

European Rule of Law Mechanism: written contribution of Romania

INTRODUCTION

The present written input is aimed to contribute to the preparation by the European Commission of the sixth 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 2025 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2024 Rule of Law Report. In addition, this Rule of Law Report will contain, as a novelty, a couple of aspects related to the connection between the rule of law and the single market.

Therefore, this contribution builds on the previous national contributions provided for the first five 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 2024 Report. The objective is to feed the assessment of the Commission with factual information on evolutions and developments on the ground in Romania during 2024.

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, Senate, Ministry of Culture, General Secretariat of the Government, Legislative Council, Government Agent at the European Court of Human Rights, Romanian Institute for Human Rights, People's Advocate, National Agency for Public Procurement, Ministry of Economy, Digitalization, Entrepreneurship and Tourism, Minister of Energy, Ministry of Justice, the latter being responsible for the overall coordination of the process.

The national authorities remain fully committed to continuing the progress achieved by Romania in recent years, for the strengthening of democracy and the rule of law. In this spirit, the Rule of Law Mechanism has proven to be a particularly useful tool for Member States over the last years for fostering the consolidation of democracy, transparency and fundamental rights throughout 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 solid EU Member State, deeply anchored in the values of the European Union.

I. JUSTICE SYSTEM

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

Recommendation: Complete the process initiated in view of taking into account the recommendations of the Venice Commission on the Justice Laws, including through consultations and evaluations in view of further improving the Justice Laws at a next opportunity.

Ministry of Justice

The recommendations of the Venice Commission on the Justice Laws (Opinion 1105/2022)

The main steps taken in order to fulfil the process initiated in view of taking into account the recommendations of the Venice Commission on the Justice Laws:

In order to evaluate the opportunity to transpose the recommendations of the Venice Commission into the legislative framework, the Justice Panel was set up. The Panel presented an independent report with conclusions, identifying optimal solutions meant to strengthen the Romanian justice system.

Therefore, the Committee for the Management of the Judicial System (COMs) has set up, in July 2024, a working group with the aim of preparing a draft Law until the end of 2024, taking into account the conclusions of the Panel for Justice.

The working group, comprised by representatives of the Superior Council of Magistracy, High Court of Cassation and Justice, Prosecutor's Office attached to the High Court of Cassation and Justice and Ministry of Justice, analyzed the **recommendations** of the Report of the Panel for Justice and the results of this analysis, which were presented for the decision of the COMs, can be summarized as follows:

Recommendation no 1: *Introduction of a competitive procedure for the appointment of vice-presidents of courts / deputy managers of prosecutor's offices.*

Regarding this recommendation the evaluation of the Justice Panel, also agreed by the working group and, subsequently by the COMs, is that the current regulation provides all the guarantees for an effective selection procedure that meets the standards of objectivity and transparency, in which the decisive role belongs to the section of the Superior Council of Magistracy responsible for appointments of vice-presidents of courts/deputy managers of prosecutor's offices. Moreover, the fact that the interview for the appointment is not mandatory has not raised any difficulties in practice due to the fact that the responsible section of the Superior Council of Magistracy organizes interviews for the appointment. Therefore, the interviews are part of the selection procedure in practice. *The Superior Council of Magistracy considered that the legal rules in force were appropriate and that there was no need to amend it. In that regard, it has been noted that the current legislation offers all the guarantees of an effective selection procedure, in which the decisive role belongs to the Section of the Superior Council of Magistracy, which has the power of appointment to the management position. There is no formal appointment, but carries out a concrete analysis of all the aspects laid down by law, which may lead to both the admission and rejection of an application. The current rules make it possible to organise the interview in all cases where it appears appropriate.*

Recommendation no 2: *Increasing the duration of the mandate (without the possibility of renewal) for high-ranking prosecutors (i.e., NAD chief prosecutor, DIOCT chief prosecutor, the General Prosecutor of the Prosecutor's Office attached*

to the High Court of Cassation and Justice and their deputies, as well as for the chief prosecutors of section of the Prosecutor's Office attached to the High Court of Cassation and Justice, NAD and DIOCT).

In what concerns this recommendation, most of the members of the working group and, subsequently, of the COMs, agreed with the evaluation of the Panel for Justice to increase the duration of the mandate for high-ranking prosecutors. The representatives of Superior Council of Magistracy made a separate opinion, supporting the existing legal provisions of Article 144 (1) of Law no 303/2022. *The Superior Council of Magistracy has maintained its previous considerations, in that more effective management at the level of the Public Prosecutor's Office can be ensured in the current legislative framework, which provide for a 3-year term of office, with the possibility of renewing once for another term of 3 years. In the alternative, the Council also reiterated the possibility of establishing a 4 years term of office, with the possibility of renewing once for another term of 4 years, which should cover the duration of all the terms of office of the leadership of the judicial system. As regards the management functions provided for in Article 144 (1) of Law no. 303/2022 it was assessed that in the appointment procedure in these positions, the role of the Section for Prosecutors of the Superior Council of Magistracy should be increased.*

Taking into account the opinion of the majority of the members of COMs, a draft Law, along with its explanatory memorandum, has been drafted in order to put into accord the text of the Article 144 (1) of Law no 303/2022 with this recommendation. The legislative solution provides that the duration of the mandate for high-ranking prosecutors is 5 years, without renewal.

The legislative solution ensures a higher degree of stability in these leading positions. This 5 years term is long enough to allow the high-ranking prosecutors to carry out their projects in a high-performing manner and to implement a management plan to ensure the adequate development of the institution.

According to the transitional provisions of the draft Law, the high-ranking prosecutors already appointed at the date of entry into force of this law shall continue their 3-year term of office until the date of expiration of their term.

The high-ranking prosecutors who are in the course of their first 3-year term of office may apply, at the expiry of this term of office, for appointment to the same position for a term of 5 years.

Recommendation no 3: *Limiting the possibility for the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice to invalidate the measures ordered in any case.*

The working group did not agree with this recommendation of the Justice Panel, as the provision in the law as it stands now, ensures the implementation of certain constitutional principles – legality and hierarchical control. The solution was presented to the COMs, which agreed with this conclusion.

The text of the Art. 68 (3) of the Law no 304/2022 grants the General Prosecutor the prerogative to annul, with reasoned motivation, the measures and decisions made by subordinate prosecutors, regardless of the prosecution office they belong to, when there are reasons of *illegality or unfoundedness* that affect the act/measure/decision issued.

The General Prosecutor's prerogative is not discretionary, because it can be exercised only within the same limits and in compliance with the same criteria, terms and conditions (provided by the criminal procedural legislation) as in the case of the invalidation would be ordered by the hierarchical superior prosecutor, when he finds the *illegality or unfoundedness* of the act/measure/decision.

A strong guarantee capable of ensuring the objectivity and transparency of the General Prosecutor's prerogative is the obligation of the General Prosecutor to submit the measure of reopening the criminal investigation, after annulling a dismissal decision, for confirmation by the judge of the preliminary chamber.

The exceptional nature of the General Prosecutor's prerogative is also obvious from the small number of cases in which the General Prosecutor has annulled the decisions of subordinate prosecutors.

According to the Superior Council of Magistracy, *it was not appropriate to remove the possibility for the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice to overturn any measure ordered by the prosecutor for illegality or lack of foundation, in any case, since that legal provision seeks to transpose constitutional principles – legality and hierarchical control, defining the work of the Public Prosecutor's Office.*

In addition, this prerogative has also been subject to constitutional review. By Decision no 522/9 November 2022, published in the Official Journal no 1101/15 November 2022, the Constitutional Court rejected the objection of unconstitutionality regarding the provisions of Article 68 (3) of Law 304/2022. The Court noted that according to the Art. 68 (2) of Law no 304/2022, the prosecutor can challenge the measure ordered by the hierarchically superior prosecutor before the Section for Prosecutors of the Superior Council of Magistracy. Therefore, the superior prosecutor's prerogative to annul a measure or an act can be reviewed by the authority responsible for guaranteeing and ensuring the independence of the judiciary.

Taking these arguments into account, COMs recognized the necessity and importance of the General Prosecutor's intervention when serious and evident reasons of illegality or unfoundedness are identified. The annulment of such measures serves as a procedural remedy and an effective means of ensuring the fair resolution of cases.

Recommendation no 4: *The introduction of an express provision in the law from which it follows that agents of the judicial police do not have the obligation to report their activity to the minister of the interior.*

Regarding this recommendation the working group and, subsequently, COMs agreed with the evaluation of the Justice Panel, meaning that *it is not necessary to amend the "Justice Laws" in order to include an express mention of the absence of an obligation for judicial police officers/agents to report to the Minister of the Interior on the professional activity conducted or supervised by prosecutors, given the already existing legal framework, and considers that, for reasons of legislative technique, it would be more appropriate to insert such a detailed rule in the future law that will regulate the organization and functioning of the judicial police.*

It has to be mentioned that concerning the recommendations no. 1, 3 and 4 of the Justice Panel there was a consensus of the members of the technical working group and of the COMs, the only separate opinion being made by the Superior Council of the Magistracy regarding the recommendation no. 2, as stated above.

The technical working group focused on the guidelines provided by the Venice Commission and the Panel for Justice opinions, as indicated in the COMs decision which set up the group.

The activity of the technical working group is now completed and the above-mentioned solutions are the result thereof.

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

Recommendation: *Continue efforts to ensure adequate human resources for the justice system, including for the prosecution services, taking into account European standards on resources for the justice system.*

Ministry of Justice for the justice system

- approval of the memoranda (for approval of the organization of competitions for admission to the judiciary) exempting judicial system posts from the application of the provisions of Emergency Ordinance no. 34/2023 and Emergency Ordinance no. 115/2023 establishing fiscal budgetary restrictions;

- the adoption of Law no. 282/2023, which led to a reduction in the wave of retirements that had previously affected the judicial system. We can now observe a stabilization of human resources from this perspective.

- adoption of Emergency Ordinance No 146/2024 for the establishment of a temporary measure on the duration of initial training courses at the National Institute of Magistracy that aims at extending the period for which the duration of initial training courses at the National Institute of Magistracy is 2 years to 2025, motivated by the fact that at present the judiciary

is still facing a difficult situation in terms of human resources. The Ordinance was adopted considering the fact that the human resources situation is still at a level that does not allow the transition to a 3-year duration of the auditor's course, which would mean a gap of graduates (in 2028 there would not be a class of auditors, graduates of the National Institute of Magistracy).

Ministry of Justice for the prosecution services

- Government Decision no. 1449/2024, initiated by the Ministry of Justice, provides for the increase of the maximum number of posts of the National Anticorruption Directorate. In concrete terms, the current support structure of the institution's prosecutors, delegated from the European Public Prosecutor's Office, will be supplemented by 5 posts of judicial police officers, 4 posts of clerks, 2 posts of experts and 3 posts of drivers.

The Ministry of Justice's initiative responds to the need to resize the specialized staffing scheme in relation to the volume of activity of the European Public Prosecutor's Office and the number of European delegated prosecutors. The additional posts for police officers, clerks and experts will contribute to increase the operational capacity of the European Public Prosecutor's Offices in Romania, ensuring better management of the volume of work.

- The appointment of First Deputy of General Prosecutor of the General's Prosecutor Office of the High Court of Cassation and Justice

On November, 6th, 2024, the interview for this vacant position was held before a panel composed, according to the law, of representatives of the Ministry of Justice, the Superior Council of Magistracy, the National Institute of Magistracy and the Academy of Economic Studies. In concrete, the panel was comprised by the Minister of Justice, state secretaries, prosecutors, a management professor and a psychologist. Following an extensive and in-depth consultation between the members of the interview panel, the Minister of Justice selected one candidate, which was appointed by the President on November, 26th.

Therefore, all high-ranking positions in the prosecution services are now filled in.

Superior Council of the Magistracy

The continuous concern of The Superior Council of Magistracy should be underlined, given the legal duties, in order to ensure the necessary human resources at the level of the judiciary, statistical data on the situation of human resources in 2024, including aspects regarding the organization of competitions for admission to the profession, appointments, promotions, transfers, etc. can be found below.

Also detailed below are aspects of the work of the inter-institutional working group for the development of a human resources strategy, in line with Specific Objective 3.7. of the Strategy for the Development of the Judiciary (SDSJ) 2022-2025 and its related Activity Plan (PASDSJ), as well as the measures agreed at the meeting of the Strategic Management Board on 27 April 2023, aimed at developing a study/concept on a new map of courts and prosecutor's offices, as well as a long-term human resources strategy, including from the perspective of the demographic dynamics and economic development elements of the regions in order to address the vulnerability of human resources deficit in the judicial system.

