

## European Rule of Law Mechanism: written contribution of Romania

### INTRODUCTION

The present written contribution is aimed to contribute to the preparation by the European Commission of the seventh Rule of Law Report.

It provides an overview of the policy developments and practical application thereof in the four pillars proposed by the European Commission in its document, namely: justice system, anti-corruption framework, media pluralism, other institutional aspects related to checks and balances.

The 2026 Rule of Law Report follows-up on the implementation of the recommendations, that were issued as part of the 2025 Rule of Law Report, and it continues to deepen the assessment under the existing four pillars.

Therefore, this contribution builds on the previous national contributions provided for the first six exercises on the EU Rule of Law Mechanism and also includes the most significant up-dates regarding the follow-up on the recommendations received in the 2025 Report. The objective is to feed the assessment of the Commission with factual information on evolutions and developments on the ground in Romania during 2025.

The following institutions contributed as usually with their technical expertise to the consolidated contribution presented below: Superior Council of Magistracy, High Court of Cassation and Justice, General Prosecutor's Office, National Anticorruption Directorate, National Integrity Agency, National Audio-Visual Council, Ministry of Culture, General Secretariat of the Government, Legislative Council, Constitutional Court, Government Agent at the European Court of Human Rights, Romanian Institute for Human Rights, People's Advocate, National Agency for Public Procurement, Council of Competition, Financial Supervisory Authority, National Institute for Research and Development in Informatics, Ministry of Justice, the latter being also responsible for the overall coordination of the process.

The national authorities remain fully committed to building on the progress achieved by Romania in recent years in strengthening democracy and the rule of law. In this context, the Rule of Law Mechanism has proven, over the past years, to be a particularly valuable instrument for Member States in promoting the consolidation of democracy, transparency, and fundamental rights across the European Union.

Romania reaffirms its political will to continue the close cooperation with the European Commission and the other Member States within the field of Rule of Law, in line with the principle of sincere cooperation provided for in art. 4(3) of the Treaty of the EU and remains a stable and EU Member State, deeply anchored in the values of the European Union.

## INFORMATION ON DEVELOPMENTS AND MEASURES TAKEN TO IMPLEMENT THE RECOMMENDATIONS ADDRESSED TO ROMANIA IN THE 2025 RULE OF LAW REPORT

- **Take forward legislative steps to strengthen safeguards to ensure the independence of high-ranking prosecutors and for the organisation and functioning of the judicial police**

### **Strengthening the safeguards to ensure the independence of high-ranking prosecutors**

The Justice Laws were adopted by the Parliament in 2022 following extensive debates and consultations, including with magistrates and civil society, and in communication with the European Commission. The adoption and entry into force of these laws are a milestone in the Recovery and Resilience Plan (RRP), and recently this milestone was included in Payment Request no. 4 submitted by Romania, which marks their positive assessment by the national authorities. The evolution over time of any legislative act must be evaluated, and action must be taken in accordance with the real needs of society.

In this context it has to be stated that the Justice Laws already contain adequate safeguards that ensure the independence of the high-ranking prosecutors.

A Committee for the Analysis and Review of Justice Laws set up by Decision of the Prime Minister<sup>1</sup>. The Committee is chaired by the representative of the Prime Minister's Chancellery, and is composed of permanent members representing the Prime Minister's Chancellery and the Ministry of Justice, along with representatives of the Presidential Administration, the Superior Council of Magistracy, magistrates' associations and representatives of non-governmental organizations.

Its role is to create a framework for dialogue among representatives of the main institutions with responsibilities in the field of justice, professional organizations of magistrates and civil society. The Committee does not have the authority to initiate legislative proposals or draft normative acts.

Until 21<sup>st</sup> January 2026, two working meetings of the Committee have been held. The first meeting was held on December 23<sup>rd</sup> 2025, with the role of familiarizing the members of the Committee with its role and working arrangements. On that occasion, a number of issues were also raised, including the high workload of magistrates, in relation to the existing personnel, the working conditions within courts and prosecutors' offices, as well as the stability of the legislative framework.

The second meeting took place on January 14<sup>th</sup> 2026, during which were discussed and agreed the development and presentation of a multi-annual plan for a period of 5 years regarding human resources in the courts of law in Romania and in the prosecutors' offices attached to them, the establishment of a working group that will analyse the streamlining of the activity of the prosecutors' offices attached to the courts of law and the completion of an external audit of the random allocation system of cases, as well as the presentation of an audit report.

On January 21<sup>st</sup> 2026, a new meeting of the Committee was convoked by the representative of the Prime Minister's Chancellery.

It will evaluate the application in practice of the Justice Laws and it will analyze also the relevant provisions in order to further strengthen safeguards to ensure the independence of high-ranking prosecutors. Consequently, the procedures for promoting the draft law to extend the mandate of high-ranking prosecutors (5 years, non-renewable) have been suspended pending the completion of the analysis and the formulation of the conclusions to be reached by the above-mentioned committee.

Furthermore, on January 8<sup>th</sup> 2026, the Ministry of Justice initiated the selection procedure for high-ranking prosecutors and published the call for applications (Prosecutor General and Deputy Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, Chief Prosecutor and Deputy Chief Prosecutors of the National Anticorruption Directorate, and Chief Prosecutor and Deputy Chief Prosecutors of the

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<sup>1</sup> [DECIZIE 574 19/12/2025 - Portal Legislativ - published in the Official Journal no. 1182 of December 19<sup>th</sup>, 2025](#)

Directorate for Investigating Organized Crime and Terrorism)<sup>2</sup>, specifying the indicative timetable, procedure for the conduct of the selection process, and applicable selection criteria. The procedural rules shall not be amended during the selection process.

***Therefore, we consider that steps have been taken in order to fulfil this recommendation.***

- **Take measures to ensure efficient investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences**

From the National Anticorruption Directorate (DNA) perspective it has to be mentioned that although it has no longer competence to investigate corruption offences committed by judges and prosecutors, DNA contributes to the overall objective of strengthening the integrity of the judicial system by firmly investigating acts of corruption and related offences committed by other professional categories that interact directly with the administration of justice or the functioning of the rule of law.

In exercising its legal competences, DNA has continued to investigate and send to trial the corruption offences and corruption-related offences committed by other categories of professionals relevant to the judicial system and public confidence in the administration of justice. By way of example, in 2025, DNA prosecuted 2 notaries, 10 lawyers, and 20 police officers, the latter playing a key role in law enforcement activities.

Furthermore, in 2025, courts issued final convictions in DNA cases against 5 lawyers, 1 judicial executor, 1 legal advisor, and 26 police officers.

Upon entry into force of Law no. 49/2022, a backlog of 8,047 case files was inherited from the former SIIJ [ro. abbreviation for the Section for the Investigation of Offences within the Judiciary], of which 3,307 were with the PICCJ and the rest with the prosecutor's offices attached to the courts of appeal; subsequently an additional 4,554 case files were registered (of which 928 were at the PICCJ), resulting in a total backlog of 12,601 case files to be solved (of which 4,235 were at the PICCJ).

This backlog of case files had to be managed, on average for the reference period, by 3-4 prosecutors specifically assigned to the PICCJ and 2 prosecutors at each prosecutor's office attached to the courts of appeal. To date there are 39 designated prosecutors.

Under these circumstances, the effort to investigate cases involving magistrates was sustained. Thus, from the entry into force of Law no. 49/2022 to date, a total of 8,918 case files have been solved (of which 1,424 in 2025), representing a settlement rate of 71%.

In addition, the PICCJ issued five indictments (one in 2023, two in 2024 and two in 2025), bringing magistrates, judges and prosecutors to trial, including for acts of corruption.

For its part, the Craiova Court of Appeal issued two indictments against magistrates (one in 2023 and one in 2024), and the Pitești Court of Appeal issued one indictment (in 2024).

- **Introduce rules on lobbying for Members of Parliament and ensure the effectiveness of the asset declaration system**

**Regarding the rules on lobbying and revolving doors:**

Law no. 197/28.11.2025 amending Law no. 96/2006 on the Status of Deputies and Senators, published in the Official Journal no. 1106 of November 28<sup>th</sup>, 2025, increases transparency regarding the activity of the members of Parliament. It regulates the use of the Single Register of Transparency of Interests in Parliament (RUTI), through which deputies and senators have to disclose meetings between them and third parties who express interest in a legislative initiative undergoing parliamentary procedure. Deputies and senators have the obligation to register in

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<sup>2</sup> [Anunț privind declanșarea procedurii de selecție a procurorilor în vederea formulării propunerilor de numire pentru ocuparea funcțiilor de procuror general și de adjunct al procurorului general ai Parchetului de pe lângă Înalta Curte de Casație și Justiție, procuror-șef și procurori-șefi adjuncți ai Direcției Naționale Anticorupție și procuror-șef și procurori-șefi adjuncți ai Direcției de Investigare a Infracțiunilor de Criminalitate Organizată și Terorism \(DIICOT\) – Ministerul Justiției](#)

RUTI and to publish information regarding meetings with third parties at least 48 hours prior to their occurrence. In the case of meetings held without prior planning, deputies and senators have the obligation to publish the information in RUTI within 48 hours following the conclusion of such meetings.

Law no. 49/14.04.2025<sup>3</sup>, published in the Official Journal no. 336 of April 15<sup>th</sup>, 2025, introduced a new chapter - Chapter IV<sup>1</sup> – Ethical and Conduct Standards for Members of the Government and for Other Persons Holding Public Dignity Positions within the Central Public Administration. The purpose of the provisions regulated by this chapter is to establish ethical conduct and to strengthen integrity in the exercise of public dignity positions and applies to the following top executive functions: members of the Government; head of the Prime Minister’s Chancellery; the Secretary General of the Government and the Deputy Secretaries General of the Government; the secretaries of state and undersecretaries of state, as well as their equivalents within the Government, ministries, and other central specialised bodies subordinated to the Government or the ministries; the state advisers within the Prime Minister’s Chancellery.

The provisions from Chapter IV<sup>1</sup> apply as well to the persons mentioned above in their relations with one another, as well as in their relations with natural or legal persons, in connection with the exercise of their mandate or office. All top executive functions mentioned above have the obligation to register in RUTI and to publish official meetings with third parties at least two days before they take place. The official meetings published in RUTI shall include the following information: the names of the persons and/or the denominations of the participating entities; the date and place of the meeting; a description of the purpose of the meeting.

Law no. 189/2025 on pre- and post-public employment restrictions (revolving doors), published in the Official Journal no. 1065 of November 19<sup>th</sup>, 2025, establishes a unified and enforceable framework introducing a 12-month cooling-off period before and after public employment to prevent conflicts of interest and undue influence. The law expands the scope to a broad range of individuals, based on the nature of activities performed and their exposure to corruption risks. It applies broadly to senior officials, local elected representatives, and personnel involved in procurement, auditing, concessions, regulation, accreditation, and authorisation. The law establishes a mechanism based on individual declarations, institutional examination and oversight by the National Integrity Agency, ensuring both preventive and corrective safeguards. Administrative sanctions are foreseen, including the nullity of contracts concluded in breach of restrictions in certain circumstances.

#### **Regarding the effectiveness of the asset declaration system**

The Ministry of Justice has set-up a working group together with the National Integrity Agency in order to elaborate a Draft Law on the Amendment and Completion of Certain Laws in the Field of Integrity. The draft law aims to regulate legislative solutions that ensure the implementation of Milestone 431: Evaluation and Update of the Integrity Framework Legislation, as set out in the National Recovery and Resilience Plan, and the envisaged legislative solutions also aim to further strengthen the effectiveness of the asset declaration system following the Constitutional Court Decision no. 297 of 29 May 2025.

***Therefore, the recommendation to introduce rules on lobbying and revolving doors is accomplished. For the recommendation to ensure the effectiveness of the asset declaration system, important steps have been taken in order to fulfil it.***

- **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**

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<sup>3</sup> Law no. 49 of 14 April 2025 amending and supplementing Government Emergency Ordinance no. 57/2019 on the Administrative Code and amending Article 1(1) of Law no. 251/2004 on certain measures concerning goods received free of charge on the occasion of protocol activities carried out in the exercise of a mandate or public office

The draft Law transposing the SLAPP directive 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 organised. The draft was finalised and was submitted for interinstitutional endorsement. The draft law aims to protect fundamental rights, such as the right to freedom of expression and information, the right to freedom of association, and the right to peaceful assembly, providing protection to natural and legal persons involved in public mobilization actions on matters of public interest (such as investigative journalists, media organizations, or human rights defenders) against legal proceedings initiated to discourage them from participating in such actions.

Furthermore, the draft seeks to remove obstacles to the smooth conduct of civil proceedings, with a view to ensuring effective access to justice, as well as a fair balance between the procedural rights of the parties.

To that end, the draft provides for procedural safeguards against manifestly unfounded claims and abusive judicial proceedings, including: the requirement to provide a financial guarantee to cover the estimated costs of the proceedings and to ensure the payment of compensation for any potential damage caused by the lodging of an action; the early dismissal of manifestly unfounded claims; the awarding of compensation for damage suffered and the imposition of sanctions.

Combating SLAPP practices 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.

Also, it has to be mentioned that the National Audiovisual Council submitted for public consultation the Draft Decision on the licensing, authorization and notification procedure for audiovisual media services and the Draft Decision on the provision of video sharing platform services.

***Therefore, important steps have been taken in order to fulfil this recommendation.***

- **Step up efforts to address the frequent use of government emergency ordinances and to ensure effective public consultations before the adoption of legislation**

In 2025 a number of 93 of Emergency Ordinances have been adopted by the Romanian Government, compared with a number of 147 Emergency Ordinances adopted in 2024.

During 2025, emergency ordinances were adopted, primarily in view of the need to ensure the timely fulfilment of RRP milestones and targets and in other areas such as recovery and efficient use of public resources; social protection, in light of the European and regional energy context severely affected by the energy crisis and the prolonged conflict in Ukraine; transposition of European Union directives, given that failure to adopt measures under an emergency procedure could have led to potential sanctions against the State in the event of non-compliance with directive requirements, as well as in order to enable beneficiaries of the norms to exercise their rights; the provision of support and humanitarian assistance by the Romanian State to foreign citizens or stateless persons in particularly difficult situations, originating from the area affected by the armed conflict in Ukraine.

The General Secretariat of the Government continued to implement the Methodology containing best practices for the drafting and substantiation of Government emergency ordinance projects as a regulatory instrument, as provided in Annex VI to Government Decision No. 561/2009.

***Therefore, important steps have been taken in order to fulfil this recommendation.***

- **Take forward the process for obtaining accreditation for the National Human Rights Institutions, taking into account the UN Paris Principles**

Through Memorandum No. DH/439/3 of 3 July 2024, the Prime Minister of Romania communicated the Government's approval for supporting the accreditation of the People's Advocate with status A and the Romanian Institute for Human Rights with status B in the system of the Global Alliance of National Human Rights Institutions (GANHRI).

Through electronic correspondence dated 19 December 2024, the GANHRI Accreditation Subcommittee confirmed the receipt of the accreditation applications from the Romanian Institute for Human Rights and the Ombudsman institution of Romania.

Since these applications concern the accreditation of multiple institutions from the same UN member state with the same geographical competence, the Accreditation Subcommittee requested guidance from the GANHRI Bureau regarding the policy to be followed in this case during its November 2024 meeting. The GANHRI Bureau decided that the provisions of the GANHRI Statute and the Accreditation Subcommittee's Rules of Procedure, concerning the accreditation of more than one NHRI from a UN member state, must be clarified.

The Sub-Committee on Accreditation intended to examine the possibility to grant the accreditation of two or more national human rights institutions following the 46<sup>th</sup> session of the SCA in October 2025. Currently no additional information has been received in this regard. Moreover, in the current calendar for the next sessions of the SCA to be held in 2026 there aren't any references to either of the two Romanian institutions.

While deliberations are ongoing regarding a revision of the relevant provisions of the GANHRI Statute on this matter, and pending a final decision, the scheduling of accreditation applications submitted by multiple institutions from the same UN member state is temporarily suspended, including the applications from the two institutions in Romania. Once the GANHRI Statute provisions are clarified, the process of accreditation will continue.

***Therefore, the national authorities have undertaken all necessary measures for the accreditation process and now they are awaiting the decision from GANHRI.***

## I. JUSTICE SYSTEM

### I. Justice System

#### A. Independence

*Appointment and selection of judges<sup>4</sup>, prosecutors and court presidents (incl. judicial review)*

#### **The Superior Council of the Magistracy**

During the reference period, there were no changes in the primary legislation regarding the appointments and selection of judges, prosecutors and court presidents.

At the level of secondary legislation, the following normative acts have been adopted: by the Decision of the Plenum of the Superior Council of Magistracy no. 160/2025 approved the Regulation on the graduation exam of the National Institute of Magistracy; by the Decision of the Section for Judges no. 2745/2025 approved the Regulation on the capacity

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<sup>4</sup> The reference to judges concerns judges at all level and types of courts as well as judges at constitutional courts.

examination of trainee judges; by the Decision of the Prosecutors' Section no. 1054/2025 approved the Regulation on the capacity examination of trainee prosecutors.

➤ *Distribution of graduates of the National Institute of Magistracy, class of 2024*

In the meeting of 27.05.2025, the Section for Judges ordered, by Decision no. 1365/2025, the appointment of 171 graduates of the National Institute of Magistracy - promotion 2023 - 2025 in the position of trainee judge, starting with 01.06.2025, according to the options expressed in the assignment procedure carried out between 21 - 23.05.2025. Also, by Decision no. 2043/02.10.2025, the Section for Judges ordered the appointment as trainee judge, starting with 06.10.2025, of 3 graduates of the National Institute of Magistracy, class of 2023-2025, who passed the graduation exam of the Institute, July - September 2025 session.

Based on the results of the graduation exam of the National Institute of Magistracy, promotion 2023-2025, in the meeting of 27.05.2025, the Prosecutors' Section of the Superior Council of Magistracy ordered, by Decision no. 373/2025, the appointment of 95 graduates of the National Institute of Magistracy - promotion 2023-2025 in the position of trainee prosecutor, starting with 01.06.2025.<sup>5</sup>

➤ *Appointment to the magistracy on a competitive basis*

By the Decision of the Plenum of the Superior Council of Magistracy no. 157/2024 approved the organization of the competition for admission to the magistracy through the National Institute of Magistracy, in Bucharest, between July 25, 2024 and March 27, 2025, under the conditions of art. 63 of Law no. 303/2022 on the status of judges and prosecutors, with a deadline of completion in 2025.

During 2025, this competition was completed, with 104 judge positions being occupied at the courts, starting with 07.05.2025 and 17 prosecutor positions at the prosecutor's offices attached to first instance courts, who will be appointed as prosecutors starting with 07.05.2025.<sup>6</sup>

➤ *Appointment, upon request, of prosecutors as judges and judges as prosecutors.*

As a result of the procedure initiated on 12.05.2025, 22 prosecutors were appointed to the position of judge by decree of the President of Romania. On 19.11.2025, a session for the appointment of judges as prosecutors was triggered. In the meeting of 16.12.2025, the Prosecutors' Section decided to submit to the President of Romania 8 proposals for the appointment of judges as prosecutors.<sup>7</sup>

➤ *Appointment to the position of judge or final prosecutor, after passing the capacity exam*

By the Decision of the Plenum of the Superior Council of Magistracy no. 179/2024, it was approved to organize, between October 10, 2024 and 04.04.2025, the capacity exam of trainee judges and trainee prosecutors. As a result of this examination, 162 judges and 112 final prosecutors were appointed by presidential decree in May 2025.<sup>8</sup>

➤ *Appointments and re-appointments in the position of judge and prosecutor pursuant to art. 216 para. (2) - (3) of Law no. 303/2022 on the status of judges and prosecutors, as subsequently amended and supplemented*

In the procedure for re-appointment as a judge for former judges initiated during 2025, the Section for Judges formulated 7 proposals for re-appointment, of which 3 at court level and 4 at tribunal level, being appointed starting with 01.09.2025.

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<sup>5</sup> DRUO

<sup>6</sup> DRUO

<sup>7</sup> DRUO

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By the Decision of the Prosecutors' Section of the Superior Council of Magistracy no. 1672/10.12.2024, it was decided to initiate a procedure for re-appointment in the position of prosecutor. It started on 11.12.2024 and was completed during March 2025. As a result of this procedure, 4 people were reinstated as prosecutors.<sup>9</sup>

- *Appointment of judges to the position of President in courts of appeal, tribunals, specialised tribunals and first instance courts*

Between August and December 2025, the competition was held for the occupation of a number of 150 vacant positions of president until 06.01.2026 at the courts of appeal, tribunals, specialized tribunals, first instance courts and military courts, to which 66 candidates registered and 34 positions of president were occupied.

- *The appointment of judges to other management positions, pursuant to art. 150 para. (2) of Law no. 303/2022 on the status of judges and prosecutors, as subsequently amended and supplemented*

During the reference period (January-December 2025), the Section for Judges appointed 61 judges to the vacant positions of Vice-President and Section President.

- *Appointment of prosecutors to the management positions of Prosecutor General and First Prosecutor of the Prosecutor's Offices attached to the Courts of Appeal, Tribunals and First instance courts*

By Decision no. 585/2025, the Prosecutors' Section of the Superior Council of Magistracy approved the organization, through the National Institute of Magistracy, in Bucharest, between August 1 and December 4, 2025, of the competition/exam for the appointment of prosecutors to management positions at the prosecutors' offices attached to the courts of appeal, tribunals, specialized tribunals and first instance courts, with 130 vacant positions of prosecutor general and first prosecutor from the prosecutors' offices attached to the courts of appeal, tribunals and first instance courts. In the meeting of 16.12.2025, this competition was validated and 36 prosecutors were appointed to management positions, starting with 01.01.2026.<sup>10</sup>

- *The appointment of prosecutors to other management positions, pursuant to the provisions of Art. 149 and Art. 150 para. 2, 3 of Law no. 303/2022 on the status of judges and prosecutors*

In accordance with the provisions of art. 149 para. (1) Law no. 303/2022 on the status of judges and prosecutors "Appointment to management positions other than those provided for in art. 144 para. (1) within the Prosecutor's Office attached to the High Court of Cassation and Justice, of the National Anticorruption Directorate and of the Directorate for the Investigation of Organized Crime and Terrorism Crimes is done for a period of 3 years, with the possibility of reappointment only once, in the same way, by the Prosecutors' Section of the Superior Council of Magistracy, at the proposal of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the Chief Prosecutor of the National Anticorruption Directorate or of the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism, as the case may be, with the recommendation of the head of the section within the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate or the Directorate for the Investigation of Organized Crime Crimes, and Terrorism, where the prosecutor is to be appointed."

At the same time, in accordance with the provisions of art. 150 para. (2) and (3) of Law no. 303/2022 on the status of judges and prosecutors, "appointment to management positions other than those provided for in para. (1) of the courts, tribunals, specialized tribunals and courts of appeal and of the prosecutors' offices attached to them shall be made without competition or examination, at the proposal of the president of the court or of the head of the prosecutor's office, according to the procedure provided by this law. The appointment to management positions at first instance courts,

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<sup>9</sup> SRUP

<sup>10</sup> SRUP

tribunals, specialized tribunals and courts of appeal, as well as at the prosecutor's offices attached to them, shall be made by decision of the Section for Judges, respectively of the Section for Prosecutors, for a period of 3 years, with the possibility of reappointment, only once, under the conditions provided for in para. (1) and (2)."

Between January and December 2025, pursuant to the provisions of art. 149 and art. 150 para. 2, 3 of Law no. 303/2022, the Prosecutors' Section of the Superior Council of Magistracy appointed 114 prosecutors in management positions.<sup>11</sup>

*With regard to the judicial review regarding these aspects, it is necessary to mention that 9 actions were brought, as follows: 3 files regarding admission competitions to the National Institute of Magistracy, unresolved at the time of writing this address (15.12.2025); 1 file regarding the reinstatement of the position of judge, rejected; 5 files regarding the appointment from the position of prosecutor to the position of judge, of which 1 rejected and 4 unresolved at the time of writing this address (15.12.2025).<sup>12</sup>*

*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)*

### **The Superior Council of the Magistracy**

In 2025, there have been no changes to the irremovability of judges at the level of primary and secondary legislation, including their transfer (including as part of the judicial map reform) and the regime of exclusions of judges, court presidents and prosecutors.

Regarding the retirement of judges, on 29.08.2025, the Romanian Government assumed its responsibility before the Parliament on *the draft law for the amendment and completion of some normative acts in the field of service pensions*, a draft law that had as its object the radical modification of the service pension regime of judges and prosecutors.

For this revision there was no consultation of the judiciary. The draft was not even sent to the Council before being made public at a [press conference](#) on July 29, 2025, amid the corruption scandal targeting the [deputy prime minister](#). On August 22, 2025, the Ministry of Labor officially requested the Council's opinion — but did not ask for the accelerated granting of the opinion. Despite the legal deadline of 30 days for response, the Government completely ignored this, and 7 days later, on August 29, 2025, it sent the law to Parliament, which adopted it on September 4, 2025, using a special, urgent procedure for assuming responsibility for the Government.

The law was challenged before the Constitutional Court by the High Court of Cassation and Justice, and by Decision no. 479 of 20.10.2025, the Constitutional Court [admitted the objection of unconstitutionality](#) and found that the Law on the amendment and finalization of some normative acts in the field of service pensions as a whole is unconstitutional, the main reason for admitting the objection being the lack of opinion of the Superior Council of Magistracy.

Subsequently, respectively on [02.12.2025](#), the Romanian Government again assumed its responsibility before the Parliament on *the draft Law for the modification and completion of some normative acts in the field of service pensions*, which has an almost identical form to that of the previous draft. Currently, it is pending before the Constitutional Court, for carrying out the *a priori* review of constitutionality, following the notification filed by the High Court of Cassation and Justice, the date for resolution being 11.02.2026.

At this point, it is clear that the decision of the Constitutional Court no. 479 of 20.10.2025 sanctioned the lack of consultation with the Superior Council of Magistracy, reaffirming the need for a real and honest inter-institutional dialogue between the powers of the state, so that any action of the legislative and executive powers regarding the judicial authority

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<sup>11</sup> SRUP

<sup>12</sup> DLDC

is carried out with the effective consultation of the judiciary, ensuring full respect for judicial independence and the other constitutional values that ensure the premises of justice in the interest of citizens.

These clear principles on the need for fair and honest consultation of the judiciary have been reaffirmed by international associations such as the [ENCJ](#), [MEDEL](#) and [EAJ](#). All these institutions spoke out against the lack of real consultation on the amendment of the Magistrates' Statute and against the frequent changes to the Magistrates' Statute (the 10th substantial amendment to the Statute in 2018 and the third amendment to the pension regime in 2022) which, among other things, inevitably leads to instability and lack of attractiveness of the profession.

However, after the Constitutional Court's decision, the prime minister and other officials of the ruling coalition publicly stated that the law, in its current form, could simply be sent to the Council and that it would be enough to wait for the 30-day deadline or ask the Council for a quick opinion within [24 hours](#).

There was no availability for an institutional dialogue on the content of the law and especially on the substantive vulnerabilities mentioned in the objection of unconstitutionality invoked by the High Court of Cassation and Justice. The public discourse of government officials suggested that a proper consultation of the judiciary would be just a procedural subterfuge invented by the Constitutional Court to delay the entry into force of an otherwise perfect law. The consultation was treated as a mere formality — waiting for a specified time for the Council's opinion, but publicly stating the intention to completely ignore that opinion, as an institutional dialogue on issues of social fairness is not justified.

Thus, one can note a constant approach of force of the executive against the judiciary, given that the SCM was not only not included in the institutional dialogue to amend the magistrates' statute, but the mandatory procedure for obtaining the Council's opinion was either completely ignored or ticked exclusively formally.

Even more serious is the fact that the legislative procedure used in this case, namely the assumption of responsibility of the Government (art. 114 of the Romanian Constitution) is an accelerated procedure by which the Government engages its responsibility before the Parliament (Joint Chambers) on a draft law, without debate, and if a motion of censure submitted in 3 days is not voted, the draft becomes law automatically, with an excessively limited parliamentary impact. The procedure is even more restrictive compared to emergency ordinances, which have long been criticized including in the Cooperation and Verification Mechanism, since the ordinances, after their adoption by the government, are subject to subsequent parliamentary control.

This way of legislating in the field of magistrates' status through the instrument of government accountability can be considered an unlimited power of the executive, which is a central feature of absolutist and dictatorial systems according to the latest rule of law rules, adopted by the [Venice Commission](#) in December 2025.

It should be noted that there was no legitimate concern about magistrates' pensions, since the revision of the pension system for the judiciary — age, seniority requirements, pension formula — had already been fully resolved by Law no. 282/2023, adopted in consultation with both the judiciary and the European Commission in the context of Romania's National Recovery and Resilience Plan.

Currently, according to Law no. 282/2023, the retirement age of magistrates is set at 60 years old, with a transition period regulating the gradual increase of this person. Magistrates recruited in the last three years (about 1,600) will no longer be eligible to retire until they reach at least 56 years of age, with the vast majority of them becoming eligible to retire only at the age of 59–60.

There are approximately 4,000 magistrates who will meet the retirement conditions established by the transitional formula in Law no. 282/2023. Of these 4,000 magistrates, approximately 1,600 fall into the category for which the transitional scheme according to Law no. 282/2023, although applicable, effectively pushes the retirement age to the range of 58–60 years, depending on the individual situation of each person, making the transitional period practically irrelevant.

The European Commission's March 2025 assessment, which concluded that Milestone 215 was no longer satisfactorily met, did not concern the new retirement conditions for magistrates. The Commission's concern focused only on a technical issue: [Decision No. 724 of the Constitutional Court of 19 December 2024](#), which annulled the additional taxation of certain service pensions — in particular military pensions — because it applied a special regime that does not apply to all public pensions.

The executive's forceful approach against the judiciary was not limited to excluding the institutional dialogue with the SCM, but was accompanied by a strong campaign of denigration and incitement to hatred against the judiciary through constantly repeated false statements from the executive level and a coordinated campaign on social networks and in the mass media orchestrated and maintained by the political factor.

➤ *Situation of transfers, in 2025:*

In the session between March and April 2025, the necessary works were developed for the analysis of 330 transfer requests submitted for stage 1, 83 applications being admitted, as well as 167 applications submitted for stage 2 transfer formulated by judges, 7 transfer requests being admitted. Also, in the session between October and November 2025, a new transfer session is held at the courts, the necessary works were developed for the analysis of 287 transfer requests submitted for stage 1, 74 applications being admitted, as well as 179 applications submitted for stage 2 transfer formulated by judges, 12 transfer requests being admitted.

At the same time, in February 2025, the transfer procedure from civilian courts to military courts was initiated, and of the 10 applications submitted, 3 applications were admitted.

On 25.09.2025, a procedure for the transfer of prosecutors was initiated, as a result of which 54 applications were admitted.

On 12.11.2025, a session for the transfer of prosecutors from civil to military prosecutors' offices was triggered. In the meeting of 16.12.2025, 5 requests for transfer to the military prosecutor's offices were admitted.

➤ *The situation of exits from the profession, in 2025:*

By decrees of the President of Romania published in the reference period, until 31.12.2025 inclusive, 210 persons were relieved from the position of judge, as follows: 201 people, through retirement; 4 people, as a result of their resignation; 3 persons, as a result of the appointment to the position of prosecutor; 1 person, as a result of the application of the disciplinary sanction of exclusion from the magistracy; 1 person, as a result of unjustifiably failing to attend the specialized expertise. At the same time, 2 judge positions were vacant this year, as a result of the death.

Until 31.12.2025 inclusive, a number of 100 persons were released from the position of prosecutor, by decrees of the President of Romania, as follows: 75 people, as a result of retirement; 2 people, as a result of their resignation; 22 prosecutors were appointed as judges; 1 person, as a result of the final conviction.

*With regard to the judicial review on these aspects, it should be noted that 89 actions were brought, as follows:*

- 87 files regarding the transfer, of which 10 admitted, 40 rejected and 37 unresolved at the time of writing this address (15.12.2025);
- 2 files regarding suspension from office, of which one admitted and one unresolved at the time of writing this address (15.12.2025).

Regarding the exclusions from the magistracy, between 01.01.2025 and 31.12.2025, the Section for Judges in Disciplinary Matters issued a decision by which the disciplinary sanction consisting of exclusion from the magistracy was applied, the decision is not final, and the appeal to the High Court of Cassation and Justice is being resolved.

Between 01.01.2025 and 31.12.2025, the Section for Prosecutors in Disciplinary Matters issued a decision by which the disciplinary sanction consisting of exclusion from the magistracy was applied, the decision was appealed, the High Court of Cassation and Justice maintaining the solution pronounced by the Section.

#### *Promotion of judges and prosecutors (incl. judicial review)*

##### **The Superior Council of the Magistracy**

During the reference period, there were no changes in primary or secondary legislation regarding the promotion of judges and prosecutors (including judicial review).

###### ➤ *Promotion of judges*

During 2025, the competition for effective promotion to executive positions organized between September 2024 and February 2025 was completed, a competition for which 30 positions were allocated at the courts of appeal and 412 positions at the tribunals. 157 judges were promoted to the tribunals and 29 judges to the courts of appeal, another 49 judges being promoted, as a result of the capitalization of the results of this competition (25 at the tribunals and 24 at the courts of appeal).

Also, between February and June 2025, the competition for effective promotion to executive positions was organized at the level of the tribunals, out of the 67 positions, 43 positions were filled. Another 11 judges were promoted under art. 141 para. (6) of Law no. 303/2022.

At the same time, at the competition for effective promotion to executive positions at the courts of appeal organized between September and December 2025, out of the 43 positions, 37 positions were filled at the courts of appeal, currently being in the deadline for capitalizing on the results of this competition.

On December 12, 2025, the competition for effective promotion to executive positions at the level of the courts was launched (December 2025 – April 2026), a competition for which 394 judge positions were allocated, the registration period expiring on December 29, 2025.

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

The Section for Judges ordered in the meeting of 21.01.2025, the promotion of 11 judges to the supreme court, starting with 01.02.2025, following the completion of the competition held between September 2024 and January 2025, being occupied 2 positions at the Civil Section I, 2 positions at the Civil Section II, 6 positions at the Administrative and Fiscal Litigation Section and 1 position at the Criminal Section.

In 2025, the competition for promotion to the position of judge at the High Court of Cassation and Justice was held, with 15 judge positions being allocated for the competition and 13 positions occupied: 1 position at the Civil Section I, 5 positions at the Administrative and Fiscal Litigation Section and 7 positions at the Criminal Section.

###### ➤ *Promotion of prosecutors*

Between March and September 2025, the competition for promotion to positions of effective execution of prosecutors was held. Thus, by the Decision of the Prosecutors' Section no. 207/26.03.2025, the organization of the competition for effective promotion to executive positions of prosecutors for a number of 131 positions was approved. Following the completion of this competition, 63 prosecutors were effectively promoted to the higher prosecutor's offices.<sup>13</sup> At the

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same time, in the meeting of 16.12.2025, the Prosecutors' Section decided to effectively promote 13 prosecutors, by capitalizing on the results obtained in the competition.

*As regards the judicial review on these issues, it should be noted that 5 actions were brought, and no action was admitted (3 rejected and 2 not resolved at the time of writing this address).<sup>14</sup>*

#### *Allocation of cases in courts*

During the reference period, there was no change regarding the regulation of the random distribution of cases in courts.

