitutional Court Decision No. 29/2025*, which clarified the constitutional limits applicable to the publicity regime of asset declarations, the need to update the existing legislative framework was identified.

Accordingly, the National Integrity Agency (ANI), in cooperation with the Ministry of Justice, has initiated a comprehensive process of analysis and review of the relevant legislation in order

to update the format of asset and interest declarations and to ensure effective implementation of Constitutional Court Decision No. 297/2025.

The National Integrity Agency submitted to the Ministry of Justice, for analysis, a draft law regarding the amendment and completion of several legislative acts in the integrity field, meant to adapt the regulations to recent developments in the field of integrity, in line with the principles established by Constitutional Court Decision No. 297/2025. The Ministry of Justice sent its comments to the National Integrity Agency and it is expected that in the following period the National Integrity Agency sends back the revised draft.

5- Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media

From the perspective of the Ministry of Justice, an important progress made for ensuring a higher protection to the journalists is the *draft Law transposing the SLAPP directive which extends the scope also to domestic cases* in order to ensure a *higher standard of protection*. The draft Law has undergone the decisional transparency procedure and extended public consultations have been organized. It was approved by the Government on the 5th of February 2026. The draft law for transposition (PL-x no. 58/2026) was adopted by the Chamber of Deputies (the first chamber seized) on the 20th of April, 2026, through tacit approval. On the same date, the draft was forwarded to the Romanian Senate.

The draft law extends the scope of the directive to national cases in order to ensure full protection of the fundamental rights of individuals such as journalists and human rights defenders, including at national level.

Combating SLAPP practices, including at the national level, will have a positive social impact by discouraging the use of legal instruments to multiply, prolong, or increase the costs of civil litigation against natural and legal persons engaged in debates on matters of public interest, thereby relieving the courts and reducing legal expenses.