Within the working group dedicated to the elaboration of the human resources strategy for courts, the materials developed on the following objectives were elaborated and disseminated: analyzing court personnel schemes; analysis of the dynamics of human resources in the last 3 years and analysis of the courts that actually function with 1-2 judges.

In order to develop an adequate analysis and to make concrete proposals as regards the need for human resources at the level of the judiciary, the courts of appeal were asked to formulate proposals to balance the workload by redistributing some judge positions, which were centralised in July 2024.

The main objective of the working group at the level of the Public Prosecutor's Office is to develop a study/concept on a new map of prosecution services, as well as a long-term human resources strategy, including elements of demographic dynamics and economic development in the regions to address the vulnerability of lack of human resources in the prosecution service.

At the meetings of the working group, the main lines of action and the main objectives of the working group were set out:

- the need to implement the conclusions of the project "Optimising management at the level of the judiciary. Public prosecutor's office component – SIPOCA/MySMIS 761/133850 ", for the purposes of the reorganisation of the public prosecutor's offices attached to first instance courts by maintaining a single public prosecutor's office attached to the first instance court located in the seat of the county and the secondary seats of that newly created public prosecutor's office in the municipalities where the other prosecutors' offices attached to the first instance courts have previously operated;
- the need to implement the statistical indicator on the complexity of criminal cases recorded at prosecutor's offices; the situation of the personnel schemes at the level of the higher public prosecutor's offices.

Within the working group, the proposed amendments concerning the organisation of prosecutors' offices attached to first instance courts, proposed in the context of the SIPOCA 761 project, were examined. This has resulted in the need to amend certain provisions of the Code of Criminal Procedure and the law of the organisation of judiciary. It has also been established that the legislative changes will have no impact on the activity of the courts. Currently, the points of view of the institutions involved in the inter-institutional working group are being centralized.

High Court of Cassation and Justice (HCCJ)

a) At the level of the HCCJ:

On January 1, 2024, out of the total of 654 approved positions, 565 were filled, 88 were vacant. By comparison, as regards the occupancy rate of the establishment plan at the end of 2023, an increase could be noted, that in December 2023 only 50 positions (19 judges' positions, 9 assistant-magistrates positions, 4 auxiliary staff (clerks), 3 related staff, 5 civil servants and 10 contract staff) were vacant in the staff structure of the Supreme Court.

As regards the situation of judges' positions only, however, the increase in the number of vacancies cannot be retained, as statistical data show the following:

January 1, 2024:

- Total number of judges' positions approved = 122
- Number of vacant judges' positions¹ = 16 (3 positions in the First Civil Chamber, 1 post in the First Civil Chamber, 6 positions in the Criminal Chamber and 6 positions in the Administrative and Tax Chamber);

December 24, 2023:

- Total number of judges' positions approved = 122
- Number of vacant judges' positions² = 20 (3 positions in the First Civil Chamber, 7 in the Criminal Chamber and 10 in the Administrative and Tax Chamber).

In 2024 (in March), the competition for promotion to the position of judge at the High Court of Cassation and Justice, launched in November 2023, which aimed to fill 17 vacant judges' positions through a competition, was finalized.

¹ In addition, there are 5 temporary vacancies due to the secondment of their incumbents to other institutions (as elected members of the SCM, as trainers at the training schools for judicial staff or as judges at the CJEU)

² In addition to the 20 vacant judges' posts, there are - as in the previous year - 5 temporary vacant judges' posts

Following the completion of that competition, only 6 positions were filled, as follows:

- 2 of the 3 vacant positions of judge at the First Civil Chamber were filled;
- 2 of the 2 vacant positions of judge at the Second Civil Chamber were filled;
- of the 6 vacant positions of judge at the Administrative and Tax Disputes Chamber, 0 positions were filled;
- of the 6 vacant positions of judge at the Criminal Chamber, 2 positions were filled.

Following the request made by the Supreme Court, the Superior Council of Magistracy approved the organization of a new promotion competition at the HCCJ covering 21 vacant positions of judge, between September 2024 and January 2025.

With regard to the judicial management positions at the HCCJ, it should be noted that, as of April 1, 2024, following the appointment of the holders of the position of President of the Chamber, carried out under the conditions of Articles 142 and 143 of Law no. 303/2022, the fill by delegation of this position for the First Civil Chamber (according to the Decision of the Section for Judges of the SCM No 482/2024) and for the Administrative and Tax Litigation Chamber (according to the Decision of the Section for Judges of the SCM No 483/2024) ceased. Also in the course of 2024, the new President of the Second Civil Chamber was appointed, in accordance with the procedure governed by Articles 142 and 143 of Law No 303/2022, the new President of the Second Civil Chamber, whose term of office is to begin on January 11, 2025.

Currently, at the level of the judicial management positions in the HCCJ, only the position of President of the Criminal Chamber is still filled by delegation, as the incumbent is currently an elected member of the Superior Council of Magistracy.

b) At the level of other courts

In the year 2024, the High Court of Cassation and Justice, within the limits of the powers conferred to it by Law no. 304/2022 (which competence is limited to the component related to the financing of positions), took a number of steps both to increase the maximum number of positions provided for the courts and to exempt the courts from the measure of suspension of the filling of vacant positions in public institutions (adopted by the normative acts on the establishment of financial-budgetary restrictions).

In this respect, the following measures can be mentioned:

1. For the purpose of topping up positions:

- in the context of the entry into force of Law no. 393/2023 on the status of the assistant of the judge, steps were taken (jointly with the Superior Council of Magistracy) to increase the number of positions of the courts, which materialized in the adoption of GD no. 246/2024 (the number of positions of the courts was increased by 165 positions of assistant of the judges);
- in order to implement the conclusions of the inter-institutional group set up at the level of the Ministry of Justice³, a Memorandum was formulated on the subject: "Approval of 600 new positions of clerks with higher law degree in the courts of law as of July 1, 2024". So far, the steps taken by the HCCJ in this respect have not yielded a positive result.

2. For the purpose of approving the organization of recruitment competition:

The High Court of Cassation and Justice promoted two memoranda (one in April 2024 and one in July 2024) on the subject of "Approval of the organization of competitions or examinations to fill vacancies of specialized auxiliary staff, related staff and civil servants existing in December 2023 at the level of some courts other than the High Court of Cassation and

³ Established on June 30, 2022 under the coordination of the Ministry of Justice in order to achieve the strategic objective 3 - Development of the human resources policy at the level of the judiciary, in accordance with the new framework to ensure the needs of the judiciary in conditions of efficiency and effectiveness, provided by the Strategy for the Development of the Judiciary 2022-2025, approved by GD no. 436/2022

Justice"). The first memorandum (approved in May 2024) allowed 108 specialized auxiliary staff (clerks), related staff and civil servant positions to be put out to competition, and the second memorandum (approved in August 2024) allowed 18 such positions to be put out to competition.

General Prosecutor's Office

By 30.11.2024 the number of filled prosecutor positions had increased from 2076 to 2297 and the number of vacant positions had decreased from 906 to 710. *For further details on the situation of the positions provided for in the scheme and vacant in 2024, please see Annex 1.*

By Law no. 213/2024 amending Law no. 49/2022 on the abolition of the Section for the Investigation of Offences in the Judiciary, as well as amending Law no. 135/2010 on the Code of Criminal Procedure⁴, important changes were made regarding the procedure for the appointment of prosecutors assigned to deal with cases involving magistrates, with the possibility for the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice to nominate prosecutors to be appointed by the Superior Council of Magistracy, and the number of prosecutors specifically appointed for each prosecutor's office was set in the law as a minimum number.

In 2024, the effort to resolve the cases taken over from the former Section for the Investigation of Offences in the Judiciary continued; as of the verification date (23.12.2024), the total number of cases pending was much reduced, at just over 2000. Also, in 2024, 6 indictments were issued in cases in which jurisdiction was established according to Law no. 49/2022.

Annex 2 contains data regarding the prosecutors appointed under Law no 49/2022 - in the period 2022-2024, and Annex 3 contains statistical data on the cases solved by them in 2024.

National Anticorruption Directorate

During the reference period, three prosecutor selection procedures were organized, as follows:

- During November 27th, 2023 - January 23rd, 2024, the National Anticorruption Directorate organized a selection procedure to fill twenty-five prosecutor positions. Twenty-three prosecutors were appointed, out of the twenty-five who submitted their candidacies;
- During March 11th, 2024 - May 31st, 2024, the National Anticorruption Directorate organized a selection procedure to fill twenty-two prosecutor positions. Thirteen prosecutors were appointed, out of the twenty-one who submitted their candidacies;
- During September 20th, 2024 - November 8th, 2024, the National Anticorruption Directorate organized a selection procedure to fill twenty prosecutor positions. Fifteen prosecutors were appointed, out of the nineteen who submitted their candidacies.

These procedures are an integral part of a continuous recruitment process that will ensure, in the long term, an efficient structure capable of facing the challenges specific to the activity conducted by the National Anticorruption Directorate.

In 2024, a total of fifty-one prosecutors were appointed to the Directorate, addressing the vacancies created by those who either transferred to other prosecutor's offices or retired during this period. This confirms that there is a selection pool of prosecutors and that the professional interest has been maintained.

Thus, as of December 31st, 2024, the National Anticorruption Directorate has 170 occupied positions, out of the 195 prosecutor positions provided for in the staffing scheme. 156 of them carry out their activity within the Directorate, and 14 prosecutors work within the structures of the European Public Prosecutor's Office.

⁴ Published in the Official Gazette no. 642 of 2024.07.05

At the same time, a positive impact on the activity of the Directorate, during 2024, was the secondment of 46 judicial police officers, so that the number of occupied police officer positions increased to 311.

In addition, as of December 31st, 2024, the occupancy rate of all the positions within the National Anticorruption Directorate, including auxiliary staff and other categories of employees (specialized officers, related staff, civil servants, contractual staff, etc.), has been of 88.25%. It is important to emphasize that this figure reflects all the positions within the National Anticorruption Directorate and not just the prosecutor positions.

The current staffing situation within the National Anticorruption Directorate is sufficient to achieve its institutional objectives, given that the prosecution activity is well supported by both operational and support structures, and the occupancy of the prosecutor positions within the National Anticorruption Directorate ensures the efficient investigation of the crimes under its competence.

According to the statistical data, as presented by the national authorities, significant efforts have been taken in order to ensure adequate human resources for the justice system, including for the prosecution services.

A. Independence

Appointment and selection of judges⁵, prosecutors and court presidents (incl. judicial review)

The Superior Council of the Magistracy

There was no change in primary or secondary law as regards appointments and selection of judges, prosecutors and court presidents (including judicial review).

- Distribution of graduates of the National Institute of Magistracy, the 2024 promotion

A number of 163 graduates of the National Institute of Magistracy – the 2022-2024 promotion were appointed to the position of trainee judge and a number of 115 graduates of the National Institute of Magistracy were appointed as trainee prosecutors, with effect from 1 April 2024.

- Admission in magistracy by means of competition

In 2024, two new competitions for admission to the magistracy were completed that were launched in 2023 and 2024, respectively, and 369 judges positions were filled as follows:

- 295 posts following a competition held between 07 July 2023 and 06 March 2024, according to the proposals for appointment made by Decision No 466/2024 of the Section for Judges.
- 74 posts following a competition held between 09 February 2024 and 09 July 2024, in accordance with the proposals for appointment made by Decision No 1501/2024 of the Section for Judges.

As a result of these competitions, other 200 prosecutor positions were filled, the candidates being appointed as prosecutor starting with 09.04.2024, respectively 14.08.2024, as follows:

- 166 posts following a competition held between 07 July 2023 and 06 March 2024, according to the proposals for appointment made by Decision No 508/2024 of the Section for Prosecutors.
- 34 posts following a competition held between 09 February 2024 and 09 July 2024, in accordance with the proposals for appointment made by Decision No 982/2024 of the Section for Prosecutors.

⁵ The reference to judges concerns judges at all level and types of courts as well as judges at constitutional courts.

At the same time, another competition for admission to the magistracy is currently under way to fill 118 judges' positions in first instance courts and 21 positions of prosecutors at prosecutor's office attached to first instance courts. The competition must be completed in March 2025.

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

Following the proceedings initiated on 07 December 2023, 19 prosecutors were appointed to the post of judge by decree of the President of Romania in 2024.

In addition, at the level of the Superior Council of Magistracy, in 2024, a session was organised to appoint prosecutors as judges. The interview under this procedure took place during the sessions of the Section for Judges which were held on 26 September 2024, being issued 4 proposals for the appointment to the position of judge.