Steps taken to perform an audit on the allocation of files within the Judicial Inspection, as per the Justice laws:

According to Article 84 paragraph 7 of Law no. 305 of November 15, 2022 on the Superior Council of Magistracy, in force since December 16, 2022, the system of random distribution of notifications and disciplinary files, as well as other works related to the activity and conduct of judges and prosecutors is audited externally, from a technical point of view, every 2 years. The external audit is carried out in order to identify and remedy the vulnerabilities of the system, including as regards tainted or influenced or manipulated random distribution, under the conditions established by decision of the Plenum of the Superior Council of Magistracy.

After the entry into force of the law, the conduct of the external audit was hampered mainly by the unpredictability of the funds, given that the Council was under successive budgetary restrictions. Thus, GEO 90/27.10.2023 expressly prohibited the incurring of expenses for consultancy and expertise, (art. I) and the fiscal-budgetary measures that followed in the field of public expenditures did not allow the allocation of the amounts necessary for contracting external audit services.

The process is currently under way, and it involves several steps. The external audit activity of an IT system intended for a specific and niche activity, such as the random assignment of cases, involves an extremely detailed specification, which is based on a complex analysis that establishes the general and specific criteria, the first step being triggered, namely the establishment of the criteria.

#### *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 Superior Council of the Magistracy**

During the reference period, there were no changes in primary or secondary legislation regarding the independence (including the composition, appointment and dismissal of members) and the powers of the body responsible for safeguarding the independence of the judiciary (e.g. the Judicial Council)

The Superior Council of Magistracy, pursuant to art. 24 para. (8) of Law no. 305/2022 on the Superior Council of Magistracy, triggered, on 06.10.2025, the elections for the positions of president and vice-president of the Superior Council of Magistracy.

On 27.11.2025, the submitted candidacies were analyzed and debated and the candidates for the positions of President and Vice-President were nominated by the corresponding Sections of the Superior Council of Magistracy, as well as the election of the President and Vice-President by the Plenum of the Superior Council of Magistracy. During the Plenary

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Session of the Superior Council of Magistracy, Judge Gheorghe Liviu Odagiu was elected President of the Council, and Prosecutor Bogdan-Silviu Staicu was elected Vice-President of the Council.<sup>15</sup>

At present, there is a special concern regarding the public discourse in relation to independence, the revocation of members and the powers of the Council, as the parties in the government coalition, but also the President of Romania, are increasingly insistently advancing multiple options for amending the SCM statute, ranging from restricting the attributions, modifying the procedure for [electing members](#), [introducing political control](#), to [dismissal of members in office](#).

These public positions emerged in the broader context of the unprecedented coordinated attack actions against the judiciary, launched in 2025 by the parties that formed the new government coalition.

To this question (which concerns the independence of the Council), we would like to draw particular attention to the dangerous direction in which the positions of politicians in the highest executive positions in the state are heading.

Thus, in a press statement held on [December 21, 2025](#), the President of Romania presented the preliminary conclusions following discussions with "20 magistrates on individual behalf and about 20 magistrates on behalf of magistrates' associations", considering that "the situation we are in is serious, in that there is this suspicion regarding the integrity of the judicial system". As such, he announced that he would initiate "a referendum within the body of magistrates with a single question: 'Is the Superior Council of Magistracy acting in the public interest or is it acting in the interest of a group within the judiciary?'", but also that, in the event that "magistrates, in their majority, will say that the Superior Council of Magistracy does not represent the public interest, but the interest of the guild, [then the Superior Council of Magistracy will leave urgently](#)".

Both the Section for [Judges](#) of the SCM and the Section for [Prosecutors](#) immediately issued press releases in which they drew attention to the fact that the exercise of constitutional powers by the public authorities must be carried out in strict compliance with the principle of separation and balance of powers in the state, as enshrined in the Romanian Constitution.

The referendum proposed by the President of Romania is not provided for by the legal provisions within any profession, even more so within the profession of judge, which represents one of the three powers in the state and has constitutional regulation, as well as at the level of organic laws. It was pointed out that the current law provides for clear ways of dismissing the members of the Council, the referendum not being among them.

The Superior Council of Magistracy, in its constitutional capacity as guarantor of the independence of the judiciary, exercises its powers autonomously and will not tolerate any form of interference, direct or indirect, in the activity of the judicial authority.

As another particularity for 2025, it should be noted that, after the new President of Romania took office, respectively after 26.05.2025, there was a blockage in the procedures for signing the retirement decrees of judges and the decrees of appointment to the position of judge. Considering that the procrastination, without any explanation, of these procedures was likely to generate negative consequences in the activity of the courts, on 07.07.2027 the Superior Council of Magistracy addressed the President of Romania, Mr. Nicușor Dan, through an open letter, requesting to order the necessary measures for the completion of the procedures, as well as to the Minister of Justice, Mr. Radu Marinescu, for institutional support in order to quickly resolve this situation. Although starting with 20.06.2025 the Superior Council of Magistracy has transmitted to the Presidential Administration a considerable number of decisions issued by the Section for Judges for the President of Romania to issue the decrees of appointment to the position of judge and the decrees of release from this position, the decrees were signed only starting with 01.08.2025.

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### **The Superior Council of the Magistracy**

During the reference period, there were no legislative changes regarding the liability of judges and prosecutors, including disciplinary liability, rules of ethics, immunities, criminal liability of judges (including judicial review).

The IT application created in 2024 at the level of the SCM, targeting the jurisprudence in disciplinary matters coming from the SCM Sections, CA Bucharest and HCCJ, was constantly optimized during 2025 so that magistrates can easily follow what is the disciplinary practice on certain facts and relevant aspects in the procedures carried out, being also conferred, through the Rejust application, generalised access to the app for all judges and prosecutors active in the judiciary.

### **Independence/autonomy of the prosecution service**

#### **National Anticorruption Directorate**

In a State governed by the rule of law, the independence of the judiciary constitutes an essential prerequisite for the democratic functioning of public institutions and for the effective protection of fundamental rights. In Romania, the Superior Council of Magistracy is, pursuant to the Constitution, the guarantor of judicial independence, being expressly entrusted with the responsibility to safeguard the professional reputation and independence of magistrates against any form of unjustified interference or pressure, including those originating from the political sphere.

Between 2024 and 2025, the Chief Prosecutor of the National Anticorruption Directorate submitted several successive requests to defend his professional reputation in the context of repeated and systematic attacks in the public sphere, which led to the constant activation of the legal protection mechanisms.

Thus, on 6 and 7 February 2024, multiple posts and public statements were disseminated via social media platforms and the audio-visual media by prominent members of a parliamentary political party. Through these communications, the Chief Prosecutor of the National Anticorruption Directorate was subjected to serious allegations lacking any factual basis. The accusations concerned alleged “political missions,” an asserted lack of professional integrity, purported non-compliance with statutory requirements relating to asset declarations, as well as the deliberate undermining of the image and proper functioning of the National Anticorruption Directorate. The language employed was tendentious and, in certain instances, overtly insulting, being liable to impair both the professional reputation of the magistrate concerned and public confidence in the institution he leads.

As a result of these public appearances, in February 2024, the Chief Prosecutor of the National Anticorruption Directorate submitted a request for the protection of professional reputation, pursuant to the provisions of Article 31 of Law No. 305/2022 on the Superior Council of Magistracy. Following the complaint, the Prosecutors' Section of the Superior Council of Magistracy referred the matter to the Judicial Inspection, with a view to conducting checks on the nature, content, and impact of the statements and posts appearing in the public sphere on the professional reputation of the magistrate and on public confidence in the judicial system.

In the report drawn up, the Judicial Inspection found that these public interventions were repetitive and coordinated in nature, noting that the number and content of the posts reveal a sustained focus on the activity of the Chief Prosecutor of the National Anticorruption Directorate, capable of assuming the characteristics of deliberate and systematic harassment. The Judicial Inspection concluded that *“we are faced with a systematic and organized campaign involving several prominent members of a political party, launched following a criminal investigation concerning other members of the same party, consisting of public statements and posts made at regular intervals, with the aim of maintaining public attention on alleged unlawful conduct, all of which are liable to seriously affect the professional reputation of a*

*prosecutor.*” At the same time, it was found that the statements exceeded the limits of legitimate public debate, directly targeting the person of the magistrate and being capable of negatively and unjustifiably influencing public opinion.

Based on these findings, by its Decision no. 490/2024 of the Prosecutors' Section of the Superior Council of Magistracy, during its meeting on March 14, 2024, granted the request to defend the professional reputation of the chief prosecutor of the National Anticorruption Directorate was granted.

Within the context of the publication of the documentary *Recorder* on December 9, 2025, entitled "*Captured Justice*," in which several statements and accusations were made regarding the functioning of the judicial system, the Judicial Inspection issued a report highlighting that certain aspects presented in the documentary concerning the activity of the management of the National Anticorruption Directorate had been the subject of previous investigations, including in the context of requests to defend the professional reputation of prosecutors.

Thus, in the document no. 24-271, a former DNA prosecutor requested the defence of his professional reputation, invoking the statements of the Chief Prosecutor of DNA, who allegedly criticized him regarding decisions to close cases or his professional activity within the DNA military service, including in an interview on G4 Media on February 5, 2024. The Prosecutors' Section of the SCM, following the proposal of the Judicial Inspection, denied the request by its Decision No. 595/2024, noting that there were mutual grievances between the petitioner and the Chief Prosecutor and that it is the Chief Prosecutor's prerogative to organize his team and respond in an informed manner in the media.

In the case no. 25-634, a prosecutor from the DNA requested the protection of his professional independence, invoking the alleged interference of the management of DNA in the cases he was investigating. The Judicial Inspection report, adopted by Decision No. 428/2025 of the Prosecutors' Section, found that the actions of the superior prosecutor in invalidating illegal or ungrounded acts were legal powers and did not constitute interference in the work of subordinates.

A third case directly concerned the Chief Prosecutor of DNA. Between May 19 and 20, 2025, two videos were posted on TikTok, Instagram, YouTube, and Facebook, making ungrounded speculations and accusations, associating the prosecutor's image with politicians and criminals, without any factual grounds. In the document no. 25-1166, the Chief Prosecutor requested the defence of his professional reputation. The Prosecutors' Section granted the request by Decision No. 466/2025, noting that the posts were intended to discredit the magistrate through unfounded statements, without referring to objective facts, and that these actions affected the prosecutor's professional reputation and public confidence in the institution.

Thus, according to the Judicial Inspection report, the material published by Recorder contained information and statements that had already been evaluated and subjected to institutional verification, highlighting the systematic concern of certain individuals with political connections to damage the image and reputation of prosecutors from the National Anti-Corruption Directorate.

Through these decisions, the Superior Council of Magistracy reaffirmed its constitutional role as guarantor of the independence of the judiciary and the state's obligation to ensure the effective protection of the professional reputation of magistrates as an essential element of the rule of law.

### **General Prosecutor's Office**

During the reference period, there were no changes in primary legislation regarding the status of prosecutors that would affect their functional independence.

However, there were some substantial changes to the legislation on prosecutors' retirement conditions, which could affect their independence as an intrinsic part of their status as magistrates.

On 29 August 2025, the Romanian Government assumed responsibility before the Parliament for the draft law amending and supplementing certain legislative acts in the field of service pensions, a draft law aimed at radically changing the service pension scheme for judges and prosecutors.

There was no consultation with the judiciary on this revision. The draft was not even sent for consultation to the institutions of the judiciary before being made public at a press conference on 29 July 2025. On 22 August 2025 (which was a Friday, at the end of the working week), the Ministry of Labour requested the opinion of the CSM [ro. abbreviation for the Superior Council of Magistracy], but despite the legal deadline of 30 days for a response, the Government ignored it, and seven days later (including the weekend), on 29 August 2025, it sent the law to the Parliament, which adopted it on 4 September 2025, the Government using an urgent procedure to assume responsibility for this law.

The law was challenged before the Constitutional Court by the High Court of Cassation and Justice, and by Decision no. 479 of 20 October 2025, the Constitutional Court upheld the objection of unconstitutionality and found that the Law on the amendment and finalisation of certain legislative acts in the field of service pensions as a whole is unconstitutional, the main reason for admitting the objection being the absence of an opinion from the Superior Council of Magistracy.

Subsequently, on 2 December 2025, the Romanian Government again assumed responsibility before Parliament for the draft law amending and supplementing certain legislative acts in the field of service pensions, which is almost identical to the previous draft. It is currently pending before the Constitutional Court for an a priori review of constitutionality, following a notification submitted by the High Court of Cassation and Justice, the deadline for a decision being 11 February 2026.

We note that at no point was the Government willing to engage in institutional dialogue on the content of the law, particularly with regard to the substantive vulnerabilities mentioned in the objection of unconstitutionality raised by the High Court of Cassation and Justice. The consultation was treated as a mere formality – waiting for a specified time for the CSM's opinion, while publicly stating the intention to completely ignore that opinion, as institutional dialogue on issues of social equity is not justified.

Thus, a consistent forceful approach by the executive against the judiciary can be noted, given that the institutions of the judicial system were not only excluded from the institutional dialogue on changing the status of magistrates, but the mandatory procedure for obtaining the CSM's opinion was either completely ignored or merely ticked off as a formality.

It should also be noted that the revision of the pension system for the judiciary — age, seniority requirements, pension calculation formula — had already been fully settled by Law no. 282/2023, adopted in consultation with both the judiciary and the European Commission in the context of Romania's National Recovery and Resilience Plan.

Currently, according to Law no. 282/2023, the retirement age for magistrates has already been increased to 60, with a transition period regulating the gradual increase of this period for some of the cohorts of magistrates currently in office.

As regards the amount of the service pension, it has been reduced to 55% of the calculation basis represented by the average of the gross monthly allowances and permanent bonuses received in the last 60 months of activity, without exceeding 70% of the net income received in the last month of activity.

There are approximately 4,000 magistrates who will meet the retirement conditions set out in the transitional formula stated in Law no. 282/2023. Of these, approximately 1,600 fall into the category for which the transitional scheme under Law no. 282/2023, although applicable, effectively pushes the retirement age to between 58 and 60, depending on each person's individual situation, rendering the transitional period practically irrelevant.

The Government also justified its legislative intervention by erroneously arguing that the cause for the European Commission's assessment of March 2025, concluding that Benchmark 215 was no longer being satisfactorily met, concerned the retirement conditions for magistrates. This argument is clearly erroneous, given that the Commission did not consider the retirement conditions for magistrates, but focused exclusively on a technical issue, namely Decision no.

724 of the Constitutional Court of 19 December 2024, which annulled the additional taxation of certain service pensions, in particular military pensions.

The executive's forceful approach against the judiciary was not limited to excluding institutional dialogue with the institutions of the judicial system, but was accompanied by a strong campaign of denigration and incitement to hatred against the judiciary through false statements constantly repeated by the executive and a coordinated campaign on social media and in the mass media, orchestrated and maintained by political actors.

#### *Independence of the Bar (chamber/association of lawyers) and of lawyers*

The legislative framework provides sufficient guarantees to ensure the independence of the Bar and the lawyers. In this context it has to be mentioned that Romania, through the Minister of Justice, signed in October 2025 the Council of Europe Convention on the Protection of the Legal Profession by the Minister of Justice. The signing of the Convention by Romania reaffirms the firm commitment to the values and standards of the Council of Europe relating to human rights, the rule of law and democracy. The Convention strengthens the protection of the legal profession and the right to practice law independently and without discrimination, obstacles or undue interference, while also establishing a legal framework in which lawyers can carry out their professional activities without being subjected to attacks, threats, harassment or intimidation.

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

##### **The Superior Council of the Magistracy**

With regard to the legislative mechanism that the Superior Council of Magistracy exercises according to the law for the defense of the independence of justice, in general, as well as of judges and prosecutors, it should be noted that between January 2025 and December 15, 2025, the Judges' Section of the Council issued a number of 7 decisions defending independence, impartiality and professional reputation, of which 6 were admitted (Decision no. 254/2025; Hot. no. 1944/2025; Hot. no. 2115/2025; Hot. 2116/2025; Hot. 2204/2025 and Hot. 2520/2025), one rejected (2205/2025).

In the same reference period, the Council's Prosecutors' Section issued a number of 7 decisions defending independence and professional reputation, of which 6 admitted (Hot. no. 132/2025; Hot. no. 143/2025, Hot. no. 465 and 466/2025; Hot. no. 557/2025 and Hot. 789/2025) and one rejected (Decision no. 428/2025).

Finally, it should be noted that between 01.01.2025 and 15.12.2025, no requests/notifications were registered at the Plenary of the Council to defend the independence of the judicial authority.

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During 2025, the justice system in Romania faced an unprecedented campaign of disinformation of citizens and defamation of the body of magistrates, a campaign orchestrated and maintained by the political factor and the media, in the context of the elaboration and adoption by [assuming the responsibility](#) of the Government of the draft law on the modification of the magistrate's statute in the components related to the amount of the service pension and retirement age.

An atmosphere of public hatred has been artificially and undeservedly created around the justice system, through public statements by politicians from the parties that form the ruling coalition, as well as by journalists who usually replicate their message, and who go beyond the margin allowed for reasonable, acceptable and even necessary criticism in a

democratic society, reaching the false, aggressive, limitless description of the justice system as incompetent, corrupt, decoupled from reality.

There have been disqualifying attacks by journalists and politicians against the justice system in general and, individually, against members of the Superior Council of Magistracy who have taken a public position in defense of the judicial system. These magistrates have become the target of a campaign of personal discredit, orchestrated with an intentional virulence, meant to channel the hatred of citizens against the justice system.

This campaign flagrantly defied any acceptable limit in a state of law: calls for the public execution of magistrates were promoted, explicitly or by insinuation, contexts were created that encouraged verbal and physical aggressions on the street against magistrates by citizens instigated in this way, which has happened.

Such actions could no longer be treated as mere slippages of opinion, they represent a direct threat to the personal safety of magistrates and, more seriously, to the independent functioning of justice.

In fulfilling its constitutional role as guarantor of the independence of justice, the Superior Council of Magistracy has promptly and assumed taken a position towards the attitudes, often hostile, manifested from the outside towards justice in general and magistrates in particular, including regarding the service pension regime of judges and prosecutors.

At the same time, on 01.09.2025, the Superior Council of Magistracy [informed](#) the public that it notified the Prosecutor's Office attached to the High Court of Cassation and Justice about the commission of the crime of public instigation provided for by art. 368 of the Criminal Code, requesting investigations into several public messages through which users of social networks instigated the commission of serious crimes against magistrates and family members to them. At the same time, similar reactions were identified from other individuals, users of social networks, including after sending private messages to magistrates.

The Prosecutor General's Office [has publicly announced](#) that it has started the criminal investigation against 3 people following the notification made by the Superior Council of Magistracy.

Slippages of opinion were also formulated from the top of the Romanian Government, by a deputy prime minister who publicly stated that [magistrates take money from children's mouths](#), and the status of the magistrate in the component related to the service pension is similar to a pyramid system of the "Caritas" type – this system being in the history of Romania one that robbed the population's savings and was criminally sanctioned. And following these statements, The Council [notified](#) the criminal investigation bodies in order to carry out verifications on the commission of the crime of incitement to hatred provided by the provisions of Article 369 of the Criminal Code.

In the same period with the statements made by the Deputy Prime Minister of Romania, mentioned above, the Deputy Mayor of Timisoara publicly made serious, unproven accusations that violate the dignity of women judges and discriminate, stating that the majority of women judges in Romania are controlled in terms of the decisions they pronounce by [pimps/loverboys](#). And in this situation, the Council took the necessary measures and notified The National Audiovisual Council, as well as the National Council for Combating Discrimination.

Also, in the fulfillment of its constitutional role as guarantor of the independence of justice, it gave a negative opinion to the Legislative Proposal on the amendment of some normative acts in the field of service pensions ([Decision of the Plenum of the Superior Council of Magistracy no. 60/15.04.2025](#)) and the Draft Law on the modification and completion of certain normative acts in the field of service pensions ([The Decision of the Plenum of the Superior Council of Magistracy no. 158/27.11.2025](#)), stressing, in essence, that they are likely to affect the stability of the regulatory framework and to have serious consequences on the activity of the judiciary, violating the principles of judicial independence, legal certainty, legitimate expectations and predictability, as well as the jurisprudence of the Constitutional Court.

At the same time, the Section for Judges, respectively the Section for Prosecutors, decided to convene the General Assemblies, in order to express a point of view regarding the draft normative act on the modification of service pensions

communicated by the Ministry of Labor and to take the necessary measures in order to protect the status of magistrates and the independence of justice ([Decision no. 1885/21.08.2025 of the Section for Judges](#), respectively [Decision no. 596/21.08.2025 of the Prosecutors' Section](#)).

In October 2025, the Constitutional Court declared [unconstitutional](#) the draft law on the amendment of the magistrate's statute in the component relating to the retirement age and service pensions of magistrates, the main reason being precisely the lack of the opinion of the Superior Council of Magistracy, therefore the lack of any form of loyal institutional cooperation and the lack of consultation of the judiciary on status reform. The decision was followed by numerous publicly formulated political statements that had the ability to polarize society against the body of magistrates, presenting it as greedy for financial privileges. These had the effect of [street protests](#) against the leaders of the justice institutions, namely the president of the High Court of Cassation and Justice and the president and members of the Superior Council of Magistracy, demanding their change outside any legal procedures.

The Romanian Government drafted a new law after the adoption of the Constitutional Court's decision on October 20, 2025, which was also [challenged](#) at the Constitutional Court, a notification that is pending with a deadline of February 11, 2026. In the process of drafting this bill, again, many political leaders have made public unrealistic statements regarding the average retirement age of magistrates or the average income received by a magistrate. These have further fuelled the campaign of denigration against the professional body of magistrates and have polarized society, on a social background already marked by the increase in taxes in Romania, creating a real wave of hatred from a segment of society that falsely induced the idea that magistrates have undeserved financial benefits even greater than in other European countries, unreal aspects to a simple analysis of comparative income that was carried out within the [CEPEJ studies](#).<sup>16</sup> These denigrating aspects against magistrates were supported by a good part of the press.

The Council has publicly expressed its deep concern about the irresponsible attitude of political factors who, instead of a technical consultation, have unleashed a war to destroy the image of the justice system, as well as to the lack of loyalty in the interaction between the powers of the state. This whole campaign was constantly supported by a part of the media. The Government has again assumed responsibility for a similar version of the draft legislation, the request for the Council's opinion being only formal, publicly and directly affirming this vision assumed by the executive.

This concern has been affirmed in all the public interventions of the Superior Council of Magistracy, either through press releases or through interviews given by the President and Vice-President of the Council, as well as those given individually by members of the Council, drawing attention each time that in this way the image of justice is affected with the consequence of deteriorating citizens' trust in the justice system and in its ability to defend their fundamental rights and freedoms.

The public positions expressed by the Superior Council of Magistracy on these issues in the course of 2025 are published on the Council's website: [1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28](#).

In 2025, both the leadership of the Council and several elected members had multiple public appearances, giving extensive interviews in the media, regarding all the issues circulated in the public space since which the judicial system was attacked during the year, dismantling all this disinformation with legal and factual arguments.

This false campaign of incitement to hatred against magistrates may be reflected in the future in surveys on citizens' and companies' trust in the judiciary and in the independence and efficiency of justice, as well as in terms of the safety of magistrates.

The pressure exerted on the judicial system that can affect and distort the public's perception of the independence of the judiciary has been noted by several international organizations such as *the European Network of Councils for the Judiciary (RECI)*, *Magistrats Européens pour la Démocratie et les Libertés, (MEDEL)* or *the European Association of Judges (EAJ)*.

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<sup>16</sup> (p. 1164)

On 22 August 2025, the Executive Board of the European Network of Councils for the Judiciary (RECJ) issued a [Declaration](#) on the situation of justice in Romania, according to which "notes, with great concern, recent developments regarding the Romanian judiciary. In the view of the ENCJ there are three separate issues, each of which has a detrimental effect on the independence of the judiciary and the Rule of Law: (1) an active negative media campaign regarding the judiciary; (2) the absence of any meaningful consultation with judges in respect of proposed legislation directly impacting the judiciary; and (3) the instability of the status of magistrates resulting from continuous significant changes in their basic employment and retirement conditions."

The RECJ concluded that "presents an unacceptable combination of attacks on the judiciary, the processing of relevant legislation without proper consultation, and the creation of repeated uncertainty about the status of magistrates. Any one of these would call for a statement by the ENCJ. Taken together, in the view of the ENCJ, these factors constitute a situation of real danger for the Rule of Law in Romania."

Also in its conclusions, the ENCJ made "politicians and media outlets to support the judiciary. At the very least, groundless attacks on the judiciary and spreading misinformation about individual judges must end."

The ENCJ also requested "the Romanian government to carry out proper consultation with the Superior Council of Magistracy on all aspects of the proposed legislative amendments, carefully considering the opinion of the judiciary."

In the latest statement of the Executive Board of the European Network of Councils for the Judiciary (ENCJ) of [17 December 2025](#) on pressure and intimidation of judges via the media, the ENCJ noted "with concern negative trends, such as pressure on judges and even intimidation, including regular hostile media campaigns by political actors in several ENCJ members and observers" in several states, including Romania.

Through [the Declaration](#) of August 12, 2025, *Magistrats Européens pour la Démocratie et les Libertés (MEDEL)* "publicly condemned the ongoing campaign of denigration against the judiciary in Romania, relaunched in July 2025 by the ruling parties under the pretext of cutting the budget deficit." MEDEL warned that "this climate of political hostility, led by high-ranking officials, not only threatens judicial independence but also erodes public trust in the justice system and its legitimacy, which is an essential component of the rule of law."

In the same sense is the [Resolution](#) of October 12, 2025 of the *European Association of Judges (EAJ)* on the defamatory campaign against magistrates and the new law on the modification of the service pensions of Romanian magistrates.

EAJ noted the "extremely aggressive and unprecedented public campaign against the judiciary" but also the fact that "politicians and high-ranking officials blame magistrates – and judges and prosecutors alone – for all the country's financial problems. Encouraged by this aggressive campaign, a wave of hatred against magistrates has been stirred up among the general population." The EAJ noted that this campaign served as a context for the introduction of significant changes to retirement conditions.

On December 9, 2025, a press material was broadcast under the title "Justice Captured" in which a series of statements and accusations regarding the functioning of the judicial system are formulated, being exposed, in summary: aspects related to the activity of the leadership of the National Anticorruption Directorate; Also, some criminal cases known in the public space and solved by the termination of the criminal trial as a result of the statute of limitations of criminal liability or by acquittal are presented; these solutions are related to the activity of the court management, with a focus on the Bucharest Court of Appeal and the High Court of Cassation and Justice. The invoked irregularities also concerned alleged illegal changes to the panels of judges, which led to the readministration of the evidence in question, (as a consequence of the *Cutean versus Romania case*) and subsequently to the termination of the criminal trial as a result of the statute of limitations of criminal liability.

Although these irregularities invoked in the press material are still being verified, the material itself has had a very high impact on society, being made in the form of a professional film, with musical and visual effects to amplify the emotional impact.

The report, which affirmatively started a year ago, was publicly launched on December 9, the day before the date set by the Constitutional Court to analyze the notification of unconstitutionality of the High Court of Cassation and Justice regarding the modification of the magistrates' service pensions.

Against the background of these accusations made by magistrates, [the Section](#) for Judges of the Superior Council of Magistracy decided to notify the Judicial Inspection to carry out verifications in relation to the aspects reported in the press material.

The Prosecutors' Section of the Superior Council of Magistracy has also decided on several notifications to the Judicial Inspection to carry out verifications in relation to the issues reported in the press material.

The Judicial Inspection published on December 22, 2025 a preliminary [report](#) showing that in the records of the Judicial Inspection were identified works related to part of the aspects reported in the press material and will carry out additional verifications in the next period, in accordance with the provisions of Law no. 305/2022.

At the same time, on 05.01.2026, the Bucharest Court of Appeal, mentioned in the press material, communicated an extensive [material](#) in which it responds punctually to the accusations.

In parallel with the notification of the judicial inspection, [the Section](#) for Judges invited the representatives of the professional associations of judges, as well as the representatives of the Ministry of Justice to debate the current issues in the context generated by the recent events concerning the judicial system and also started a broad consultation of the professional body of judges on the current issues in the judicial system, through an internal online questionnaire, to which judges from all courts in the country answered anonymously.

[Questionnaire](#) was addressed to all judges in office at all levels of jurisdiction and was available from 16 to 21 December 2025, with 2583 judges participating in the consultation process, representing 56.50% of the active body of judges. The level of participation recorded gives the questionnaire a high degree of representativeness, both in relation to the absolute number of respondents and in terms of their significant weight in the entire judicial system.

Representativeness is also confirmed from the perspective of the levels of jurisdiction, the respondent judges being evenly distributed on all levels of jurisdiction, in proportions close to the distribution of judges in office by levels of jurisdiction. Thus, the distribution of respondents reflects the real structure of the body of judges: 55.9% of judges come from first instance courts, 24.8% of judges come from tribunals, 16.8% come from courts of appeal and 2.5% come from the High Court of Cassation and Justice.

Also, the respondent judges come from all subjects of law, 63.7% carrying out their activity exclusively in non-criminal matters, while 14.7% solve cases exclusively in criminal matters. At the same time, 21.6% of judges judge both criminal and non-criminal cases, especially in courts organized without separate sections

The consultation was carried out directly, online, being addressed directly to the judges in office, without being mediated by the management of the courts, the questionnaire being able to be accessed from any device, and not only from the court. The consultation tool offered the possibility of filling in anonymously, an option effectively used by respondents, 1315 questionnaires being initiated anonymously.

[Questionnaire](#) included a total of 20 questions, of which 17 allowed answers that can be automatically centralized, while for 3 questions allowed open-ended answers (free text). At the same time, it was not mandatory to fill in all the answers given that some hypotheses were not applicable to all judges, in relation to their specialization or the specific situations that were the subject of the questions.

According to preliminary results, in terms of public perception and institutional reactions to justice, 98.1% of judges answered that they had felt a public campaign against justice in the last year. Regarding the public reactions of the SCM to the public campaign carried out, 67% of respondents indicated agreement with these reactions, 25% expressed a neutral position, and 8% showed that they do not agree.

The data thus indicate that the public reactions of the SCM benefited from a high level of support among judges, the disagreement being a very low one in relation to the number of respondents.

In the same questionnaire, problems of the justice system were evaluated by the judges. To an overwhelming extent, the judges considered that the high volume of activity and the lack of standardization of the activity are real problems that directly affect the act of justice. Also, over 50% of the judges consider that the administrative practices of the public authorities that have the effect of inflating cases (e.g. the non-compliance by the pension funds with the mandatory decisions pronounced in appeals in the interest of the law) and the failure to implement some proposals to streamline the judicial activity (e.g. the SCM-UNEJ proposal on an exclusively electronic file for applications for the declaration of forced execution) are two other problems that affect the work of the courts.

With regard to human resources and infrastructure, judges overwhelmingly point out that insufficient judges and clerks schemes affect the work of the courts, given the high number of cases.

Equally, directly correlated with the aforementioned problem, the blocking of judicial recruitment competitions (admission to the judiciary and admission to the profession of clerk) for the years 2025–2026 is an additional problem, which significantly aggravates the existing situation.

Further, the lack of judges' assistants in a sufficient scheme for all levels of jurisdiction, the lack of adequate premises, accompanied by the related logistical support, and insufficient courtrooms are other shortcomings noted by over 60% of judges.

Aspects affecting the organizational climate and the attractiveness of the profession:

It can be seen that the constant re-discussion of the status of the judge and the public discourse to discredit the magistracy and denigrate the profession of judge are real reasons that affect the organizational climate and decrease the attractiveness of the profession.

There has already been a steady decrease in the attractiveness of the judicial profession, an aspect reflected in the annual statistics related to the competitions for admission to the National Institute of Magistracy. In the long term, this trend risks affecting the quality of justice, as graduates with top results from law schools turn to other legal careers.

Further, 1808 judges filled in the open questions that involved indicating up to three *real problems of the judicial system that are insufficiently addressed, ordered according to importance and indicating* the important issues for the independence of the judiciary that are erroneously or superficially presented by the media.

A detailed analysis and extensive classification will be carried out on these questions, taking into account all the nuances and particularities of the issues raised in the answers to the open-ended questions.

The problems reported in the media material published in December 2025:

In the chapter on issues related to the continuity of the panel, 8.4% of respondents (192) indicated that they were replaced from the panel, while 91.6% (2081) were not replaced. As such, the replacement of judges in panels is carried out only in case of necessity and has a legitimate character. It can be concluded, therefore, that, although the panels of judges have a dynamic character, there being numerous situations in which judges have been replaced in the panel as a result of objective reasons or reasons related to the specialization of judges, the cases in which these steps have been criticized from the point of view of legality or opportunity are isolated, even punctual, cannot be generalized or qualified as a systemic problem.

In the chapter on the assessment of the cases that contributed to the limitation period of criminal liability, the judges perceived as having a high or very high impact (ratings 4 and 5) in particular the following causes of the limitation period for criminal liability: the passivity of the Parliament. At the same time, the duration of the criminal investigation and the decisions of the Constitutional Court are significant causes. The judges perceived as the last reason regarding the illegitimate or unjustified changes made to the composition of the panel, an aspect that reinforces the conclusion regarding the generalization and formation of a wrong perception among the public, a perception that has the effect of discrediting justice.

Against the background of the public emotion maintained including by organizing coordinated protests on social networks, the Romanian Government, without analyzing the content of the institutional reactions already mentioned and without resorting to an initial institutional dialogue, by Decision 574/19.12.2025 of the Prime Minister of Romania established the "Committee for the analysis and revision of the legislation in the field of justice". The Committee is composed of representatives of the Prime Minister's Chancellery and the Ministry of Justice and is headed by a representative of the Prime Minister's Chancellery.

Although the declared objective of this Committee is the revision of the legislation in the field of justice, its composition does not include the Superior Council of Magistracy as a permanent participant, nor representatives of other fundamental institutions of the judicial system, namely the High Court of Cassation and Justice or the Public Prosecutor's Office attached to the High Court of Cassation and Justice. Representatives of the judiciary may participate only as guests, exclusively at the invitation of the Prime Minister (Art. 1 para. 4 of the Decision).

As regards representatives of other relevant public or private entities, in the country and abroad, the Decision provides for their participation 'as guests', which makes it possible to interpret that their invitation may be made by any participant in the Committee. Under these circumstances, the institutions of the judicial system end up participating in the debates on the amendment of the laws on justice under less favourable conditions than other entities governed by public or private law (Article 2(2) of the Decision).

Nor can it be omitted that the Committee's work is foreseen to start from the debate of the opinions formulated by the representative associations of judges and prosecutors, as well as by non-governmental organizations, on the organization and functioning of justice and on the implementation of the act of justice (art. 3 letter b). In this way, the Decision establishes an unbalanced framework, which gives a significantly greater weight to the governmental and non-governmental factors, with a diminishing institutional role and the perspective of the judiciary in this process. So far, non-governmental organizations actively involved in organizing protest actions have been invited to the Committee's work.

Similarly, public communication of the Committee's work is reserved exclusively to the Prime Minister (Art. 5 para. 3). Taking into account the confidentiality obligations specific to the judicial system, which can only express itself through formal institutional communication, as well as the fact that the Decision establishes a genuine monopoly of public communication, the premises for a control of the public message are created. This situation is accentuated by the wide willingness of non-governmental organizations to communicate publicly, including indirectly, through members or affiliated entities, which makes the representatives of the judiciary practically deprived of the possibility of reacting even at the declarative level.