The Section for Prosecutors of the SCM admitted the requests made by 8 judges for dismissal from this position and appointment to the position of prosecutor, the decrees of the President of Romania having been issued in June 2024.

Also, the president of the Superior Council of Magistracy decided to initiate a new procedure for appointing judges as prosecutor, that started on 11.12.2024 and will be completed in February 2025.

- Appointment as definitive judge or prosecutor, after passing the capacity examination

Between October 2023 and February 2024, the capacity examination of trainee judges and prosecutors was carried out in an extraordinary session. Following that examination, in 2024, proposals for appointment, by decree of the President of Romania for 2 judges, were submitted in the course of the year by decision of Section for Judges No 484 dated 28 March 2024.

By decision of the Section for Prosecutors of the SCM No 537/26.3.2024, the proposal to appoint a trainee prosecutor to the post of prosecutor was submitted to the President of Romania, who was appointed in April 2024.

- Appointments and re-appointment in judge and prosecutor positions according to Article 216 (2) to (3) of Law No 303/2022 on the status of judges and prosecutors, as subsequently amended and supplemented

The Section for Judges decided to approve the initiation of the procedure for re-appointment to the post of judge for former judges. In accordance with that procedure, at the meeting of the Section for Judges of 19 September 2024, the requests for re-appointment were examined, 7 former judges having been re-appointed, 4 of whom at the first instance courts and 3 at the tribunal.

In addition, by Decision No 1672/10.12.2024 of the Section for Prosecutors of the SCM, it was decided to initiate a procedure for re-appointment to the post of prosecutor, to which 57 vacant posts were assigned to the public prosecutor's offices attached to the courts of appeal, tribunals and first instance courts.

- Appointment of judges in leading positions of the courts of appeal, tribunals, specialised tribunals and first instance courts

The Section for Judges approved the organisation, from February to June 2024, of the competition for the appointment in leading positions. The competition was organised to fill 129 vacant management posts, 37 candidates applied and 22 candidates were appointed president.

In addition, a new competition was approved, between August and December 2024, in order to fill 127 posts as President, as approved by the Judges Section Decision No 1500/24.7.2024. 38 candidates were registered for that competition and 24 candidates were appointed president.

- Appointment of judges in other leading positions pursuant to Article 150(2) of Law No 303/2022, as subsequently amended and supplemented

During the referred period, the Section for Judges appointed 79 judges to the vacant posts of Vice-President and President of Section compared to 2023, when 57 judges were appointed to the positions of President of Section at first instance courts, tribunals and courts of appeal, respectively in 2022, when 57 judges were appointed, and in 2021, when 71 Presidents of Section were appointed.

- Appointment of prosecutors in the leading positions of Prosecutor General and First Prosecutor at the Prosecutors' Offices attached to the Courts of Appeal, Tribunals and First instance courts

The Section for Prosecutors of the SCM approved the organisation, through the National Institute of Magistracy, from 01 August to 27 November 2024, in Bucharest, of the competition/examination for the appointment in leading positions at the Prosecutors' Offices attached to the courts of appeal, tribunals and first instance courts. 156 vacant positions as Prosecutor General and First Prosecutor of the Prosecutors' Offices attached to the courts of appeal, tribunals and first instance courts were open for this competition. By the end of that competition, 52 leading posts were filled, the candidates having obtained the best results having been appointed from 01.01.2025.

- Appointment of prosecutors in other leading positions, pursuant to the provisions of Articles 149 and 150(2), (3) of Law No 303/2022 on the statute of judges and prosecutors

Between January and December 2024, pursuant to the provisions of Articles 149 and 150 (2) and (3) of Law No 303/2022, the Section for Prosecutors of the Superior Council of Magistracy appointed 89 prosecutors to leading positions.

With regard to judicial review on these issues, it is necessary to mention that 16 actions were introduced, no action being admitted: 7 concerning competitions for admission to the National Institute of Magistracy, of which 2 rejected and 5 not resolved at 20.12.2024; 7 concerning competitions for admission to the magistracy, of which 2 rejected and 5 not resolved at 20.12.2024; 1 for the graduation exam of the National Institute of Magistracy, class 2022 – 2024, rejected; 1 concerning the competition for the appointment of prosecutors to leading positions at the prosecutor's offices of courts of appeal, tribunals and judges, which ran from 1 August to 22 November 2023, rejected.

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

For the transfer session organised in May 2024, there were 289 transfer applications submitted for the first stage, with 117 requests admitted and 190 transfer applications submitted for the second stage of transfers requests by judges, with 12 requests admitted.

A new transfer session to the courts also took place between October and December 2024. There were 188 transfer applications submitted for the first stage, with 56 requests admitted and 107 transfer applications submitted for the second stage, with 4 requests admitted.

Furthermore, in January 2024, the transfer procedure from civil courts to military courts was initiated, and 4 out of the 26 applications were admitted.

On 15.12.2023, started a new procedure for the transfer of prosecutors, completed in January 2024, which was allocated 354 vacant prosecutor posts, following which 78 prosecutors were transferred.

On 7.10.2024 started a procedure for the transfer of prosecutors, that is ongoing. In the context of the first stage of that procedure, 62 of those 149 applications were admitted and, in the second stage, 13 of those 83 applications were admitted.

Also, on 8.11.2023, the announcement of the organisation of a transfer session from the civil prosecutors' offices to the military prosecutors' offices was published on the website of the institution. In the session on 12.12.2023, the Section for

Prosecutors admitted 5 requests submitted by prosecutors for transfer from civil to military prosecution offices and, in the session on 23.4.2024, 2 other prosecutors were transferred in the same proceedings.

On 1.11.2024, the announcement of a transfer session from the civil prosecutors' offices to the military prosecutors' offices was published on the institution's website, at the end of which 7 prosecutors requests were admitted.

- Situation of exiting from the profession in 2024:

By decrees of the President of Romania published in the referred period, up to and including 31. 12.2024, 191 persons were released from the position of judge, as follows: 180 persons, through retirement; 1 person as a result of resignation; 8 persons as a result of the appointment to the position of prosecutors, 3 posts were vacant following to the death of judges.

Up to and including 31.12.2024, 115 persons were released from the position of prosecutor, by decrees of the President of Romania, as follows: 82 persons as a result of retirement; 3 persons a result of resignation; 29 prosecutors have been appointed to the position of judge; 1 person as a result of exclusion from the judiciary, 2 positions were vacant during this year, following the death of 2 prosecutors.

As regards exclusions from the magistracy, between 1 January 2024 and 31 December 2024 the Section for Judges in Disciplinary matters issued three decisions imposing the disciplinary penalty of exclusion from the magistracy. All these three judgments were appealed, 2 of them being overturned by the High Court of Cassation and Justice - the 5-judge panel in order to apply another disciplinary sanction, and the third appeal is pending before the HCCJ.

Between 1 January 2024 and 31 December 2024, the High Court of Cassation and Justice – the 5-judge panel – handed down other four decisions admitting appeals against the decisions of the sections of the SCM imposing the disciplinary penalty of exclusion from the judiciary and amending the penalty initially imposed.

Between 1.01.2024 and 31.12.2024, the Section for Prosecutors in Disciplinary matters did not apply the disciplinary sanction of exclusion from the magistracy.

Promotion of judges and prosecutors (incl. judicial review)

The Superior Council of the Magistracy

During the referred period, there was no change in primary or secondary legislation.

- Promotion of judges

During 2024, a single competition for effective promotion in non-leading positions was organised, in accordance with Articles 139-141 of Law No 303/2022. For this competition, 30 posts were allocated/opened for competition at the courts of appeal and 412 positions in tribunals, and 342 judges submitted applications to participate in the competition. After verifying the fulfilment of the conditions for participation and the resolution of the appeals, 334 candidates meet the conditions laid down by law. According to the provisional timetable for that procedure, the competition will be completed in February 2025.

- Promotion to the position of judge at the High Court of Cassation and Justice

At the session held on 29 March 2024, the Section for Judges decided on the promotion of 6 judges to the Supreme Court, with effect from 15 April 2024, following the completion of the competition which took place between November 2023 and March 2024, 2 posts in 1st Civil Section, 2 posts in the Second Civil Section and 2 posts in the Criminal Section.

A new promotion competition for the position of judge at the High Court of Cassation and Justice is currently being held between September 2024 and January 2025 for the assignment of 21 posts as judges to the competition, of which 5 positions in the 1st Civil Section, 2 positions in Second Civil Section, 5 positions in the Criminal Section and 9 positions in

the Administrative and Tax Litigation Section. According to the competition schedule, after 10 January 2025, the interview test will be held and the final results of the competition will be published.

- Promotion of prosecutors

Between January and October 2024, a competition was held for effective promotion in non-leading positions for 139 positions of prosecutors. Following the completion of this competition, 88 prosecutors were effectively promoted to the higher prosecutors' offices. Similarly, the effective promotion to higher prosecutions' offices was decided for other 13 prosecutors. Regarding the judicial review on these issues, it is necessary to mention that 6 actions were introduced, no action being admitted (2 rejected and 4 not resolved at the present time).

Allocation of cases in courts

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

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

The Superior Council of Magistracy, pursuant to Article 24 (8) of Law No 305/2022 on the Superior Council of Magistracy, initiated, on 4.10.2024, elections to the office of President and Vice-President of the Superior Council of Magistracy.

On 5.12.2024, the examination and debate of the applications submitted and the appointment of candidates for the positions of President and Vice-President by the corresponding Sections of the Superior Council of Magistracy took place, as well as the election of the President and Vice-President by the Plenum of the Superior Council of Magistracy.

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

The Superior Council of the Magistracy

As a novelty, it is worth mentioning the development of an IT application designed to systematize the case-law in disciplinary matters, with search criteria much improved compared to what was currently available, so that magistrates can more easily follow the disciplinary practice on certain facts and issues relevant in the procedures carried out.

This IT solution brings together the relevant databases of the sections of the Superior Council of Magistracy, as well as of the High Court of Cassation and Justice and contains: decisions of the sections of the Superior Council of Magistracy; relevant judgments of the Bucharest Court of Appeal, already existing on the rejus.ro portal, in disciplinary matters (proceedings for cancellations the resolutions of the Chief Inspector); judgments of the High Court of Cassation and Justice already published on its website or in the Bulletin of Disciplinary Jurisprudence.

The application developed at the level of the Superior Council of Magistracy does not aim to scanning or accessing the documents submitted to the disciplinary file, but only judgments of the courts, its purpose being to ensure an increased transparency of the disciplinary procedures and especially of the disciplinary solutions.

It should be clarified that the application only exploits documents already exposed to the public (judgments) on web page <https://www.iccj.ro/>, in the sense of improving access, being already operationalized and effectively populated with the decisions issued in disciplinary matters, up to date. It is currently available to members of the Superior Council of Magistracy and by the end of the year, access will be granted to all judges and prosecutors through the Rejust application.

High Court of Cassation and Justice

The exercise of the jurisdictional competences of the HCCJ in the field of disciplinary liability of magistrates, carried out through Panels of 5 judges in matters other than criminal, in 2024, is revealed by the following statistical data:

Number of cases pending on 01.01.2024 = 17 cases⁶

Number of registered cases = 24 cases⁷

Number of ruled cases= 37 cases⁸

Number of ruled cases at the appeal stage in which disciplinary sanctions were upheld/applied= 19 cases⁹

Number of pending cases= 5 cases¹⁰

In order to disseminate the case law developed in this area, on the official website of the High Court of Cassation and Justice, in the "Digital Library" section, a "Summary of the judgements rendered by the Panels of 5 judges in disciplinary matters" has been published for the period 2021-2024, which organizes this case law according to the type of disciplinary offense and the legal text providing for the respective offense. Thanks to the links attached to each judgement number, the anonymized content of each judgement can be accessed by a simple click. The summary is available online at <https://www.iccj.ro/wp-content/uploads/2024/12/Sinteza-decizii-in-materie-disciplinara-16.12.2024.pdf>

In the same section ("Digital Library"), on the website of the High Court of Cassation and Justice, the annual collection of case law "*Bulletin of case law on the disciplinary liability of judges and prosecutors - collection of decisions for the year 2023*" was published - an official publication drafted by the HCCJ which summarizes the most relevant judgements rendered in the year of reference in the field of disciplinary liability.

Independence/autonomy of the prosecution service

There are no up-dates on this topic.

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

There are no up-dates on this topic.