According to Article 5 of the Decision, the Committee adopts recommendations by consensus of its members, and in the absence of consensus, the options are forwarded to the Prime Minister on the basis of a comparative analysis. Given that the Decision does not provide for a clear number of participants, does not establish a quorum and does not establish the obligation to invite all entities expressing divergent opinions on a certain topic, it follows from the combined interpretation of Articles 1, 2 and 5 that recommendations can be adopted either exclusively by consensus of the permanent members – i.e. a strictly governmental consensus –, or through a consensus obtained together with ad hoc selected entities, excluding those who express opinions that do not lead to the desired consensus.

The decision also creates the premises for circumventing the legislative procedure provided by the legal norms in force, given that art. 5 para. 2 provides for the communication of recommendations directly to the competent authorities, in order to initiate the draft normative acts or the administrative measures necessary for their implementation. Thus, the recommendations of a Committee with no basis in the primary legislation on the functioning of justice or the legislative procedure, once filtered by the Prime Minister, may create an obligation on the public authorities to initiate legislative changes in the sense indicated by it. In this logic, even the Superior Council of Magistracy could be forced to initiate amendments to secondary legislation in its areas of competence, with a serious impairment of its institutional independence.

This unique approach to the initiative to amend the justice laws continues, in fact, the *series of legislative changes made in the [absence of real consultations](#), including at technical level, with the judiciary as a whole and with the Superior Council of Magistracy in particular.*

This is despite the fact that through *the Venice Commission Opinion no. 1105/2022* on the amendment of the 2022 justice laws, the conclusion was expressly formulated that all relevant actors of the Romanian judicial system – judges, prosecutors, the Minister of Justice and the President of Romania – must collaborate in a spirit of loyal cooperation, in order to ensure the proper application of the justice laws.

Also, *the OECD Public Governance Committee Report* for Romania of 25 April 2024 confirmed the progress made in recent years and made recommendations aimed at continuing efforts to implement justice laws, with a focus on the proper functioning of the system and the career of magistrates. In this regard, the report proposed the establishment of a working group made up of representatives of the Ministry of Justice, the SCM, the HCCJ and the PCCJ, with expertise and decision-making capacity, to formulate concrete proposals to the COMS on the implementation of the eight recommendations, within two months of their establishment.

In the context in which one of the recommendations was aimed at strengthening the institutional capacity of the COMS, this body met, analyzed the proposals, adopted a concrete action plan and monitored its implementation. However, on the occasion of each amendment to the justice laws initiated by the Government, the role of the COMS has been completely ignored, resorting, as in this last example of the Decision of December 19, 2025, to *ad hoc* or publicly undisclosed advisory forums.

The Section for Judges agrees that any dysfunctions, if they exist, must find solutions in a stable social climate characterized by institutional cooperation, following applied and rigorous analyses of the importance of justice in society, and not in a context characterized by emotional vectors, regardless of whether they appeared spontaneously or premeditated.

However, it publicly [pointed out](#) the profoundly ambiguous nature of the basis for the establishment and functioning of this Committee, given that there is no explicit normative basis defining its legal status, competences, limits of mandate or relations with the constitutional authorities of the judiciary. This normative ambiguity makes it impossible to identify the nature of the work of this committee and transforms the approach into an informal mechanism, devoid of legal legitimacy.

In those circumstances, the Judges' Section considers that participation in such an approach, marked by institutional ambiguity, lack of transparency, the absence of a legal basis and the deliberate ignorance of the established authorities of the judicial system, risks giving an appearance of legitimacy to a process lacking credibility and the minimum guarantees of a real institutional dialogue.

The Judges' Section reaffirms that it does not refuse dialogue for the improvement of the normative framework (promotion procedure, composition of management colleges, appointment of vice-presidents by competition, etc.), but remains at the idea that such discussions must be held in a clear, legal framework, of institutional calm, between professionals, with the participation of the interested areas of society, and not against the background of public emotion, in an ambiguous, non-transparent framework, with undeclared purposes.

On the other hand, the Section for Prosecutors considers it appropriate to participate in the work of the Committee, and it is necessary to amend both the laws of justice and the criminal and procedural-criminal legislation, but the work of this committee must be governed by predictability and transparency at the highest level.

The elected members of the Superior Council of Magistracy, representatives of civil society, follow carefully and with interest the debates on the organization and functioning of the justice system in Romania, aiming to identify legislative solutions able to improve the work of the judiciary and to contribute to the increase of public trust in justice. In doing so, they express their full readiness to participate in professional meetings and inter-institutional debates organised by competent institutions and relevant actors in the field. In the current context, members reaffirm the importance and necessity of interinstitutional communication and dialogue based on compliance with the criteria of transparency, predictability and competence.

## ***B. Quality of justice<sup>17</sup>***

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

#### **The Ministry of Justice**

The *Strategy for the Development of the Judicial System and Justice as a Public Service 2025–2029<sup>18</sup>* was adopted.

It aims to address the needs of citizens, businesses, and society as a whole, contributing to a modern, efficient, high-quality, and accessible judicial system, with a high level of public trust, supported by effective policies to prevent and combat corruption and crime.

The Ministry of Justice, in collaboration with the main institutions of the judiciary —the Superior Council of Magistracy, the High Court of Cassation and Justice, and the Prosecutor’s Office attached to the High Court of Cassation and Justice— continues its efforts to ensure a coherent framework for the strategic development of the judicial system, supporting reforms and the development of the justice sector for the 2025–2029 period.

The Strategy targets essential reforms aimed at increasing the performance of the judicial system, including: the digitalization and automation of processes, which will contribute to reducing case resolution times and minimizing administrative errors; strengthening the provision of public legal aid, alongside improving the justice system for minors and other vulnerable groups; and enhancing institutional capacities for the implementation of justice-sector reforms and for interinstitutional cooperation within the judicial system.

The new Strategy focuses on four strategic dimensions: quality and efficiency of justice services; access to justice; combating corruption and crime; strategic management and coordination. Each of these four dimensions includes strategic objectives, specific objectives, actions, and expected results.

#### **Superior Council of the Magistracy**

In the Official Gazette no. 1106 of 28.11.2025 Law no. 199/2025 for the completion of art. 29 of the Government Emergency Ordinance no. 80/2013 on judicial stamp fees, a legislative intervention that supports the protection of victims of domestic violence.<sup>19</sup>

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<sup>17</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

<sup>18</sup> [HOTARARE 390 16/04/2025 - Portal Legislativ](#)

<sup>19</sup> Applications for divorce and division of common property are exempt from the payment of the judicial stamp fee when they are filed by victims of the crime of domestic violence, as defined in [art. 3<sup>4</sup> letter a\) of Law no. 211/2004](#) on some measures to ensure

### **Ministry of Justice**

At the request of the judiciary, at the end of 2025, the Government Emergency Ordinance No. 93/2025 regarding certain temporary measures in the field of justice, as well as for the amendment of certain normative acts, was adopted and published in the Official Gazette of Romania, Part I, No. 1223 of 31 December 2025. The Ordinance introduced a series of measures aimed at addressing the personnel shortage in courts and public prosecutor's offices applicable for the year 2026.

The measures included in the Ordinance are as follows:

- Extension of the reduction of the duration of courses at the National Institute of Magistracy (INM) for one additional year: for justice auditors admitted to the INM in 2026, the duration of professional training courses has been set at two years by the Ordinance (compared to the standard period). This solution took into account the human resources situation at the level of courts and prosecutor's offices. Consequently, it is not yet possible to return to a three-year training duration for auditors, which would otherwise create a new gap in graduates, as no cohort of auditors would graduate in 2029. This measure has been deemed indispensable, given the need to increase the number of justice auditors.
- Calculation of seniority for promotion and certain appointments: the Ordinance maintains the derogation whereby the period during which a prosecutor held the status of justice auditor is taken into account in calculating the seniority required for appointments or promotions. This measure applies in 2026 and also applies to the calculation of seniority necessary for appointments to specialized prosecution offices (DNA and DIICOT), thereby preventing recruitment blockages in these units. Accordingly, the Ordinance postpones until 1 January 2027 the effects of the legislative solution that would have excluded the period of service as a justice auditor from the calculation of relevant seniority for exams, competitions, or selection procedures.
- Suspension of in-situ promotion competitions: given the shortage of personnel in executive and management positions at tribunals, courts of appeal, and the prosecutor's offices attached thereto, the Ordinance extended until 31 December 2026 the application of provisions suspending the in-situ promotion competitions for magistrates. After this date, no more than 20% of the total number of vacant positions at each level of courts or, as applicable, prosecutor's offices may be subject to in-situ promotion competitions.

### **The Superior Council of the Magistracy**

#### *Human Resources:*

As of December 31, 2025, out of the total of 5070 positions (taking into account the positions allocated from the reserve fund under the conditions of Article 147 of Law no. 304/2022 on judicial organization), 4319 judge positions are filled, and 751 positions are vacant. **According to the above data, there is an increase in the employment rate (85%), compared to the employment rate recorded at the beginning of 2024 (83%), especially at the level of the courts.**

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the information, support and protection of victims of crimes, with subsequent amendments and completions, against their aggressors.

<sup>20</sup> Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

Of the total number of judges in office, including those judges who occupy temporarily vacant positions for an indefinite period under the conditions of art. 147 of the law, as of December 31, 2025, 3275 judges are women and 1277 judges are men.

As of 31.12.2025 out of the total of 3058 Prosecutors' posts, 2293 of positions were occupied (about 50% women and 50% men) and 765 of vacancies. (*6 prosecutors operate above the stipulated schemes*).

During the reference year, by the Decisions of the Plenum of the Superior Council of Magistracy no. 17, 18, 19/25.02.2025, no. 68/15.05.2025 and no. 132, 133, 134/09.10.2025, a number of 7 prosecutors were proposed for the appointment by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice to carry out the criminal investigation in the cases provided for in art. 3 para. (1) and (2) of Law no. 49/2022.<sup>21</sup>

### **High Court of Cassation and Justice**

As of 1 January 2025, out of a total of 653 staffing positions a number of 602 staffing positions were filled, resulting in 51 vacant posts. From the perspective of the staff occupancy rate, an increase can be observed by the end of 2025, as at the end of December 2025 the staffing establishment of the Supreme Court recorded **42 vacant posts**, broken down as follows: **6 judge positions, 10 assistant magistrate positions**, 10 specialized auxiliary staff positions, 2 related staff positions, 5 civil servant positions and 9 contractual staff positions.

With regard to the possibility of organizing recruitment competitions for filling vacant posts other than judge positions, it should be noted that throughout 2025 the High Court of Cassation and Justice was subject to Government Emergency Ordinance No. 156/2024 on certain fiscal-budgetary measures in the field of public expenditure for the substantiation of the consolidated general budget for 2025<sup>22</sup>. Accordingly, as of 1 January 2025, the filling of vacant posts within public authorities or institutions through competitions or examinations was suspended, regardless of the source of funding or subordination, with the exceptions expressly provided for by this normative act.

With exclusive reference to the situation of judge positions, according to statistical data at the level of the Supreme Court, during the reference period a total of 24 judges were promoted to the High Court of Cassation and Justice. Following the retirement, during the same period, of 11 judges, there are currently **6 vacant judge positions** at the level of the Supreme Court. With regard to judicial management positions at the level of the High Court of Cassation and Justice, it should be noted that in 2025 the positions of President (1 August 2025), Vice-President (25 November 2025) and President of the Second Civil Section (11 January 2025) were filled through competitive selection procedures.

At present, only the position of President of the Criminal Section is filled on a delegated basis, as the holder of the position serves as an elected member of the Superior Council of Magistracy.

Given that improving human resources policy within the judicial system is a commitment also undertaken through the *Strategy for the Development of the Judicial System and Justice as a Public Service 2025–2029*, as well as through its associated Action Plan, approved by Government Decision No. 390/2025, the High Court of Cassation and Justice (HCCJ) continued its efforts to advance the Memorandum entitled “*Approval of the establishment of 600 new higher-education clerk positions within the courts, starting from 1 July 2024,*” with a view to increasing staffing levels.

To this end, taking into account the economic context and the budgetary constraints affecting the state budget, as well as the observations made by the Ministry of Finance regarding the impact on state budget personnel expenditures, the High Court of Cassation and Justice proposed that the measure to increase the number of 600 higher-education clerk positions within the courts be implemented in a phased manner, through the annual allocation of 200 positions, starting in 2025.

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<sup>21</sup> SRUP

<sup>22</sup> <https://legislatie.just.ro/public/DetaliiDocument/293109>

Although, for the 2025 budgetary exercise, the High Court of Cassation and Justice requested the allocation of a budget amounting to RON 9,191,921 thousand, the State Budget Law approved for 2025 allocated an amount of RON 3,470,050 thousand.

During the 2025 budget execution, the budget of the High Court of Cassation and Justice was subject to amendments, being increased by RON 5,297 thousand under the item “Contributions for persons with disabilities not employed” and reduced by RON 50,000 thousand under Title I “Personnel Expenditure” and by RON 2,500 thousand under Title II “Goods and Services”. Consequently, at the end of the budgetary exercise, the final allocated budget amounted to RON 3,422,847 thousand.

Furthermore, in view of the economic context and the budgetary constraints affecting the state budget, it should be noted that neither the modernization process of the building located in Bucharest, 25 Batiștei Street, District 2 (the Court’s main premises), nor the procurement procedure for an additional building were finalized.

The High Court of Cassation and Justice exercises a dual constitutional and legal function:

1. as the supreme court of justice;
2. as the national authority for financial and administrative management of all courts at national level.

This second function consumes a majority share of its resources, directly affecting the HCCJ’s capacity to fulfil its essential role as guarantor of the uniform interpretation of the law and of legality.

According to official data from the HCCJ, as of 1 January 2025, out of a total of 653 approved positions, only 602 were filled, leaving 51 vacant posts. By the end of 2025, even under conditions of a slight improvement in staffing levels, 42 posts will remain vacant, including: 6 judge positions, 10 assistant magistrate positions, 10 auxiliary staff positions, and 16 positions comprising related staff, civil servants and contractual staff.

This situation overlaps with an almost complete blockage of recruitment, resulting from Government Emergency Ordinance No. 156/2024, which suspended, as of 1 January 2025, competitions and examinations for filling vacant posts in the public sector, including the judiciary, with only limited exceptions. As a result, the HCCJ has been compelled to operate below the minimum level of human resources necessary to perform its duties.

At the same time, more than half of the human and administrative resources of the HCCJ are used for managing the judiciary’s budget at national level, including allocations, budget execution, reporting, procurement, remuneration, investments and infrastructure. This responsibility, assigned to the HCCJ by law, effectively transforms the Supreme Court into a de facto “financial ministry” of the judiciary, without being provided with the corresponding resources required for such a function.

Under these circumstances, the insufficiency of resources is not merely an administrative inconvenience, but a structural rule of law issue. A supreme court overburdened with nationwide administrative tasks and understaffed in terms of judges and specialized personnel cannot optimally ensure the uniformity of case law, legal certainty, reasonable length of proceedings and the authority of its jurisprudence.

The underfunding and understaffing of the HCCJ directly affect the functioning of mechanisms for the unification of judicial practice (appeals in the interest of the law, preliminary rulings, consistent case law), inevitably leading to increased divergences in interpretation at the level of lower courts and to a decline in public trust in the justice system.

Consequently, the resource situation of the High Court of Cassation and Justice should be assessed within rule of law monitoring mechanisms as an indicator of the judiciary’s real capacity to function independently, coherently and effectively.

### **General Prosecutor’s Office**

## Human resources

In terms of human resources, 2025 saw a slight improvement in the occupancy rate of vacant prosecutor positions. Thus, at the end of 2024, the occupancy rate of prosecutors within the Public Ministry was 75.65%, and at the end of 2025 it increased to 76.28%. During 2025, 75 prosecutors retired, but 119 positions were filled, 95 of which by trainee prosecutors.

In 2025, the provisions of the new justice laws continued to be applied<sup>23</sup>, so competitions were organised for appointment to management positions and an actual competition for promotion to execution positions, as well as interviews for the appointment of prosecutors within the Directorate for Investigating Organised Crime and Terrorism (ro.: DIICOT) and the National Anti-Corruption Directorate (ro.: DNA).

The situation of the positions provided for in the scheme and vacant in the Public Ministry is presented in Annex 1.

Financial resources: Data on the evolution of budgetary expenditure allocated to the Public Ministry in 2025 are presented in Annex 2.

Material resources: The total number of seats is 186, for a total of 246 units (excluding DNA and DIICOT), of which:

|                                            |    |
|--------------------------------------------|----|
| Seats in good condition                    | 92 |
| Seats in very good condition               | 57 |
| Seats where new investments have been made | 27 |
| Seats in a satisfactory condition          | 10 |

In 2025, there are no completed seats.

Seat repairs started in previous years, to be completed in 2026:

Overhaul of the buildings A and B, Prosecutor's Office attached to the Court of First Instance of Adjud.

The budget proposals for 2026, formulated by the prosecutor's offices, DNA and DIICOT, amount to RON 16,759.00 thousand and represent, in particular, the budgetary appropriations necessary for:

Seats where work is proposed to begin in 2026, to be completed in the coming years:

- Overhaul of the Prosecutor's Office attached to the Court of First Instance of Călărași
- Overhaul of the Prosecutor's Office attached to the Court of First Instance of Orșova
- Overhaul of the Prosecutor's Office attached to the Court of First Instance of Făurei

Technical design and DALI [Ro. abbrev. for Documentation for the Approval of Intervention Works] preparation services for the seat of the Prosecutor's Office attached to the Court of First Instance of Hunedoara

Technical expertise, DALI and technical design for the building that will house the Prosecutor's Office attached to the Mehedinți Tribunal and the Prosecutor's Office attached to the Court of First Instance of Drobeta Turnu Severin.

- purchase of a seat for DIICOT - Covasna Territorial Office and of land adjacent to the newly purchased seat for the central structure of DIICOT, intended for archives and storage;

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<sup>23</sup> Law no. 303/2022 on the status of judges and prosecutors and Law no. 304/2022 on judicial organisation.

- purchase of heating systems for the premises of the prosecutor's offices where this equipment is heavily worn and repairs are not justified in terms of the efficient use of funds;
- purchase of IT equipment necessary for conducting computer searches and, in particular, licences for carrying out the specific activities of the DNA, DIICOT and the European Public Prosecutor's Office (EPPO).

## **National Anticorruption Directorate**

### **Human Resources**

The National Anticorruption Directorate benefits from a suitable level of human resources necessary to achieve the institutional objectives. Thus, the management of the Directorate has a constant concern for ensuring a high level of occupation of the available positions within the staffing plan.

In this regard, during 2025, two job competitions were organized for the appointment of prosecutors with executive functions, with a view to filling 34 available positions, to which 27 candidates applied and 17 prosecutors were employed.

According to the data available at the level of the Superior Council of Magistracy<sup>24</sup>, on 28 December 2025, the occupancy rate of prosecutor positions within the National Anticorruption Directorate was 85,13%, respectively 166 occupied posts out of the total of 195 foreseen, 29 posts being still vacant. As regards the category of judicial police officers and officers, out of the 350 foreseen positions, 292 were filled at the end of 2025, corresponding to an occupancy rate of 83,43.

In terms of professional training, although the budgets of public institutions were affected in 2025 by the fiscal and budgetary measures adopted in the context of managing the budget deficit, the management of the National Anticorruption Directorate continued to prioritize the continuous training of the personnel of the directorate.

The training activities have been adapted to the recent developments in the regulatory framework, in particular following the entry into force of the Law 319/2024 and the Law 156/2025, in order to address the new legislative requirements and enhance the staff competences in investigating foreign bribery.

Thus, on 11 June 2025, DNA organized the training course on "Investigating the offence of foreign bribery in international commercial transactions" for prosecutors and judicial police officers within DNA (75 participants, out of which 30 from the central structure participated in person, and 45 from the territorial services participated online).

Further to the efforts to provide proper training opportunities on topics related to foreign bribery, it is noteworthy that the National Anticorruption Directorate in partnership with the National Institute of Magistracy (NMI) implements the program component "Strengthening the institutional capacity in the fight against corruption" within the Swiss-Romanian Cooperation Program. The implementation period is May 2025 to April 2028 and the budget amounts to CHF 2 million. Under this component, among others, the following activities are to be organized by April 2028: 27 training sessions x 20 participants / session x 3 days, in areas such as methods and techniques for investigating corruption offences, including the topic "Specificities on detecting and investigating foreign bribery in international economic operations".

Thus, to support the active involvement of the National Anticorruption Directorate at the international level, the institution has been involved in promoting institutional cooperation. Thus, on 10-12 November 2025, DNA organized and hosted the 15<sup>th</sup> Meeting of the Anticorruption Network for Eastern Europe and Central Asia (ACN-LEN) of the Organisation for Economic Cooperation and Development (OECD). The event brought together prosecutors, investigators and anticorruption experts from 40 states from Eastern Europe, Central Asia and OECD Member States, providing a framework for exchanging experience and promoting international best practices in the field of anticorruption law enforcement, with

<sup>24</sup> <https://www.csm1909.ro/ViewFile.ashx?guid=0073c1d5-817e-48d0-b3cb-237eca00f32b-InfoCSM>

the theme of combating high-level corruption and removing barriers represented by corruption in the conduct of business activities.

The professional documentation component has been strengthened through the functional development of the institution's intranet network, which provides structured and updated access to relevant jurisprudence, specialised doctrine and applicable normative acts, including decisions of the Constitutional Court, appeals in the interest of the law of the High Court of Cassation and Justice, specialised articles and judgments ruled by the European Court of Human Rights.

### **Financial resources**

Concerning the financial resources of the National Anticorruption Directorate, the budget allocated for 2025 amounted to RON 316,099,000, the equivalent to approximately EUR 63 million, of which RON 13,419,000 was aimed for the Support Structure of European Prosecutors in Romania (EPPO).

An element of novelty in 2025 is the establishment of a special fund for operational expenses, amounting to 3.000.000 lei, the equivalent of approximately EURO 600,000 annually. Thus, by the Government Order no. 10/01.02.2025, the National Anticorruption Directorate became the beneficiary of that fund, following the amendment of the Article 4(4) of Government Emergency Order no 43/2002,25 providing the legal framework for the annual establishment of a deposit for organizing and ascertaining the sting operations, and of a special fund for operational expenditure available to the Chief Prosecutor of the Directorate.

The management and use of the special fund for operational expenditure were regulated at the level of the National Anticorruption Directorate by the Order of the Chief Prosecutor no. 44 of 14 April 2025, which provides for its purposes, mainly for the implementation of technical surveillance measures, the purchasing of the necessary technical means and equipment, as well as for expenses occurred by the use of undercover investigators with real identity or collaborators. The provision of this special fund has significantly contributed to the strengthening the operational capacity of the National Anticorruption Directorate in the investigation of the offences within its jurisdiction.

In 2025, in addition to the financial resources allocated from the state budget, the National Anticorruption Directorate benefited from non-reimbursable external financing for the implementation of projects aimed at strengthening the institutional and operational capacity of the Directorate (for further details please see the Annex 3)

### **Technical capacity**

The technical and operational capacities of the National Anti-Corruption Directorate have received a significant boost as a result of two funding approvals under the European Union's Anti-Fraud Program. These initiatives, managed by the European Commission through the European Anti-Fraud Office (OLAF), aim to strengthen the investigative capacity and technological infrastructure of the DNA, directly contributing to the strengthening of anti-corruption activities.

Between 2022 and 2025, these investments supported a gradual and steady process of modernizing the Directorate's technical infrastructure, with a direct impact on the efficiency of criminal prosecution activities. Thus, the level of investment in technical capacities increased from approximately 400,000 lei in 2022 to over 9,000,000 lei in 2025, a development that highlights a sustained effort to align with the relevant European standards in terms of technical

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<sup>25</sup> The Chief Prosecutor of the National Anticorruption Directorate is the secondary authorising officer. The financing of the current and capital expenditure of the National Anticorruption Directorate is provided from the state budget, the funds for the National Anticorruption Directorate being separately highlighted in the budget of the Prosecutor's Office attached to the High Court of Cassation and Justice. A deposit of at least RON 2 million is made annually for actions concerning the organisation and detection of sting operations, as well as a special fund for operational expenses of RON 3 million at the disposal of the Chief Prosecutor of the National Anticorruption Directorate. These amounts are set out as "Material expenses and services" in the budget of the National Anticorruption Directorate and their spending and use will be determined by the order of the Chief Prosecutor of this Directorate."

equipment used in criminal prosecution and to strengthen the institutional capacity of the National Anti-Corruption Directorate. The relevant financial data are reflected in the Annex 3.

### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

#### **The Superior Council of Magistracy**

*The National Institute of Magistracy*, the institution responsible for the recruitment of judges and prosecutors, for the initial and continuous training of judges and prosecutors in office, as well as for the training of trainers, is organized and operates, starting with December 16, 2022, in accordance with the provisions of Law no. 304/2022 on judicial organization, Law no. 303/2022 on the status of judges and prosecutors and those of Law no. 305/2022 on the Superior Council of Magistracy, as well as, as a novelty, in accordance with the provisions of the Regulation on the National Institute of Magistracy, approved by the Decision of the SCM Plenum no. 92/2023 with subsequent amendments and completions.

The justice auditors admitted in the period 2024-2025 follow a period of 2 years of study, as before, this being a transition period. According to the provisions of art. 283 para. (1) and (2) of Law no. 303/2022, the internships of justice auditors must last at least 3 months in the first year and at least 6 months in the second year. Also, the option for the profession of judge or prosecutor will be exercised at the end of the entire training period, so that the internship is unitary for all justice auditors (equal periods, in duration, of internships within courts and prosecutors' offices). During 2025, the professional training of justice auditors was carried out according to the initial training program for the first year (class 2025 — 2027) and the initial training program for the second year-IEA (class 2024 — 2026), both approved by the Decision of the SCM Plenum no. 3/30.01.2025, respectively according to the initial training program for the second year of the IEA of the 2023 — 2025 promotion (269 justice auditors, currently graduates of the National Institute of Magistracy) approved by the Decision of the SCM Plenum no. 41 of March 21, 2024. At the time of reporting, the National Institute of Magistracy is training a total of 651 justice auditors, of which 249 auditors in the first year and 302 auditors in the second year-IEA.

Within the initial professional training program, the training of justice auditors from the perspective of the rule of law was ensured, both in the field of fundamental disciplines and in specialized fields with transversal application, such as constitutional law, European Union law, protection of fundamental rights, ethics and deontological conduct.

For continuous training, in 2025, it was carried out both from budgetary funds and from mixed and extra-budgetary funds, respectively training activities organized within 4 projects with European funding under the Public Security and Safety Program "Justice", financed by the Swiss-Romanian Cooperation Program — the second Swiss contribution, carried out in partnership by the P.I.C.C.J., D.N.A, C.S.M. and I.N.M. Other novelty elements were the measures to achieve the specific training objectives of the Strategy for the Development of the Judicial System 2025-2029, being included in the Continuous Professional Training Program for 2025 training sessions in the field of combating environmental crimes and forestry crimes, and also, in the field of anti-discrimination, with a focus on combating hate crime. It is worth mentioning in this context the continuous training activities carried out by the Institute in the fields of judicial management, communication and leadership, communication with the media, communication in the courtroom, ethics and deontology, ethics and judgecraft — the art of being a judge, mindset for performance in justice, communication tools and good practices to improve the public relations activity of the personnel in the judicial system, digital tools for planning, organizing and streamlining judicial activity.

Starting with 2025, along with the classic training activities included in the continuing education program, I.N.M. has introduced an innovative concept of short professional training sessions organized online — webinars. These training sessions were dedicated to judges, prosecutors and other professionals in the judicial system (assistant magistrates, legal staff assimilated to judges and prosecutors, judicial assistants and assistants to the judge).

Within this pilot institutional project, 42 training activities were carried out, having, among others, as topics: novelty aspects brought by Law no. 243/2024 on consumer protection with regard to the total cost of lending and assignment of receivables, digital tools — AI, representative actions for the protection of the collective interests of consumers - Law no.

414/2023, compliance with State aid rules by national courts, the Extended Protection Order, ECHR case law and domestic violence, harassment issues, the interaction of the ECHR with the Charter of Fundamental Rights of the European Union, problems and solutions regarding the punitive treatment of minors, the European Investigation Order in the context of cooperation in criminal matters: challenges and best practices, digital tools for organising the work, the role and functioning of the EPPO, the fight against anti-Semitism, xenophobia, radicalisation and hate speech, including in the context of sport, the UN Convention on the Rights of Persons with Disabilities (CRPD), ECHR case law and the protection of the rights of persons suffering from mental health problems, the preliminary dialogue between the CJEU and national courts in a multilingual context, electronic signatures and electronic documents in the context of before the court: legal, evidentiary and judicial practice, communication in crisis situations, bank fraud background and consequences, measures to protect the injured person, victim of domestic violence, understood as gender-based violence against women, with a view to avoiding secondary and repeated victimisation, preliminary ruling procedure — a dialogue between national courts and the Court of Justice of the European Union, confiscation from third parties and precautionary measures in the ECHR jurisprudence, the refusal to surrender convicted persons in application of Framework Decision 2002/584/JAI — reasons, controversies and CJEU jurisprudence, the effective implementation of ECHR judgments by the Romanian courts.

During the reference period, the I.N.M. organized, during 2025, a number of 127 continuous professional training activities, in which a total of 3846 people participated, as follows: 2327 judges, 799 prosecutors, 140 assistant magistrates, 83 assistants to the judge, 92 judicial assistants, 78 participants from the category of legal specialized personnel assimilated to judges and prosecutors within the institutions of the judicial system (M.J., C.S.M., I.N.M., P.I.C.C.J., A.N.C., A.N.A.B.I. and I.J.), 47 justice auditors, 76 lawyers, 174 other specialists in legal and related fields and 30 judges, prosecutors and other European specialists.

To these are added the training of the 689 magistrates (473 judges and 216 prosecutors) trained within the training programs of magistrates selected under the provisions of art. 63 of Law no. 303/2022. The training of these magistrates included, among other things, training sessions in the fundamental areas of civil and civil procedural law and criminal law and criminal procedural law, as well as in areas such as family law, litigation with professionals, C.E.D.O., EU Law.

The initial professional training organised by *the National School of Clerks* is carried out, for the 2025-2026 school year — which started on 15 September 2025 and will end on 15 March 2026 — pursuant to Law no. 567/2004 on the status of specialised auxiliary staff in the courts of law and the prosecutor's offices attached to them and of the staff working within INEC, with subsequent amendments and completions, a normative act re-entered into force following the finding by the Constitutional Court, by Decision no. 402/19 September 2024, published in the Official Gazette no. 15/10 January 2025, of the unconstitutionality of Law no. 11/2024 on the status of clerks and other categories of staff occupying specialized positions within the courts, the prosecutors' offices attached to them and the National Institute of Forensic Expertise.

In order to organize the training activity of the future clerks, the provisions of the Regulation on the organization and functioning of the National School of Clerks, approved by the Decision of the Plenum of the Superior Council of Magistracy no. 183/2007, as subsequently amended and supplemented, a regulation issued on the basis of Law no. 567/2004, as subsequently amended and supplemented.

The initial professional training organized by the SNG continues to focus exclusively on the training of clerks with higher legal education, the initial training activity of the School responding to the need to fill the vacant positions of clerks with higher legal education with qualified personnel. As in the previous school year, the initial training courses are carried out exclusively in a face-to-face format, but the number of assigned positions has increased from 121 to 140, respectively 70 positions of clerk with higher legal education within the courts and 70 within the prosecutor's offices attached to the courts. The graduates of the National School of Clerks are to be assigned to the vacant positions in the judicial system at the end of the 2025-2026 school year, respectively on March 12, 2026.

At the proposal of the SNG, as in every school year, the Structure of the school year, the Education Plan — specialization of clerks for courts and the Education Plan — specialization of clerks for prosecutors' offices, as well as the Network of

trainers (training staff) of the National School of Clerks for initial training were approved by decisions of the Plenum of the Superior Council of Magistracy.

The curriculum is designed distinctly, depending on the specialization of the clerks, which also requires the performance of their initial training activity in a differentiated way, for the courts and for the prosecutors' offices. The National School of Clerks has preserved and developed the teaching experience acquired together with the School's trainers, placing particular emphasis on the practical and applied nature of the educational activity. The courses/seminars take the form of debates and/or practical applications, aiming to cover the levels of activity of court clerks and prosecutors' offices, thus aiming at the acquisition by the trainees of professional skills based on solid legal knowledge and at a high standard, opening and empowering them for new duties, without neglecting the aspects related to deontology or the acquisition of non-legal skills.

The continuous professional training of the specialized auxiliary staff within the courts of law and the prosecutor's offices attached to them for 2025, organized by the National School of Clerks, was carried out on the basis of the annual program approved by the Plenum of the Superior Council of Magistracy, by Decision no. 6/2025, pursuant to the provisions of art. 30 of Law no. 567/2004, with subsequent amendments and completions, in conjunction with the provisions of art. 41 et seq. of the Regulation on the organization and functioning of the National School of Clerks, with subsequent amendments and completions.

The continuous training program for clerks for 2025 provided for 90 professional training actions, in various fields, such as civil and criminal procedures, use of information systems, judicial cooperation in civil and criminal matters, enforcement of civil and criminal judgments, associations and foundations, archiving, classified information, deontology, non-legal skills and communication, management of clerks' management functions, which aimed to cover as best as possible the area of duties of court clerks and prosecutors' offices, with various forms and durations of organization, as follows: 40 centralized face-to-face seminars, of 3 days each, 20 decentralized face-to-face seminars (at the headquarters of courts and prosecutors' offices), of one day, 18 webinars (synchronous distance training), lasting 3 hours, and 12 eLearning courses (asynchronous distance training), lasting several weeks.

The continuous training program for clerks was completed during 2025 with 3 webinar training actions dedicated to court clerks, given the context of the accelerated digital transformation of the judicial system, which have as their theme the efficient use of specialized IT applications, such as ReJust. A total of 2595 clerks from the courts in the country participated in the 3 webinars, which reveals the increased interest in the field of digitization of the activity in the courts.

Also, the number of decentralized training actions for court clerks was supplemented with another 3 face-to-face seminars, namely a seminar on the functionalities of the OptiMapp computer application and two seminars dedicated to the protection of classified information, taking into account the strategic importance of the correct use of the OptiMapp application in all court compartments, which facilitates and accelerates the decision-making process at the level of the courts. management of the courts, respectively, the need to strengthen information security measures at the level of the judicial system.

And for the clerks of the prosecutors' offices, the number of decentralized training actions was supplemented with 2 seminars, held between September and December 2025 in the online mode, having as its theme the ELO computer application, intended for electronic document management, an application that was gradually implemented at the level of the prosecutor's offices in the country, having a significant impact on the way of working of the specialized auxiliary staff.

In order to try to respond as promptly as possible to the training needs of clerks recruited through direct channels, a training session for these clerks was organized in September 2025, as a pilot project, with the specifics of training at the beginning of their careers and topics related to the basic duties of the participants in the field of civil and criminal proceedings, with transposition in the field of ECRIS. The training session was organized in the bLearning (blended learning) modality, with the participation of 285 clerks.

Within the project "Development of the ECRIS V electronic case management system", funded by P.O.C.A., carried out by the Ministry of Justice, the ECRIS V application was scheduled to be launched in operation for the period September - December 2025 at the level of courts and prosecutors' offices. Taking into account these considerations, the trainers of the Department of Continuing Professional Training from the discipline of Applied Informatics participated in training sessions on the use of the ECRIS V system, within the aforementioned project, sessions carried out by the developer of the ECRIS V application. Also, between July 29-31, 2025, respectively August 18-20, 2025, the Department of Continuing Professional Training of the S.N.G. supported the developer of the ECRIS V application in the organization of 6 webinars dedicated to the training of clerks from pilot courts and prosecutors' offices, involved in the implementation of the ECRIS V system, attended by a number of 264 court clerks (in July 2025) and 31 clerks from prosecutors' offices (in August 2025).

At the same time, given that the transition from the old application to the new ECRIS V generated an acute and significant need for training among clerks, but also the insufficiency of budgetary funds for the organization of all 20 centralized seminars that were planned to take place face-to-face in the second semester of 2025, amendments to the Continuing Professional Training Program for 2025 were approved in terms of transforming 20 of these seminars into as many webinars, 16 in the field of ECRIS V, and 4 without changing the theme, namely: a training action dedicated to the clerks appointed to ensure the performance of the work at the office of the judge supervising the deprivation of liberty, two actions organized in the field of judicial management, dedicated to the clerks with management positions within the courts, respectively to the prosecutors' offices attached to them, and a training action in the field of document archiving, organized in collaboration with the Romanian National Archives.

Also, in the second semester of 2025, 2 webinar training actions were held, organized online, with the aim of presenting the functionalities of the SIGADOC application, carried out by the Constitutional Court of Romania in collaboration with the Superior Council of Magistracy.

At the same time, we highlight both the participation of the representatives of the National Institute of Justice of the Republic of Moldova in the two eLearning courses organized in the linguistic field – Romanian and English, as well as the participation of the clerks of the courts and prosecutors' offices in Romania in the e-course organized by the I.N.J., with the theme of Judicial Psychology.

As a conclusion of the above, in 2025 98 actions provided for in the annual continuing education program were carried out, in face-to-face format (centralized and decentralized), as well as in online format (webinar and eLearning type), as follows: 20 centralized seminars (in which 424 participations were registered), 25 decentralized seminars (with 938 participations), 41 webinars (with 9,221 participations) and 12 eLearning courses (with 412 participations).

In 2025, the collaboration continued with the magistrates who have attributions in the quarterly training of clerks, who were facilitated access to the teaching materials from the Virtual Library on the online training platform of the National School of Clerks, materials that can be used in the quarterly training process, accounts being created on the School's training platform and periodic *newsletters* with the new materials developed and uploaded.

*Digitalization (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgements online)<sup>26</sup>*

## **Ministry of Justice**

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<sup>26</sup> Factual information presented in Commission Staff Working Document of 2 December 2020, SWD (2020) 540 final, accompanying the Communication on Digitalization of justice in the European Union, COM (2020)710 final and Figures 40 to 48 of the 2023 EU Justice Scoreboard, does not need to be repeated.

Throughout 2025, the Ministry of Justice implemented six projects financed under the National Recovery and Resilience Plan (NRRP), as follows:

- Establishment of technical facilities for hosting the critical IT infrastructure of the Ministry of Justice;
- Development and optimization of the data infrastructure for the judicial sector, including the establishment of two data centers serving the entire judicial system;
- Implementation of a private cloud infrastructure for the justice system;
- Technological upgrade of the Electronic Register of Associations, Foundations and Federations, as well as of the legally related registers (including the Register of Beneficial Owners), comprising the migration of data from existing registers to the new application and the establishment of a centralized electronic database;
- Development and deployment of integrated audio recording systems in courtrooms, together with automatic speech-to-text transcription components;
- Implementation of a modern, secure and scalable communications and collaboration system for the Ministry of Justice, its subordinated institutions and the courts, covering both electronic messaging services and telephony solutions.

Regarding the steps taken to preserve the independence of the judiciary with regard to the reform of the IT system, it shall be noted that in order to create a unitary/uniform/unified and functional judicial information system, digitalization of the judicial system, and subsequently the administration of the IT and data communications infrastructure, including in terms of cyber-security, i.e. at the macro level, was<sup>27</sup> and is<sup>28</sup> established as the responsibility of the Ministry of Justice, being shared, as the case may be, with IT specialists within the courts<sup>29,30</sup>.

In this regard, whether we are talking about the current topology (semi-centralized, i.e. at the level of the courts) or the future one (centralized, based on RRP investments regarding the improvement and optimization of the data infrastructure for the judicial system, i.e. Milestone 166 - data centers), the Ministry of Justice exclusively exercises its administrator responsibilities over the infrastructure elements (e.g. perimeter security, data network) and critical/essential services (e.g. data communications, electronic correspondence), having no rights to operate and administer production environments/applications with judicial specificity (e.g. the IT management solution for files pending in the courts, ECRIS).

In this context, the single domain which serves both the courts and the institutions subordinate to the ministry (i.e. @just.ro) and precedes the alignment measures to the new technological paradigm, a necessary tool for the management of IT assets and data communications infrastructure or critical services and, above all, an essential and effective mechanism for the unitary and immediate application of security policies, has been, is and will be subject to continuous and monitoring (including automatic alerting mechanisms for changes), re-evaluation and adjustment, as to ensure the most appropriate logical segregation of access rights. It has to be mentioned that we are at an advanced stage of identifying the most appropriate solution in order to respect the independence of the judiciary and the principle of separation of powers in the state, while ensuring security guarantees in terms of information technology.

The LAN network infrastructure for 35 courts has been completely modernized.

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<sup>27</sup> art. 120 para. (1) and (4) of Law no. 304/2004, in conjunction with art. 6 point VII.6 of Government Decision no 652/2009 on the organization and functioning of the Ministry of Justice

<sup>28</sup> art. 131 para. (1), (4) and (5) of Law no. 304/2022, in conjunction with art. 6 point VI.9 of Government Decision no 592/2024 on the organization and functioning of the Ministry of Justice

<sup>29</sup> art. 118 para. (4) of Law no. 304/2004

<sup>30</sup> art. 129 para. (4) of Law no. 304/2022

## **The Superior Council of Magistracy**

Regarding the digitization process in the judicial system, in 2025 the Superior Council of Magistracy created an artificial intelligence system dedicated to the automatic anonymization of court decisions that is used punctually by the staff of the courts in the case, to be extended, after small adaptations, to the level of the entire database, by replacing the old anonymization mechanism, based on technical algorithms, with the new AI-based system.

In the Council, during the reference period, an artificial intelligence system was being implemented at national level to summarise the parties' claims in court proceedings (application text.rejust.ro). These arguments constitute the introductory part of a court decision, being essential for presenting the factual and legal framework in which the dispute falls, before setting out the judge's reasoning envisaged in the deliberation and ruling. The draft aims to automate the process of summarizing the parties' positions – claims, defenses, exceptions and conclusions – in a clear and concise form, respecting the formal requirements of the drafting of judgments. Such an instrument has the potential to significantly reduce the administrative workload of judges and auxiliary staff, allowing judges to focus more closely on the essential aspects of deliberation and drafting of the legal reasoning itself. The arguments of around 170,000 applications to the courts have been drafted and the new artificial intelligence model has been used in around 12,000 applications.

During 2025, the registratura.rejust.ro portal benefited from the implementation of new functionalities, being optimized both to facilitate user interaction and to simplify the tasks of those responsible for managing the flow of documents and correspondence, thus contributing to the efficiency of the courts' activity and increasing the quality of the services offered.

The development process included the integration of advanced functionalities that simplify the process of submitting and managing applications, while implementing a system that automatically sends email confirmations regarding the submission and processing of applications, keeping parties informed in real time about the progress of their requests.

It should be noted that the solution is a module within the ReJust Desktop application and manages any e-mail sent to the e-mail addresses configured for this purpose by the courts, not just those coming through the registratura.rejust.ro portal.

This module also facilitates the upload of documents to ECRIS, as it is no longer necessary to scan them after applying for the reception visa. In addition, the electronically applied visa also displays the following information that reduces the processing time of applications: file number, panel and trial deadline.

If the e-mail contains electronically signed documents, a report is automatically attached to the end of each document showing whether an extended electronic signature has been applied to the document, based on a qualified certificate that was not suspended or revoked at the time and generated with the help of a secure electronic signature creation device.

For new files, the parties receive a confirmation of registration of the file by e-mail, and they are also informed of the unique number of the newly created file. For documents submitted to existing files, the parties receive by e-mail confirmation that the document has been uploaded to the file. If the party attaches files in unsupported formats, the sent response expressly mentions which attachments have not been processed due to the file extension. At the same time, the registrar has the possibility to return the email or forward it to another email address if necessary.

Also, during 2025, the rejust.ro case law portal was optimized by implementing advanced security solutions, aimed at preventing the unauthorized use of software applications for the automatic retrieval of published case law. This approach reflects an increased focus on security and the use of the portal exclusively in accordance with the purpose for which it was designed.<sup>31</sup>

## **General Prosecutor's Office**

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<sup>31</sup> SISJ

The digitalisation process has been carried out at a steady pace in 2025 and is an irreversible step that will continue to fundamentally influence the way activities are organised and carried out within the Public Ministry.

The main projects include:

#### ECRIS V

Currently, activities related to the ECRIS V platform are at an advanced stage, with several critical actions being carried out in parallel to complete the project. Work is underway to complete the implementation and configuration of the test environment, with a view to running the pilot phase of the ECRIS V platform within the Prosecutor's Office attached to the High Court of Cassation and Justice (ro.: PICCJ). This phase is intended to validate the functionality and operation of the application in real-world conditions before rolling it out nationwide.

#### VoIP - Integrated digital VoIP telephone system

The Public Ministry has implemented an integrated digital VoIP telephone system for approximately 4,200 users at the level of the Prosecutor's Office attached to the High Court of Cassation and Justice and its subordinate prosecutor's offices. The project involved the supply and commissioning of the equipment, licences and services necessary for the implementation of the IP telephone system, as part of the project "VoIP telephone system implemented at the national level for the PICCJ and its subordinate prosecutor's offices", financed through the National Recovery and Resilience Plan.

The implemented VoIP system ensures a high level of security for internal communications, significantly reducing the risks of unauthorised access. At the same time, advanced security, monitoring and analysis functionalities have been made operational, allowing the detection, prevention and signalling of attempts to gain unauthorised access to VoIP services.

#### EXTESSMERI - Technological extension and security management of the electronic messaging system within the Internet network

As part of the process of modernising the IT system of the Prosecutor's Office attached to the High Court of Cassation and Justice and its subordinate prosecutor's offices, it was necessary to extend the Microsoft Active Directory service nationwide and integrate it with the Microsoft Exchange Server electronic messaging solution in order to ensure the uniform and secure operation of the IT systems that have been implemented or are in the process of being implemented.

The purchase of technical equipment related to this initiative falls under Component 7 - Digital Transformation, Investment 4 - Digitalisation of the judicial system and Milestone 165 - Digitalisation of central public authorities in the judicial sector. As a result of the implementation of this infrastructure, security policies, data access mechanisms and the degree of interoperability between the IT systems of the Public Ministry have been improved.

At the same time, a portal-type integration hub has been created to facilitate secure and controlled access to IT resources and data exchange between the Public Ministry's networks, ensuring system interoperability and a uniform level of authentication, authorisation and access monitoring.

#### eCheltuieli

The eCheltuieli application is a multi-institutional IT system designed for the uniform, automated and transparent management of legal expenses advanced by the State in the course of criminal investigations. The application ensures the standardisation of processes, complete data traceability and the streamlining of related administrative activities.

The application manages the main categories of judicial expenses, including expenses for criminal investigation, evidence management and preservation, witness fees, and other types of expenses related to criminal proceedings.

The application is used nationally by both the Ministry of Internal Affairs [ro. abbreviation: MAI] and all units of the Public Ministry, including DIICOT, DNA and the Military Prosecutor's Offices. Currently, there are over 15,000 active users, and the application has been used to generate annexes for over 105,000 case files.

## SMD - ELO

Optimising the work of the Public Ministry involves implementing concrete measures to streamline, simplify and digitise administrative circuits in order to increase operational efficiency and reduce administrative burdens.

In this context, the expansion of the Document Management Information System (ELO), a secure portal for managing administrative and documentary flows, played an essential role. During this process, the ELO platform was improved by implementing new functionalities and integrating it with other IT systems used at institutional level, including the national e-Factura platform and internal electronic registers. These developments enable the automation of document flows, the elimination of redundant operations, and the provision of a unified and up-to-date electronic record.

### Internal Portal

The internal portal has been expanded and improved with new functionalities aimed at optimising the support provided to prosecutors in their day-to-day work. The platform provides easy, centralised access to essential information and resources, such as materials and data relevant to the investigation of crimes in priority areas.

As part of this effort, modules such as the ticketing module, designed to manage and monitor user requests, as well as reporting components, which allow for the centralisation and analysis of information on platform usage and request types, have been activated. These new features contribute to increased transparency, efficiency and traceability in the relationship between users and support structures.

Annex 4 presents the externally funded projects carried out at the level of the Public Ministry during 2025, which aim to optimise internal processes through digitalisation.

### High Court of Cassation and Justice

The digital library available on the website of the High Court of Cassation and Justice ([www.iccj.ro](http://www.iccj.ro)), as of 31 December 2025, includes: **6,953 case summaries** (the summary format allows the presentation of the essential aspects of the decisions issued by the High Court in various legal matters); **44,265 indexed decisions** (the indexed format allows the presentation of the Court's decisions in chronological tables, indicating the legal matter/domain and keywords), supplemented for the years 2020, 2021, and 2022 with links to the indexed decisions; **21,890 full-text decisions** (anonymized), including rulings on preliminary referrals and rulings on appeals in the interest of the law.

The electronic publication and updating of the jurisprudence registers by legal matter continued, with annual compilations providing a systematic presentation of relevant case law for each chamber, based on jurisprudence sheets prepared by judicial panels pursuant to Article 84(3)(m) of the Regulation on the Organization and Administrative Functioning of the High Court. These registers are available on the Court's official website and were supplemented for the period 2021, 2022, and 2023 with links to the decisions indicated therein.

During the period 1 January 2025 – 24 December 2025, the High Court of Cassation and Justice published digitally (open data): Cassation Bulletin No. 1 and 2 of 2024 and Jurisprudence Bulletin (Part I and Part II) – 2024 edition.

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

### Ministry of Justice

The project aimed at developing the new case management system for courts and prosecution offices (ECRIS V) is currently under implementation, in cooperation with the project partners, and is scheduled to become operational in the first half of 2026.

### **The Superior Council of Magistracy**

Regarding the process of collecting statistical data from the judicial system, in 2025 a new statistical application was developed within the Superior Council of Magistracy – ***statis.rejust.ro***, built on a modernized and innovative architecture, aimed at optimizing the processes of collection, analysis and reporting of judicial statistical data, thus ensuring refined statistical reporting, obtained based on the simultaneous combination of various criteria of query of databases.

In continuation of the aspects specified in 2024, regarding the ***centralization and management of the IT infrastructure of the courts by the Ministry of Justice***, the Council continued the dialogue with the Ministry of Justice for the implementation of the provisions of Decision no. 1519 of 5 September 2024 of the Section for Judges of the Superior Council of Magistracy.

Following the technical meeting held on February 25, 2025 at the headquarters of the Ministry of Justice, it was necessary to provide the Special Telecommunications Service with an architecture that the Council considers compatible with the principles underlying the adoption of Decision no. 1519 of September 5, 2024.

In this context, the Special Telecommunications Service (STS) communicated that, based on art. 1 of Government Decision no. 1213 of October 5, 2005, STS currently provides support to the institutions of the judicial system for the administration, configuration and security of the private VPN network that interconnects their headquarters.

Also, the Special Telecommunications Service saw the existence of certain technical solutions that lead to compliance with the provisions of Decision no. 1519 of September 5, 2024 of the Section for Judges of the SCM, in which sense several technical recommendations were proposed.

At the same time, the Special Telecommunications Service also communicated that, temporarily, until the necessary funds are provided for the implementation of the *instante.ro* domain at the SCM headquarters, this infrastructure could be hosted by the existing virtualization infrastructure at the Ministry of Justice, at the same time as the implementation of the measures recommended in this address. Subsequently, after the implementation of the cloud solution through the PNRR project, the infrastructure of the *instante.ro* domain will be migrated either to the CSM headquarters or to the infrastructure that provides cloud services for the courts.

Therefore, the Special Telecommunications Service confirmed the viability of the technical solution proposed by the SCM regarding the transfer to the Superior Council of Magistracy of the competences in the IT field that directly concern the activity of the courts.

As a result of these analyses, at the level of the Ministry of Justice's own apparatus, it was concluded that the separation of the courts' domain from that of the ministry brings all the benefits of a unitary architecture and preserves the autonomy of the courts in the management of IT resources. Also, the Ministry of Justice, at a technical level, considered that this architecture complies with ***constitutionality and legal standards***.

In view of all these considerations, the Superior Council of Magistracy considered that it is necessary *to notify the Strategic Management Council (COMS), in order to analyze the current situation and adopt concrete measures to guarantee the respect and protection of the independence of justice from the perspective of IT governance.*

Within this framework, it was proposed that the following should be discussed and agreed at COMS level:

- agreeing to the idea of principle that the judicial system must have in management and control the data produced and managed by the courts, excluding the risk of interference from outside;
- agreeing on the principle that the optimal way to preserve the independence of the judicial system, in this respect, is the one that the Ministry of Justice has already agreed in the case of prosecutors' offices, thus rendering the technical aspects.

- In the absence of financial resources to ensure the solution from the previous point, temporarily, until the necessary funds are provided for the implementation of the instante.ro domain at the SCM headquarters, this infrastructure should be hosted by the existing virtualization infrastructure at the Ministry of Justice, at the same time as the implementation of the measures recommended in this address. Subsequently, after the implementation of the cloud solution through the PNRR project, the infrastructure of the instante.ro domain will be migrated either to the CSM headquarters or to the infrastructure that provides cloud services for the courts.

- establishing at the level of the technical teams of the Superior Council of Magistracy and the Ministry of Justice, a realistic timetable for the implementation of the temporary solution, taking into account the technical and financial needs.

On 04.11.2025, the COMS meeting took place, but on this occasion a decision was not adopted on the approval of concrete measures to guarantee the respect and protection of the independence of the judiciary from the perspective of IT governance, establishing the need for subsequent bilateral discussions, from which point the issue of IT governance was not resumed.

In this regard, it should be noted that, at the COMS meeting, the only opposition to the Council's proposals was expressed by the Ministry of Justice, which invoked the existence of legislative impediments, considering the need to amend the legislation in order to transfer the entire responsibility of the administration to another institution in the judicial system. The other votes were in favor of the proposal of the Superior Council of Magistracy because, although the Prosecutor General did not have a position, an architecture such as the one requested by the Council is implemented at the level of the Public Prosecutor's Office.

However, the Council's analysis confirms that no legislative changes are required to carry out this transfer, an aspect previously supported by the Ministry of Justice in its own analysis, as well as by the fact that, currently, under the same legislation, the databases are already under the management of the courts.

As a result, given that there are no technical or legislative impediments, the Council considers that a strengthening of the IT competences related to the activity of the courts of law to the SCM has not yet been achieved, most likely as a result of the absence of a consensus at the level of the decision-making factor within the Ministry of Justice.<sup>32</sup>

#### **Regarding surveys for litigants and other legal professionals:<sup>33</sup>**

In the context of the Strategy for the Development of the Judicial System 2022-2025, correlated with the BSC application, in order to achieve the Specific Objective 4.2. - Defining and implementing a unitary mechanism for periodically assessing the satisfaction of stakeholders (e.g. citizens/litigants/lawyers, etc.) at the level of all courts, including the perception of access to justice, the following actions were established:

- Action 4.2.1. - Analysis of existing customer satisfaction evaluation mechanisms such as ISO, CAF or similar - Activity 4.2.1.1 - Identification and evaluation of existing mechanisms
- Action 4.2.2. - Establishing the mechanism for evaluating the satisfaction of the stakeholders (e.g. citizens/litigants/lawyers, etc.) to be implemented at the level of the courts - Activity 4.2.2.1 - Establishing the mechanisms for evaluating the satisfaction that will be implemented

Action 4.2.1. - Activity 4.2.1.1 has been carried out, the mechanism for assessing the satisfaction of the interested parties identified and evaluated at the level of the courts being a questionnaire developed by each court questioned, a document addressed to litigants, lawyers and journalists, in written or electronic format.

Also, in order to carry out Action 4.2.2. - activity 4.2.2.1, during the meeting of Commission no. 2 judges - Human Resources and Organization on October 3, 2023, a Working Group was set up in order to establish a unitary mechanism for assessing the satisfaction of stakeholders (litigants, lawyers, etc.), in order to be implemented at the level of the courts.

The Working Group discussed the development of a mechanism for assessing the satisfaction of stakeholders (litigants, lawyers, etc.), without allocating additional material resources, regarding the non-allocation of additional resources

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<sup>32</sup> SISJ

<sup>33</sup> SIPRM

provided for in the Activity Plan of the Strategy for the Development of the Judiciary 2022-2025, to be implemented at the level of at least 57 courts (courts of appeal and tribunals) and at least once a year, in order to achieve the related indicator in the Strategy.

The Section for Judges of the Superior Council of Magistracy, by Decision no. 2646/16.11.2023, approved the questionnaire developed within the Working Group on the Strategy for the Development of the Judicial System 2022-2025, proposed as a way to assess the degree of satisfaction of the stakeholders in order to achieve the indicator of the Strategy for the Development of the Judicial System 2022-2025.

The questionnaire approved by Schedule no. 2646/16.11.2023 was disseminated at the level of the courts of appeal and the district courts, in order to implement it, at least once a year, both in physical format by making available to interested persons and informing them about the possibility of filling in the questionnaire, and in online (digital) format.

At the same time, in order for the Superior Council of Magistracy to assess, for statistical purposes, the public perception regarding the activity within the courts, as well as other elements that fall within the content of the notion of free access to justice in the broad sense, after the implementation of the questionnaire, a centralizing material prepared at the level of the courts of appeal was requested through which an analysis document containing a summary/statistics of the the answers to each question in the questionnaire, for the questionnaires implemented by the Court of Appeal and the district courts, as well as a copy of the questionnaires completed and collected during the previous year.

Thus, after the implementation of the questionnaire, the courts of appeal sent centralizing materials/analysis documents that include a summary/statistics of the answers to each question in the questionnaire, for the questionnaires implemented by the court of appeal and the district courts, as well as a copy of the questionnaires completed and collected during the previous year.

We mention that at the level of the courts of appeal and district courts, **3174 questionnaires** were completed, the number of answers varying from one question to another, being different from the total number of questionnaires, as some questions were not answered by the respondents.

From the statistics of the centralizing materials transmitted, with relevance to the assessment of stakeholder satisfaction and perception of access to justice, we highlight the following results:

Regarding the period of time between the date of registration of the action and the first trial term, from the analysis of 2840 responses it resulted that, of the respondents, 72% were satisfied with the period of time between the date of registration of the action and the first trial term (25% were very satisfied, 26% satisfied, 20% answered satisfactorily), only 28% were dissatisfied or very dissatisfied.

To the question on the observance of rights during the procedure before the court, from the analysis of a number of 2874 answers, it resulted that 77% of the respondents answered that their rights were respected, 18% answered that their rights were not respected, and 5% answered that they did not know their rights.

Regarding the understanding of the procedure that took place in the courtroom, out of 2884 answers, the majority of respondents (80%) considered that they understood the procedure (64% total agreement and 16% partial agreement), only 10% answered that they did not understand the procedure.

Regarding the perception of the judge/judges as impartial/impartial, on a scale from 1-5 which is the approved answer scale, out of 2996 answers, 49% gave the rating 5, 30% gave the ratings 4 and 3, and 21% gave the ratings 2 and 1.

Thus, 79% of respondents perceived the judge as impartial or as impartial as possible during the procedure.

Also, regarding the way the procedure was conducted, from the analysis of 2884 responses, it resulted that 77% of the respondents were satisfied with the procedure (32% very satisfied, 29% satisfied, 16% satisfactory), only 23% being dissatisfied (8% dissatisfied, 15% very dissatisfied).

When asked about the degree of satisfaction with the period of time allowed between the trial deadlines, 70% answered that they were satisfied (23% very satisfied, 27% satisfied, 20% satisfactory), only 30% answered that they were dissatisfied (12% dissatisfied, 18% very dissatisfied).

Regarding the degree of satisfaction with the period of time between the date of registration of the action and the date of delivery of the decision in the file/files, out of 3052 respondents, 68% were satisfied (20% satisfied, 26% satisfied, 21% satisfactory), 32% declaring themselves dissatisfied.

Regarding the solution pronounced in the case in which they participated, out of 2845 respondents, 75% were satisfied with the solution (24% very satisfied, 32% satisfied, 20% satisfactory), only 25% declared themselves dissatisfied.

Regarding the time of communication of the court decision after the pronouncement of the solution, out of the total of 2855 respondents, 76% said that the communication time was between 30 and 90 days (37% 30 days, 39% 31-90 days), only 24% were communicated within terms between 91 and over 180 days (13% - 91-180 days, 11% over 180 days).

Also, 67% of the total of 2836 respondents said that the decision was clear and easy to understand (43% total agreement, 24% partial agreement, 13% neutral), only 18% did not understand the motivation of the decision (6% partial disagreement and 13% total disagreement).

At the same time, out of 2885 respondents, 70% answered that before participating in the judicial procedure they trusted the quality of the act of justice, for 15% the answer was neutral, 5% partial disagreement and 9% total disagreement.

Regarding the level of trust in the quality of the act of justice, after participating in the judicial procedure, out of 2873 respondents, 30% answered that trust has increased, 45% that trust has remained the same, only 25% answered that it has decreased.

We mention that the respondents to the questionnaire were both litigants and legal professionals who participated in the judicial proceedings, especially lawyers, in this regard we highlight the answer to question no. 3 of the questionnaire, where, out of 3145 respondents, 39% were parties to a lawsuit, 34% lawyers, 10% legal advisors, 2% insolvency practitioners, 3% witnesses, 12% having another capacity.

In the meeting of September 4, 2025, Commission no. 2 judges – Human Resources and Organization within the Superior Council of Magistracy took note of the centralization of the answers to the questionnaire sent to the courts.

Also, the Superior Council of Magistracy informed the public opinion on the statistics of centralizing materials sent by the courts, with relevance to the assessment of the satisfaction of the interested parties and the perception of access to justice.

*Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanism and mediation as regards commercial cases*

### **The Superior Council of Magistracy**

During the reference period, there were no changes in primary or secondary legislation regarding the specialization of judges to deal with commercial cases, nor with regard to specialized courts or sections within the courts.

With regard to the training of judges to deal with commercial cases, National Institute of Magistracy organised the follow trainings:

Within the Initial Professional Training Program, approved for the second year-IEA, a module is included that also includes the discipline Civil Law - Disputes with Professionals. The topic addressed is dedicated to the legal relationships arising from the operation of profit-making enterprises, in order to familiarize the justice auditors with the relevant notions and concepts, with the particularities of substantive law, as well as with the specific procedural aspects (evidentiary, course of the trial, special procedures of national law and provided for by European Union law).

Within the 2025 Continuing Professional Training Program, the Institute has constantly focused its efforts on training judges and prosecutors in areas relevant to the judicial system, including the training of judges in the field of litigation with professionals.

Thus, during 2025, 14 continuing professional training activities were carried out, organized both in the form of national conferences and in a practical manner, in the format of seminars and webinars, as follows: 1 seminar on *Unfair Clauses in the Professional-Consumer Relationship*; 1 seminar on *International Cooperation in Civil and Commercial Matters*; 5 national *insolvency* conferences, organized by the National Institute for the Training of Insolvency Practitioners in Romania (INPPI); 2 conferences on *Consumer Protection: How to Choose Between Alternative Dispute Resolution and Court Proceedings? Challenges and realities*, organized in collaboration with the Center for Alternative Dispute Resolution in the Banking Field; 1 seminar on *Legal English. Civil Aspects*, dedicated to the field of litigation with professionals included in the EJTN Plus Catalog; 1 webinar on *Novelty aspects brought by Law no. 243/2024 on consumer protection regarding the total cost of lending and assignment of receivables*; 1 webinar on *Representative actions for the protection of the collective interests of consumers - Law no. 414/2023*; 1 webinar on the topic *The social interest of administrators in bonus, in difficulty and in cessation of payments. The social interest of the associates*; 1 webinar on *Electronic signatures and electronic documents before the court: legal, evidentiary regime and judicial practice*; 1 webinar on the topic of *Bank Fraud. Context and consequences*.

To these are added the training of the 473 judges trained within the training programs of magistrates selected under the provisions of art. 63 of Law no. 303/2022. The training of these judges included, among other things, training sessions in the field of litigation with professionals (2 courses for each of these judges).

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

### **The Superior Council of Magistracy**

In the meeting of the Commission no. 2 Judges - Human Resources and Organization of 15 May 2025, the note of the specialized directorate on the proposals for the redistribution of vacant judge posts was analyzed, which was appropriated by the Commission with the observations made at the hearing. The Commission also considered that it is necessary to continue the analysis and formulate concrete proposals for the redistribution of the vacant posts of judges.<sup>34</sup>

Regarding the status of the proposals for the reconfiguration of the map of prosecutors' offices, according to the Interinstitutional Working Group started in 2024, during the meeting of the working group on 18.09.2024, the expected changes regarding the organization of the prosecutors' offices attached to the judges, as proposed within the SIPOCA 761 project, were presented "Optimization of management at the level of the judicial system. Parquet floor component - SIPOCA/MySMIS code 761/133850". The material was sent to the members of the group (including the Ministry of Justice) for comments.

So far, the Ministry of Justice's point of view on the material containing the legislative amendments necessary to implement the solution of the reorganization of the prosecutors' offices attached to first instance courts has not been transmitted, this being requested both on 26.09.2024 and by the return address of 12.11.2024, which is why the date of the next meeting of the Working Group could not be set so far.

### **The General Prosecutor's Office**

In order to remedy the dysfunctions caused by the significant number of vacant prosecutor positions, the solution identified at the level of the Public Ministry, in agreement with the Superior Council of Magistracy, is to reorganise the administrative map of the prosecutor's offices by establishing a single prosecutor's office unit at county level to operate alongside the first instance courts, based in the county seat, and transforming the other prosecutor's offices attached to the first instance courts in the county into secondary offices.

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<sup>34</sup> DRUO

We would like to point out that such a reorganisation does not affect the organisation of the courts in any way, as prosecutors will continue to participate in court hearings as they do under the current structure.

The current system lacks the flexibility needed to quickly resolve specific human resource issues, does not ensure a balanced workload, and does not ensure the efficient distribution of material and human resources.

The reorganisation has the following advantages:

- it creates the conditions for the specialisation of prosecutors and a unified practice;
- it will have a positive financial impact as a result of savings achieved by reducing salary costs (several management positions for prosecutors and clerks will be converted into execution positions: 118 prosecutor positions and 129 clerk positions); it will reduce or even eliminate the costs generated by staff secondment (daily allowances, transport, accommodation), and reduce long-term costs by minimising investment in infrastructure for secondary offices;
- creating levers for personnel issues to be managed at the level of the prosecutor's offices attached to the first instance courts, with the higher-level prosecutor's offices focusing on complex cases falling within their own jurisdiction (the current solution of taking over the entire activity of a subordinate unit by the prosecutor's office attached to the tribunal leads to an excessive workload for the prosecutor's offices attached to the tribunal, as the prosecutors in these prosecutor's offices do not have the time necessary to manage the complex cases within their jurisdiction: tax evasion, murder, corruption, cybercrime, etc.);
- it creates the conditions for greater staff mobility, with flexible mechanisms for adjusting the staffing structure, without affecting the stability of prosecutors, and for situations requiring urgent intervention, mechanisms will be provided for prosecutors from other secondary offices to take over the workload;
- it leads to a balancing of the workload of prosecutors, resulting in faster case resolution, higher quality of criminal investigation actions, and more efficient criminal investigation, all of which contribute to the delivery of quality public services to citizens;
- gives meaning to the management role (something that's missing in really small units); also, by not having to deal with time-consuming management stuff, prosecutors at secondary offices will be able to handle the activities related to their execution roles way more efficiently;
- the proposal is in line with the European trend of reducing the number of courts and prosecutor's offices, concentrating resources and improving the quality of services provided to citizens.

With regard to the status of proposals to reconfigure the map of prosecutor's offices, COMS [ro. abbreviation for the Strategic Management Board of the Ministry of Justice] Decision of 4 November 2025 set a deadline for public debate on a draft law on the reorganisation of prosecutor's offices attached to first instance courts, namely 31 January 2026.

### ***C. Efficiency of the justice system<sup>35</sup>***

#### ***Length of proceedings***

##### **The Superior Council of Magistracy**

In the reference period, there were no new aspects compared to the previous reporting period, maintaining the idea that the implementation of IT and digitization solutions in the activity of the courts leads to an increased standardization of

<sup>35</sup> Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

judicial processes and ensures an increased celerity in the resolution of cases, having favorable consequences for the efficiency and consistency of the act of justice, to speed up the process of solving cases.

From the point of view of the duration of the proceedings, it is clear that the IT applications implemented in previous years, such as ReJust Desktop and the [registratura.rejust.ro](http://registratura.rejust.ro) portal, together with those mentioned in question B.13, have had a significant influence on the acceleration and efficiency of procedural activities.

By implementing these solutions, an increased standardization of judicial processes is sought and an increased speed in the resolution of cases is ensured, which considerably improves the efficiency and consistency of the act of justice. Although each individual solution did not have as its main objective to reduce the number of cases or the duration of proceedings, their convergent action leads to an acceleration of the case-solving process.

### **General Prosecutor's Office**

One of the most serious structural problems faced by the prosecutor's offices in the previous period was the excessive volume of case files, generated in part by the legislative regulation of the principle of legality, to the detriment of the principle of expediency, enshrined in the legislation of most European Union Member States.

This situation led to a steady annual increase in the backlog of case files, with 2024 seeing the highest number of cases in the last 10 years – 1,788,805 case files. In the absence of administrative mechanisms for sorting and prioritising, the prosecution authorities were overwhelmed with complaints that had no real potential for completion.

To remedy this situation, a series of concrete measures were adopted between 2023 and 2025, with a direct impact on the way criminal complaints are registered and managed:

■ *Entry into force on 1 January 2025 of Joint Order no. 289/20.12.2024 of the Prosecutor General of the PICCJ and the MAI approving the Methodological Norms on the registration, unified recording and circulation of criminal complaints.*

The joint order establishes new rules on the registration and circulation of criminal complaints, aimed at ensuring a much more efficient administrative sorting of petitions/referrals/complaints and thus avoiding the overloading of criminal investigation bodies.

■ *Issuing of the Instruction of 20 January 2025, which provided clear recommendations to prosecutor's offices on the administrative filtering of complaints in order to avoid unnecessary overloading of criminal investigation bodies;*

Results achieved

The measures adopted had concrete and measurable effects on the work of the Public Ministry. For the first time in the last decade, in 2025 the increase in the number of pending case files was halted, with a 1.6% decrease as compared to the previous year.

### **High Court of Cassation and Justice**

In 2025, improving the efficiency of the judicial system remained a central objective of the High Court of Cassation and Justice (HCCJ), pursued through an integrated approach aimed both at strengthening the quality of judicial activity and at optimizing the administrative and institutional functioning of the Supreme Court, in full accordance with its constitutional role.

a) Measures at management level

At management level, measures were adopted to ensure the efficient conduct of the Supreme Court's activity, with a focus on both reducing the length of judicial proceedings and strengthening public communication. At the same time, efforts were continued to ensure the widest possible accessibility of the HCCJ's case law.