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 in accordance with the law for defending the independence of the judiciary in general, as well as of judges and prosecutors, from 3.1.2024 to 27.11.2024, the Section for Judges of the Superior Council of Magistracy delivered 8 decisions to defend independence, impartiality and professional reputation, of which 4 were accepted, 3 rejected, one of which is a decision to notify the Judicial Inspection concerning public statements in the political field. Within the same referred period, the Section for Prosecutors of the Council delivered 8 judgments in defense of independence and professional reputation, 4 of which were accepted

⁶ All 17 cases had the procedural stage "appeal".

⁷ The number reflects exclusively the cases in which the Supreme Court was asked to analyze the legality of the SCM's decisions on the disciplinary liability of magistrates, having as procedural stage "appeal" or "contestation" (among these, 21 cases were at the procedural stage "appeal" and 3 cases were at the procedural stage "contestation").

⁸ Out of these, 35 cases were at the "appeal" procedural stage, and 2 cases were at the "contestation" stage (filed under Article 52 paragraph 2 of Law no. 305/2022). Of the 37 cases settled, 6 cases concerned the legal regime of disciplinary liability regulated under the previous law (Law No 303/20024).

⁹ Out of the 19 cases, only one case was decided in the sense of applying the disciplinary sanction (the appeal of the Judicial Inspection against the SCM's decision to reject the disciplinary action was admitted), in 17 cases the decision to admit the disciplinary action was upheld (in 9 cases the sanction applied by the SCM was upheld at the same time, and in 7 cases the sanction was replaced by a lighter one). In one case, the SCM's decision to uphold the disciplinary action was upheld only in part, in the sense that only one of the two misconduct offenses found against the magistrate sanctioned by the SCM was upheld. The contestations were one upheld and one rejected.

¹⁰ Out of these, 4 cases are at the appeal stage and 1 case is an "contestation".

and 4 rejected. Lastly, it should be pointed out that, between 01.01.2024 and 27.11.2024, no request for a defence of the independence of the judicial authority was registered at the plenary session of the Council.

During the referred period, unjustified criticisms have been brought to the judiciary by public individuals and political factors aimed at discrediting the judiciary, resulting in a violation of the independence of judges and prosecutors. The Council reacted publicly whenever necessary, by issuing press releases and forwarding them to the media for distribution in the public space. The public positions expressed in 2024 are published on the Council's official website.¹¹

B. Quality of justice¹²

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

The Ministry of Justice and Superior Council of the Magistracy

In Official Journal No 1089 of 31 October 2024, Law No 268/2024 amending and supplementing OUG No 80/2013 on judicial stamp duties and OUG No 51/2008 on public aid in civil matters, legislative amendments intended to ensure better access to justice, was published.

The legislative amendments aimed at harmonising the national regulatory framework with the requirements resulting from the case-law of the European Court of Human Rights and the decisions of the Constitutional Court, as well as the requests made by litigants and civil society.

Government Emergency Ordinance No. 51/2008 was amended as follows:

It was established the possibility for the court to grant public legal aid also to non-profit legal persons, established in Romania, when, in the cases and conditions provided exclusively by law, without justifying a personal interest, they act to defend the rights or legitimate interests of persons in special situations or, as the case may be, in order to protect a group or general interest. Judicial public aid can be granted when the court considers that, compared to the data on the economic and financial situation of these non-profit legal entities, the costs of the process would be likely to significantly affect their current activity.

Another important change concerns the granting of legal public aid also in other situations, in proportion to the needs of the applicant, where the certain or estimated costs of the proceedings are such as to limit his or her effective access to

¹¹ **Press release on the position of the prosecutors' section of the SCM in relation to the comments of a mayor of a sector of the municipality of Bucharest**

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11133>

Press release on safeguarding the independence of the judiciary from the allegations of a mayor of a sector of the municipality of Bucharest

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11128>

Press release on the defence of the independence of public prosecutors attached to the Judecătoria Sectorului 1 Bucureşti (Court of First Instance, Bucharest Sector) and the professional reputation of the prosecutor of the case

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11136>

Press release on the defence of the professional reputation of Mr Prosecutor Marius Voineag, Chief Prosecutor of the National Anti-Corruption Directorate

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11138>

Press release on the position of the section of judges in relation to comments by a public person against a judge

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11297>

Press release on the upholding of the request for the defence of professional reputation made by the Prosecutor General of the Prosecutor's Office attached to the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice) in relation to the allegations of a public person

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11304>

¹² 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.

justice, by reference to the income earned and proven expenses, including differences in the cost of living between the Member State in which he or she is domiciled or habitually resident and the one in Romania.

Government Emergency Ordinance No. 80/2013 was amended as follows:

Essentially, these amendments aim at reducing the amount of court stamp duties in some areas, facilitating the access of litigants to court-ordered partition and divorce processes in court, but also at establishing new cases of reimbursement of court stamp duties (when the parties conclude, during the trial, a compromise and the court took note of the renunciation of the trial; when the parties terminate the process by entering into a transaction; when the defendant acquiesces to the plaintiff's claims).

More detailed, these amendments refer to:

- reducing the judicial stamp duty in the matter of judicial partition, as a result of the criticisms expressed by citizens through the exceptions of unconstitutionality raised before the courts, but also in the content of the separate opinions formulated in the resolution of the exceptions of unconstitutionality, through which it was emphasized that the level of judicial stamp duties in the matter of partition is excessive.
- the standardization of the judicial stamp duty provided for applications that have as their object divorce by agreement and for those based on the provisions of art. 373 letters b) and c) of the Civil Code (serious damage to the relations between spouses and separation in fact longer than 2 years). With regard to the taxation of these categories of actions, the doctrine and jurisprudence have indicated that maintaining different fees is not justified, emphasizing that a higher fee in the case of divorce by agreement is not justified, the administration of the file and the evidentiary body being much more complex in the case of divorce for justified reasons; In addition, instead of the parties being encouraged to divorce by agreement, divorce by establishing fault is encouraged, proceedings that are longer, more expensive and which sometimes burden the role of the courts solely for pecuniary reasons.
- the establishment of an express provision regarding the proof of payment of stamp duty, in the case where the payment was made by bank transfer or in an electronic remote/online payment system.

The legislative measures promoted by the aforementioned normative act are specific in nature and concern those problems that have arisen in practice and whose resolution was considered a priority.

However, the ex-post evaluation process of the provisions of Government Emergency Ordinance no. 80/2013 on judicial stamp duties and Government Emergency Ordinance no. 51/2008 on public legal aid in civil matters continues at the level of the Ministry of Justice. The evaluation mainly aims (without being limited to these objectives) at aspects such as: remedying the inadequacies and inconsistencies of the analyzed regulations; analyzing the extent to which these regulations achieve their purpose, by reporting to the basic principles that govern them; remedying the shortcomings regarding the application of the analyzed provisions, brought to the attention of the Ministry of Justice by citizens or by civil society; analyzing studies, research papers, and statistical evaluations carried out in this matter; ensuring the compatibility of these normative acts with European regulations on the matter, but also with the jurisprudence of the European Court of Human Rights.

Resources of the judiciary (human/financial/material¹³), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

Ministry of Justice

The Ministry of Justice submitted for public consultation the draft Government Decision for the approval of the technical and economic indicators for the "Justice District", along with the start of the expropriation procedure of privately owned

¹³ Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

real estate, as well as for the transfer of real estate, privately owned by another public institution, to the administration of the Ministry of Justice.

The "Justice District" will comprise 23 institutions in the same place, on an area of approximately 300,000 square meters: the Ministry of Justice, the Bucharest Court of Appeal, the Bucharest Tribunal, the 6 courts of first instance, 10 prosecutor's offices, the Superior Council of Magistracy, the Judicial Inspection, the National Institute of Magistracy, the National School of Court Clerks and the National Union of Romanian Bar Associations.

The Superior Council of the Magistracy

Human resources:

On 31.12.2024, out of a total of 5070 posts (taking into account the allocated posts of the reserve fund under the conditions Article 147 of Law No 304/2022) **4251 judge positions are filled in while 820 positions are vacant.**

According to the above figures, there is **an increase in the rate of occupation (83 %)** in relation to the occupancy rate recorded at the beginning of 2024 (77 %), in particular in terms of first court instances.

Of the total number of judges in office, including judges who occupy indefinitely temporary vacant positions under Article 147 of the Law, as of 31.12.2024, 3221 are women and 1236 are men.

The apparent differences between the situation of the occupied positions and the actual number of judges in office resides in the occupation of positions under the conditions of Article 147 mentioned above, but also in the actual date of removal from office.

On 31.12.2024, at the level of the public prosecutor's offices, out of a total of **3.071 prosecutor positions (including the 69 posts allocated under Article 147 of Law No 304/2022) were filled 2272 posts (also covering 27 posts awarded under Article 147 of Law No 304/2022-) and vacant 799 posts** (also including 42 posts allocated under Article 147 of Law No 304/2022).

In the period 2020-2023, there was a steady decrease in the occupancy rate, which is why at 01.01.2024 there was a degree of 67.69%, compared to the employment rate recorded at the beginning of 2023 of 72.01%, respectively with the employment rate recorded at the beginning of 2022 (79.71%) or at the beginning of 2021 (83.41%), respectively, percentage similar to that at the beginning of 2020 (84.88%). **The situation recovered during 2024, so that on 01.12.2024, the occupancy rate is 74.34%.**

High Court of Cassation and Justice

For the budget for 2024, the HCCJ initially requested an amount of 10,480,064 thousand lei (of which 9,878,756 thousand lei for the courts and 601,308 thousand lei for the HCCJ). The amount allocated by the approved budget for 2024 was 2,883,552 thousand lei (of which 2,665,861 thousand lei for the courts and 217,691 thousand lei for the HCCJ).

Although initially the funds allocated to the Supreme Court were much lower than those requested, nevertheless, during 2024, its budget was supplemented several times, both through budget rectification (according to GEO no. 113/2024) and by accessing the Budget Reserve Fund available to the Government (according to GEO no. 675/2024, GD no. 988/2024, GD no. 1437/2024, GD no. 1573/2024 and GD no. 1574/2024), the High Court of Cassation and Justice receiving in this way, in addition to the initial budgetary allocation, an amount of 1,824,500 thousand lei (of which 1,722,305 thousand lei were allocated to the courts and 102,195 thousand lei to the High Court of Cassation and Justice)

Thus, the final budget for the year 2024 amounted to 4,732,577 thousand lei, of which 4,388,166 thousand lei for the courts and 344,411 thousand lei for the HCCJ.

It is worth mentioning that the budget of the High Court of Justice includes the amount of 24,525,000 lei, approved by the Romanian Government on September 23, 2024, at the request of the High Court, for the purchase of an additional building

to the one at 25 Batiștei Street, Sector 2, Bucharest (the building that is intended as the headquarters of the High Court of Justice, but which is currently undergoing rehabilitation), as a measure related to the obligations assumed by the Strategy for the Development of the Judiciary 2022-2025.

Given that the approval of these funds for the investment related to the acquisition of the additional premises only took place towards the end of 2024, and that the procedures for the acquisition of the new building took a longer period of time, they are currently ongoing: <https://www.iccj.ro/2024/12/10/anunt-de-participare-la-procedura-privind-achizitionarea-unor-imobile-data-publicarii-10-decembrie-2024/>.

General Prosecutor's Office

Human resources

In 2024, the provisions of the new justice laws were further implemented, and thus a competition for actual promotion to executive positions and competitions for appointment to managerial positions was organised. Interviews were also organised for the appointment of prosecutors to specialised directorates.

By 30.11.2024 the number of filled prosecutor positions had increased from 2076 to 2297 and the number of vacant positions had decreased from 906 to 710.

In addition, the new legal provisions on retirement¹⁴ have slowed down the pace of departures of prosecutors in 2024.

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

Financial resources

The request for data on the evolution of budgetary expenditure allocated in December to the Public Ministry for the period 2024-2025 requires the submission of provisional data since, on the one hand, the works on amending the approved budget of the main credit release authority for 2024 are in progress and are being completed (required by additional allocations of funds from the Budget Reserve Fund at the disposal of the Government, provided in the State Budget for 2024), and on the other hand, the budgetary process for the preparation of the draft budget for 2025 was delayed. *Provisional data available as of mid-December 2024 are presented in Annex 4.*

As regards the year 2025, we would like to point out that the data presented in the table represent the Public Ministry's proposals submitted, in accordance with the law, to the Superior Council of Magistracy for its assent and to the Ministry of Finance for its acknowledgment. *Annex 5 shows projects with financing other than from the state budget.*

Material resources

The total number of seats is 186, for a total of 246 prosecutor's offices (without 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 (representing 5.40% of the total number of seats).

Seat repairs fully finished in 2024: Prosecutor's Office attached to the Court of First Instance of Huși, Prosecutor's Office attached to the Court of First Instance of Beiuș, Prosecutor's Office attached to the Court of First Instance of Zimnicea, Prosecutor's Office attached to the Tribunal of Arad – centralised HVAC system, PÎCCJ - Electrical system on 4th and 5th floors.

¹⁴ Law no. 282/2023 of 19 October 2023 on Amending and supplementing certain normative acts in the field of service pensions and Law no. 227/2015 on the Fiscal Code.

Seat repairs started in 2024, to be completed in 2025 – 2026: Prosecutor's Office attached to the Court of First Instance of Adjud, buildings A and B, Prosecutor's Office attached to the Tribunal of București – Fire-proofed side wall, preparation services for a feasibility study for the project regarding the Prosecutor's Office attached to the Tribunal of Harghita.

The budget proposals for the year 2025 formulated by the prosecutor's offices, DNA and DIICOT, amount to 51.000 thousand lei and represent mainly budget appropriations needed for: seat repairs planned to start in 2025, to be completed in the following years (Prosecutor's Office attached to the Court of First Instance of Călărași, Prosecutor's Office attached to the Court of First Instance of Orșova, Prosecutor's Office attached to the Court of First Instance of Făurei, Technical design and DALI preparation services for the seat of the Prosecutor's Office attached to the Court of First Instance of Hunedoara), purchase of a seat for the Territorial Office of DIICOT Covasna and of a plot of land adjacent to the newly purchased seat for the central structure of DIICOT, intended for the DIICOT archives and warehouse.

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

The National Institute of Magistracy

At the time of reporting, the National Institute of Magistracy trains a total of 571 justice auditors, of which 302 auditors in first year and 269 auditors in second year (initial training).

The continuous training for 2024 was carried out from both budgetary funds and mixed and extra-budgetary funds, a majority share in the continuing professional training programme being represented by training activities organised in the framework of projects with European funding: 'Training and capacity-building in the judiciary', financed by the Norwegian Financial Mechanism (MFN) 2014-2021, carried out in partnership by SCM and NIM, which included training sessions in the field of the case-law of the European Court of Human Rights. Other elements of novelty were the measures aimed at achieving the specific training objectives of the Strategy for the Development of the Judicial System 2022-2025, which are included in the 2024 continuing training sessions on the **fight against environmental crime and forestry crimes and also in the field of anti-discrimination, with a focus on combating hate crime**. The Institute's continuing training activities in the fields of ethics and judgecraft and integrity in the exercise of public functions and dignity.

During the referred period, the Institute organised 121 continuous training activities, involving a total of 3133 persons among judges, prosecutors and other legal professionals and related specialisations. In addition, there are 39 training sessions relating to the training programmes for the judges selected pursuant to the provisions of Article 63 of Law No 303/2022, that is to say, 369 judges and 200 prosecutors. Training of these magistrates included training sessions in the fundamental areas of civil law and civil procedure, criminal law and criminal procedure, as well as in areas such as family law, disputes with professionals, CEDO, EU.

Regarding the initial professional training organized by the National School of Clerks, as a new element it should be mentioned that for the 2024-2025 school year, the training was carried out pursuant to Law no. 11/2024 regarding the status of clerks and other categories of specialized personnel within courts, prosecutor's offices, and the National Institute of Forensic Expertise, entered into force on 12.07.2024.

The organization of the training activity of future clerks also considered the provisions of the Regulation on the organization and functioning of the National School of Clerks, issued on the basis of Law no. 567/2004, but still applicable in accordance with the provisions of art. 3 paragraph (1) from O.U.G. no. 93/28.06.2024, until the adoption of the secondary and tertiary normative acts provided by Law no. 11/2024.

In the court session of 19th of September 2024, as part of post-enactment constitutional review, the Constitutional Court admitted the exception of unconstitutionality and ruled that Law no. 11/2024 is unconstitutional in its entirety. The Constitutional Court's decision is currently being drafted and has not yet been published, but the re-entry into force of Law no. 567/2004, regarding the status of specialized auxiliary personnel from the courts and the prosecutor's offices and the staff within INEC, will not substantially affect the initial professional training activity. This is because, on the one hand,

the training plan for the 2024-2025 school year was developed under this law, and approved prior to the enactment of Law No. 11/2024 through Decision No. 25/05.03.2024 of the Plenary of the Superior Council of Magistracy. On the other hand, the organization of the initial professional training activity mainly took into account the secondary and tertiary legislation issued under Law no. 567/2004, which continued to apply, in accordance with the provisions of art. 3 paragraph (1) from O.U.G. no. 93/2024 and the duration of the initial training courses, of 6 months for clerks with higher legal education, was not altered by the new law.

The initial professional training organized by the NSC remains exclusively focused on the training of clerks with higher legal education, the School's initial training activity meets the need to fill vacant positions of clerks with higher legal education with qualified personnel.

As in the previous year, the initial training courses are conducted exclusively face-to-face, for a number of 121 trainees (71 for courts and 50 for prosecutor's offices). The graduates of National School of Clerks will be assigned to vacant positions within the judicial system upon completing the 2024-2025 school year, scheduled for 7th of March, 2025.

The continuous professional training of specialized auxiliary personnel in the courts and the prosecutor's offices, organized by the National School of Clerks, is based on the annual program approved by the Superior Council of the Magistracy.

For 2024, the training program included 78 professional development actions in various areas such as civil and criminal procedures, use of IT systems, judicial cooperation in civil and criminal matters, enforcement of civil and criminal judgments, associations and foundations, archiving, classified information, ethics, non-legal skills and communication, and management of clerks in leadership roles. These activities were organized in diverse formats and durations: 40 centralized three-day seminars, 20 decentralized one-day seminars, 10 three-hour webinars, and 8 multi-week eLearning courses.

The 2024 continuous training program was notably affected by financial constraints introduced by Emergency Ordinance No. 107/04.09.2024. As a result, 15 centralized seminars planned for the second half of 2024 were converted to webinars to comply with budget restrictions. Despite this, all 78 actions included in the annual training program were carried out, comprising 25 centralized seminars (494 participants), 20 decentralized seminars (626 participants), 25 webinars (876 participants), and 8 eLearning courses (463 participants).

The 2024 continuous training program was extended, by the Decision of the NSC Director on the 21st October 2024, with 2 webinars on IT applications, specifically to use the OptiMapp application, developed by the Superior Council of the Magistracy within the project "Optimization of management at the level of the judicial system. The court component", which facilitates and accelerates the decision-making process at the court management level. The webinars, attended by court clerks with managerial and executive functions, took place between November and December 2024 and exceeded the estimated participation of 700 attendees.

Additionally, to ensure access for as many clerks in the judicial system as possible to audio-video teaching materials and considering the evolving training needs of clerks in courts and prosecutor's offices throughout the year, the National School of Clerks produced 10 tutorials and video presentations in 2024. These teaching materials were uploaded to the School's eLearning platform.

In 2024, collaboration continued with magistrates responsible for the quarterly training of clerks. They were granted access to teaching materials available in the "Virtual Library" on the National School of Clerks' online training platform. These materials can be used in the quarterly training process, and user accounts were created for them on the platform. Periodic newsletters were also sent out, highlighting newly developed and uploaded materials.

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)¹⁵

Ministry of Justice

"Digitization of central public authorities in the judicial sector"

On October 12, 2024, the Ministry of Justice concluded the project "Digitization of central public authorities in the judicial sector", financed by the National Recovery and Resilience Plan, Investment I4 "Digitization of the judicial system", Component C7 "Digital transformation".

With an implementation period of 21 months (January 12, 2023 - October 12, 2024), the project worth RON 85,938,468.00, of which the amount of non-reimbursable external financing is RON 72,217,200.00 and contributes to the technological modernization of the IT infrastructure of the judiciary system. The modernization of the IT infrastructure has been realized through the purchase of fully equipped workstations (PCs), laptops, videoconferencing systems, multifunctional, printers and scanners.

Thanks to this project, all central institutions of the judiciary (Ministry of Justice, High Court of Cassation and Justice, National Agency for the Management of Seized Assets, National Authority for Citizenship and the National Institute of Forensic Expertise) and over 60 courts (courts of appeal and tribunals) have benefited from improved quality of work equipment. 10,000 IT equipment (workstations and laptops) were purchased and installed and the number of videoconferencing systems increased by more than 375, facilitating both remote hearings and communication between institutions. More than 6,500 multifunctional equipment (printers) and 400 scanners have been purchased and included in internal workflows.

By finalizing this project, the Ministry of Justice reaffirms its commitment to modernize the judicial system and bring it in line with European standards. Digitization is an essential step in this process, ensuring faster, more transparent and closer to the citizens.

During 2024, the Ministry of Justice managed (in both evaluation and implementation phases) a number of 8 projects, financed through the National Recovery and Resilience Plan:

- Digitalisation of central public authorities in the judicial sector (procurement of workstations, videoconferencing systems and printers) - finalised
- Fitting of technical rooms for hosting the critical infrastructure of the Ministry of Justice - in implementation
- Development and optimization of the data infrastructure for the judicial sector (arrangement/fitting of two data centers for the entire judicial system) - in implementation
- The Justice Cloud - in implementation
- Technological upgrade of the Electronic Register of associations, foundations, federations and associated registers according to the law (such as that of the Real Beneficiaries), the transfer of data from the current registers to the new application and the establishment of an electronic database - in implementation
- Development of integrated audio recording systems in courtrooms and automatic transcription components (speech2text) - in implementation
- Virtualization and centralization of applications specific to the judicial system (virtualization and centralization of applications at the level of courts and courts of appeal, as well as the development of a single version of the electronic file, through the acquisition of the infrastructure necessary to carry out the technological upgrade) – finalized

¹⁵ 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.

- Implementation of a modern communication and collaboration system for the Ministry of Justice, its subordinate institutions and courts of law (implementation of modern, secure solutions, with possibilities for further expansion both in terms of the electronic messaging system and the one used for telephone communications) - in implementation.

Draft Law on electronic notarial activity

The draft Law, initiated by the Ministry of Justice, the Ministry of Research, Innovation and Digitization and the Authority for Digitization of Romania, was adopted by the Government on November, 14th, 2024.

The draft Law provides a list of acts and procedures that can be carried out without the physical presence of citizens at a notary's office: notarial written consultations; receiving and storing documents in electronic form in the notarial electronic archive; the certification of documents in electronic form; legalizing the signature of the authorized interpreter and translator in electronic form; the rectification of clerical errors and the completion of material omissions in notarial documents and procedures. All these changes envisaged in the draft law on electronic notarial activity will bring a number of benefits: easy access to a list of notaries public who perform notarial acts and procedures in electronic form, time saved, the reduction of the workload for public notaries' offices, simplification and securing the notarial operations in a secure environment, facilitating the international circulation of international legal acts in electronic form.

The Superior Council of Magistracy

In line with the need to improve and optimise the digitalisation process in order to increase the efficiency of the judiciary, the Superior Council of Magistracy focuses its efforts on developing advanced IT solutions.

- In this context, during 2024, the TEXT application was developed, available at text.rejust.ro, which provides a unitary solution for all courts, allowing the conversion of scanned documents uploaded in ECRIS into text format, in order to facilitate their processing in the introductory part of the judgment. It is easy to use by indicating a folder number and selecting the document from the list. Moreover, the application allows the addition of diacritics specific to the Romanian language to words written without diacritics. The implemented mechanism uses AI algorithms to correctly identify cases where diacritics need to be added, understanding the context of paragraphs through the use of natural language processing (NLP) techniques and Deep Learning models. At the same time, summary mechanisms are to be integrated so that the TEXT tool contributes substantially to the summarising component of applications to the court.

- Considering the use of the Rejust desktop application at court level, which integrates multiple IT solutions to streamline the work of judges and clerks, in 2024 the Notebook module was developed and implemented on www.rejust.ro, a tool designed to optimise case management. The module aims to solve files quickly by automating and simplifying administrative tasks, reducing processing times and facilitating quick access to the necessary information. As a result, a more efficient handling of cases, their accelerated resolution and proper follow-up are facilitated, contributing substantially to the modernisation and uniformity of judicial processes.

- In a context in which the registratura.rejust.ro portal was launched in 2023, a modern instrument to facilitate the submission of applications, documents and the payment of stamp duties, an advanced backend solution dedicated to the register, which considerably simplifies administrative tasks and maximises the process of registering files and documents, was implemented in 2024. This digital infrastructure enables centralised and automated workflow management, reducing manual workload and eliminating potential operational errors.