#### a.1) Reduction of the length of judicial proceedings

In order to address the challenges generated by staff fluctuations and the management of a high workload, measures were adopted concerning the establishment of new judicial panels, as well as the redeployment of staff from support departments/structures to the Court's sections. These measures aimed to improve the efficiency of judicial activity, reduce the time required to resolve cases and accelerate the drafting of judicial decisions.

At the same time, in 2025 the Management Board of the High Court of Cassation and Justice approved the Uniform Procedure for the preparation of hearings of panels ruling on preliminary questions of law, aimed at accelerating the resolution of cases concerning preliminary references submitted pursuant to Government Emergency Ordinance No. 62/2024. In addition, Measures to unify the drafting of decisions delivered by panels ruling on preliminary questions of law were adopted, with the objective of ensuring a uniform and more concise format for such decisions.

The application of these procedures and measures resulted in increased efficiency of working methods, improved case file preparation, shorter deadlines for the drafting of reports, faster resolution of referrals and reduced timeframes for drafting decisions.

#### a.2) Strengthening public communication

Over the past year, one of the most significant challenges facing the justice system, as perceived at the level of the High Court of Cassation and Justice, has been the disinformation campaign involving the dissemination of false information capable of undermining the credibility of the justice system, weakening the authority of the judiciary and eroding public trust in judicial activity.

According to European standards, judicial proceedings and issues related to the administration of justice are matters of public interest. However, the right to information, as an element of freedom of expression, must be exercised with due regard to the limits imposed by judicial independence and the requirements of the right to a fair trial. The criteria for distinguishing statements that undermine judicial independence, extensively regulated in European and international instruments, converge on a common principle: the justice system must be protected from statements that may diminish its credibility in the eyes of the public. Judges and prosecutors require public trust in order to fulfil their mission.

Disregarding these limits of reasonableness, public criticism has subjected the justice system, and implicitly the High Court of Cassation and Justice, to unprecedented pressure, capable of affecting the standards of judicial independence and efficiency inherent to a state governed by the rule of law.

In the context created by the risks associated with the dynamics of the digital environment, in the absence of regulations capable of mitigating the effects of disinformation and providing an effective legal mechanism to keep freedom of expression within reasonable limits, the High Court of Cassation and Justice considered it necessary to intervene promptly in order to prevent and, as far as possible, counteract the harmful effects of disinformation campaigns.

To this end, the HCCJ initiated sustained efforts to strengthen public communication, including the publication of press releases concerning decisions delivered in cases of public interest and the organization of press conferences, as reflected in the following examples: *Comunicat de presă privind proiectul de modificare a legilor pensiilor – 21 august 2025; Clarificări ale Înaltei Curți privind soluțiile pronunțate în dosare de interes public – 13 octombrie 2025; Comunicat de presă privind afirmațiile referitoare la un presupus acord al Înaltei Curți asupra proiectului de lege privind pensiile magistraților – 28 octombrie 2025; Declarație de presă privind deciziile C5 Penal (ambele complete ale ICCJ) în cazurile de interes public – 4 noiembrie 2025; Manipularea societății împotriva justiției subminează statul de drept – 7 noiembrie 2025; Acordul pentru justiție și stabilitate instituțională – 12 noiembrie 2025; Decizie definitivă privind excluderea din magistratură pentru îndeplinirea arbitrară a sarcinilor de serviciu – 19 noiembrie 2025; „Cum apărăm statul de drept?” – Înalta Curte de Casație și Justiție în dialog cu societatea civilă – 9 decembrie 2025; Avocatul general al Curții de Justiție a Uniunii*

At the same time, a dialogue with civil society on issues of major public interest was initiated. In this regard, the President of the HCCJ launched a permanent communication and consultation mechanism with civil society, aimed at facilitating direct contact and an open exchange of views, with a view to identifying normative and organizational solutions for improving the public justice service.

The first event organized under this mechanism took place on 9 December 2025, within the framework of the debate *“The Rule of Law and the Role of Justice – How Do We Defend the Rule of Law? Justice and Civil Society in Dialogue”*. Civic organizations active in the fields of democracy, justice and the rule of law, human rights organizations and organizations representing various social groups were invited to participate. The event brought together approximately 50 participants.

This meeting represented an important step in strengthening the relationship between the justice system and civil society, reaffirming that only through cooperation and transparency can a robust democracy be built. A subsequent event of this type is planned for February 2026.

Despite these public information efforts, in the absence of an effective and efficient mechanism to defend against continuous and aggressive actions aimed at discrediting the justice system and magistrates, the risk of undermining the values associated with an independent and effective judiciary, inherent to the rule of law, is considered to be increasingly high. Consequently, it is necessary for the other branches of state power to act, within their respective prerogatives and in accordance with the principle of loyal cooperation, in order to ensure effective protection of judicial independence against such actions as soon as possible.

At the same time, a dialogue with civil society on issues of major public interest was initiated. In this regard, the President of the High Court of Cassation and Justice launched a permanent communication and consultation mechanism with civil society, aimed at facilitating direct contact and an open exchange of views, with a view to identifying normative and organizational solutions for improving the public justice service.

#### Measures at Non-Criminal Sections

Continuous monitoring of procedural durations allowed the identification of causes behind extended case resolution times, including procedural factors and workload issues. Measures adopted included: formation of new judicial panels, scheduling additional court sessions to expedite incidental requests, balancing workloads across panels to avoid overcrowding, monitoring adherence to deadlines, particularly for judgment drafting, planning deadlines for pending judgments, involving clerks under assistant judges’ supervision, improving the internal administrative workflow of cases through standardization of resolutions and defining responsible staff for each procedural step, establishing a procedure for managing suspended cases.

To ensure consistent jurisprudence, unification meetings were organized where judges and the Legislation, Jurisprudence, and Litigation Directorate discussed divergent practices and adopted principle-based solutions. Sections actively participated in the National Network for Jurisprudence Unification via the RNUJ web application.

#### Measures at the Criminal Section

Given the high workload and case complexity, administrative measures included: filling vacant or temporarily vacant positions, formation of a new judicial panel and assignment of stable teams of 3 assistant judges and 3 clerks per panel, continuous professional training for assistant judges and clerks, both within the section and via INM and National School of Clerks courses, regular meetings to discuss new or divergent legal issues, adopting principle-based solutions, ensuring rapid access to legislative programs, legal doctrine, case law, and internal materials.

Space optimization measures included the use of other sections' courtrooms and scheduling afternoon sessions. Monthly and quarterly monitoring tracked case durations, judgment drafting times, and statistical data, while litigants were advised to use electronic communication channels and ensured access to electronic case files.

The organizational climate was strengthened through efficient communication, teamwork, and continuous professional development, including targeted training for assistant judges and clerks.

These initiatives contributed to overall procedural efficiency, improved internal workflow, and reinforced uniformity of jurisprudence across the Supreme Court.

#### Vulnerabilities

The main vulnerability affecting the efficiency of ÎCCJ's activity is the insufficiency and inadequacy of judicial support staff.

- Absence of functional panel teams: There is no established, stable model of a "judicial panel team" composed of a judge, assistant judge, and clerk working together as a dedicated unit. Judicial work is largely supported in a fragmented manner by dispersed bureaucratic structures rather than through an integrated professional support system.
- Impact on judicial quality and speed: This gap directly affects: case preparation, quality and coherence of deliberation, speed of judgment drafting, overall duration of judicial procedures
- Systemic effect on lower courts: If the Supreme Court, which should serve as a model of good practice, lacks adequate panel infrastructure, the situation is inevitably worse in lower courts, where chronic staff shortages, high turnover, and administrative overload persist.
- Structural limitation: Judicial efficiency is therefore constrained not primarily by regulations or political will, but by structural realities. Judges are expected to deliver EU-standard performance with an under-resourced system.

Conclusion: Without the establishment of fully functional panel teams as the basic unit of judicial work, the objective of reducing procedural durations remains largely rhetorical rather than a realistically achievable public policy goal.

## II. ANTI-CORRUPTION FRAMEWORK

### ***A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)***

*List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO*

#### **General Prosecutor's Office**

Upon entry into force of Law no. 49/2022, a backlog of 8,047 case files was inherited from the former SIJ [ro. abbreviation for the Section for the Investigation of Offences within the Judiciary], of which 3,307 were with the PICCJ and the rest with the prosecutor's offices attached to the courts of appeal; subsequently an additional 4,554 case files were registered (of

which 928 were at the PICCJ), resulting in a total backlog of 12,601 case files to be solved (of which 4,235 were at the PICCJ).

This backlog of case files had to be managed, on average for the reference period, by 3-4 prosecutors specifically assigned to the PICCJ and 2 prosecutors at each prosecutor's office attached to the courts of appeal.

Under these circumstances, the effort to investigate cases involving magistrates was sustained. **Thus, from the entry into force of Law no. 49/2022 to date, a total of 8,918 case files have been solved (of which 1,424 in 2025), representing a settlement rate of 71%.**

In addition, **the PICCJ issued five indictments (one in 2023, two in 2024 and two in 2025), bringing magistrates, judges and prosecutors to trial, including for acts of corruption.**

For its part, the Craiova Court of Appeal issued two indictments against magistrates (one in 2023 and one in 2024), and the Pitești Court of Appeal issued one indictment (in 2024).

Annex 5 contains data on the prosecutors appointed during the period 2022-2025, and Annex 6 contains statistical data on the cases they solved since the entry into force of Law no. 49/2022, broken down by calendar year.

By Decision no. 8 of the High Court of Cassation and Justice - Panel for the Settlement of Appeals in the Interest of the Law of 16 June 2025, published in the Official Gazette, Part I no. 850 of 16 September 2025, it was established that judicial police officers within the General Anti-Corruption Directorate (ro.: DGA) have the power to carry out, by delegation, under the conditions provided by law, the criminal investigation acts ordered by the competent prosecutor solely in cases concerning offences committed by the staff of the Ministry of Internal Affairs.

Thus, the prosecutor's option to delegate the investigation of corruption cases (regardless of their severity) to the specialised investigation bodies of the DGA, if the subjects are not part of the staff of the Ministry of Administration and Interior, requiring the exclusive use of the criminal investigation bodies of the ordinary judicial police.

### **National Integrity Agency**

*Human resources:* as of December 31<sup>st</sup> 2025, 84 positions within the National Integrity Agency (ANI) were occupied, as follows: Top Management - 1 position; Middle management (integrity operation) – 5, Integrity Inspectors - 27 positions; Middle management (support) – 5, Personnel within departments support - 46 positions.

At the same time, organising hiring competitions was suspended for the entire 2025<sup>36</sup>. In addition to the increased workload, ANI personnel's salaries are lower compared to similar roles within public administration. Furthermore, additional responsibilities are entrusted (such as managing PNRR projects, supporting initiatives to strengthen integrity at national and EU levels, and participating in evaluation missions related to Romania's OECD accession process) and participation in trainings is also suspended. As for personnel migration from amongst both the integrity inspectors, as well as the personnel within supporting departments 17 employees have requested transfers to other public institutions or have migrated to the private sector all through 2025.

For these reasons, ANI has carried out several rounds of competitions throughout 2025 to fill-in the vacancies, in accordance with the legal provisions, as follows: 3 vacant positions within the Integrity Inspection General Directorate were advertised. The competition remains in progress, with 2 candidates fulfilling the participation requirements; 6 vacant positions within various departments (Communication, Procurement, IT, etc.) were advertised. Following these competitions, 4 positions were filled in.

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<sup>36</sup> However, an exception was introduced to allow the organisation of competitions where at least 15% of positions became vacant after the entry into force of the law (out of the total number of positions), as well as for unique positions.

Following the organizational restructuring in September 2025, a dedicated IT department was established, staffed by 5 specialists with formal IT education and relevant technical expertise, and led by a manager transferred from another public institution, bringing over 15 years of experience in communications, networking, virtualization, and related domains. Building on these strengthened capabilities, a major application migration and infrastructure decommissioning process was implemented in 2025. This operation involved the retirement of eight racks of processing and storage equipment with an average operational age of 13 years, which had exceeded their End of Support Life (EOSL) by more than five years and posed increasing challenges in terms of maintenance, reliability, and availability of spare parts.

As a result, the Agency's IT infrastructure has been modernized and optimized, ensuring efficient operation of software solutions on updated hardware platforms, while significantly reducing operational risks associated with obsolete equipment. The transition to modern virtualization technologies has also led to a substantial reduction in the Agency's carbon footprint and enabled more efficient system administration. In the coming period, additional IT-specific measures are planned to further enhance data security, access control, and overall operational efficiency.

*Financial resources:* ANI's budget for the year 2025 following the budgetary rectifications and the distribution of credits to the reserve fund was of 21.313.000 Lei (approx. 4.3 million Euros) to which it was added the total sum of 76.161.000 Lei (approx. 15.2 million Euros), representing commitment credits and budgetary credits for Projects financed from non-refundable external funds (FEN). Distribution of ANI's budget for the year 2025 (21.313.000Lei): Personnel costs – 15.350.000 Lei; Goods and services – 5.623.000 Lei; Capital expenditures – 270.000Lei; Other expenditures – 70.000 Lei; Projects financed from non-refundable financial assistance related to PNRR - 76.161.000 Lei. The allocated budget enabled the effective implementation and completion of the Agency's ongoing activities, without generating any financial constraints or risks.

*Legislative framework:* throughout 2025, 3 legislative proposals concerning integrity have been promulgated by the President of Romania and became laws. Currently, 17 legislative proposals aiming to amend the integrity framework are pending before the Parliament procedures<sup>37</sup>. (Please see Annex 7 for a full list of the state of play regarding the legislative framework).

### **National Anticorruption Directorate**

During 2025, the National Anticorruption Directorate continued to effectively carry out its tasks in the field of combating fraud and protecting the financial interests of the European Union, by conducting a legal and thorough criminal prosecution, resulting in the solving of a significant number of cases concerning the conduct of procedures for accessing and using the funds from the general budget of the European Union, as well as by sending to trial the persons who committed this type of offence, particularly seeking the recovery of the caused damage.

In the field of investigation of fraud concerning the European funds, the National Anticorruption Directorate has a shared competence with the European Public Prosecutor's Office (EPPO). As regards the operational cooperation with the European Public Prosecutor's Office, the prosecutors of the National Anticorruption Directorate have consistently carried out their case reporting obligations in order to exercise the right of evocation by the EPPO. In 2025, 172 reports were sent to the EPPO, of which the European Public Prosecutor's Office exercised its evocation right in 85 cases, while the same right was not exercised in 87 cases.

A key role in ensuring the effective cooperation with the European Public Prosecutor's Office is carried out by the Support Structure of the European Delegated Prosecutors in Romania, which operates within the National Anticorruption Directorate. The Directorate supports the work of the EPPO by providing the necessary human, logistical and technical resources, as well as by constantly strengthening the professional and operational capacity of the personnel investigating the criminal offences affecting the financial interests of the European Union.

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<sup>37</sup> Pending before Parliament: PI-x nr. 364/2022; PL-x nr. 27/2022; PI-x nr. 398/2021; PI-x 135/2020; PI-x 415/2019; PI-x nr. 179/2018; PL-x 64/2023; PL-x nr. 109/2023; PI-x 543/2023; Bp. 464/2023; PI-x no. 139/2024; PI-x. 99/2024; Bp. 501/2024

In this context, the DNA implements the project “Improving the protection of the financial interests of the European Union by increasing the technical endowment of the DNA in the field of investigation and supervision – 2024-RO-NANOTECH”. The objective of the project is to strengthen the investigative and operating capacity of the Directorate, including for the benefit of the EPPO’s Support Structure of European Delegated Prosecutors. The project aims to develop the necessary technical equipment and skills for technical supervision activities, data analysis and financial investigations, used as investigative methods and techniques in the fight against fraud and corruption affecting the financial interests of the European Union. The project runs from 1 January 2025 to 31 December 2026 and so far, the procurement of technical equipment and specialised training have been carried out, including for the benefit of the Support Structure of the European Delegated Prosecutors.

Last but not least, as an expression of the institutional cooperation with the Anti-Fraud Department (DLAF) in the field of preventing and combating fraud affecting the financial interests of the European Union, the notifications submitted by this institution lead to the opening of 8 criminal cases.

#### Cooperation with the national authorities

In 2025, the National Anticorruption Directorate continued its effective cooperation with the national institutions on mechanisms aiming to detect the offences investigated under its competence. In particular, the collaboration with the Ministry of Foreign Affairs, the National Agency for Fiscal Administration and the National Office for Preventing and Combating Money Laundering has been strengthened through joint activities and thematic consultations.

This intensification of cooperation took place in the context of the recommendations made following the Evaluation Report on Romania’s implementation of the OECD Anti-Bribery Convention – Phase Two, with the aim of supporting the implementation of the OECD recommendations on preventing and detecting foreign bribery and strengthening the capacities of the involved institutions.

#### The Ministry of Foreign Affairs (MAE)

The National Anticorruption Directorate has collaborated, within the limits of its institutional competence, with the Ministry of Foreign Affairs, through expert consultations, in order to ensure that MFA staff, as part of the analysis of the local media carried out as part of their office duties, can identify and report more effectively to the competent Romanian authorities the potential cases of foreign bribery, with a view to increasing the detection of offences, in accordance with the OECD recommendations.

#### National Office for Prevention and Control of Money Laundering (ONPCSB)

The National Anticorruption Directorate has collaborated, within the limits of its institutional competence, with the National Office for Preventing and Combating Money Laundering, through expert consultations, with a view to developing an integrated strategy enabling reporting entities to identify and report more efficiently the suspicious transactions associated with potential cases of foreign bribery, by providing qualitative feedback in order to improve the quality of reporting, as well as to strengthen the technical capacity of the ONPCSB to proactively identify the relevant information on foreign bribery and related money laundering offences.

#### National Agency for Fiscal Administration (ANAF)

The National Anticorruption Directorate has collaborated, within the limits of its institutional competence, with the National Agency for Fiscal Administration, through expert consultations, in order to enable ANAF to take measures to raise awareness among tax inspectors of the importance of their role in the recognition and reporting of improperly deductible bribes paid to foreign public officials, as well as to develop their capacities regarding the specificities of detecting the payments of bribes to foreign public officials, in order to increase the detection of offences, in accordance with the OECD recommendations.

### **National Integrity Agency**

The National Integrity Council (CNI) is the representative body with non-permanent activity, under parliamentary control exercised by the Romanian Senate, which monitors the activity of the Agency, as stipulated by Law No. 144/2007.

In March and May 2025, within 2 sessions, the Senate formally appointed the members of the National Integrity Council, establishing its structure for a four-year term spanning 2025–2029 and ensuring institutional continuity and stability. The Council is structured with 14 principal members and 15 substitute members, representing a broad range of parliamentary groups, public institutions, and civil society.

*The External Independent Audit Report* serves as an objective mirror of the performance of ANI's management, as well as the Agency's activity in general, as it covers investigation activities, administrative operations of ANI, PREVENT System and also performs a follow-up on the National Anticorruption Strategy's Integrity Plan, and of ANI Strategy's action plan implementation.

Following the evaluation of the activity carried out for the year 2024, the auditors noted that *"Following the evaluation of the activities carried out by ANI in 2024, it was noted that ANI continued its efforts to implement measures aimed at ensuring the efficient and effective management of the institution's activities and maintained positive results in the management of conflicts of interest, incompatibilities, the legal regime governing asset declarations, and public interest whistleblowing.*

*Even under circumstances in which a series of austerity measures were adopted at national level (such as the suspension of filling vacant positions through competitive procedures, salary limitations, and budgetary constraints), which had a direct impact on ANI's activity, the measures undertaken enabled ANI to fulfil the role for which it was established and to ensure integrity in the exercise of public offices and dignities, as well as to combat integrity incidents, in conditions of legality, impartiality, transparency, and accountability."*

Amongst ANI's main achievements for the year 2024, the auditors noted the following:

- Optimization and digitalization of management processes and the implementation of efficient working mechanisms, with the Big-data platform being deployed in 2024. This platform contributed to increasing efficiency in identifying indications of non-compliance with legal provisions on conflicts of interest and incompatibilities, based on information contained in asset declarations and declarations of interests.
- Ongoing actions to prevent conflicts of interest in public procurement award procedures, through the establishment of an ex-ante verification mechanism designed to eliminate situations that may generate conflicts of interest within procedures initiated through the electronic public procurement system.
- Ensuring ANI's primary role as the main external public interest whistleblowing channel, with the Agency continuing throughout 2024 to process and manage reports concerning breaches of the law, as well as to provide advisory and training activities.
- Monitoring the implementation of recommendations issued by the OECD Committees responsible for assessing Romania's accession to the OECD, within ANI's fields of competence, in order to meet the requirements, set out in the Accession Roadmap.
- Continued implementation of projects under Pillar I – Digital Transformation, Component 7 – Digital Transformation of the National Recovery and Resilience Plan (NRRP), with ANI acting as a beneficiary;

- Achievement of 96% of the objectives set out in the National Integrity Agency Strategy 2022–2025, with implementation deadlines by the end of 2024 or on a permanent basis.

Nonetheless, the Report also included shortcomings such as the deficit of human resources, with the occupancy rate at the end of 2024 being only 53%, due to the minimal interest of potential candidates in participating in the competitions organized by ANI.

ANI's Management External Audit Report for 2024 (in Romanian), completed by the external auditor, can be accessed using the following link: [https://integritate.eu/wp-content/uploads/2025/07/Raport-de-audit\\_an-2024\\_ANI-1.pdf](https://integritate.eu/wp-content/uploads/2025/07/Raport-de-audit_an-2024_ANI-1.pdf)

*Information on the implementation of measures foreseen in the strategic anti-corruption framework. If available, please provide relevant objectives and indicators*

### **Ministry of Justice**

The second monitoring report of NAS 2021-2025 regarding the implementation of the strategy during 2024 was approved within the meetings of the cooperation platforms organised between 17th – 19th of June 2024. After the approval, the report was published on NAS's PORTAL (please see: <https://sna.just.ro/en/a/rapoarte-de-monitorizare/raport-privind-stadiul-implementarii-strategiei-nationale-anticoruptie-in-anul-2024>). The monitoring report details the implementation of 104 measures with deadline in 2024 or annually/permanently deadline. According to the monitoring report, out of 104 measures, 47 are implemented, 26 are partially implemented, 11 are ongoing and 20 are not implemented.

The 2025 NAS Monitoring Report will be drafted in the first trimester of 2026.

### **The new Anticorruption Strategy**

Substantial preparatory steps have already been taken for both the evaluation of the current anti-corruption strategy and the development of the next strategic framework. These steps include an independent external evaluation, extensive stakeholder consultations, robust criminological analysis, and early alignment with EU-level developments. The new strategy is expected to be finalized in the **first half of 2026**, following the completion of these processes.

#### **Preparatory steps and evaluation of the current strategy**

The procurement procedure for external consultancy services was completed, and on 10 October 2025 a service contract was signed for the independent ex-post external evaluation of the NAS 2021–2025. The evaluation aims to assess the impact of the strategy, including the use of resources, achievement of expected results, effectiveness of interventions, factors contributing to success or failure, sustainability, and overall impact.

The evaluation is carried out by Transparency International, as an independent external evaluator. It will result in a comprehensive evaluation report determining, in quantitative terms, the level of implementation of each measure, each specific objective, and of the strategy as a whole. The evaluation is expected to be finalised in the first semester of 2026.

The findings and recommendations of this evaluation will form the evidence base for the next strategic document covering the 2026–2030 period, ensuring continuity while building on the progress already achieved.

#### **Stakeholder consultation and institutional engagement**

In parallel with the evaluation process, the Ministry of Justice has continued the institutional consultation process.

Between 16–18 December 2025, the Ministry of Justice organized and facilitated the NAS cooperation platforms, continuing methodological support and monitoring of the implementation of the NAS 2021–2025. During these meetings,

the future strategic direction was explicitly discussed, and participating institutions were invited to submit input and proposals regarding priorities and actions for the next strategy.

These consultations are part of a broader, traditionally extensive and inclusive consultative process, involving public institutions and stakeholders, which is expected to continue throughout the first half of 2026.

#### Analytical groundwork and evidence-based policy development

Several analytical initiatives are underway to support a data-driven and risk-focused approach to the new strategy:

A new criminological study on the determinants of corruption, from the perspective of persons convicted of bribery and influence trafficking, was launched in June 2025. Data collection (262 questionnaires and 33 semi-structured interviews conducted in prisons and probation services) was completed by the end of October 2025, and the final report will be available in January 2026.

The study builds on similar research conducted in 2015 and 2020, ensuring continuity and comparability, and aims to identify systemic vulnerabilities and key drivers of corruption through empirical methodologies.

In defining priority action areas and vulnerable sectors, particular attention is given to the typology of offences leading to indictments, as reflected in the periodic reports of the National Anticorruption Directorate. These reports consistently indicate a high prevalence of corruption offences in areas such as public procurement, regulatory oversight and certification, and human resources management. These findings will be integrated into the design of targeted preventive measures.

Several new priorities are envisaged for the upcoming strategy, including:

Strengthening youth engagement, through the exploration of a dedicated platform aimed at education, awareness-raising, and early promotion of integrity and civic responsibility.

Introducing, in line with international trends, a new monitoring and evaluation mechanism based on quantifiable indicators, particularly for preventive measures. This model aims to standardise monitoring, improve comparability of results, and enhance transparency regarding implementation.

Key areas subject to evaluation will include asset declarations, prevention of conflicts of interest, management of integrity incidents and corruption risks, whistleblower protection, and broader institutional transparency and accountability.

#### Timeline and expected publication

Given the scope of the evaluation, the breadth of consultations, and the need to integrate analytical outputs, the authorities anticipate that the new National Anti-Corruption Strategy will be elaborated by the end of the first semester of 2026.

This timeline also reflects a strategic choice to align the national strategy with the forthcoming EU-level anti-corruption framework, which is likewise expected to be developed in 2026, ensuring coherence with European priorities and standards.

#### **General Prosecutor's Office**

At the level of the Prosecutor's Office attached to the High Court of Cassation and Justice and, separately, at the level of the National Anti-Corruption Directorate, several measures provided for in the National Anti-Corruption Strategy 2021-2025 have been implemented, as presented in Annex 8 and Annex 9, respectively.

#### **National Anticorruption Directorate**

During 2025, the National Anticorruption Directorate (DNA) implemented corruption prevention measures in accordance with the National Anticorruption Strategy, the Government Decision No. 599/2018<sup>38</sup>, and with the international standard for anti-bribery management systems ISO 37001:2016, as follows: the drafting and/or revision of procedures relating to ethical counselling, public procurement (direct procurement and open tendering), recruitment, liquidation, authorization, recording and reporting of budgetary and legal commitments; the inclusion of anti-bribery clauses in all public procurement contracts concluded by the DNA; the updating of information regarding the establishment of the dedicated communication channel for public interest whistleblowing, the adoption of measures ensuring confidentiality, and the revision of the relevant procedure; the revision of the Corruption Risks Register No. 3587/C/2019 of 14 October 2025 and the assessment of the stage of implementation of the measures previously established by the specialized working group; the training of over 85% of the Directorate's staff on conflicts of interest, incompatibilities, revolving doors (*pantouflage*), asset and interest declarations, the declaration of gifts received free of charge in the exercise of office duties, ethical rules, public interest whistleblowing, etc.; the adoption and publication of the DNA's anti-bribery policy; the drafting of the procedure governing the processes and responsibilities of the anti-bribery management system; the continuous updating of the official website with relevant information on corruption prevention and investigation (between 1 January and 30 September 2025, the website [www.dna.ro](http://www.dna.ro) recorded 5,794,751 visits); the designation, by order of the Chief Prosecutor of the Directorate, of working groups, committees, or individuals with responsibilities in the field of corruption prevention; the auditing of the corruption prevention system/National Anticorruption Strategy; the auditing of the anti-bribery management system; the certification of the anti-bribery management system in accordance with ISO 37001:2016, for the areas of "Corruption prevention, combating high-level and medium-level corruption, and international judicial cooperation" (IQNET/SRAC Certificate RO-0062 / 09.12.2025); the further continuation of investigations, in accordance with Measure 5.1.1 of the National Anticorruption Strategy (data to be included in the Activity Report for 2025<sup>39</sup>).

It is noteworthy that the preventive measures established by Government Decision No. 599/2018 and ISO 37001: 2016 fall within the scope of the general measures provided for by the National Anticorruption Strategy (for example, bribery risks identified in accordance with ISO 37001:2016 constitute a component of the corruption risks regulated by Government Decision No. 599/2018 and Measure 1.1.4 of the National Anticorruption Strategy).

According to the information communicated by the Ministry of Justice during the meeting of the Platform of Independent Authorities and Anticorruption Institutions held on 16 December 2025, the reporting of statistical data and of the stage of implementation of the National Anticorruption Strategy 2025 measures to the Technical Secretariat will be carried out in February 2026.

## **B. Prevention**

*Measures to enhance integrity in the public sector in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)*

### **Ministry of Justice**

#### **Revolving doors**

<sup>38</sup> **Government Decision No. 599/2018** for the approval of the **Standard Methodology for the Evaluation of Corruption Risks** within central public authorities and institutions, together with indicators for estimating the likelihood of corruption risks materializing, indicators for assessing the impact in the event of corruption risks materializing, and the format of the Corruption Risks Register, as well as for the approval of the **Methodology for the Assessment of Integrity Incidents** within central public authorities and institutions, together with the format of the annual report for the evaluation of integrity incidents.

<sup>39</sup> <http://192.168.0.52/results.xhtml>

Romania adopted the *Law No. 189/2025 on pre- and post-public employment restrictions*. There have been extensive consultations among central and local government institutions, social partners, and civil society. This new law adopted by the Parliament on 12 November 2025 establishes a unified and enforceable framework introducing a 12-month cooling-off period before and after public employment to prevent conflicts of interest and undue influence. The bill expands the scope to a broad range of individuals, based on the nature of activities performed and their exposure to corruption risks. It applies broadly to senior officials, local elected representatives, and personnel involved in procurement, auditing, concessions, regulation, accreditation, and authorisation. The law establishes a mechanism based on individual declarations, institutional examination and oversight by the National Integrity Agency, ensuring both preventive and corrective safeguards. Administrative sanctions are foreseen, including the nullity of contracts concluded in breach of restrictions in certain circumstances.

**Legislative Context** - Law No. 189/2025 represents a systemic legislative intervention in the field of integrity in the exercise of public functions and public offices. Its primary objective is to strengthen the prevention of conflicts of interest and integrity risks arising from the transition of individuals between the public sector and the private sector.

The law specifically addresses the phenomenon commonly referred to as “revolving doors”, whereby former public officials may capitalize on information, influence, or professional relationships acquired in public office for private interests. To this end, the law complements the existing legal framework on incompatibilities and conflicts of interest by introducing pre-employment and post-employment restrictions, designed with a predominantly preventive function.

**Personal Scope** - The law establishes a broad personal scope of application, based on a functional approach. The decisive criterion is not merely the formal legal status of the individual, but rather the nature of the powers and responsibilities exercised, particularly where these may influence public decision-making, the allocation of public resources, or access to economic advantages.

The provisions apply, *inter alia*, to: civil servants and assimilated categories, including individuals holding managerial or decision-making public positions; principal authorising officers and other persons responsible for the management of public funds; staff of public authorities and institutions, regardless of whether they are employed under public service statutes or individual employment contracts, when involved in the administration or implementation of publicly funded or externally funded programmes and projects; persons involved in the evaluation, selection, or approval of funding applications; personnel involved in public procurement, sectoral procurement, and concession procedures, including seconded experts or individuals acting outside the formal organisational structure; persons holding leadership, supervision, or control functions involved in issuing authorisations, accreditations, or licences; individuals providing legal advice or legal representation for public authorities or institutions; internal public auditors; presidential advisers and state advisers within the Presidential Administration.

**Assessment of Notifications and the Role of ANI** - A key innovation of the law is the introduction of a formalized mechanism for assessing notifications concerning compliance with post-employment restrictions, entrusted to the National Integrity Agency.

The assessment is based on objective criteria, including: the nature of the activity performed and its overlap with previous public duties; the degree of involvement in relevant activities; the position held (execution, management, or public office); the geographical level at which powers were exercised.

Each criterion is assigned a score, and the cumulative result determines the level of integrity risk. Depending on the outcome, the Agency may: conclude that no integrity risk exists; identify a potential risk and impose limitations or conditional prohibitions; impose a full prohibition on the private-sector activity.

The evaluation report must be issued within a 30-day time limit. Failure to communicate the report within this period results in a legal presumption of compliance, producing favourable effects for the individual concerned.

Sanctions Regime - In order to ensure the effectiveness of the regulatory framework, Law No. 189/2025 introduces an explicit administrative (contraventional) sanctions regime, applicable both to individuals and to public institutions.

The following acts constitute administrative offences:

- failure to comply with declaratory obligations regarding post-employment activities;
- engagement in private-sector activities without submitting the required declaration, after the issuance of an assessment report, or in breach of restrictions imposed by the integrity authority;
- failure by public institutions, after a transitional period of 12 months, to designate responsible persons or structures for monitoring pre- and post-employment restrictions.

These acts are sanctioned with administrative fines ranging from RON 2,000 to RON 10,000, reflecting the legislature's commitment to proportionality and uniform treatment, while ensuring the deterrent effect of the law.

### Other evolutions

**National Anticorruption Strategy:** NAS Technical Secretariat continued its training efforts on integrity topics as follows: management of corruption risks, the OECD Anti-bribery Convention, the role of legal advisors in public institutions. The trainings were addressed to employees from public entities, such as, Ministry of Internal Affairs, Ministry of Environment, Water and Forests, entity subordinated to the Ministry of Transport and Infrastructure.

Between 20<sup>th</sup> of May and 12<sup>th</sup> of June 2025, the peer-review missions within the monitoring mechanism for the implementation of the National Anticorruption Strategy 2021- 2025 were carried out at local level within 11 public institutions from the following counties of the country: Alba, Arad, Argeş, Cluj, Ialomiţa, Mureş, Teleorman, Timiş, Vrancea. The evaluated theme was the same as the one evaluated in 2024 – the implementation of the provisions from the *Law no. 361/2022 on the protection of whistleblowers in the public interest* at institutional level. The evaluation reports were approved within the meeting of the cooperation platform of local public administration and will be published on NAS platform - <https://sna.just.ro/en/c/rapoarte-de-evaluaere>.

### National Agency of Integrity

Follow-up on ANI cases

From January 2025, the National Integrity Agency finalized 2.090 cases, both with findings and closed files. With regard to ANI's findings, the integrity inspectors ascertained 75 integrity incidents, as well as other 8 cases regarding 6 persons on possible criminal offences which were sent before the competent bodies.

In December 2025, ANI had 3.802 ongoing investigations and the average case load was of 200 files/integrity inspector.

- Cases ascertained by ANI

Since January 2025, ANI ascertained 75 integrity incidents, as follows: 51 cases of incompatibilities, 15 cases of administrative conflicts of interest, 1 case of unjustified wealth amounting to over 138 thousand RON (over 27.000 EUR), as follows: **51 Incompatibilities** (1 County Councillors; 1 Mayor; 7 Deputy Mayors; 10 Local councillors; 17 Persons with management and/or control positions; 4 Public servants with special statute; 11 Public servants), **15 Administrative conflicts of interest** (3 Mayors; 3 General Secretary; 6 Local councillors; 2 Person with management and/or control position; 1 Expert), **1 Unjustified wealth** amounting to over 138 thousand RON /over 27.000 EUR (1 County and Local Councillor).