- Throughout 2024, the ReJust case-law portal was subject to a continuous process of development and optimisation, reflecting the constant concern to adapt to the growing needs of the judicial system and its users. This process included the improvement of the technical infrastructure, the integration of advanced research and decision classification functionalities, as well as the regular updating of the database, ensuring access to complete, correct and still up to date information.

- One of the strategic objectives in the continuous development of the case law portal is to improve the data anonymisation mechanism by integrating Artificial Intelligence (AI) technologies. The implementation of such advanced solutions aims to ensure a more effective process of personal data protection. The adoption of these technologies places the case law portal at the forefront of the digitalisation of the judiciary, demonstrating the commitment to harness innovations to support transparency, efficiency and respect for fundamental rights.

General Prosecutor's Office

In 2024, several IT platforms were implemented and deployed within the Public Ministry, with a direct or indirect impact on the daily work of prosecutors and clerks. These can be broadly grouped into two main categories as follows:

a. Those which provide direct access to end-users, prosecutors, police officers, clerks: the Computerised system for calculating the complexity of prosecutors' work - SAS, the Computerised system for document management - ELO, the Document transfer platform - Transfer, the Management platform for the activities of the Service for International Judicial Cooperation - eCooperare.

b. Those which provide indirect access for the users: the Integrated Communication System - Routers - PNRR, Electronic Messaging Upgrade and Specific Necessary Upgrades, the Integrated System for Storing and Securing Access to PICCJ Data.

Details regarding these platforms are presented in Annex 6.

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)

The Superior Council of Magistracy

The STATIS application remained, also in 2024, the main national tool dedicated to generating statistical data on court activity, taking over the information existing in the ECRIS system. This application provided essential information support for the calculation and analysis of indicators for monitoring and evaluating judicial activity, as well as the performance of court staff. By centralising and automatically processing data, STATIS has facilitated access to accurate and up-to-date information, supporting decision-making at administrative level and contributing to the transparency and efficiency of the judiciary.

During 2024, the reliability of the data was improved by optimising the information collection mechanisms so as to reduce recording errors and ensure more accurate centralisation. In particular, there will no longer be situations where, due to technical operations of electronic archiving of files, they are no longer counted statistically.

Regarding the surveys for court users, a unitary evaluation mechanism was adopted consisting of a questionnaire - available in physical and online format - addressed to participants in judicial proceedings before the courts, namely: court users, lawyers, legal advisers, insolvency practitioners and any other category of persons involved in judicial proceedings before the courts. The questionnaire has been implemented since 2024 at the level of at least 57 courts, i.e. courts of appeal and tribunals, in order to assess stakeholders' satisfaction with the work of the courts, as well as their perception of access to justice. It was sent to the courts of appeal, and in the first quarter of the year following its implementation (specifically 2025), the courts of appeal will submit to the Council a summary, analytical material, including a summary/statistical of the answers to each question in the questionnaire, for all the questionnaires implemented by the court of appeal and the assigned courts.

As already known, several projects were carried out at the level of the Superior Council of Magistracy, in particular in the context of the European Social Fund, as part of the Operational Programme Administrative Capacity 2014-2020. The actions implemented in the context of those projects emerged from the measures detailed in the Strategy for the Development of the Judicial System 2022-2025. The results of those projects, which were completed at the end of 2023, were monitored and operational in 2024.

For further details about programmes developed by the Superior Council of Magistracy, please see the Annex 7.

Management of the IT infrastructure of the courts

During the reference period, cooperation problems arose with the Ministry of Justice in the context of the Ministry of Justice assuming the centralisation and management of the IT infrastructure of the courts.

In essence, the Ministry of Justice has initiated a process of enrolment of court IT equipment, which is currently hosted and managed at the level of each court, in a centralised system hosted and managed by the Ministry. This transfer started in 2016 (but had not advanced substantially, having only been accelerated in August 2024) and was carried out without a real discussion outlining the consequences of the measure so that the Council could give its informed consent to the Ministry's approach.

In essence, this measure will lead to the takeover of all computers of judges and court clerks, as well as the entire database of the judiciary (including all decisions and documents submitted by the parties, as well as any other case-related data) on a server of the Ministry, managed and available to an entity of the executive power.

This has raised concerns about the independence of the judiciary, due to the risk of unauthorised access to case data and sensitive information processed by courts. Therefore, the Superior Council of Magistracy found that the centralisation of IT infrastructure under the management of an institution outside the judiciary can undermine the principles of separation of powers and independence of the judiciary.

The position of the Superior Council of Magistracy was that the centralization process can be done even on a server purchased by the Ministry of Justice within the projects financed by the NRRP, but the data itself must be hosted in a separate domaine of courts, where the sole data administrator is an entity in the judicial system (similar to the solution agreed in the case of prosecutor's offices), preferably the Superior Council of Magistracy, which has an integrated perspective on the needs of the system.

Although this solution can be implemented from a technical point of view, the Ministry of Justice did not approve this variant, arguing that under the NRRP it was established that the centralisation and taking over of the management of all data in the judicial system should be carried out at the level of the Ministry.

In order to protect the independence of the courts, the SCM decided to temporarily suspend the centralisation process and issued recommendations for reconfiguration of the system in order to maintain the control in the judicial system.

For further details about the Superior Council of Magistracy position, please see the Annex 8.

Ministry of Justice

The project on the implementation of the new case management system in courts and prosecutors' offices - ECRIS V - is being implemented together with the project partners, and will be fully completed by the end of 2025.

In relation to the Superior Council of Magistracy's concerns about the independence of the judiciary, the approach to aligning with the new technological paradigm initiated by the Ministry of Justice was carried out in accordance with the relevant legal provisions, which provide the latter with prerogatives to administer the IT infrastructure and data communications of the judicial system, including in terms of cybersecurity.

In this context, through subsequent administrative and technical mechanisms, the Ministry of Justice has access only to critical infrastructure elements, the administration of local applications and services remaining the responsibility of IT specialists within the courts, access to them being limited based on credentials (i.e. the Ministry of Justice does not have operating and administration rights in the courts' production environments).

The concerns of the Superior Council of Magistracy were treated with the utmost attention, the @just.ro domain policy being refined so as to satisfy the requirements regarding ensuring the established security guarantees.

The Ministry of Justice has constantly highlighted its role of only managing IT infrastructure and data communications, including from the perspective of cybersecurity, and not at all the management of data/information (which remains the

exclusive responsibility of the courts, especially in their role as personal data controllers and responsible for their processing).

In addition, the court presidents were included in the administrative flows of the provision on migration to virtualized environments (centralized at the level of tribunals and courts of appeal, and not at the level of the Ministry of Justice), precisely to analyze the proposed configuration and, where appropriate, to report any inaccuracies in order to rectify them.

As previously mentioned, access to business applications (e.g. case management system) remains the exclusive responsibility of the courts (regardless of whether it is a decentralized IT infrastructure, centralized at the court level or, in the case of the future management system, ECRIS V, an infrastructure operationalized at the level of a data center).

At the same time, it must be clarified that the data operators and controllers remain the courts, and in relation to the legal provisions in place, the Superior Council of Magistracy has the role of supervisory authority for data processing (not an operator or controller thereof, i.e. without the consent of the courts).

The prerogatives of managing the IT infrastructure and data communications, including in terms of cyber security, in accordance with the current legal provisions, are the responsibility of the Ministry of Justice (which issues instructions in this regard also for IT specialists within the courts, professionally subordinated to the specialized IT department of the ministry).

Regarding to the invoked by the Superior Council of Magistracy solution adopted by the Public Ministry it has been mentioned that there are two separate institutions with different legal situations and premises (please see the Annex 8 point 16).

High Court of Cassation and Justice

Continuing measures to ensure that its case law is as accessible as possible:

The digital library available on the website of the High Court of Cassation and Justice (www.iccj.ro) on December 24, 2024, includes:

Case law:

- **6723 relevant judgments in summary** (the summary format allows the presentation of the essential aspects of the judgments handed down in various matters by the High Court of Cassation and Justice)
- **37.717 indexed judgments** (the indexed format allows the presentation in chronological tables of the judgments of the High Court of Cassation and Justice, with the indication of the subject matter/legal field and some keywords). In 2024, work was started to improve the indexed case law section by adding links to access the decisions directly from the chronological table¹⁶
- **209.572 full-text (anonymized) judgments** (decisions, closings and judgments), decisions on preliminary requests and decisions on appeals in the interest of the law. In 2024, the number of judgments published on the website of the Supreme Court of Justice in an anonymized format also included a part of the historical case law, i.e. judgements rendered in Appeal in the Interest of the Law between 1995-1999 by the Supreme Court of Justice (the name of the HCCJ before the constitutional amendment of 2003).

Case-law registers

The registers of case-law by subject matter are drawn up annually¹⁷ and provide a systematized presentation of the relevant case-law of each Chamber on the basis of the case-law files drawn up by the panels pursuant to Article 84 para. (3) lit. m) of the Regulation on the organization and administrative functioning of the High Court of Cassation and Justice.

¹⁶ The 2020 tables for the First Civil Division, the Criminal Division and the 5-judge panels in criminal matters have been finalized as of today's date

¹⁷ The exception is the Register of case-law of the Criminal Division, which is compiled in a single document, without any separation according to the year in which the judgments were handed down.

These are available, as from 2024, on the website of the Court of Cassation, in the 'Digital Library' section, subsection 'Case-law'.

Collections of relevant decisions

Between January 1, 2024 and December 24, 2024, the High Court of Cassation and Justice published in digital format (open data): Bulletin of the Court of Cassation No. 2 of 2023 and 1 of 2024; Case Law Bulletin (Part I and Part II) - 2023 edition; Bulletin of case law on the disciplinary liability of judges and prosecutors - collection of decisions 2023 edition.

Development of the IT application allowing the exchange of jurisprudential information between the High Court of Cassation and Justice and the Courts of Appeal within the National Network for the Unification of Jurisprudence and Strengthening the institutional capacity of the HCCJ in the administrative and managerial activity component, through IT solutions continued to be developed. *For further details, please see the Annex 9.*

Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.

The Superior Council of Magistracy

According to Articles 39 and 40 of Law 304/2022 on judicial organisation, depending on the complexity and number of cases, sections or, as the case may be, specialised panels for civil cases, criminal cases, cases involving minors and family cases, administrative and fiscal cases, cases concerning labour and social security disputes, civil cases arising from the operation of a company, insolvency, unfair competition or other matters, as well as specialised panels for maritime and river cases, operate within the courts of appeal and within the tribunals.

Article 41 of Law 304/2022 also establishes the possibility of setting up specialised courts in the above-mentioned areas, when justified by the general interest of the company and the volume of activity on specialised cases.

Currently there are 3 specialised courts (former commercial courts) in the country: Cluj Specialised Tribunal, Mureş Specialised Tribunal and Argeş Specialised Tribunal. They deal with cases with professionals¹⁸.

In order to meet the concrete needs at the level of each constituency, in relation to the number and complexity of cases, Article 45 of Law 304/2022 provided for the establishment of specialised sections at the level of the courts of appeal and the courts within their constituency, at the proposal of the President, with the opinion of the governing college of each court, by decision of the Section for Judges of the Superior Council of Magistracy. The specialised panels and other panels of the sections of the courts of appeal and of the courts within their constituency shall be established by the president of the court, at the proposal of the governing college of each court. At the same time, the composition of specialised sections and panels is determined by the president of the court, with the opinion of the governing college, in relation to the volume of activity, taking into account the needs of the court and the specialisation of judges.

According to Law 303/2022 on the statute of judges and prosecutors, the specialisation of judges is taken into account both for the organisation of promotion competitions for executive positions and for secondment, delegation or transfer.

For example, according to the Regulation on the competition for the promotion of judges, adopted by Decision No 1.434 of 27 April 2023, of the Superior Council of Magistracy, in the event of the effective promotion of judges to executive positions, the positions put up for competition shall be established by the Section for Judges, for each court, separately by sections and specializations, following consultation of the courts, depending on the need for human resources, within the limit of the vacancies existing at the tribunals and courts of appeal. Candidates submit applications for registration in

¹⁸ All those who operate a company are considered professionals.

the competition indicating the court where they apply for promotion and the section and specialisation of their choice, each candidate being able to make only one option.

As regards the training of judges to deal with commercial cases, the National Institute of Magistracy (NIM) submitted the following:

The Continuous Professional Training Programme for 2024, has constantly focused its efforts on training judges and prosecutors in areas of major interest, including training judges in matters of litigation with professionals.

Thus, during 2024, there were carried out 8 continuous training activities dedicated to 147 national judges, 7 judges from EU Member States and 2 lawyers, organized both in the form of national conferences and in a practical manner, in the format of practice unification meetings and seminars, as follows: 1 meeting of the presidents of the specialised (former commercial) sections of the HCCJ and of the courts of appeal dedicated to identifying and discussing aspects of non-unitary judicial practice; 4 national insolvency conferences, organized by NIM in collaboration with the National Institute for the Training of Insolvency Practitioners in Romania (INPPI); 1 for consumers protection; 4 courses in the field of disputes with professionals.

Alternative dispute resolution mechanisms and mediation

The Superior Council of Magistracy

Alternative dispute resolution mechanisms under national law include the following:

1. Mediation, regulated by Law No 192/2006 on mediation and the organisation of the profession of mediator, as amended. This is, according to the law, a way of solving conflicts amicably, with the help of a third party specialized as mediator, under conditions of neutrality, impartiality, confidentiality and with the free consent of the parties.

2. Arbitration, regulated in Book IV of the Code of Civil Procedure adopted by Law No 134 of 1 July 2010, republished, as subsequently amended and supplemented (Articles 541-621). It is an alternative private jurisdiction, the persons with full legal capacity may agree to settle by arbitration the disputes between them, except those concerning the marital status, the capacity of the persons, the succession debate, the family relations, as well as the rights that the parties cannot dispose of.

3. Certain notarial procedures, regulated by the Law on notaries public and notarial activity no. 36/1995, republished, as subsequently amended and supplemented, such as the notarial succession procedure or the divorce procedure.

4. Special administrative jurisdictions, like the following:

- Article 20 of Government Order No 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, as amended, governs the procedure for the National Council for Combating Discrimination to resolve complaints against persons who consider themselves discriminated against.

- Under Article 2(1) of Law No 101/2016 on remedies and review procedures for the award of public procurement contracts, sectoral contracts and works concession and service concession contracts, as well as for the organisation and functioning of the National Council for the Settlement of Complaints, as amended, 'Any person who considers himself/herself harmed in a right or legitimate interest by an act of a contracting authority or by failure to resolve a request within the legal deadline may request the annulment of the act, the obligation of the contracting authority to issue an act or to adopt remedial measures, the recognition of the claimed right or legitimate interest, by administrative-jurisdictional or judicial means, in accordance with the provisions of this law.' At the same time, Art. 4 par. (1) of the same law states that, in order to solve the challenge, the person who considers himself/herself injured may address either by administrative-jurisdictional means to the National Council for the Settlement of Complaints, or by judicial means to the court.

- Article 57 of Law No 312/2004 on the Statute of the National Bank of Romania, as amended, provides for the possibility of lodging appeals against the sanctions imposed by the Governor, First Deputy Governor and Vice-Governors of the National Bank of Romania, either to the Board of Directors of the National Bank of Romania or directly to the Bucharest Court of Appeal.

Special administrative jurisdictions are also regulated by other legislative acts, such as Law No 123/2012 on electricity and natural gas, as subsequently amended and supplemented, and Government Order No 121/1998 on the material liability of military personnel, republished.

The Ministry of Justice

In the Government Program (2024-2028), in the Justice Chapter, among the proposed measures is the one relating to the ***promotion of alternative instruments to court proceedings such as mediation and arbitration***. Consequently, an evaluation of the legal provisions in these matters is to be carried out, in order to identify those unitary, coherent and constructive legislative solutions, in accordance with the new developments recorded at the European level, necessary to achieve this goal.

Law no. 268/2024 on amending and supplementing the Government Emergency Ordinance no. 80/2013 on judicial fees and the Government Emergency Ordinance no. 51/2008 on public legal aid in civil cases provides new cases for refunding the judicial stamp duty. These new provisions are part of the series of measures intended to relieve the courts and promote alternative means of resolving conflicts. Currently, as a result of the adoption of the aforementioned normative act, the premises have been created for the refund of a percentage of 50% of the judicial stamp duty paid when the parties resolve the dispute through a transaction or for the hypothesis in which the parties choose to conclude a compromise (through compromise, the parties agree that a dispute between them will be resolved through arbitration).

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 – no additional information for the previous report

The Superior Council of Magistracy

In the course of 2024, the work of the Interinstitutional Working Group continued, aiming at developing a human resources strategy to develop a study/concept on a new map of courts and prosecutors' offices, as well as adopting a long-term human resources strategy, including from the perspective of the elements of demographic dynamics and economic development of the regions to address the vulnerability of the human resources deficit in the judicial system. The projects on the issue of balancing the schemes of judges and prosecutors, as a whole, do not represent isolated actions of the Superior Council of Magistracy, but are part of a complex of concerns and actions carried out to implement the measures of the Action Plan for the implementation of the Strategy for the Development of the Judiciary 2022-2025, in order to identify optimal solutions for some of the problems faced by the judiciary.

C. Efficiency of the justice system¹⁹

Length of proceedings

The Ministry of Justice

In the area of criminal law, year 2024 has brought a couple of legislative amendments in the Code of criminal procedure. These amendments were aimed to improve the efficiency of the justice system with regard to different aspects of the criminal trial such as:

¹⁹ 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.

- the length of the proceedings: Law no. 217/2023 (entered into force from January 2024) introduced a new article in the Code of criminal procedure (art. 355¹) which states that cases involving minor injured persons, victims of one of the crimes provided for in art. 197, 199, 209 - 216¹, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code (*i.e.*, mainly sexual offences against minors), shall be tried urgently and with priority;

- protection measures for victims: non-public trial of sexual offences against minors, *ex officio* or at the request of the prosecutor or the victim [art. 352 par. (3¹) Criminal procedure code]; the possibility for the court to evacuate the minor under 16 years of age from the court during the administration of evidence which is detrimental to his/hers well-being [art. 509 par. (6)-(8) Code of criminal procedure];

- mandatory legal assistance for victims of sexual related offences, regardless of age or any other circumstances [art. 93 par. (4)], as well as an explicit provision stating that any renunciation at the right to be assisted by a lawyer of one's choice must be voluntary and unequivocal with the obligation of the judicial body to inform him, in simple and accessible language, of the content of the right to be assisted by a lawyer, of the possible consequences of not exercising it, as well as of the possibility of subsequently exercising, at any time during the criminal proceedings.

Moreover, further legislative measures to improve the efficiency of the justice system in criminal matters have been adopted with regard to more specific pieces of legislation, such as *Law no. 211/2004 on some measures to ensure information, support and protection of victims of crimes*.

It is the case of Law no. 272/2024 on amending and supplementing Law no. 211/2004²⁰ with measures which can be categorised as follows: extension of the cases in which free of charge legal assistance is accorded to victims and their relatives and the increase of the amount of money granted to the victims (art. 14 and 18 of Law no. 211/2004); extension of the cases in which financial compensation to victims of crimes are granted by the state (art. 21 of Law no. 211/2004); publication of standard forms regarding model legal applications for the granting of free legal assistance, financial compensation and the advance of such compensation, as well as for the granting of the amounts necessary for the enforcement of court decisions regarding civil compensation granted to victims of crimes [art. 18 par. (4), art. 33 par. (5)]²¹.

The Superior Council of Magistracy

From the point of view of the length of the proceedings, it is clear that the IT applications implemented in previous years, such as ReJust Desktop and the *registratura.rejust.ro* portal, as well as those referred above, had a significant influence on the acceleration and effectiveness of procedural activities.

The TEXT application plays an essential role in the efficiency of the judgment drafting process, contributing significantly to reducing the time needed for this activity. This optimisation has a direct impact on the work of judges and court clerks, significantly reducing the time taken to draft judgments and, consequently, accelerating the pace of solving cases.

Similarly, the Notebook module, with functionalities similar to the ReJust Desktop application, provides users with remote access and offers advanced facilities for personalised case management, with functionalities for automation and simplification of administrative burdens, reducing processing times and facilitating swift access to the necessary information. This functionality is essential to increase mobility and flexibility in professional activity, by allowing judges and court clerks to consult information, update documents and carry out various administrative operations in real time, even if they are not physically present before the court.

By implementing these solutions, the aim is to increase the standardization of judicial processes and to ensure an increased speed in solving cases, which considerably improves the efficiency and consistency of the act of justice. While

²⁰ <https://legislatie.just.ro/Public/DetaliuDocument/290323>

²¹ The actual adoption and publication of the said forms are pending at this moment.

each individual solution did not have the main objective of reducing the number of cases or the length of proceedings, their convergent action leads to an acceleration of the case-solving process.

High Court of Cassation and Justice

Settling cases within a reasonable time:

In order to achieve this objective, given the challenges posed by staff turnover and increased workload, measures have been taken at the level of all jurisdictional structures of the HCCJ to ensure increased efficiency in the court activity, in particular in terms of reducing the time taken to resolve cases, among which can be mentioned: the balanced distribution of judges and assistant magistrates in the court sessions, the establishment of additional court sessions (for example, in electoral matters, in the exercise of the jurisdiction established by law in favor of the Administrative and Tax Litigation Chamber, the court activity was carried out even on days off - Saturdays, Sundays), monitoring the deadlines for drafting the court decisions, etc.

In addition, as the number of vacant judges' positions increased compared to the previous year, in order to ensure the functioning of all the panels set up at the beginning of the year, the court's management decided to ensure the completion of the panels with judges working in other Chambers of the HCCJ. This measure avoided the situation in which incomplete panels were dismissed.

Unification of national case law:

In order to achieve this objective, in 2024, the permanent efforts of the Court of Cassation to ensure the unification of judicial practice, both at the level of the supreme court and at the national level, were continued [using procedural mechanisms for the unification of case law²² using administrative mechanisms (meetings to analyze and identify unified solutions organized, both internally, at the level of each chamber, and through regular meetings of the judges of the Court of Cassation with the judges of the Courts of Appeal), the establishment and continuous development of the National Network for the Unification of Jurisprudence (RNUJ), the work carried out by the Service for the Study and Unification of Jurisprudence within the Legislation, Jurisprudence and Litigation Directorate of the Court of Cassation, etc.].

A challenge of 2024 was the adoption of GEO no. 62/2024, which, in order to unify judicial practice in the field of salary rights of budgetary staff, established the obligation of courts to refer to the HCCJ in the mechanism of requests for preliminary rulings of law that have not previously received a ruling from the Supreme Court.

The number of preliminary requests increased exponentially, from 84 requests registered in 2023, to 483 preliminary requests registered in 2024, of which **409** request were filed under GEO no. 62/2024;

In this context, the following measures, among others, have been taken:

- drafting **the Guide on the conditions of admissibility of the application to the High Court of Cassation and Justice for a preliminary ruling in cases concerning the remuneration of staff paid from public funds, as well as in cases concerning social security benefits.**

This guide has been adopted in order to ensure that all necessary conditions for lodging a complaint to the High Court of Cassation and Justice are met in compliance with the requirements of this normative act and, thus, to prevent inadmissible complaints. It is published on the website of the High Court of Cassation and Justice in the section 'Judicial Structures/ The Panel for Preliminary Ruling on Questions of Law /Useful Information/Guides and Forms' and in the 'Digital Library' section, on the intranet of the Supreme Court and in the National Network for the Unification of Case Law.

²² In 2024, the Court of Cassation ruled in 20 appeals in the interest of the law and in 102 preliminary requests (of which 57 were made under GEO no. 62/2024)

- launching a process of standardization of the judgments rendered by the Panel for Preliminary Ruling on Questions of Law in the area of salary rights of budgetary staff²³ a measure designed to ensure easy understanding, assimilation and implementation of the rulings given by the Court of Cassation in preliminary requests.

It should be noted that, in view of the increase in the volume of work managed by the Court of Cassation and Administrative Jurisdiction (following the entry into force of GEO no. 62/2024 but also in relation to the fact that in 2024 four electoral elections were held - European Parliament elections, local elections, parliamentary elections and presidential elections - the Administrative and Tax Contentious Chamber, in accordance with the special electoral laws (Law no. 205/2018, Law no. 370/2004, Law no. 115/2015, Law no. 33/2007) or the Administrative Contentious Law no. 554/2004, the competence to decide on the merits or on appeal, cases in electoral matters - the **measure was taken to increase the number of court hearings** (the number of hearings of the The Panel for Preliminary Ruling on Questions of Law established for each month tripled, and in electoral matters, in the exercise of the competence established by law in favor of the Administrative and Tax Contentious Chamber, the Court activity was carried out including on holidays - Saturdays, Sundays).