At the same time, the integrity inspectors have identified 8 cases regarding possible criminal offences (use of the office to favour people, false statement etc.) in the case of 6 persons, which were sent before the prosecution bodies, for further investigation, as follows: 1 Mayor; 2 County and Local councillors; 1 Persons with management and/or control positions; 1 Public servant and 1 Expert.

The Big Data platform facilitated the identification of 98 ex officio investigations, with the following results: **21 incompatibility cases resolved** – Taking into account the features of the Big Data platform, the resolution timeframe is significantly shorter compared to non-Big Data processes, with an average of 185 days per case, as opposed to an average of 776 days per case for standard investigations and **77 cases currently under evaluation and analysis**.

Given the decrease, compared to 2024, in the number of integrity inspectors responsible for assessing and resolving integrity incidents related to incompatibilities, conflicts of interest, and unjustified assets, the positive impact of IT solutions (Big data platform) on the Agency's activities resulted in a approx. 100% increase in efficiency in terms of cases resolved per inspector.

By decision no. 297/2025, the Constitutional Court of Romania established that the open publication of assets declarations is unconstitutional and violates the right to privacy of the deponents. Thus, starting with the date of the decision, namely May, assets declarations are no longer published on the Agency's portal and no longer require anonymization.

#### ➤ Administrative fines

Since January 2025, **674 administrative fines were applied** (for failure to submit assets and interest disclosures in legal terms, for non-disciplinary sanctions applied after the evaluation report remained final, for failure to comply with the legal provisions by the head of institution and for the persons responsible of ensuring the implementation of legal provisions regarding assets and interest disclosure within public entities). From the 2.245 complaints against the administrative fines applied by ANI starting with 2008, Courts issued definitive and irrevocable decisions in 1.750 cases, as follows: 1.400 (78%) decisions were in favour of ANI, while 350 (22%) were unfavourable.

#### ➤ Definitive cases

Since January 2025, 87 cases have remained definitive - in favour of ANI (either through Courts' decisions that confirmed ANI's ascertainment or through not challenging of the evaluation report by the evaluated person), as follows: 47 cases of incompatibilities; 34 cases of administrative conflicts of interests; 6 cases of unjustified wealth.

### Big-data platform

ANI designed a platform to scrutinize all received disclosures, and on the basis of this, identify the most problematic ones, that may lead to the identification of an integrity incident such as conflict of interest, incompatibility, unjustified discrepancies in wealth, incorrect filling-in etc.

Therefore, the mechanism provides effective and substantial checks on a regular basis, facilitated by the platform's ability to perform cross-checks across multiple data and interconnected information from the eDAI database used to identify additional case-relevant information beyond the data declared. ANI's purpose is to ensure a robust verification process – that goes beyond the mere verification of data's accuracy and it focuses on streamlining the verification i.e. actively identifying signs for potential integrity incidents (conflicts of interest, incompatibilities, unjustified wealth) or signs of potential criminal offences.

The Big-data solution employs a risk-based methodology with targeted alerts to systematically analyse asset and interest declarations beyond mere accuracy checks. These alerts enable the proactive identification of potential false data, incompatibilities, conflicts of interest, unjustified wealth, risks of biased decision-making, illegal tenure of public office, and breaches of declaration submission rules.

Overall, the evaluation activity carried out by ANI will be improved by: introduction of an exhaustive perspective on all disclosures submitted in a declaration cycle; real-time identification of problematic disclosures (disclosures with increased risk of an integrity incident); focusing the verification activity on risk areas; reducing the duration of the evaluation activity for a case; pro-active approach in selecting cases for evaluation (investigation); the mechanism to develop a strategy for efficiently evaluating integrity incidents based on currently available data; the mechanism to introduce legislative improvements or assess their impact based on currently available data and insights provided by the Big Data platform.

Starting mid-2025, the first investigations conducted based on analyses performed by the Big Data platform were completed, showing an average resolution timeframe four times shorter than that of comparable cases not performed through the Big-data platform.

### **Clarifications issued by ANI**

The National Integrity Agency issues clarifications regarding legislative measures, ways of filling in and submission of disclosures, legal regime of incompatibilities and conflicts of interest, at any natural or legal persons' request.

Since January 2025, ANI issued **2252 clarifications** on the legal provisions referring to possible incompatibilities and/or conflicts of interest situations or regarding ways of filling in and submission of disclosures (Conflicts of interest – 160, Incompatibilities – 1.478, Filling-in and submission of disclosures – 320, Other cases – 294). Of these, ANI issued 140 clarifications regarding situations that are prone to generate a conflict of interest and 708 clarifications regarding situations that are prone to generate an incompatibility situation.

*Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party financing)*

### **Ministry of Justice**

#### **Rules on lobbying**

With regard to lobbying rules for MPs, Law no. 197/28.11.2025, amending Law no. 96/2006 on the Status of Deputies and Senators, aims at increasing transparency regarding the activity of the members of Parliament. This is expressly stated in the content of the legislative proposal, as follows „(1) Deputies and senators shall act with transparency in the performance of their parliamentary activity. (2) Deputies and senators shall have the obligation to maintain an open and equitable dialogue with citizens and third parties ....”.

This legislative act regulates the use of the Single Register of Transparency of Interests in Parliament. Through RUTI deputies and senators have to disclose meetings between them and third parties who express interest in a legislative initiative undergoing parliamentary procedure. Deputies and senators have the obligation to register in RUTI. According to the newly adopted law, they conduct the meetings concerning the influencing of the legislative process exclusively with third parties registered in RUTI. Therefore, third parties have also the obligation to register in RUTI by creating an account and by completing all the information requested in the registration form. The submitted information have to be updated on an annual basis and whenever necessary. Failure to update such information result in the removal of the third parties from RUTI. Registration in RUTI of a third party have to be carried out at least 3 days prior to the formal request to hold a meeting with deputies and senators. By requesting registration in RUTI, third parties undertake to adhere to a transparent, ethical, and responsible conduct.

Deputies and senators have the obligation to publish information regarding meetings with third parties at least 48 hours prior to their occurrence. In the case of meetings held without prior planning, deputies and senators have the obligation to publish the information in RUTI within 48 hours following the conclusion of such meetings.

Failure to comply with the provisions regarding the publication of meetings in RUTI will result in the application of a written warning issued to the deputy or senator.

The information published in RUTI include: the names of the individuals and the names of the entities they represent; date and place of the meeting; a description of the purpose of the meeting.

According to the new law, the joint Standing Bureaus of the Chamber of Deputies and of the Senate approve a user guide for the operation of the RUTI platform. The Secretary General of the Chamber of Deputies and the Secretary General of the Senate publish an annual report on the functioning of RUTI during the previous year, which includes relevant information and statistical data.

Additional to the Romanian contribution to ROL sent in December 2024, according to the information of the General Secretariat of the Government sent to the Ministry of Justice for drafting the Progress report regarding the implementation of NAS 2021-2025, that there are 180 local public institutions using the Single Register of Transparency of Interests (RUTI)<sup>40</sup>.

Moreover, *Law no. 49/14.04.2025<sup>41</sup> introduces a new chapter - Chapter IV<sup>1</sup> – Ethical and Conduct Standards for Members of the Government and for Other Persons Holding Public Dignity Positions within the Central Public Administration*. The purpose of the provisions regulated by this chapter is to establish ethical conduct and to strengthen integrity in the exercise of public dignity positions and applies to the following top executive functions: members of the Government; head of the Prime Minister's Chancellery; the Secretary General of the Government and the Deputy Secretaries General of the Government; the secretaries of state and undersecretaries of state, as well as their equivalents within the Government, ministries, and other central specialised bodies subordinated to the Government or the ministries; the state advisers within the Prime Minister's Chancellery.

The provisions from Chapter IV<sup>1</sup> applies as well to the persons mentioned above in their relations with one another, as well as in their relations with natural or legal persons, in connection with the exercise of their mandate or office.

According to the new law, the General Secretariat of the Government administers RUTI<sup>42</sup> as a public, online platform intended to ensure transparency regarding activities that may influence decision-making, representing a complementary framework to, and preceding, the legal decision-making transparency procedure. Also, third parties means any representative of a legal entity, association, foundation, federation, religious organisation/organisation of a recognised denomination, trade union, employers' organisation, chamber of commerce, associative structure of local public administration, other legally constituted organisations, authorised natural person, sole proprietorship, family enterprise, individual office, associated office, professional company, economic interest groups, with or without legal personality, or any official or informal group/network that has an interest in a specific area falling within the regulatory competence of a central public institution or authority.

All top executive functions mentioned above have the obligation to register in RUTI and to publish official meetings with third parties at least two days before they take place. The official meetings published in RUTI shall include the following information: the names of the persons and/or the denominations of the participating entities; the date and place of the meeting; a description of the purpose of the meeting.

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<sup>40</sup> <https://sna.just.ro/en/a/rapoarte-de-monitorizare/raport-privind-stadiul-implementarii-strategiei-nationale-anticoruptie-in-anul-2024>, page 89

<sup>41</sup> Law no. 49 of 14 April 2025 amending and supplementing Government Emergency Ordinance no. 57/2019 on the Administrative Code and amending Article 1(1) of Law no. 251/2004 on certain measures concerning goods received free of charge on the occasion of protocol activities carried out in the exercise of a mandate or public office

<sup>42</sup> [www.ruti.gov.ro](http://www.ruti.gov.ro)

## **Transparency of political party financing**

Although Law no. 334/2006 does not provide for a definition for *political publicity*, we recall that *Government Emergency Ordinance no. 1/2025 on certain measures for the organisation and conduct of the elections for the President of Romania in 2025 and the partial local elections in 2025* provides, under article 16, that for the elections for the President of Romania in 2025, the definitions set out in Article 3 of Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on transparency and targeting in political advertising shall apply *mutatis mutandis*.

Also, with regard to increasing the transparency of political advertising article 16 of Government Emergency Ordinance no. 1/2025 established a series of measures for this purpose, namely:

During the electoral campaign for the elections for the President of Romania in 2025, political actors, within the meaning of Article 3(4) of Regulation (EU) 2024/900, shall ensure the publication, together with each item of political advertising material, of the following information:

- a) an indication that the material constitutes political advertising;
- b) the identity of the sponsor of the political advertising material, namely the name, email address and, where public, the postal address, and, where the sponsor is not a natural person, the address of its registered office;
- c) where applicable, a statement that the political advertising material has been subject to targeting techniques or advertising distribution techniques, within the meaning of Article 3(11) and (12) of Regulation (EU) 2024/900;
- d) a statement that the amounts spent on the preparation, placement, promotion, publication, distribution or broadcasting of the political advertising material derive exclusively from the sources permitted under Law no. 334/2006 on the financing of political parties and electoral campaigns, republished, as subsequently amended and supplemented;
- e) where applicable, a statement that the political advertising material has been subject to electoral promotion or paid electoral promotion.

The provisions mentioned above applied to any promotion, distribution, posting or editing of political advertising materials by political actors, within the meaning of Article 3(4) of Regulation (EU) 2024/900, on online platforms within the meaning of Article 3(i) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), on very large online platforms within the meaning of Article 3(8) of Regulation (EU) 2024/900, on online search engines within the meaning of Article 3(j) of Regulation (EU) 2022/2065, or on other social media networks.

For the purposes of this Government Emergency Ordinance, in the elections for the President of Romania in 2025, political advertising material meant any written, online, audio or video material used in the electoral campaign that directly or indirectly urges voters to choose or not to choose, to vote or not to vote for an independent candidate or for a clearly identified political party candidate.

## **National Integrity Agency**

### ***Portal of assets and interest disclosures***

On 29 May 2025, Romania's Constitutional Court (CCR) ruled that, with reference to the European Union's emphasis on privacy and personal data protection, the publication of asset declarations, of which there were more than 11.8 million as at November 2023, was unconstitutional. Specifically, the Court distinguished between elected and appointed officials on the one side, for whom it considered that public interest justifies the publication of asset declarations, and career officials on the other side, for whom it considered the publication of asset declarations to disproportionately interfere with their private life and illegitimately override constitutional protections. The Court also ruled that requiring asset declarations to

include information about a declarant's spouse or dependent children could unjustly expose the declarant to criminal liability for information they may not possess or directly know.

Thus, the Constitutional Court Decision no. 297/2025 brought clarifications regarding the constitutional limits applicable to the publicity regime, emphasising the need for a regulatory framework that ensures a proportionate balance between transparency requirements and the protection right to private life. As to the publicity regime, it is to be noted that the Constitutional Court explicitly distinguishes between persons holding public dignity positions, whether elected or politically appointed, for whom public interests justifies the publicity of asset declarations, and the other categories of public officials obtaining public positions through competition, for whom public exposure and thus publicity of asset declaration is not justified. Following the ruling, the Ministry of Justice, in co-operation with ANI, has initiated a review of the relevant legislation with a view to reforming the existing legal framework and implementing the CCR ruling. Under the envisaged approach, the scope and functionality of the asset declaration system would be maintained, as ANI would continue to verify and evaluate all asset and interest declarations by virtue of its legal powers, which remain unchanged, and based on access to relevant institutional databases. Thus, ex officio publicity of asset and interest declarations will continue to be ensured for persons holding public dignity positions, whether elected or politically appointed. For the category acceding to the office by professional merit, without being vested by political will or by electorate's vote. The Court finds that unlimited public exposure through massive publication on the internet would disproportionately interfere with their private life and would illegitimately override the protection granted by the Constitution of Romania. For this latter category, for which the Court decided that the institutional oversight mechanism is deemed sufficient, strengthened verification and control measures will be introduced, based on risk assessment and objective integrity criteria.

Currently, the Ministry of Justice and ANI are drafting the revised law exploring different options, including the possibility of granting some level of publicity of asset declarations, beyond the ex officio publication applicable to elected or politically appointed officials, in consideration of legitimate public interests in full compliance with the benchmarks established by the Constitutional Court Decision. The legislative drafting process will be carried out in accordance with the procedural stages provided by the applicable legislation, including the publication of the draft for public consultation, pursuant to Law No. 52/2003 on decisional transparency in public administration (estimated: early Spring 2026), submission to the Government for approval (estimated: Summer 20226), followed by submission and approval by the Parliament.

However, the impact of the Constitutional Court's decision on ANI's activity is minimal, considering the following:

- a. 85% of ongoing cases – ex-officio investigations concern (representing the top 10 positions under investigation) for which asset and interest declarations will continue to be published;
- b. 76% of ongoing cases – investigation concern positions (representing the top 10 positions under investigation) for which financial interest declarations will continue to be published;

It is also important to highlight that the Big Data platform is enhancing the effectiveness of investigations, increasing the Agency's operational capacity, and mitigating the impact of the Constitutional Court's decision on ANI's activities.

### ***e-DAI Platform***

The e-DAI platform continues to streamline the process for filling in and submitted asset and interest disclosures in digital format. Considering the Decision No. 297/2025, the Constitutional Court of Romania held that the public disclosure of assets declarations is unconstitutional, as it infringes upon the right to privacy of the declarants. Consequently, as of May 2025, assets declarations are no longer published on the Agency's portal and no longer require anonymization.

Please find below statistical data of the e-DAI platform - data extracted covers the period since the launch of electronic submission (since January 1<sup>st</sup> 2022, electronic submission became mandatory): no. of users registered as deponents: 527.405; no. of institutions with at least one account created: 13.373; no. of filled-in asset disclosures and sent to ANI: 1.746.983; no. of filled-in interest disclosures and sent to ANI: 1.724.286.

In 2025, in the context of Romania's OECD accession process and in line with OECD recommendations, Romania implemented significant improvements to its public integrity and anti-corruption framework. In particular, following the recommendations of the OECD Public Integrity and Anti-Corruption (PIAC) review, substantial legislative efforts were undertaken to reform the pre- and post-public employment regime.

Thus, Romania has developed and adopted in 2025 a legislative proposal with a view to establishing a unified, detailed, and enforceable legal framework regarding pre- and post-employment restrictions for individuals who have held or currently hold public positions or dignities, to prevent conflicts of interest and promote integrity in the public sector. The Law No. 189/2025 amended and supplemented Law no. 176/2010 on integrity in exercising public offices and dignities, Law no. 144/2007 on the establishment, organisation and operation of the National Integrity Agency, and other normative acts. With regard to post-public employment restrictions, in-scope officials would be prohibited from carrying out certain professional activities, whether remunerated or not, within a private legal entity for a period of 12 months. Given the novelty of the pre- and post-public employment framework, Romania has stated its intention to add a mechanism to the law to assess its impact some years after its entry into force, and to make improvements as needed.

In this context, additional functionalities must be integrated into the existing e-DAI Platform, and new responsibilities have been assigned to the National Integrity Agency. Within 90 days of the adoption of Law No. 189/2025 (deadline: February 2026), the Agency is required to adapt and upgrade the e-DAI Platform and to approve the procedure for submitting the newly introduced declaration through the platform.

*Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)*

### **National Integrity Agency**

#### *PREVENT System*

Throughout 2025, the PREVENT system analysed 16.098 procurement procedures, of which 10.829 were public stand-alone procurement procedures (without batches) and 5.269 were public procurement procedures with batches (containing 69.995 batches).

At the same time, the integrity inspectors issued 15 integrity warnings, amounting to approx. RON 242 million (approx. EUR 47,5 million). In 10 of the cases notified by the system, the leaders of the contracting authorities removed the causes that generated potential conflict of interests. The remaining cases are still pending, as the authority response is being awaited.

In this regard, we recall that, according to art. 9 of Law no. 184/2016, "*Failure to take steps following reception of an integrity warning or to fill in an Integrity Form (...), triggers an ex officio procedure to assess the conflict of interest*".

During the reported period, PREVENT system analysed 2.255 contracting authorities, 16.007 companies, as well as 279.014 persons and representatives of the public institutions and the tenders.

Moreover, the integrity inspectors notified the National Agency for Public Procurement (ANAP), with regard to 13 irregularities on possible relations between members of the contracting authority and persons within the tenders, exclusively for the persons who are not required to submit assets and interest disclosures.

Categories of contracting authorities: The potential conflicts of interest signalled by the system refer to public procurement procedures carried out by contracting authorities representing ministries, public institutions at central and local level, administrative-territorial units, autonomous administration, as well as companies at which the state is a majority shareholder.

*For the three previous points, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)*

Relevant information is presented above.

*Measures to ensure whistleblowers protection and encourage reporting of corruption, including their application (i.e. number of reports received and the follow-up given)*

### **National Integrity Agency**

Throughout 2025, the Agency continued to offer counselling and to organize training sessions on the implementation of Law No. 361/2022. For instance, training sessions were held for approximately 59 public and private entities, covering both internal and external reporting channels, regarding the development and/or revision of reporting procedures.

ANI also continued to organize meetings with the Ministry of Investments and European Projects, in the context of the adoption of GEO No. 124/2021, which establishes the institutional and financial framework for managing EU funds allocated to Romania through the Recovery and Resilience Mechanism.

Additionally, a cooperation protocol was concluded with the Agency for the Monitoring and Evaluation of the Performances of Public Enterprises (AMEPIP) to ensure that the public enterprises monitored by AMEPIP fulfil their obligations to establish or identify internal reporting channels, set up internal reporting procedures, and carry out subsequent actions, so as to protect the confidentiality of the identity of the public-interest whistleblower, the person concerned, and any third party mentioned in the report, and to prevent unauthorized personnel from accessing the report.

The Agency also provided confidential counselling, upon request, to individuals intending to submit a report regarding the procedures for reporting, examining, and resolving reports. During these counselling sessions, the Agency placed particular emphasis on the protection measures, support measures, and remedial measures.

At the same time, the Agency monitored the implementation of Law No. 361/2022, specifically regarding the establishment and operation of internal reporting channels by public and private entities.

Statistical data of the Whistleblower Directorate:

ANI received a total of **167 reports**, as follows: **38 of them are made anonymously** (out of which 7 were closed – lack of whistleblower identity and contact details, further information was not possible to be requested, 9 were closed and redirected to competent entities and 22 are in the evaluation procedure) and **129 in which the whistleblowers gave their identity and contact details** (out of which 21 were closed and redirected to competent entities, 31 were closed – did not contain the elements referred to in Article 6, other than the identification data of the whistleblower in the public interest, and the designated person has requested its completion within 15 days, without this obligation being fulfilled and 77 are in the evaluation procedure).

A total of 59 cases in which ANI provided non-confidential counselling (through phone), as follows: 12 counselling sessions that targeted individuals and 47 counselling sessions that targeted public and private entities.

*Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitoring and preventing corruption and conflicts of interests, and where applicable measures to prevent and address corruption committed by organised crime groups. Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning. In particular, measures*

*to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies*

### **National Integrity Agency**

As highlighted above, the Big Data platform strengthens the Agency's capacity and enhances investigation effectiveness by enabling real-time risk detection, reducing case resolution times, and supporting a data-driven approach to integrity assessments. It provides regular, substantial checks across all submitted asset and interest disclosures leveraging cross-checks across multiple data and interconnected information from the eDAI database to identify additional case-relevant information beyond the data explicitly declared.

### **Other aspects related to the National Integrity Agency**

#### **Revision of the existing legislative framework**

In light of Constitutional Court Decision No. 297/2025, which provides clarification on the constitutional limits applicable to the regime governing the publicity of asset and interest declarations, the need has been identified to update the existing regulatory framework, which no longer adequately reflects current challenges and requirements, so as to ensure a proportionate balance between transparency obligations and the right to private life, in accordance with the Court's findings.

In this context, the National Integrity Agency (ANI), in cooperation with the Ministry of Justice, has initiated a review of the relevant legislative framework with a view to reform the system and ensuring the effective implementation of the Constitutional Court's ruling. The legislative drafting process will be conducted in accordance with the procedural stages laid down in the applicable legislation, including the publication of the draft act for public consultation pursuant to Law No. 52/2003 on decisional transparency in public administration (indicative timeline: early Spring 2026), its subsequent submission to the Government for approval (indicative timeline: Summer 2026), followed by submission to and adoption by the Parliament.

#### **NIAct Project**

Given the context of the previous Rule of Law report, in cooperation with the Ministry of Justice, ANI has drafted a legislative proposal aimed at updating the existing legislative framework governing the integrity field. Consequently, in December 2025, ANI submitted to the Ministry of Justice a comprehensive proposal to amend and supplement the following existing regulations: Law No. 144/2007 on the establishment, organization, and functioning of the National Integrity Agency, Law No. 176/2010 on integrity in the exercise of public offices and dignities, for the amendment and completion of Law No. 144/2007 on the establishment, organization, and functioning of the National Integrity Agency, as well as for the amendment and completion of other normative acts, Law No. 161/2003 on certain measures to ensure transparency in the exercise of public offices and functions and in the business environment, and to prevent and sanction corruption, Law No. 184/2016 on the establishment of a mechanism to prevent conflicts of interest in the public procurement award procedure.

The legislative update aims to eliminate the existing ambiguities, harmonize provisions, update regulations in line with developments in the integrity environment, including the revision of asset and interest declaration formats to address current challenges given the Constitutional Court's decision.

#### **PNRR financed projects:**

##### *(i) PREVENT*

Starting with January 2023, ANI is implementing the project entitled „*The development of the PREVENT IT system in order to increase the interoperability of the electronic systems of public institutions for the ex-ante verification of conflicts of interest in the process of awarding public procurement contracts*”, financed through Romania’s Recovery and Resilience Plan.

This project aims to achieve a technological upgrade and the modernization of the PREVENT IT system, through the transition to an intelligent IT platform (BIG DATA type) for the prevention of conflicts of interest in public procurement procedures. This upgrade is needed because the initial PREVENT system (launched in 2017) is technologically outdated in terms of software and hardware.

The PREVENT IT system is scheduled to reach all functionalities expected to be implemented and integrated into operations by Spring 2026, ensuring complete compliance with the project’s strategic and technical objectives. The equipment has been delivered, and the first versions of the interface and functionalities have been tested.

The new PREVENT IT system will feature advanced analytical capabilities, enabling both the prevention and identification of potential conflicts of interest across complex datasets. This functionality addresses the growing need for public entities to demonstrate, in an objective and verifiable manner, the existence of mature and effective mechanisms for preventing and detecting conflicts of interest, particularly in interactions with audit and control authorities.

A relevant example concerns authorities responsible for managing European funds, where it becomes necessary to transition from simple self-declarations regarding the avoidance of conflicts of interest to the implementation of concrete, operational, and certified measures. To this end, the system will allow the uploading and correlation of datasets that include, on one side, individuals involved in evaluating funding applications, verifying procurements, and other similar processes, and on the other side, entities that have submitted funding applications or received funding.

Additionally, by integrating data from the eDAI platform and other open or public sources, the system will be able to automatically identify potential conflicts of interest, enhancing the proactive nature and efficiency of the work carried out by integrity inspectors.

#### *(ii) Clarification Platform:*

Starting with January 2023, ANI is implementing the project entitled „*Designing a digital platform for awareness and prevention through which relevant stakeholders will be able to clarify, on their own, certain obligations related to the integrity framework that they must comply with*”, financed through Romania’s Recovery and Resilience Plan.

The project has the general objective of reducing the number of integrity incidents by designing and developing a digital awareness and prevention IT platform entitled *Solicit.ANI*, through which relevant stakeholders will be able to clarify, in real-time, situations of conflicts of interest, incompatibilities and regarding the submitting of disclosures.

The AI-driven platform is using a large language model (LLM) trained to read and interpret the national legislative database and provides on-demand clarifications by instantly accessing hundreds of data information points for offering clarity on the legal integrity framework.

Currently, the system is undergoing testing, with the AI knowledge base being continuously refined to align with the current Romanian legislation, including the official nomenclature of public functions and specific integrity-related legal norms. This ensures that the platform provides accurate, up-to-date guidance under the national integrity framework.

#### **Overall performances**

The National Integrity Agency carried out a series of large-scale training initiatives aimed at strengthening the rule of law and integrity standards across public administration, engaging more than 485 participants from central and regional public institutions. The sessions brought together staff from the Ministry of Environment, Waters and Forests and its subordinated and coordinated entities, as well as representatives of all Regional Development Agencies, the Ministry of

Investments and European Projects, and the Certification and Payment Authority. Structured to ensure a comprehensive and practical approach, the trainings addressed core legal and ethical obligations in public office, including integrity and transparency requirements, the submission of asset and interest declarations, the legal regime governing incompatibilities and conflicts of interest, and the forthcoming pre- and post-employment restrictions reflecting the Agency's expanded competencies. Particular emphasis was placed on the protection of whistleblowers in the public interest, highlighting institutional responsibilities, the role of competent authorities, and the rights and safeguards afforded to reporting persons as essential mechanisms for detecting and preventing breaches of the law in real time. The initiatives also showcased the National Integrity Agency's digital systems and tools, demonstrating how digitalization enhances oversight, compliance, and institutional capacity, and reaffirmed the Agency's ongoing commitment to supporting public officials in meeting their statutory obligations while fostering a durable culture of integrity and respect for the rule of law.

### **Agency's role as per the National Defence Strategy for 2025 – 2030**

The National Defence Strategy for 2025–2030 enshrines the rule of law, good governance, integrity, and the fight against corruption as essential elements of national security. Within this strategic framework, preventing and combating corruption are not addressed exclusively as administrative or legal issues, but as systemic vulnerabilities that can affect the functioning of state institutions, citizens' trust, and Romania's ability to protect its fundamental interests.

In this context, the National Integrity Agency (the Agency) plays an essential role in the institutional architecture of the Romanian state, being one of the key institutions with direct responsibilities in preventing and combating corruption since its establishment in 2007. Through its legal mechanisms for verifying assets, conflicts of interest, and incompatibilities, the Agency contributes directly to ensuring integrity in the exercise of public functions and offices, strengthening transparency and accountability in the public sector.

The Agency's work has a strategic impact on protecting the rule of law, as it limits the risks associated with institutional capture, abuse of public office, and erosion of trust in state authority. By preventing the unjustified accumulation of power or personal benefits within the public administration, the Agency supports the proper functioning of institutions and contributes to increasing the state's resilience to internal and external threats.

At the same time, the Agency's role is aligned with the strategic objectives of good governance, efficient public administration, and compliance with Romania's international commitments in the field of the rule of law and the fight against corruption. Through institutional cooperation, data exchange, and uniform application of the legal framework, the Agency can become a central pillar in preventing integrity risks and detecting integrity incidents, including in contexts that are sensitive from a national security perspective, such as the management of public funds, the judicious use of European funds, the implementation of strategic policies, or the use of critical resources.

Looking ahead to 2025–2030, strengthening the Agency's institutional capacity, leveraging digital tools, including those offered by artificial intelligence, and reinforcing its preventive role are essential conditions for achieving the objectives of the National Defence Strategy. Thus, the Agency is not only a player in the fight against corruption, but also a strategic factor for stability, legality, and protection of the public interest, contributing directly to national security, the promotion of the rule of law, the consolidation of constitutional democracy, and, implicitly, the achievement of the Romanian state's socio-economic development objectives.

### **The Ministry of Justice**

Additional to the Romanian contribution to ROL from December 2024, with regard to the *Project 23RO06*<sup>43</sup>, we mention that it was successfully completed and the National Public Procurement Risk Map was published on the website of the

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<sup>43</sup> *Project 23RO06 – Support in Implementing Integrity and Anti-Corruption in the Legal Framework in Romania, including the Reduction of Corruption Risks in Public Procurement*, funded through TSI of the European Commission

National Agency for Public Procurement <https://achizitiipublice.gov.ro/matrix/cell/437/1>, enabling its practical use by public procurement professionals.

Given the project's *training of trainers* component, in order to ensure the sustainability of the project, the Ministry of Justice requested in December 2025, updates on the follow-up actions undertaken by the participants of the training programme on the Risk Map, whereby trained trainers were required to further disseminate the acquired knowledge to other public procurement specialists.

### **The National Agency for Public Procurement (ANAP)**

ANAP plays a central role in preventing and mitigating corruption risks in public procurement through regulation and methodological guidance, monitoring and risk analysis, and the promotion of transparency, competition and accountability. These actions contribute directly to the protection of public and European Union financial interests and to strengthening trust in the public procurement system.

Within the framework of the National Anti-Corruption Strategy 2021–2025, ANAP supported the Ministry of Justice in developing a National Public Procurement Risk Map, an innovative and interactive tool launched in 2025 with OECD support. The Risk Map identifies corruption-vulnerable functions, high-risk sectors and critical stages of public procurement procedures and serves as a reference for policymakers, contracting authorities and oversight bodies.

Structured along the public procurement life cycle, the Risk Map categorizes risks into integrity, compliance, sustainability, operational and economic risks, and provides corresponding mitigation and control measures. It can be used at system, institutional and operational levels and supports strategic planning, risk management and policy development.

Through this initiative and through its participation in EU-funded projects such as iMonitor 2.0, ANAP reinforces its role in strengthening integrity, transparency and efficiency in public procurement processes.

*Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)*

No up-dates, the information provided last year is still available.

### ***C. Repression***

*The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery*

#### **National Anticorruption Directorate**

At the proposal of the Ministry of Justice, **Law no. 156/2025** was adopted, amending and supplementing **Law no. 319/2024**, through which Romania strengthened its legal framework for preventing and combating corruption in international economic operations, in accordance with the requirements and recommendations of the OECD Working Group on Bribery (WGB). The adoption of this law led to a positive evaluation of Romania in the process of aligning with the standards of the OECD Anti-Bribery Convention, an assessment obtained at the plenary meeting in October 2025, receiving favorable opinion no. 17 in the process of joining this organization.

By adopting the Law No 156 of 16 October 2025<sup>44</sup> amending and supplementing the Law No 319/2024, Romania strengthened its regulatory framework aimed at preventing and combating corruption in international economic operations, by:

- Extending the criminalization of the offence of corruption of foreign public officials;
- Increasing the amount of a fine day, if the court imposes the punishment of the fine accompanying the imprisonment sentence;
- Extending the institution of special confiscation, by introducing the possibility of confiscating the money, values or assets obtained indirectly as a result of committing foreign bribery;
- Introducing a judicial mitigating circumstance for the legal persons adopting and implementing effective corporate policies in order to prevent corruption acts;
- Assigning of jurisdiction to the National Anticorruption Directorate (DNA) for conducting the criminal investigation also in the case of certain related offences (money laundering, forgery of documents, tax evasion), when they are committed in connection with the offence of foreign bribery;
- The possibility of extending the measure of using undercover investigators beyond 1 year, for the offences referred to in Article 4 of Law No 319/2024, in duly justified cases and if the conditions of Article 148(1) of the Criminal Procedure Code are met;
- Providing protection measures to the whistleblowers;
- Introducing provisions concerning the extradition requests and judicial assistance based on the provisions of the Anti-Bribery Convention.

*Official data on the number of investigations, prosecutions, final judgements and application of sanctions for corruption offence (differentiated by corruption offence if possible)<sup>45</sup>. Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds<sup>46</sup>; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data*

### **National Anticorruption Directorate**

During 2025, the National Anticorruption Directorate (DNA) continued, at a sustained pace, its intensive activity of criminal investigation and case prosecution before the courts in corruption and corruption-related cases, in accordance with its competence as provided by law.

*Statistical data - criminal investigation phase:*

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<sup>44</sup> Law amending and supplementing the Law No 319/2024 laying down measures to implement the Convention on combating the foreign bribery in international economic operations, adopted in Paris on 21 November 1997, and supplementing Law No 302/2004 on international judicial cooperation in criminal matters.

<sup>45</sup> Please include, if available the number of (data since 2022 or latest available data): indictments, first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment/custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

<sup>46</sup> For MS participating in the EPPO, data on cases related to the EU funds does not encompass investigations and prosecutions carried out by the EPPO.

In the investigation phase, 2,599 criminal cases were registered in 2025, of which 524 involved offenses against the financial interests of the European Union. The total number of criminal cases handled during the year was **5,556**.

The resolution of cases resulted in the issuance of **114 indictments** and the conclusion of **253 plea agreements**, of which 60 agreements were concluded in 19 criminal cases still pending at the end of the reporting period. In total, 114 criminal cases were resolved by indictment and 80 cases by plea agreements.

As a result of the criminal investigation, **792 defendants** were brought to trial, of which 539 were indicted and 253 were subject to plea agreements. Of these, 750 are natural persons and 42 are legal persons.

The status of the individuals brought to trial reflects the diversity and level of responsibility of the public and private functions involved, including, among others: 1 secretary of state; 2 deputies, one deputy prefect and another county public administrator at the time of the offense; 5 hospital managers, 3 hospital directors, 1 general director of hospital administration, 2 chief physicians of centers and departments, respectively; 2 vice presidents of county councils, 11 mayors (including 4 municipal mayors), 1 deputy mayor, 2 city hall directors; 1 university director, 5 university professors; 4 general directors, 1 deputy director, 2 directors of companies of national interest; 1 president, 1 vice president (with presidential powers) of a national authority; 1 general director of the county chamber of commerce and industry; 17 directors of public institutions; 2 notaries, 10 lawyers; 20 police officers (including 1 former police officer at the time of the offense); 4 military personnel (including 2 generals in reserve at the time of the offense).

At the same time, in cases where prosecution was ordered, precautionary measures were taken on assets and sums of money totalling over 192.1 million lei.

#### *Statistical data - trial phase*

In 2025, the courts referred to by the National Anticorruption Directorate handed down a number of:

- **289 final convictions concerning 329 defendants** (including 15 legal entities);
- 64 final decisions to terminate criminal proceedings involving 176 defendants (including 28 legal entities). In 60 cases involving 172 defendants (including 26 legal entities), the statute of limitations was invoked as grounds for terminating the criminal proceedings.
- 34 final acquittals concerning 76 defendants (including 4 legal entities).

Of the defendants who received final convictions (perpetrators and participants): 45 natural persons were convicted of bribery offenses; 71 defendants were convicted of bribery offenses (including one legal entity defendant); 40 natural person defendants were convicted of influence peddling offenses; 54 natural person defendants were convicted of influence buying offenses; 37 defendants were convicted of crimes against the financial interests of the European Union, as provided for in Article 181-5 of Law No. 78/2000 (including 5 defendants who were legal entities).

With regard to the manner of enforcement of sentences: 17 defendants were sentenced to imprisonment (ranging from 2 years to a total of 9 years, 3 months, and 10 days); 270 defendants were sentenced to prison with suspended sentences under supervision (ranging from 5 months to 3 years in prison; 4 defendants were sentenced to prison and a criminal fine); 17 defendants were sentenced to criminal fines (ranging from 7,000 lei to 400,000 lei); 25 defendants were given a suspended sentence (the length of the sentences ranged from 6 months to 2 years in prison; one defendant was given a cumulative prison sentence and a criminal fine of 1,350 lei).

During the same reference period, the courts ordered the confiscation of sums amounting to 36,453,067 lei, 9,546,127 euros, 54,452 USD, and 1,100 GBP (total calculated at the average National Bank of Romania (NBR) exchange rate<sup>47</sup>: 36453067Lei+48126799 Lei+243428Lei+6474Lei = 84.829.768 Lei (16.826.295 Euro).

For the period indicated, the courts awarded damages totaling 208,592,998 lei and 1,490. 160 Euro (total calculated at the NBR exchange rate: 208592998 Lei + 7512642 Lei = 216,105,640 Lei (42,865,346 Euro).

Statistical data on the Directorate's annual activity are available on the institution's website, under the heading Our Results, <https://www.pna.ro/results.xhtml>, as required by Law No. 544/2001 on free access to information of public interest. The report for 2025 will be published after it has been debated at the General Assembly of DNA prosecutors.

### **General Prosecutor's Office**

Statistical data on petty corruption are presented in Annex 10, and those involving high-level corruption offences, which fall within the competence of the National Anti-Corruption Directorate, are presented in Annex 11.

Statistical data on the entire activity of the Public Ministry are presented in the Annual Activity Report, which is published at the beginning of the following year (usually in March) on the Public Ministry's website.

In addition, the Prosecutor General of the PICCJ submits an Annual Report on the previous year's activities to the Minister of Justice.

### **High Court of Cassation and Justice**

In 2025, the Criminal Section of the High Court of Cassation and Justice (HCCJ) rendered two judgments concerning high-level corruption offenses or offenses related to corruption, given the status of the defendants – one being a Senator in the Parliament of Romania and the other a prosecutor within DIICOT. The decisions are rendered in first instance. The charges in these two cases did not involve legal entities and were unrelated to the implementation of EU or national funds.

As a court of appeal, in two cases, the HCCJ overturned the first-instance decision, finding the defendants guilty (one of whom was a lawyer) and applied the provisions of Article 83 of the Criminal Code.

In another case, the HCCJ upheld the suspended sentence imposed on a defendant (lawyer) for committing a corruption offense.

In a further case, upholding the conviction of a defendant (bailiff) with a resulting prison sentence of 9 years, 3 months, and 10 days, the HCCJ confirmed the first-instance ruling concerning the civil aspect of the case, ordering the defendant to pay the amount of 1,478,280 RON plus legal interest as compensation, while maintaining conservatory measures over the defendant's movable and immovable assets to secure the recovery of the damage.

Similarly, in another case, the HCCJ partially upheld the conviction of a defendant (bailiff), modifying the mode of execution of the sentence by suspending its enforcement under supervision.

Additionally, in another matter, the HCCJ ordered a defendant (bailiff) to pay 976,872 RON in material damages and 20,000 EUR in moral damages to two civil parties, as well as other defendants to pay 187,028 RON in civil compensation, maintaining the corresponding conservatory measures to ensure restitution for the prejudice caused by the offense.

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<sup>47</sup> Calculation at the average NBR exchange rate for 2025: 1 Euro = 5.0415 Lei, 1 USD = 4.4705 Lei, 1 GBP = 5.8854 Lei.

In another case, by discontinuing the criminal proceedings against two defendants for committing bribery offenses, the HCCJ maintained the conservatory measures imposed by the first-instance court, consisting of the confiscation of funds obtained through the offenses.

#### **Five-Judge Panels in Criminal Matters (up to 17 December 2025):**

In 2025, four appeal cases concerning high-level corruption offenses were registered and resolved, resulting in decisions regarding seven defendants. During the same period, six acquittal decisions were rendered for four defendants, and in two cases, both acquittals (2), suspended prison sentences under supervision (2), and one case of termination of criminal proceedings were issued.

As of 17 December 2025, one appeal case concerning high-level corruption offenses (indictment issued by the National Anticorruption Directorate) was pending before the Five-Judge Panels in criminal matters.

Regarding the offenses for which the aforementioned decisions were rendered, the following observations are made:

a. **Abuse of office in a continuous form**, pursuant to Article 297 of the Criminal Code in relation to Article 13 para. 2 of Law no. 78/2000, with the application of Article 35 para. (1) of the Criminal Code – one suspended imprisonment sentence under supervision, ordering the defendant to pay RON 10,050 and EUR 2,150 to the Romanian State, as well as to return RON 45,250, EUR 4,400, USD 3,900, RON 7,350, EUR 50, RON 2,700, EUR 1,600, and other movable assets seized during home searches conducted in criminal cases by order of the defendant, with the application of the corresponding **precautionary measures**;

b. **Trading of influence**, in the form of complicity under Article 48 para. (1) of the Criminal Code in relation to Article 291 of the Criminal Code and Article 6 of Law no. 78/2000 – one suspended imprisonment sentence under supervision, along with the confiscation of RON 56,820 obtained through the commission of the offense, with the necessary **precautionary measures** to guarantee the payment of an amount of RON 108,820;

c. **Trading of influence**, pursuant to Article 291 para. (1) of the Criminal Code with the application of Article 7(a) of Law no. 78/2000 and Article 5 of the Criminal Code – acquittal under Article 396 para. (5) in relation to Article 16 para. (1)(b) first sentence of the Criminal Procedure Code (the act is not criminalized by law);

d. **Bribery**, pursuant to Article 289 para. (1) of the Criminal Code with the application of Article 7(a) of Law no. 78/2000 and Article 5 of the Criminal Code, and Article 289 para. (1) of the Criminal Code with the application of Articles 6 and 7(1)(a) of Law no. 78/2000 with the application of Article 5 of the Criminal Code – two acquittals under Article 396 para. (5) in relation to Article 16 para. (1)(a) of the Criminal Procedure Code (the act does not exist);

e. **Complicity in bribery**, pursuant to Article 48 of the Criminal Code in relation to Article 289 para. (1) of the Criminal Code with the application of Article 7(a) of Law no. 78/2000 and Article 5 of the Criminal Code, and Article 48 of the Criminal Code in relation to Article 289 para. (1) of the Criminal Code with the application of Articles 6 and 7(1)(a) of Law no. 78/2000 with the application of Article 5 of the Criminal Code – two acquittals under Article 396 para. (5) in relation to Article 16 para. (1)(a) of the Criminal Procedure Code (the act does not exist).

*Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)*

#### **National Anticorruption Directorate**

Regarding potential obstacles that may affect the efficiency of criminal investigations and the trial of corruption cases, including complex and high-level cases, certain normative and procedural aspects can be identified which, in practice, may reduce the deterrent effect and effectiveness of criminal sanctions:

## Sanctioning regime and deterrent effect

According to Article 7 of Law No. 78/2000 on the prevention, detection, and sanctioning of corruption offenses, the acts of bribery and influence peddling committed by individuals holding public office, judges or prosecutors, criminal investigation authorities, or other categories expressly provided by law, are sanctioned with the penalties provided by the Criminal Code, the special limits of which are increased by one-third.<sup>48</sup> This regulation reflects the clear intention of the legislator to establish an aggravated form of criminal liability, with a preventive and deterrent purpose, taking into account the position and heightened responsibility of persons holding these roles.

However, the legal framework does not provide for a differentiated sanctioning treatment for the corresponding acts of giving bribes and trading in influence committed by persons interacting with these professional categories. Consequently, at present, a person who offers a bribe to a judge is sanctioned within the same penalty limits as a person who offers a bribe to a low-level administrative officer, even though the social danger and the impact on the justice system are fundamentally different. This lack of differentiation may reduce the deterrent effect of the criminal provision in high-level corruption cases

## The duration of the preliminary chamber procedure and its impact on the efficiency of criminal investigations

Another significant obstacle is the excessive duration of the preliminary chamber procedure. According to Article 343 of the Code of Criminal Procedure, the duration of this procedure is set at a maximum of 60 days from the date of registration of the case with the court. Its purpose is to review, after the indictment is submitted, the competence and legality of the court referral, as well as the legality of evidence collection and of the acts performed by the criminal investigation authorities. In its own practice (e.g., Decision No. 636/2015, Decision No. 505/2016), the Constitutional Court has indicated that the deadline provided by Article 343 of the CCP is recommendatory. On this basis, in the vast majority of cases, this term is exceeded in the judicial practice. There are instances in which the preliminary chamber procedure lasts 2 to 4 years.

The excessive extension of the preliminary chamber procedure, which precedes the trial at first instance, generates multiple negative effects on the efficiency of criminal investigations and the trial of corruption cases, including: the risk of the statute of limitations expiring, considering that this procedure, if concluded with the start of the trial, is followed by two additional stages of the criminal process, namely the trial at first instance and the appeal trial; the temporal distance from the commission of the offense, which often leads to witness statements during the trial that no longer accurately reflect the sequence of events due to the passage of time; the diminution of the social danger of the offense and its resonance in public perception, which, on the one hand, reduces the preventive role of the criminal process, and, on the other hand, in some cases, requires the imposition of a reduced sentence to comply with the requirements of conventionality regarding the exceeding of a reasonable time, when such delay cannot be attributed to the defendant and is caused by the action or inaction of the judicial authorities.

The effects of the Decisions of the Constitutional Court of Romania No. 297/2018 and No. 358/2022 in relation to the Court of Justice of the European Union's decision in Case C-107/23 PPU LIN.

The decision of the High Court of Cassation and Justice – Panel for the Resolution of Legal matters No. 37/2024 definitively established the framework for analyzing the statute of limitations of criminal liability, determining the manner of

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<sup>48</sup> "The acts of bribery or influence peddling committed by a person who:

- a) exercises a public office;
- b) is a judge or prosecutor;
- c) is a criminal investigation body or has powers to ascertain or sanction contraventions;
- d) is one of the persons provided for in art. 293 of the Criminal Code shall be sanctioned with the punishment provided for in art. 289 or 291 of the Criminal Code, the limits of which shall be increased by one third.

."

application of the more favorable criminal law in relation to procedural acts and the Court of Justice of the European Union's decision in Case C-107/23 PPU LIN.

From the perspective of cases investigated by the National Anti-Corruption Directorate (DNA), this decision had immediate effects both on cases in the investigation phase at the time of publication and on cases pending before the courts.

Thus, during the criminal investigation, certain cases were closed (dismissed), while those already submitted to the courts were resolved through the termination of criminal proceedings due to the expiration of the statute of limitations.

According to statistical data for 2025, the courts rendered 64 final decisions terminating criminal proceedings in cases investigated by DNA, concerning 176 defendants, of which 28 were legal entities. In 60 of these cases, concerning 172 defendants (including 26 legal entities), the statute of limitations was invoked as the reason for terminating the criminal proceedings.

*Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders*

### **General Prosecutors Office**

The total value of the assets and amounts on which the National Anti-Corruption Directorate has imposed precautionary measures in cases where prosecution has been ordered is over RON 192,000,000.00. In these cases, the courts ordered the confiscation of a total amount of EUR 16,754,985.00 and awarded damages totalling EUR 42,467,077.00.

### **National Agency for the Management of Seized Assets**

Pursuant to Articles 2 and 3 of Law No. 318/2015, the National Agency for the Management of Seized Assets (ANABI) is designated both as the national office for asset recovery and as the national office for the management of frozen assets, having statutory responsibilities in facilitating the identification and tracing of assets derived from criminal offences, in the management of seized assets, and in the disposal of assets subject to seizure within criminal proceedings.

In the exercise of these responsibilities, ANABI manages and centralises data relating to seized monetary amounts, seized movable and immovable assets, as well as assets disposed of, including through the national integrated IT system for the record-keeping of proceeds of crime.

During the reporting period January–December 2025, 201 corruption cases in which the competent judicial authorities ordered precautionary measures over monetary amounts were recorded in ANABI's records. Within these cases, 457 sub-accounts were opened for the purpose of freezing monetary assets, in order to ensure the preservation of their value throughout the criminal proceedings. The cumulative value of the amounts frozen and deposited in these sub-accounts amounts to RON 22,758,938.39, equivalent to approximately EUR 4,470,777.19.

Furthermore, in the course of 2025, seized assets were recorded in ANABI's records in one corruption case, consisting of one motor vehicle, with an estimated value of EUR 15,000, corresponding to approximately RON 76,350. The asset was taken over for management by the Agency in accordance with the law, for the purpose of preserving its economic value, until another measure is ordered by the competent judicial authorities.

During the same period, two corruption cases were recorded in which the competent judicial authorities ordered the disposal of seized assets. In a first case, the judicial authorities ordered the disposal of three vehicles, which were appraised at RON 74,304, RON 212,224, and RON 250,394, respectively, with a total value of RON 536,922, equivalent to approximately EUR 105,480. At the time of reporting, the disposal procedure is ongoing, with the organisation of a public auction procedure forthcoming, in accordance with the applicable legal provisions. In a second corruption case, the

disposal measure was fully implemented, and one vehicle was disposed of for the amount of RON 109,260, equivalent to approximately EUR 21,450.

With regard to other categories of assets and measures, during the reporting period no seized cryptocurrencies were recorded in corruption cases managed by the Agency, and no international freezing or confiscation orders in corruption cases were handled at ANABI level.

### **III. MEDIA PLURALISM AND PLURALISM**

#### **A. Media authorities and bodies<sup>49</sup>**

*Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies*

##### **The National Audio-Visual Council**

In order to transpose of the Audiovisual Media Services Directive (EU) 2018/1808 amending the Audiovisual Media Services Directive 2010/13/EU, the Council adopted the secondary legislation to comply with the new requirements derived from the Audiovisual Law no. 504/2002, with subsequent amendments and modifications, the new Regulatory Code of the Audiovisual Content being adopted by the NAC's Decision no. 573 of 25 June 2025.

At the same time, the National Audiovisual Council submitted for public consultation the *Draft Decision on the licensing, authorization and notification procedure for audiovisual media services*, with the public consultation deadline: 15.05.2025 (<https://cna.ro/a-proiect-de-decizie-privind-procedura-de-licentiere-de-autorizare-si-de-notificare-a-serviciilor-media-audiovizuale-bsw0m15vh66xccc1ph9yxbt4/>), for which the public debate took place on 16 and 23.09.2025, and the *Draft Decision on the provision of video sharing platform services*, with the public consultation deadline: 16.05.2025 (<https://cna.ro/a-proiect-de-decizie-privind-furnizarea-serviciilor-de-platforma-de-partajare-a-materialelor-video-afj8oc3d8qpletwyd8zb6nd1/>), for which the public debate took place on 24.09.2025, and the public meeting of the Council will be organized to adopt the projects.

In addition, we note that the Draft Decision on the licensing, authorisation and notification procedure for audiovisual media services establishes, among other things, the criteria, conditions and notification procedure for video-on-demand audiovisual media services broadcast via a video-sharing platform, so that the provision of audiovisual content in the online environment will be clarified, through the envisaged regulatory rules.

The situation of the users who upload audiovisual content, but who are not subject to notification, within the meaning of the draft Decision that do not meet the criteria and conditions for notification of video-on-demand audiovisual media services broadcast via a video-sharing platform, falls under the scope of Law No. 50/2024 for the application of Regulation (EU) 2022/2065 (Digital Services Act – DSA).

Regarding the Draft Decision on the provision of video sharing platform services, it will establish: the criteria for the notification of video sharing platform services under the Romanian jurisdiction; the conditions for the notification of video sharing platform services under the Romanian jurisdiction; the procedure for providing video sharing platform services

<sup>49</sup> Cf. Article 30 of Directive 2018/1808.

under the Romanian jurisdiction; the modification of the notice for the provision of video sharing platform services under the Romanian jurisdiction; the withdrawal of the notice for the provision of video sharing platform services under the Romanian jurisdiction; the mechanisms for assessing the adequacy of the measures for implementing the protection of minors and the general public and compliance with the provisions on the audiovisual commercial communications.

*Conditions and procedures for the appointment and dismissal of the head /members of the collegiate body of media regulatory authorities and bodies*

No changes have been made to legislation.

*Existence and functions of media councils or other self-regulatory bodies*

No up-dates from the previous report.

**B. Safeguards against government or political interference and transparency and concentration of media ownership**

*Measures taken to ensure the fair and transparent allocation of state advertising*

No up-dates from the previous report. Applicable legislation: Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public offices, and in the business environment, as well as the prevention and sanctioning of corruption, Law no. 98/2016 on public procurement, Government Emergency Ordinance no. 1/2025 on certain measures for the organisation and conduct of the elections for the President of Romania in 2025 and the partial local elections in 2025, Regulation (EU) 2024/900 on transparency and targeting of political advertising.

*Safeguards against state / political interference, in particular: safeguards to ensure editorial independence of the press (private and public); specific safeguards for the independence of managers and board members of the media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and resource allocation) and safeguards on pluralism of information and opinions; information on the legal provisions and specific procedures that apply to media service providers, including on the granting/renewal/termination of licences, operation of the company, capital inflow requirements, concentration and corporate governance*

**Ministry of Culture**

During the reporting period, the Ministry of Culture continued the in-depth assessment of the national framework governing media pluralism and media freedom, taking into account the cross-cutting nature of the sector under its coordination and its interaction with multiple pieces of legislation currently in force.

In the context of the entry into force, on 8 August 2025, of Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024, establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (the European Media Freedom Act – EMFA), the Ministry of Culture placed particular emphasis on ensuring the full, coherent and compliant implementation of the Regulation. This approach is aligned with the European Commission’s recommendations to intensify efforts aimed at strengthening rules and mechanisms that enhance independent governance and editorial independence of public service media, in accordance with European public service media standards.

The assessment process included: comparative legal analyses between the European acquis and the existing national legislation; technical consultations with the competent authorities in the areas of audiovisual regulation, competition, and public service media governance; the identification of areas requiring intervention at the level of primary and secondary legislation.

To this end, several meetings of the inter-institutional working group were convened. The outcomes of this process consisted of comparative legal assessments, inter-institutional technical consultations, and a comprehensive evaluation of the current legislative framework, with the objective of ensuring the effective integration of the new European provisions into national law.

At present, actions aimed at strengthening safeguards for media freedom are at an advanced stage, focusing on the design and substantiation of the necessary regulatory framework.

It should be noted that Romania has already partially implemented a number of EMFA provisions with direct legal effect, **particularly those related to improving independent governance and safeguarding the editorial independence of public service media, through legislative acts currently in force.**

Through the legislative and institutional measures outlined above, the Ministry of Culture seeks to ensure that media pluralism and media freedom, regarded as a fundamental pillar of democratic resilience, are fully aligned with the values and *acquis* of the European Union.

### **The National Audio-Visual Council**

Regarding the presidential elections, we communicate you that in November 2024 (after the first round) the NAC sent a letter to the European Commission asking the following: *to initiate a formal investigation into TikTok's compliance with the provisions of the DSA, in particular regarding algorithmic transparency and systemic risks; to require TikTok to publish a detailed assessment of the democratic risks related to its activity in Romania; to impose corrective measures and sanctions for the identified violations; to ensure the publication of a report on algorithmic transparency, including in the context of electoral content broadcast during the electoral campaign for the Romanian presidential elections 2024, first round.*

Later, on 17<sup>th</sup> of December 2024, the Commission initiated the formal proceedings against TikTok for an alleged breach of the Digital Services Act (DSA) in relation to TikTok's obligation to properly assess and mitigate systemic risks related to the integrity of elections, in particular in the context of the Romanian presidential elections of 24<sup>th</sup> of November 2024.

We also inform you that in November 2025, Media Literacy was included in the National Defense Strategy, at the request of the National Audiovisual Council to view the critical thinking and combating disinformation as structural elements of the national resilience. (<https://cna.ro/a-comunicat-de-presa-ref-includerea-educatiei-media-in-strategia-nationala-de-aparare-a-tarii-mil8g4oksadgotxm4qgzue7f/>).

*Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners*

No up-dates from the previous report.

### ***C. Framework for journalists' protection, transparency and access to documents***

*Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists*

The draft Law transposing the SLAPP directive 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 organised. The draft was finalised and was submitted for interinstitutional endorsement.

The draft law aims to protect fundamental rights, such as the right to freedom of expression and information, the right to freedom of association, and the right to peaceful assembly, providing protection to natural and legal persons involved in public mobilization actions on matters of public interest (such as investigative journalists, media organizations, or human rights defenders) against legal proceedings initiated to discourage them from participating in such actions.

Furthermore, the draft seeks to remove obstacles to the smooth conduct of civil proceedings, with a view to ensuring effective access to justice, as well as a fair balance between the procedural rights of the parties.

To that end, the draft provides for procedural safeguards against manifestly unfounded claims and abusive judicial proceedings, including: the requirement to provide a financial guarantee to cover the estimated costs of the proceedings and to ensure the payment of compensation for any potential damage caused by the lodging of an action; the early dismissal of manifestly unfounded claims; the awarding of compensation for damage suffered and the imposition of sanctions.

Combating SLAPP practices 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.

*Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists*

#### **General Prosecutor's Office**

Law enforcement agencies pay increased attention to the safety of journalists reporting on public protests and demonstrations.

For example, on the night of 9-10 March 2025, a large number of people took part in a protest in front of the Central Electoral Bureau headquarters, during which they threw blunt objects at law enforcement officers and overturned and damaged a vehicle belonging to a television station that was reporting on the events on the spot, the case receiving extensive media coverage.

Following investigations, on 1 August 2025, 19 defendants were brought to trial under judicial supervision.

Annex 12 presents a breakdown of cases in which journalists have the quality of injured parties or defendants.

*Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)*

As presented in the previous national contributions, Law no. 544/2001 regarding free access to information of public interest and Government Ordinance no. 27/2002 regarding the activity of resolving petitions are applicable.

*Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits*

The existing legislative framework will be completed with the Law transposing the anti-SLAPP Directive.

## IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

### A. The process for preparing, enacting and implementing laws

*Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders<sup>50</sup>/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase (including guidance on how to implement legislation)*

#### Ministry of Justice

The quality of legislation has been strengthened through the promotion of clear, accessible, and predictable norms, in accordance with the jurisprudence of the Constitutional Court and the European Court of Human Rights. The Ministry of Justice has consistently supported the need for legislative stability, coherent and uniform interventions, as well as the evidence-based policy-making, accompanied by extensive public consultations.

A relevant example in this regard is the draft law amending Government Ordinance No. 26/2000, developed in dialogue with civil society, which aims to simplify procedures, eliminate legislative ambiguities, and align the legal framework with European and constitutional standards<sup>51</sup>. In July 2025 the Legal Commission of the Chamber of Deputies (decisional chamber) issued a favorable report on the draft law.

Regarding also the public consultations a particularly important aspect concerns the proportional approach to consultation and the dedication of specific efforts to reach the most relevant, vulnerable, underrepresented, or marginalized groups within society. This approach is, in fact, also recommended in the Report on Better Regulation Practices in the European Union. Civil society can serve as an important intermediary between public authorities and the aforementioned individuals or groups.

In this context, the aforementioned draft law proposes that associations and foundations registered (upon their request) in the records of the central public administration authorities within whose scope they carry out their activities, as well as local public administration authorities, shall automatically receive—provided that, at the time of registration, they submit an e-mail address—the draft normative acts published on the official website of the authorities in whose records they are included, in accordance with the provisions of Law No. 52/2003 on transparency in public administration decision-making, republished, with subsequent amendments and completions.

To ensure the ongoing involvement of persons with disabilities and organizations representing them in the development of policies and programs aimed at guaranteeing access to justice, the Ministry of Justice has invited persons with disabilities, their legal representatives, as well as associations and foundations active in the field of protecting and promoting their rights, to actively participate in the policy-making and program development processes designed to ensure access to justice for persons with disabilities. This invitation is available on the Ministry of Justice's website, under Section VI of the Contact Point for the Implementation of the UN Convention on the Rights of Persons with Disabilities, organized at the institutional level, accessible at the following link: <https://www.just.ro/informatii-de-interes-public/punct-de-contact-cdpd/>

In this context, the Ministry of Justice has recently launched a call to civil society—particularly to associations and foundations active in the protection and promotion of children's rights—to support the institution in the process of

<sup>50</sup> This includes also the consultation of social partners.

<sup>51</sup> [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=21379](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21379)

consulting children. Given the importance of identifying and involving the most vulnerable categories of children, cooperation with civil society, as an empathetic and active partner, is essential. The positive response from civil society reflects the strengthening of trust in the Ministry of Justice.

### **The General Secretariat of the Government**

**It organized the following actions:**

**The organization of five training sessions on impact assessment–related topics**, attended by approximately 100 representatives of the central public administration.

**The preparation of the annual report on the quality of legislative substantiation**, with the support of technical assistance provided by the World Bank and financed through the National Recovery and Resilience Plan (NRRP).

**The drafting and dissemination of the Guide on the Impact Assessment of Regulations on Human Rights**, developed at the initiative of, and in cooperation with, civil society and the Romanian Institute for Human Rights.

**The drafting and dissemination of the Practical Guide for completing reports on the implementation of normative acts**, representing the equivalent of ex post impact assessments.

**The drafting of two pilot reports on the implementation of normative acts**, finalized with the support of technical assistance provided by the World Bank, focusing on: the impact of the legislation governing the “Hot Meal” program (currently entitled the “Program for the Provision of Food Support in Schools”); the impact of the application of the SME Test.

The **Consultative Council for the Impact Assessment of Normative Acts (CCEIAN)** continued its activity in 2025 by assessing the quality of the explanatory and substantiation instruments accompanying draft normative acts with significant impact. Below, statistical data regarding the opinions issued by the Council are presented.

| <b>2025</b> |        |            |                                                 |                |
|-------------|--------|------------|-------------------------------------------------|----------------|
| Drafts      | Number | Favourable | FOP(favourable with observations and proposals) | Non-favourable |
| Laws        | 15     | 5          | 7                                               | 3              |
| GEO         | 34     | 8          | 13                                              | 13             |
| GO          | 4      | 0          | 2                                               | 2              |
| GD          | 27     | 7          | 12                                              | 8              |
| Total       | 111    | 20<br>25%  | 34<br>42%                                       | 36<br>32%      |

In the course of 2025, the Consultative Council for the Impact Assessment of Normative Acts (CCEIAN) examined 34 Government Emergency Ordinances with an impact on society and the business environment. In 26 cases, it was concluded that there was insufficient justification for the use of a Government Emergency Ordinance as the appropriate legal instrument, a concern expressly highlighted in the opinions issued, in accordance with Government Decision No. 443/2022, Annex 1, Section 2.2 – Description of the current situation, point (g).

Accordingly, institutions are required, in the case of Government Emergency Ordinances, to present separately the objective elements of the extraordinary situation whose regulation cannot be postponed, by clearly setting out the following indicators, which allow for the substantiation of their use:

- **g1** – a description of the quantifiable, objective circumstances, independent of the Government’s will, which could not have been foreseen and which would jeopardize a public interest in the absence of regulation by Government Emergency Ordinance;
- **g2** – a description of the risk capable of affecting the public interest in the absence of the adoption of the Government Emergency Ordinance, assessed by reference to at least the following elements: the risk represents a significant departure from ordinary circumstances and necessitates recourse to this regulatory instrument in order to avoid serious harm to the public interest;
- **g3** – a description of the negative consequences that may arise from the failure to adopt the legislative solutions envisaged by the Government Emergency Ordinance;
- **g4** – justification of the impossibility of using another legislative instrument that could have been employed to promptly prevent the negative consequences referred to under point g3.

**Measures to be implemented in the forthcoming period:**

- Continued monitoring of the quality of legislative substantiation and of the application of the section of the Methodology on the use of Government Emergency Ordinances, falling within the area of responsibility of the DCPD;
- Organization of training sessions in the field of regulatory impact assessment, within the framework of the ongoing activities carried out by the General Secretariat of the Government (GSG);
- Application of **Article 4(3) of Government Decision No. 443/2022**, which provides for the **ex post evaluation of Government Emergency Ordinances with significant impact** and the preparation of implementation reports **two years after their adoption**;
- Periodic information of the Government, with a view to raising awareness among decision-makers of the continued need to **limit the use of Government Emergency Ordinances**.

As part of the implementation of the National Recovery and Resilience Plan (NRRP), through Milestone no. 407, the General Secretariat of the Government has developed two complementary digital tools: the E-consultation platform, as a single government window for public consultation and reporting, and the Info-Transparency platform, as a public dashboard on the degree of compliance of institutions in the field of transparency. The use of the E-consultation platform is regulated by the Order of the General Secretary of the Government no. 1128/2025, published in the Official Gazette, which establishes the obligations of public authorities and institutions of central and local public administration regarding the publication of information and documents on the platform. The official launch and operationalization of the two platforms are scheduled for the second half of January 2026, accompanied by online training sessions for public authorities (for further details on these platforms please see the Annex 13)

**The Legislative Council**

Through its constitutional and statutory competences, the Legislative Council contributes to ensuring the quality of the legislative process and of legislation primarily by issuing opinions on draft normative acts, namely legislative proposals submitted by Members of Parliament or by citizens, as well as draft laws, Government emergency ordinances, ordinances, and Government decisions of a normative nature.

Pursuant to Article 3 Paragraph (1) of Law No. 73/1993, the consultative opinions of the Legislative Council cover: the consistency of the proposed regulation with the Constitution, with framework legislation in the relevant field, with European Union law, and with the international instruments to which Romania is a party; in the case of draft laws and legislative proposals, the legal nature of the act and the identification of the first Chamber to be seized; ensuring the correctness and clarity of legal drafting; the elimination of contradictions or inconsistencies within the draft normative act; ensuring the completeness of its provisions; compliance with the rules of legislative technique and normative language; as well as the presentation of the implications of the new regulation on the legislation in force.

Furthermore, the Legislative Council contributes to ensuring high-quality legislation, in addition to its activity of issuing opinions on draft normative acts, by fulfilling its mandate to maintain the official record of legislation, as well as its responsibilities relating to the systematization, unification, and coordination of legislation, objectives deriving from Article 79 Paragraph (1) of the Constitution of Romania.

Regarding the official record of legislation, starting in 2024 this activity has been carried out using a new IT platform, featuring enhanced functionalities compared to the previous version, which contributes both to reducing information processing time and to ensuring data accuracy.

Moreover, in order to ensure the accessibility of information relating to existing legislation, the public interface of the official version of the Legislative Repertory, managed by the Legislative Council, offers multiple functionalities for querying the legislative database.

In addition, pursuant to Article 2 Paragraph (1) Letter (g) of Law No. 73/1993 on the establishment, organization, and functioning of the Legislative Council, delays in the adoption by competent public authorities of implementing normative acts required by laws, ordinances, and Government decisions have been reported on a quarterly basis to the competent authorities. At the same time, in view of the competence provided under Article 5 Paragraph (5) of Law No. 73/1993, the Legislative Council has annually notified Parliament or, as the case may be, the Government of delays in the republication of normative acts for which such a measure had been ordered.

In the same context, reference should be made to the recommendation to include, in draft normative acts, a provision on the republication of the basic normative act in cases where it has undergone significant amendments and/or supplements. This recommendation has been formulated by the Legislative Council in its opinions whenever the statutory conditions for republication were met.

Another way in which the activity of the Legislative Council contributes to meeting the requirements relating to the accessibility of normative acts, and implicitly to the quality of legislation, is the exercise of the competence provided under Article 2 Paragraph (1) Letter (f) of Law No. 73/1993, namely the preparation of consolidated versions of laws, as well as of Government ordinances, emergency ordinances, and Government decisions of a normative nature.

As of 9 November 2023, the Legislative Council has been carrying out on a permanent basis the activity of preparing and publishing on its institutional website consolidated versions of normative acts affected by legislative developments. The institution's website ([www.clr.ro](http://www.clr.ro)) includes consolidated versions of normative acts amended after the entry into force of Law No. 343/2022.

*Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)*

### **The Legislative Council**

Legislation by means of emergency ordinances is carried out in the situations provided for under Article 115 Paragraph (4) of the Constitution, according to which the Government may adopt emergency ordinances only in extraordinary situations whose regulation cannot be postponed, being required to provide justification for the urgency within their content.

The adoption of emergency ordinances is also subject to the rules set out in Article 115 Paragraph (6) of the Constitution, pursuant to which emergency ordinances may not be adopted in the field of constitutional laws, may not affect the status of fundamental state institutions, the rights, freedoms, and duties provided for by the Constitution, electoral rights, and may not concern measures involving the compulsory transfer of assets into public ownership.

With regard to the Government's recourse to legislation by emergency ordinances, we specify that, at the level of primary legislation (acts having the force of law), the synthetic overview for the year 2025 (until 31.12.2025) is as follows:

| Type of act         | Basic acts | Amending acts | Total |
|---------------------|------------|---------------|-------|
| Law                 | 163        | 85            | 248   |
| Emergency Ordinance | 38         | 55            | 93    |
| Ordinance           | 3          | 20            | 23    |
| Grand total         | 204        | 160           | 364   |

During 2025, emergency ordinances were adopted, as in previous years, primarily in view of the need to ensure the timely fulfilment of milestones and targets associated with key investments and major reforms under the six main pillars established by Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, also taking into account the Council Implementing Decision of 3 November 2021 approving the assessment of Romania's Recovery and Resilience Plan.

At the same time, emergency ordinances regulated measures in the following areas: recovery and efficient use of public resources; social protection, in light of the European and regional energy context severely affected by the energy crisis and the prolonged conflict in Ukraine; transposition of European Union directives, given that failure to adopt measures under an emergency procedure could have led to potential sanctions against the State in the event of non-compliance with directive requirements, as well as in order to enable beneficiaries of the norms to exercise their rights; the provision of support and humanitarian assistance by the Romanian State to foreign citizens or stateless persons in particularly difficult situations, originating from the area affected by the armed conflict in Ukraine.

Emergency ordinances are drafted and adopted by the Government under an emergency procedure, within which the Legislative Council is required, pursuant to Article 4(3) of Law No. 73/1993, to issue its opinion within 24 hours.

#### *Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination*

##### **The Legislative Council**

Legal certainty, stability of the legislative framework and the prevention of discrimination are essential components of the rule of law, to the safeguarding of which the Legislative Council contributes through its activity, by exercising the constitutional and statutory competences presented in detail in the response concerning Section I, point A, item 40.

These aspects are taken into account in the opinion-issuing process, and that, in cases where the proposed regulations could adversely affect these principles, observations and proposals are formulated accordingly, within the limits of the

Legislative Council's competence. In this context, it should be noted that, through its opinions, the Legislative Council cannot assess the expediency of the envisaged legislative solutions.

In this context, regarding the stability of legislation as a requirement of the rule of law, it is important to underline that this does not exclude the possibility of adopting necessary legislative interventions, the decisive factor being the context that imposed amendments to existing normative acts.

Thus, in certain circumstances, the amendment of a normative act shortly after a previous legislative intervention may be due to: the applicability of a decision of the Constitutional Court; the rapid identification of dysfunctions in the implementation of previously adopted regulations; the occurrence of unforeseen socio-economic events requiring a swift regulatory response. Taking these realities into account, a mechanism ensuring knowledge of the law is necessary.

In this context, the role of the Legislative Council is to ensure both the official record of legislation, which includes the list of adopted normative acts as well as the relationships between them, highlighting all legislative amendments and access to consolidated versions of normative acts.

#### *Rules and application of states of emergency (or analogous regimes), including judicial review or parliamentary oversight*

No up-dates from the previous report, no state of emergency has been declared in 2025.

#### *Regime for constitutional review of laws*

##### **The Constitutional Court**

Article 146 of the Romanian Constitution, which regulates the powers of the Romanian Constitutional Court, refers to the a priori and a posteriori constitutional review. The a priori constitutional review is direct and abstract, exercised upon referral of qualified subjects. The constitutional review is triggered only as a result of the direct expression of will of certain subjects of law strictly determined by the Constitution (at the request of the President of Romania, of one of the Presidents of the two Chambers, of the Government, of the High Court of Cassation and Justice, of the Ombudsman, of at least 50 deputies or at least 25 senators), the review being thus conditional on the submission of a referral for the investiture of the Court, which has to resolve the objection of unconstitutionality. The exception of unconstitutionality (the a posteriori constitutional review) is a defense in the trial before the ordinary courts, which does not call into question the merits of the claim brought before the court, a procedural means by which, under the law, the interested party, the prosecutor or the court, of its own motion, pleads the non-conformity of a law or order or a provision of a law or order with the Fundamental Law. The exception of unconstitutionality may also be raised by the People's Advocate, ex officio.

##### ***B. Independent authorities***

#### *Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions<sup>52</sup>*

##### **Romanian Institute for Human Rights**

The Romanian Institute for Human Rights (IRDO) was established by Parliament under Law No. 9/1991 as an independent public institution with legal personality. Its statutory mandate is primarily promotional and educational, focusing on the dissemination of information on human rights, research, training, documentation, and cooperation with public authorities,

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<sup>52</sup> Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

civil society, and international bodies. It also provides information and opinions to parliamentary committees on draft legislation and human rights-related issues.

From the perspective of independence, IRDO is formally designated by law as an independent body and is not subordinated to the executive branch.

In terms of powers, the Institute's role is consultative and informational, without authority to issue binding decisions, impose sanctions, or require compliance from public authorities. The Institute's activities include public awareness-raising actions, the organization of debates, seminars, and meetings, as well as the preparation and dissemination of human rights-related research and publications. It also conducts training activities primarily targeting professional groups with specific responsibilities in the promotion and protection of human rights, alongside initiatives aimed at increasing awareness among the wider public. Furthermore, the Institute implements educational programs addressed to students and teachers in pre-university education, with a view to fostering a culture of human rights. As a structural characteristic, the Institute does not have a mandate to examine individual complaints, as its work is predominantly focused on research, analysis, and reporting in the field of human rights.

Regarding resources and capacity, the legal framework does not specify guaranteed levels of funding or staffing. In practice, the Institute operates with limited staffing resources, which constrains its ability to carry out its mandate comprehensively.

With respect to access to relevant data, the Romanian Institute for Human Rights has no explicit statutory power to compel public authorities to provide information or grant access to administrative databases. It relies on publicly available information or voluntary cooperation from state bodies, which limits the depth and scope of its analytical and monitoring work.

We emphasize that the Romanian Institute for Human Rights is currently functioning according to an outdated legal framework, which impedes the fulfilment of the Institute's breath of mandates. Thus, the establishment law requires to be amended and the institutional capacity strengthened through effective measures taken by the national authorities, in order to align with the European and international standards in the matter.

*Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past year*

### **The People's Advocate**

In December, data are collected for the annual report, followed in January by the drafting of the final version of the report, which is submitted to Parliament, as every year, by 1 February. The annual report will be made publicly available and accessible on the institution's official website immediately upon its submission to Parliament – [avp@avp.ro](mailto:avp@avp.ro).

*Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities*

### **Council of Competition**

As regards the independence of the competition authority, in the process of transposing Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective in enforcing the law and to ensure the proper functioning of the internal market<sup>53</sup>, the national

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<sup>53</sup> OUG no. 108/2023.

regulatory framework was revised with the aim of strengthening the institutional, functional and operational independence of the competition authority. The legislative amendments aimed to ensure that both the decision-making structures and the staff responsible for investigating possible anti-competitive acts can exercise their powers without political interference or other external influences, in accordance with the requirements of European Union law.

The guarantees of independence thus established cover the entire spectrum of the competition authority's powers, including the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union, as well as the corresponding provisions of national law on anti-competitive agreements and abuse of dominant position, the control of economic concentrations. At the same time, these guarantees extend to the powers exercised in the field of public and sectoral procurement and concessions, in particular with regard to the prevention/elimination of competition in tenders, as well as the issuance of reasoned opinions at the request of contracting authorities or entities.

An essential element of effective independence is the continuity and stability of the decision-making body of the authority. In this regard, the need to establish mechanisms to ensure the timely appointment of members of the competition authority was highlighted, in order to prevent situations in which delays in the appointment procedures could lead to a lack of quorum and, implicitly, to blockages in the adoption of decisions, which could affect the effective exercise of the competition authority's powers. Such mechanisms are indispensable for guaranteeing the uninterrupted exercise of the authority's legal powers, ensuring decision-making continuity being an intrinsic component of the competition authority's independence and an essential condition for the effective and coherent application of competition rules.

Overall, the safeguards introduced aim to ensure that the competition authority can exercise its supervisory and enforcement powers in an autonomous, coherent and efficient manner, contributing to the protection of the normal competitive environment and the uniform application of competition law in the European Union.

### **Financial Supervisory Authority**

The establishment, objectives, attributions, organization and functioning of the Financial Supervisory Authority (hereinafter referred to as FSA) are regulated by the Emergency Ordinance no. 93/2012 on the establishment, organization and operation of the Financial Supervisory Authority (hereinafter referred to as GEO no. 93/2012).

Thus, according to an. I para. of the GEO no. 93/2012, FSA is established as an autonomous, specialized administrative authority, with legal personality, independent, self-financed, which exercises its powers according to the provisions of the emergency ordinance. According to GEO no. 93/2012, the legal provisions regarding budgetary restrictions of any nature applicable to the National Bank of Romania also apply to FSA.

Also, with regard to the exercise of its duties, established by GEO no. 93 2012, the activity of the FSA will not be restricted by any other authority.

According to an. 2 paragraph (I) letter (a)-(c) of GEO no. 93 2012, FSA exercises powers of authorization, regulation, supervision and control over:

a) intermediaries on the capital market; investment firms; collective investment schemes; investment management companies; financial advisors; financial instrument markets; market and system operators; central depositories; clearing and settlement houses; central counterparties; market operations; securities issuers; Investor Compensation Fund; other natural or legal persons carrying out activities according to the provisions of the Law no. 297/2004 on the capital market, the GEO no. 32/2012 on the undertakings for collective investment and the investment management companies, and for the amendment and completion of Law no. 297/2004, GEO no. 25/2002 approving the statute of the National Securities Commission, approved with amendments and completions by Law no. 514/2002, with subsequent amendments and supplements, Law no. 253/2004 on the final nature of settlement in the payment systems and in the financial instruments operations settlement, with subsequent amendments and supplements, Government Ordinance no. 92004 on certain financial security contracts, approved with amendments and supplements by Law no. 222/2004, as subsequently

amended and supplemented, Government Emergency Ordinance no. 99/2006 on credit institutions and capital adequacy, approved with amendments and supplements by Law no. 22T2007, as subsequently amended and supplemented;

b) insurance, insurance-reinsurance and reinsurance undertakings, mutual societies, as well as insurance intermediaries, supervision of insurers and reinsurers operating in or from Romania, supervision of insurance and reinsurance intermediaries, as well as other activities related to them, according to the provisions of the Law no. 136/1995 on insurance and reinsurance in Romania, as subsequently amended and supplemented, Law no. 32/2000 on insurance activity and insurance supervision, as subsequently amended and supplemented, Law no. 260/2008 on compulsory home insurance against earthquakes, landslides and floods, republished, Law no. 503/2004 on the financial recovery and bankruptcy of insurance undertakings, as subsequently amended;

c) private pension system, according to Law no. 41 112004 on privately managed pension funds, republished, as subsequently amended and supplemented, GEO no. 50/2005 on the establishment, organization and operation of the Private Pension System Supervisory Commission, approved with amendments and supplements by Law no. 3130005, as subsequently amended and supplemented, Law no. 204/2006 on voluntary pensions, as subsequently amended and supplemented, Law no. 18T201 1 on the establishment, organization and operation of the Private pensions System Rights Fund, Government Emergency Ordinance no. 61 /2008 on the implementation of the principle of equal treatment between women and men with regard to access to services and products and the supply of services and products, approved as amended by Law no. 62/2009,

FSA is the competent authority at national level for the application and monitoring of compliance with directly applicable regulations issued by the European Union, in the areas provided by the GEO no. 93 2012, as well as for transposition and implementation in national legislation of those provisions issued by the EU Council, the EU Parliament, the European Commission and other European authorities.

The supervision exercised by FSA, as provided for in Article 2 paragraph (I) of the GEO no. 93 2012, in accordance with Article 3 paragraph (I) of the same ordinance, is carried out by:

- a) granting suspending, withdrawing or as the case may be, refusing to grant, in accordance with the law, authorizations, approvals, endorsements, certificates, derogations;
- b) issuing regulations, which are published in the Official Gazette of Romania, Part I;
- c) carrying out supervision over the entities and operations referred to in Article 2 paragraph (I) based on the reports received and through on-site inspections;
- d) ordering measures and imposing sanctions.

In exercising the powers provided by its Statute, FSA has the objective to: ensure the stability, competitiveness and proper functioning of financial instrument markets, promoting confidence in these markets and in investments in financial instruments, as well as ensuring the protection of operators and investors against unfair, abusive and fraudulent practices; promote the stability of the insurance activity and defending the rights of the insured; ensure the efficient operation of the private pension system.

According with the Statute, FSA is independent in deciding on the day-to-day technical matters, no consultation or approval by Government or Parliament is required. The Parliament may request ex-post clarifications regarding certain specific activities. Consultations may be pursued in the cases of cooperation in supervision with national authorities sharing supervisory responsibilities, such as National Bank of Romania.

FSA is part of the European System of Financial Supervision (ESFS), is a member of the European supervisory bodies for the capital market (ESMA) and for the insurance and occupational pensions market (EIOPA), as well as of international organizations in the field IOSCO, IAIS, and IOPS, and has the obligation to comply with the fundamental principles and operational requirements that are harmonized with the practices established through standards by these authorities.

The three European supervisory authorities (EIOPA, ESMA), and the European Banking Authority (EBA), in accordance with their European regulations, also have the prerogative to assess and monitor the independence of national supervisory authorities in accordance with the Common Criteria of the European supervisory authorities regarding the independence of supervisory authorities, established in the Report published by these authorities, namely the common criteria for the functioning of national supervisory authorities for the financial sector (in the case of Romania, these apply to both the NBR and the FSA), based on key principles of supervisory independence (operational, financial, and personal staff independence, as well as transparency and accountability).

The principle of operational independence requires national supervisory authorities, including FSA, to have operational independence; apply in their tasks the principles of independence, transparency, and accountability; legislation, supplemented by relevant internal regulations, should assign supervisory authorities clear and explicit mandates and objectives and prohibit any form of undue influence from the supervised sector and the government; operate without any form of undue influence, direct or indirect, from the supervised sector and the Government; have resources and operational processes that ensure expertise, resource allocation, and operational capacity to implement proper supervision and monitoring; have access to adequate material resources, such as IT (hardware and software), security standards, and relevant information sources; exercise their responsibilities and powers with an adequate number of staff and financial resources to fulfill its mandate; to have full freedom in allocating resources and full autonomy in recruiting, retaining, and further developing experienced and qualified personnel, including the freedom to set remuneration and contractual conditions applicable to its staff. This discretionary power should be recognized in legislation.

### **National Authority for Management and Regulation in Communications (ANCOM)**

The organisation and functioning of ANCOM are governed by Government Emergency Ordinance No. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications, approved by Law No. 113/2010, as subsequently amended and supplemented (hereinafter “GEO No. 22/2009”), this normative act ensuring the transposition into national law of certain European rules. Although the latter have evolved over time, GEO No. 22/2009 currently ensures the transposition into national law of certain provisions contained in Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code (hereinafter “the Directive”).

Directive (EU) 2018/1972 lays down a series of obligations for the Member States aimed at ensuring the independence and autonomy of the national regulatory authorities in the field of electronic communications.

By Law No. 50/2024<sup>54</sup>, ANCOM was designated as the Digital Services Coordinator within the meaning of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (the Digital Services Regulation).

In the second half of 2025, ANCOM was designated by the Government of Romania<sup>2</sup> as the competent authority for the application and verification of compliance with the provisions of Regulation (EU) 2023/2854<sup>55</sup> and for exercising the tasks incumbent on the data coordinator within the meaning of the Data Act.

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

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<sup>54</sup> Law no. 50/2024 on establishing measures for the application of the Regulation of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC, as well as on amending and completing Law no. 365/2002 on electronic commerce. <sup>2</sup> Pursuant to the Memorandum approved at the Government meeting of 16 October 2025.

<sup>55</sup> Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act).

*Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decision)*

### **High Court of Cassation and Justice**

It should be noted that the High Court of Cassation and Justice (HCCJ) has continued to publish on its website the decisions rendered by the panels of five judges concerning the disciplinary liability of magistrates.

*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)*

### **High Court of Cassation and Justice**

In the period from 01.01.2025 to 17.12.2025, the Administrative and Fiscal Litigation Section of the HCCJ resolved 56 cases concerning the annulment of Government decisions. Of these, in 12 cases, the annulment of certain provisions of the challenged Government decisions was ordered with final effect; in 2 cases, the annulment was ordered by the court of appeal, while in the remaining 10 cases, the annulment previously ordered by the court of first instance was upheld.

*Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)*

Romanian national legislation provides for a whole array of means of redress ensuring non-judicial review regarding decisions or inaction of administrative authorities: free access to public information, right to petition, the protection of individuals who have been harmed by the violation of their rights or freedoms by public administration authorities.

*Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)*

### **The Superior Council of Magistracy**

During the reference period, there were no changes in primary or secondary legislation.

On the website of the National Institute of Magistracy, [https://inm-lex.ro/evidenta\\_cauze/cauze.php](https://inm-lex.ro/evidenta_cauze/cauze.php), a section has been introduced in which the preliminary references in Romania are centralized, with the tabular indication of the identification elements of the cases, the possibility of accessing the preliminary requests, the evolution of the case and the decision.<sup>56</sup>

Regarding the follow-up by Romanian courts of the *Lin* judgment since in July 2025, the SCM does not have data on the real-time evolution of judicial practice in various fields, being able to provide, mainly, statistical data.

The evolution of judicial practice in this regard was summarised in *the Opinion of the Advocate General in Lin II*, published on 18.12.2025.

The Advocate General confirmed the HCCJ's legal reasoning regarding the European framework on the limitation period of criminal liability, namely the argument that EU law does not require and does not allow the 'reactivation' of criminal liability extinguished by the limitation period in the absence of a clear and foreseeable basis (a matter directly relevant to the Commission's question on 'development').

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<sup>56</sup> DLDC

The Advocate General's analysis confirms that the solutions adopted by the High Court of Cassation and Justice represent a fair and rigorous application of EU law, in full compliance with the contractual requirements on criminal legality and legal certainty.<sup>57</sup>

It should be noted that in such cases, in which the statute of limitations of criminal liability has been established, the court always orders the recovery of the damage and takes appropriate confiscation measures. The termination of the criminal proceedings shall in no way affect the right of the State to recover the damage caused and to have recourse to coercive measures to that end in respect of the persons in respect of whom the limitation period has been established.

*Implementation of final judgements by the public administration and State institutions and follow-up given to supranational judgements, including decisions from the European Court of Human Rights, as well as available remedies in case of non- implementation*

### **The Romanian Agent to the European Court of Human Rights**

As of 5 December 2025, according to the statistics of the department for the Execution of ECHR judgments<sup>58</sup>, over the course of the current year, Romania has 214 repetitive cases and 84 leading cases under the supervision of the Council of Europe's (CoE) Committee of Ministers (CM). At the end of 2024, Romania had 300 repetitive cases and 111 leading cases under the supervision.

In 2025 (as of 5 December), Romania succeeded in closing 104 repetitive and 30 leading cases, compared to 105 repetitive and 11 leading cases in 2024. The number of Romanian cases closed in 2023 (121 judgments in total), 2024 (116) and 2025 (134) is thus notably higher than in the three preceding years (2 leading and 13 repetitive cases in 2020, 3 leading and 42 repetitive cases in 2021, 8 leading and 29 repetitive cases in 2022).

Moreover, in 2024, Romania ranked first among CoE states in the number of closed cases, according to the annual report for 2024 prepared by the Committee of Ministers<sup>59</sup>.

With regard to the sums established by the Court to be paid as just satisfaction in cases against Romania, in 2025 (as of 5 December), the total amount was 69.105.198 EUR, compared to 1.418.355 in 2024, 1.930.743 EUR in 2023, 2.860.079 EUR in 2022, 4.181.275 EUR in 2021 and 37.455.755 EUR in 2020<sup>60</sup>.

The sums established in 2025, 2020 and 2021 reflect notably a significant number of cases concerning the restitution of immovable properties nationalized during the communist regime which have been solved by the Court during those years. For example, in 2025, through a single judgment on just satisfaction (*Văleanu and 29 others v. Romania*), the Court granted the applicants approximately 68 million EUR in compensation (in case restitution in kind of the immovable properties is not possible).

As it can be seen on the HUDOC EXEC database, Romania currently occupies the fifth place in terms of number of cases for which the CM has supervised the execution process (this includes cases still under supervision and closed cases), with 4.428 cases, surpassed by Italy (9.206 cases), Türkiye (9.100 cases), Russia (8.760 cases)<sup>61</sup> and Ukraine (4.838 cases).

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<sup>57</sup> <https://www.iccj.ro/> News

<sup>58</sup> Available at <https://www.coe.int/en/web/execution/romania>

<sup>59</sup> <https://www.coe.int/ro/web/execution/annual-report-2024>

<sup>60</sup> Available at <https://www.coe.int/en/web/execution/romania>

<sup>61</sup> Russia was excluded from CoE and the ECHR in March 2022, yet the Court continues to analyze cases lodged before the date of exclusion, and the CM continues its work to supervise the execution of ECHR rulings against the Russian Federation.

The high number of cases under the supervision of the CM is a consequence of the high number of cases against Romania lodged with the ECHR. Nevertheless, over the past few years, the number of pending cases against Romania at the ECHR, though still significant, has seen a constant decrease.

Thus, as of 30 November, 2025<sup>62</sup>, Romania was in fourth place with regards to pending cases, tied with Poland, with a total of 3.500 pending applications, or 5.9% of the total of 58.800 pending cases. Romania is surpassed by Ukraine (4.600 cases), Russia (7.500 cases) and Türkiye (21.100 cases).

For comparison, at the end of 2024, Romania had 3.800 pending applications<sup>63</sup>, at the end of 2023, Romania had 4.150 pending cases before the Court<sup>64</sup>, at the end of 2022, the number of pending cases against Romania was 4.800<sup>65</sup> and, at the end of, 2021, the number was 5.700<sup>66</sup>.

For example, the ECtHR decision *Văscăuțanu v. Romania*, published on 4 December 2025, recognizes the effectiveness of domestic legislative remedies and the consistent implementation of structural measures on the detention conditions — achievements made possible through the firm involvement of the Ministry of Justice—which is expected to lead to a significant reduction in the number of cases against Romania pending before the Court.

According to data available on HUDOC EXEC<sup>67</sup>, *Săcăleanu v. Romania* group of cases currently consists of 19 judgments in respect of 108 applications, and relates to the long-standing structural problem of non-implementation or delayed implementation of final domestic court decisions delivered against the State or legal persons under the responsibility of the State (violations of Article 6 § 1 and/or Article 1 of Protocol No. 1 to the European Convention on Human Rights – the Convention).

The CM has been informed on the establishment, within the Government Secretariat General, of an office tasked with ensuring the execution of these judgments issued against public debtors and on the operationalization of this structure.

The CM has been kept informed by the Governmental Agent, on a regular basis, with regard to the evolutions concerning both individual and general measures, through the submission of seven information notes and action reports on individual and general measures over the course of 2025<sup>68</sup>.

Within the activity of the Litigation and Enforcement of Court Judgments Service (General Secretariat of the Government), continuity was ensured in the activities related to the responsibility of monitoring the execution of judgments delivered by the European Court of Human Rights, in which a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms was found as a result of the non-enforcement of court judgments rendered against public debtors in Romania. The monitoring activity was carried out through written correspondence as well as through the organization of working meetings dedicated to the execution of the judgments of the European Court of Human Rights.

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<sup>62</sup> <https://www.echr.coe.int/documents/d/echr/stats-pending-month-2025-bil>

<sup>63</sup> <https://www.echr.coe.int/documents/d/echr/stats-pending-month-2024-bil>

<sup>64</sup> <https://www.echr.coe.int/documents/d/echr/stats-analysis-2023-eng> (page 7/15)

<sup>65</sup> [https://www.echr.coe.int/documents/d/echr/stats\\_analysis\\_2022\\_eng](https://www.echr.coe.int/documents/d/echr/stats_analysis_2022_eng) (page 7/14)

<sup>66</sup> [https://www.echr.coe.int/d/stats\\_analysis\\_2021\\_eng](https://www.echr.coe.int/d/stats_analysis_2021_eng) (page 8/61)

<sup>67</sup> More information available at

[https://hudoc.exec.coe.int/eng#{%22execidentifier%22:\[%22004-12744%22\],%22execdocumenttypecollection%22:\[%22CEC%22\],%22execappno%22:\[%2273970/01%22\]}](https://hudoc.exec.coe.int/eng#{%22execidentifier%22:[%22004-12744%22],%22execdocumenttypecollection%22:[%22CEC%22],%22execappno%22:[%2273970/01%22]})

<sup>68</sup> Ibidem.

*Respect of the good administration principle (including the obligation of the administration to give reasons for decisions)  
[this question complements the existing question on transparency of administrative decisions]*

### **The Legislative Council**

Regarding compliance with the principle of good administration in relation to ensuring transparency in administrative decisions, considering the constitutional and legal responsibilities of the Legislative Council, the opinions issued are advisory in nature and precede the adoption of normative acts by the competent authorities.

*Oversight, including by courts, of the use of intrusive surveillance software by national authorities*

### **General Prosecutor's Office**

In order to gather the necessary evidence regarding the existence of offences, to identify the perpetrators and to establish their criminal liability, the prosecutor may use the special technical surveillance methods provided for in Article 138(1)(a)-(d) of the Code of Criminal Procedure, namely: wiretapping of communications or of any type of remote communication, access to a computer system, video, audio or photo surveillance, and tracking or tracing with the use of technical devices.

The European Court standard (in particular with regard to Article 8 - The right to private life) is ensured by a set of strict safeguards designed to prevent surveillance from becoming an instrument of arbitrary control.

Thus, technical surveillance is ordered only by the judge of rights and liberties, at the reasoned request of the prosecutor, only if the conditions of legality, proportionality and necessity provided for in Article 139 of the Code of Criminal Procedure are met. The legislator has provided for the offences for which technical surveillance may be ordered, in these cases the generic danger of the offences justifying interference with the right to private life. The judge of rights and liberties approves the technical surveillance measure by a decision, issuing at once a technical surveillance warrant.

According to Article 139(4) of the Code of Criminal Procedure, the relationship between a counsel and a person assisted or represented by them may be subject to electronic surveillance only when there is information that the counsel perpetrates or prepares the commission of any of the offences provided for by law.

At the same time, the legislator has provided for a strict limit on surveillance measures, which may only be ordered for a maximum period of 30 days and may be extended, for duly justified reasons, by the judge of rights and liberties for a maximum period of 30 days, with the total duration of technical surveillance measures not exceeding 120 days.

If the judge of rights and liberties considers that the conditions laid down by law are not met, he/she shall order, by decision, the rejection of the request for authorisation of the technical surveillance measure, and a new request for authorisation of the same measure may only be made if new facts or circumstances have arisen or been discovered that were unknown at the time of the previous request.

In urgent cases, subject to the same conditions of legality, the prosecutor may order the authorisation of technical surveillance measures for a maximum period of 48 hours. Within 24 hours of the expiry of the measure, the prosecutor is required to refer the matter to the judge of rights and liberties for confirmation of the measure.

The Constitutional Court of Romania has aligned national legislation with the standards of the European Court of Human Rights, requiring that surveillance be carried out exclusively by criminal investigation bodies, under strict judicial control, and guaranteeing the right of persons who are not defendants to challenge the legality of the measure.

The legislator has provided for the possibility for persons subject to technical surveillance measures to lodge a complaint against the measure and the manner of its enforcement, after the case has been settled by the prosecutor. In this regard, the persons under surveillance are informed in writing by the prosecutor after the technical surveillance measures have ceased.

At the same time, the legality of these measures is also verified by the preliminary chamber judge, either ex officio or at the request of the parties or the prosecutor, if the case has been referred to trial.

If the preliminary chamber judge finds that the evidence has been obtained unlawfully, he or she shall order its exclusion from the case.

### **High Court of Cassation and Justice**

In Romania, the use of surveillance software and intelligence-gathering programs is regulated by principles of legality, necessity, and proportionality, ensuring a balance between public security needs and the protection of fundamental human rights. The applicable framework is based on the Constitution, the Criminal Procedure Code, and special legislation, particularly Law no. 51/1991 on national security.

#### **Criminal Procedural Measures**

Intrusive surveillance tools fall primarily under technical surveillance measures regulated by Article 138 of the Criminal Procedure Code, including communication interception and access to IT systems. Authorization for these measures must be granted in advance by a judge responsible for rights and freedoms, who verifies reasonable suspicion of a crime, necessity, and proportionality. Authorizations are time-limited and extendable only under strict legal conditions.

Judicial oversight occurs both before and after the imposition of measures: verifying legal conditions for authorization and confirming urgent prosecutor-authorized measures and allowing judicial review either in a preliminary chamber or via complaints against technical surveillance measures.

#### **Intelligence-Gathering Activities under Law no. 51/1991**

Activities involving restrictions on fundamental rights (e.g., interception, recording of electronic communications, installation and removal of surveillance devices) are permissible only if: no other means or only limited means exist to detect, prevent, or counter threats to national security; measures are necessary and proportionate to the situation; legal authorization has been obtained.

Authorization is requested from the President of the High Court of Cassation and Justice and examined urgently by a designated judge. Exceptionally, when delays would seriously compromise operations, the prosecutor may authorize activities for up to 48 hours, after which judicial authorization must be sought immediately. The judge may confirm or terminate the measures and order the destruction of obtained materials within seven days, with a report sent to the judge.

Under Article 22 of Law no. 51/1991, individuals claiming violations of fundamental rights due to intelligence activities can address: parliamentary oversight committees; courts for personal data protection or compensation of material/moral damages; judicial authorities through complaints and legal remedies; other committees or bodies under special laws.

#### **Use of Evidence in Criminal Proceedings**

Recordings obtained through intelligence-gathering activities that restrict fundamental rights may be used as evidence if they relate to crimes listed in Article 139(2) and if legal requirements for obtaining them are respected. The legality of the authorization, warrant execution, and resulting evidence is assessed by: indictment (verified in preliminary chamber); dismissal against a defendant (via complaint procedure); dismissal in rem or discontinuation of investigation:

(via complaint under Article 139<sup>2</sup> of the Criminal Procedure Code). The review of legality is exclusively the competence of the preliminary chamber judge of the High Court of Cassation and Justice.

#### **D. The enabling framework for civil society**

*Measures regarding the framework for civil society organizations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)*

##### **The People's Advocate**

The measures are provided by the Government Ordinance No. 26/2000 on associations and foundations, as subsequently amended and supplemented, which establishes the legal framework for: the exercise of the right to freedom of association; the promotion of civic values, democracy and the rule of law; the pursuit of a general, local or group interest; facilitating access for associations and foundations to private and public resources; partnership between public authorities and private-law legal entities without a patrimonial purpose; compliance with public order; the establishment, incorporation and registration of associations and foundations; the organization and functioning of associations and foundations; amendments to the statutes or to the beneficial owner of an association or foundation; merger and division; the granting of public utility status to associations, foundations and federations; dissolution and liquidation; the National Register of non-profit legal entities; and provisions concerning foreign non-profit legal entities.

*Rules and practices having an impact on the effective operation and safety of civil society organizations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organizations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.*

##### **The General Secretariat of the Government**

In order to improve the framework for the civil society, the Strategy for Open Governance in Romania 2025-2030 was adopted, by Government Decision no. 358/2025. The document is part of the implementation process, by the General Secretariat of the Government (GSG), of Milestone no. 407 of the NRRP - *The public consultation and stakeholder involvement process has improved by increasing by 20% the number of draft legislative acts that are subject to public consultation and stakeholder involvement at central level*. The document includes in the Action Plan 7 specific objectives, with subsequent measureable actions, that includes specific policies developed in this scope, namely improving the civil society framework.

*Organization of financial support for civil society organizations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)*

##### **The General Secretariat of the Government**

The granting of public utility status to an association, foundation, or federation is carried out in accordance with the provisions of Articles 38–39 of Government Ordinance No. 26/2000 on associations and foundations. The procedure begins with the applicant organization submitting the complete documentation, in hard-copy format, to the General

Secretariat of the Government (GSG), where it is registered and processed by the Strategic Support and Cooperation with Civil Society Service.

Within a maximum of 15 days, the GSG performs a preliminary review of the file and, if no clarifications or additional documents are required, forwards it to the competent public authority, determined according to the NGO's field of activity.

The public authority reviews the documentation, may request additional information or clarifications directly from the organization, and submits a response to the GSG within no more than 60 days from receipt of the file. If the assessment is favorable, a draft Government Decision on the granting of public utility status is prepared; this document subsequently undergoes interinstitutional endorsement procedures (including by the Ministry of Justice and the Ministry of Public Finance). Thereafter, it is proposed for inclusion on the agenda of a Government meeting.

If the authority initially notified considers that the request does not fall within its area of competence, the file is returned to the GSG together with an indication of the appropriate authority. If the submitted documentation does not meet the criteria provided by Government Ordinance No. 26/2000, the competent authority dismisses the request and communicates the reasons both to the NGO and to the GSG.

During 2025, the GSG registered 41 requests for the granting of public utility status, originating from diverse fields such as health, education, agriculture, minorities, and culture.

## **E. Initiatives to foster a rule of law culture**

*Initiatives to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)*

### **Ministry of Justice**

Activities carried out in 2025 in the framework of the Collaboration Protocol on the Promotion of Legal Education

The purpose of the Protocol is to promote legal education at all levels of education—primary, secondary, high school, and university—using an approach adapted to the level of understanding of each participant.

The areas covered by legal education activities include, without being limited to: the Constitution of Romania; fundamental rights, freedoms, and duties; aspects related to the legislative process; general aspects regarding the organization and functioning of the judicial system; prevention and combating of discrimination; awareness, prevention, and combating of violence in schools and domestic violence; combating drug use and drug trafficking; online criminality; prevention and combating of corruption.

The activities are voluntary and unpaid. Volunteers are legal professionals who have formally adhered to the objectives of the Collaboration Protocol (judges, lawyers, prosecutors, legal advisers, public notaries, representatives of the probation service, court clerks, university teaching staff, etc.). Currently, approximately 700 volunteers are involved.

Between 1 January and 20 June 2025, at national level, 4 major categories of activities were carried out in a total of 1,066 pre-university educational institutions, as follows: 486 curricular activities within subjects such as civic education, social education; 605 extracurricular activities, including presentations, lectures, debates, round tables, visits, and educational projects; 566 activities conducted during counseling and guidance classes; 100 other types of activities, such as school competitions and contests.

On 3 June 2025, the first Legal Education Workshop dedicated to volunteers was organized. The workshop brought together volunteers with experience in legal education projects and members of the legal professions who wish to join

this essential initiative for the education of younger generations. Best practices were shared, resources were analyzed, and the foundations were laid for new joint initiatives. On this occasion, a graphic art exhibition entitled “Legal Education” was inaugurated at the headquarters of the National Institute of Magistracy.

Between 14 October 2025 and 10 November 2025, the Ministry of Justice organized an essay competition addressed to students from law faculties in Romania and the Republic of Moldova, on the topic of drug use and drug trafficking—“What I Would Tell You About Drugs If You Were My Brother/Sister – Students’ Essays Dedicated to Pupils.” A total of 200 entries were received, demonstrating young people’s interest in this topic.

The Ministry of Justice also organized student visits to its headquarters. Thus, on 25 September 2025, a group of students from the Faculty of Law of the University of Bucharest participated in such an event. On 15 October 2025, a similar activity involved students from the Faculty of Political Science of the University of Bucharest. The program included: a presentation of the main functions and responsibilities of the Minister of Justice; a presentation of the Collaboration Protocol on Legal Education in Schools and Universities 2022–2025; a question-and-answer session followed by an open discussion; a guided tour of the Ministry of Justice headquarters (the exhibition in the main hall, access to several offices, etc.).

Last but not least, under the aegis of the Protocol, on 17 November 2025, a mock trial took place in a courtroom of the Palace of Justice in Bucharest, involving twenty-three fourth-grade pupils from Secondary School No. 27 in the capital. The children played the roles of judges, prosecutors, and lawyers in a simulated criminal case adapted to their age.

#### **Cross-pillar elements: cross-border rule of law issues related to the Single Market**

*If you are aware of any significant challenges concerning the Single Market faced by businesses or citizens from your Member State in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, please highlight them in your input<sup>69</sup>*

#### **The National Institute for Research and Development in Informatics - ICI Bucharest**

In 2025, Romania achieved significant progress with direct relevance to the cross-border dimension of the rule of law, including in connection with the Single Market, through the launch of RO AI Factory, the first national AI infrastructure (developed in partnership with the University Politehnica of Bucharest). In this context, Romania is among the six Member States selected under the EuroHPC – AI Factories initiative, alongside other countries with established expertise in supercomputing and advanced technologies.

By integrating RO AI Factory into the EuroHPC – AI Factories European network, Romania actively contributes to the development of a common European framework for the development and responsible use of artificial intelligence, with direct impact on the functioning of the Single Market, innovation, and cross-border cooperation.

The initiative contributes to: strengthening Romania’s economic and technological capacity within the Single Market; supporting SMEs and innovation, in line with recommendations aimed at ensuring the proper functioning of the Single Market; developing a European AI ecosystem based on shared principles of ethics, security, and the rule of law.

The capacities developed through RO AI Factory may, in the future, support the use of advanced data analytics and AI tools in public policy design and in the improvement of digital public services, in compliance with rule of law principles.

The activities of ICI Bucharest support the Commission’s recommendations on increasing institutional efficiency, improving the quality of the functioning of public institutions, strengthening the independence of the judiciary, and enhancing governance, including through digitalization and the transparent and secure use of technology. In this regard,

<sup>69</sup> Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

ICI Bucharest provides the technological foundation necessary for a modern, transparent, and resilient rule-of-law state, capable of addressing hybrid threats.

ICI Bucharest continues to reaffirm its capacity and willingness to act and to actively contribute to the support and development of policies and strategies encompassing areas within the institute's mandate, in close cooperation with all relevant entities involved in these processes.