Other aspects related to the efficiency of the judiciary

Ministry of Justice

On November 27th, 2024, on the website of the Ministry of Justice was published, for public debates, a draft Government Decision approving the **Strategy for the Development of the Judicial System 2025-2029** and its action plan.

The Ministry of Justice, in collaboration with the main institutions of the justice sector - the Superior Council of Magistracy, the High Court of Cassation and Justice, the General Prosecutor's Office - continues its efforts to ensure a unified framework for the strategic development of the judicial system, which will support the reforms and the development of the justice sector for the period 2025-2029. Thus, within the framework of the project "Functional Analysis and Development Strategy of the Judiciary post 2020 (ASJ)", financed by the Administrative Capacity Operational Program 2014-2020, the Ministry of Justice, as project leader, together with the Prosecutor's Office of the High Court of Cassation and Justice, as partner, and the Superior Council of Magistracy and the High Court of Cassation and Justice, as beneficiary institutions, received support from the World Bank in order to prepare new strategic documents for the development of the judiciary. To this end, a functional analysis of the judiciary was prepared, on the basis of which the World Bank provided specific recommendations for the elaboration of a new judicial development strategy and related action plan.

The Functional Analysis of the Judiciary includes an up-to-date assessment of the main institutional challenges faced by the institutions of the judiciary, as well as recommendations for improving service delivery to better meet citizens' needs and expectations.

II. ANTI-CORRUPTION FRAMEWORK

Please provide information on measures taken to follow-up on the recommendations received in 2024 Report regarding the anti-corruption framework:

Recommendation: Take measures, in particular at an operational level, to ensure efficient investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences, taking into account European standards.

²³ The measure is in the process of being implemented, at the time of writing, consultations of the judges of the Court of Cassation of the High Court of Justice from the 3 civil chambers involved in the resolution of complaints filed under GEO no. 62/2024 have started

According to the General Prosecutor's Office, one of the measures taken in order to ensure efficient investigation and prosecution of criminal offences in the judiciary was the adoption of Law no. 213/2024 amending Law no. 49/2022 on the abolition of the Section for the Investigation of Offences in the Judiciary, as well as amending Law no. 135/2010 on the Code of Criminal Procedure.

In addition, in 2024, the effort to resolve the cases taken over from the former Section for the Investigation of Offences in the Judiciary continued; as of the verification date (23.12.2024), the total number of cases pending was much reduced, at just over 2000. Also, in 2024, 6 indictments were issued in cases in which jurisdiction was established according to Law no. 49/2022.

In conclusion, we consider that steps have been taken in order to ensure the efficient investigation and prosecution of criminal offences in the judiciary both at legislative and operational level.

Recommendation: Introduce rules on lobbying for Members of Parliament.

No up-dates.

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

Law no. 213/2024 amending Law no. 49/2022 on the abolition of the Section for the Investigation of Offences in the Judiciary, as well as amending Law no. 135/2010 on the Code of Criminal Procedure.

National Integrity Agency

Human resources

By December 2024, 94 positions within the National Integrity Agency (ANI) were occupied, as follows: Management - 3 positions; Integrity Inspectors - 37 positions; Personnel within departments supporting the Integrity Inspection's activity - 32 positions; Administrative personnel - 22 positions.

The austerity measures taken by the Government in 2023, through GEO no. 34/2023, and 2024, through GEO no. 115/2023 affected ANI's HRM component through the abolishment of approx. 40% of the middle-management positions and the elimination of 40 vacant positions. Therefore, from the total of 200 positions within the institution, only 160 positions are provided by Law in the present. At the same time, organising competitions was suspended for the entire 2024, with the exception of those approved through a Government memorandum, or those vacated throughout 2024.

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.

This has resulted in a personnel migration from amongst both the integrity inspectors, as well as the personnel within supporting departments. Hence, 24 employees have requested transfers to other public institutions or have migrated to the private sector all through 2024.

For these reasons, ANI has carried out several rounds of competitions throughout 2024 to fill-in the vacancies, in accordance with the legal provisions, as follows: 9 vacant positions within the Integrity Inspection General Directorate were advertised. The competition remains in progress, with only 1 candidate fulfilling the participation requirements; 12

vacant positions within various departments (Legal, Communication, Procurement, IT, Economic, etc.) were advertised. Following these competitions, 8 positions were filled in.

Financial resources

ANI's budget for the year 2024 following the budgetary rectifications and the distribution of credits to the reserve fund was of 28.201.000 Lei (approx. 5,6 million Euros), to which it was added the total sum of 51.000 Lei, representing commitment credits and budgetary credits for Projects financed from non-refundable external funds (FEN).

Distribution of ANI's budget for the year 2024 (28.201.000 Lei): Personnel costs – 15.549.000 RON; Goods and services – 9.932.000 RON; Capital expenditures – 305.000 RON; Other expenditures – 165.000 RON; Projects financed from non-refundable financial assistance related to PNRR - 2.250.000 Lei.

Legislative framework

Throughout 2024, 2 legislative proposals concerning integrity have been promulgated by the President of Romania and became laws²⁴. Currently, 13 legislative proposals aiming to amend the integrity framework are pending before the Parliament procedures²⁵. *Please see Annex 10 for the state of play regarding the legislative framework.*

National Anticorruption Directorate

Legislative amendments– extended competence

In 2024, several legislative amendments had an impact on extending the competence of the National Anticorruption Directorate. Thus, the Government Emergency Ordinance no. [43/2002](#) on the National Anticorruption Directorate was amended by the Law no. 126/2024 dated May 10th, 2024, regarding some measures to strengthen the capacity to combat tax evasion, as well as to amend and supplement some normative acts. As a result, the competence of this specialized Directorate was extended. To this end, two new paragraphs were inserted in Article 13, after paragraph (3), i.e. para. (3¹) and (3²).

Paragraph (3¹) of the normative text broadens the competence of the Directorate also with regard to the commission of the offenses provided by Articles 8, 9 and 9² of Law no. 241/2005 on preventing and combating tax evasion, regardless of the person's capacity, if the case, regardless of the number of concurrent offenses, has caused a material damage exceeding 10 million lei.

The newly introduced second paragraph gives the prosecutors of the National Anticorruption Directorate the competence to prosecute money laundering offenses, if the money, goods and valuables that have been subject to money laundering originate from the commission of offenses given under the competence of the same Directorate. Moreover, as a “recognition” of the seriousness of the criminal phenomenon of corruption and in order to combat it more effectively, the law provides for the possibility of investigating only the money laundering offense, as an autonomous crime, without the need to prove the criminal activity from which the money originated - the so-called *predicate offense*.

In terms of strengthening the technical capacity, the management of the National Anticorruption Directorate shows a constant concern for the development and modernization of the institutional resources. Thus, the projects with European Union funding proposed and implemented in 2024, through the Project Implementation Unit, aimed, as in previous years, at strengthening and consolidating the administrative and institutional capacity of the National Anticorruption Directorate.

In this context, in 2024, two funding applications submitted by the National Anticorruption Directorate under the European Union Anti-Fraud Program - EUAF, managed by the European Commission through OLAF, were approved. These

²⁴ Promulgated by the President of Romania: Law 235/2024 (PL-x 65/2023); Law 157/2024 (PL-x 106/2023)

²⁵ Pending before Parliament: PL-x nr. 364/2022; PL-x nr. 27/2022; PL-x nr. 398/2021; PL-x 135/2020; PL-x 415/2019; PL-x nr. 179/2018; PL-x 64/2023; PL-x nr. 109/2023; PL-x 543/2023; Bp. 464/2023; PL-x no. 139/2024; PL-x. 99/2024; Bp. 501/2024

initiatives will significantly contribute to increasing the technical and operational capacity of the institution, thus supporting the process of fighting corruption more effectively.

The project *“Supporting the activity of the European Delegated Prosecutors in Romania in combating fraud and corruption affecting the EU financial interests - 2024-RO-DIGIT”*

The overall objective of this project is to support Romania's efforts in the fight against fraud and corruption affecting EU's financial interests by strengthening and improving the investigative capacity of the National Anticorruption Directorate, contributing to the technical endowment and related training in the field of computer searches for the benefit of the Support Structure of the European Delegated Prosecutors and its territorial offices, in order to fulfil its mission to support the activity of the European Delegated Prosecutors in Romania.

The project has a duration of 24 months and a total eligible budget of EUR 306,925, of which EUR 245,540 (80% of the eligible total) represents the grant and EUR 61,385 (20% of the eligible total), the national co-financing.

The project *“Improving the protection of the EU's financial interests by increasing DNA's technical equipment in the field of investigation and surveillance” - 2024 - RO - NANOTECH”*

The specific objective of the project is to strengthen and improve the investigative and operational capacity of the National Anticorruption Directorate, by increasing the technical equipment and knowledge used for (A) technical surveillance and (B) data analysis and financial investigations, used as investigative methods and techniques in the fight against fraud and corruption affecting the EU financial interests.

The project has a duration of 24 months and a total eligible budget of EUR 767,369, of which EUR 613,895 (80% of the eligible total) represents the grant and EUR 153,474 (20% of the eligible total), the national co-financing.

Moreover, during 2024, the allocation of CHF 2,000,000 was approved for the project *“Strengthening the institutional capacity in the fight against corruption”* under the Swiss-Romanian Cooperation Program (the second Contribution) – the Public Security and Safety Program (Justice) managed at the level of the Ministry of Justice as Program Operator. The objectives of this project are to enhance the expertise of professionals in corruption investigations through specialized training and soft skills workshops and to complement these efforts by further providing computer search tools to improve the efficiency and effectiveness of the investigations.

Combating the offences against the financial interests of the European Union and cooperation with the European Public Prosecutor's Office and OLAF

Throughout 2024, the National Anticorruption Directorate continued to carry out effectively its mission in the field of combating the fraud phenomenon and protecting the financial interests of the European Union, by conducting a legal and solid criminal investigation. Its efforts resulted in the resolution of a large number of cases concerning the carrying up of the procedures for accessing and using of the funds from the general budget of the European Union, as well as by referring the persons who committed this type of offences to the courts for criminal liability, with a particular focus on recovering the caused damage.

In the field of investigating the frauds concerning the European funds, the National Anticorruption Directorate shares its competence with the European Public Prosecutor's Office (EPPO), in accordance with the Article 13(2) of Government Emergency Order no. 43/2002, as amended, in conjunction with the Council Regulation (EU) 2017/1.939 on the operationalization of EPPO and the Law No 6/2021, providing the measures for the implementation of the Council Regulation (EU) 2017/1.939 of 12 October 2017 and enforcing a form of enhanced cooperation on the establishment of the European Public Prosecutor's Office.

Concerning the operational cooperation, in 2024, the DNA prosecutors fulfilled their obligations to draw up case reports, in order to allow the European Public Prosecutor's Office to exercise its right to evoke them. Thus, in 2024, the prosecutors

of the National Anticorruption Directorate drew up 191 reports that were submitted to EPPO, in order to exercise its right to evoke them, with an increase in number compared to 2023 (when 187 case reports were drawn up).

From the reported cases, 82 cases transferred by DNA were evoked by EPPO (another 3 cases are pending), with a reported number increase compared to 2023, when 66 cases were evoked. Moreover, 44 cases were added to the 103 un-evoked cases (compared to 29 cases in 2023) which were accepted by DNA in order to take over the competence in accordance with the provisions of Article 34(5) and (6) of the EPPO Regulation.

Concerning the cooperation with EPPO, it is paramount to highlight the role of the Support Structure of the European Delegated Prosecutors in Romania operating within the National Anticorruption Directorate²⁶ for the European Public Prosecutor's Office.

By the Government Decision No 1167/22 November 2024, the number of positions allocated to the Support Structure of the European Public Prosecutor's Office in Romania was increased by 5 positions for judicial police officers, 4 positions for court clerks, 2 positions for specialists and 3 positions for drivers.

The increase in the number of operational staff will help ensure the proper functioning of this structure, thus ensuring the responsiveness needed in order to carry out complex investigations.

Moreover, the activity of the EPPO is supported by the National Anticorruption Directorate through a continuous approach of training the allocated human resources allocated to the support structure. Thus, in 2024, DNA, through its International Cooperation Service and the Service for Professional Training, Programs and Documentation – the Project Implementation Unit, organized and ensured the participation of the judicial police officers and specialists from the Support Structure of the European Delegated Prosecutors in Romania, in the following training sessions:

- Within the project 2022 – RO – FORPIF: the GK200 Magnet GRAYKEY Examinations course, organized by Magnet Forensics, 5- 8 November 2024 in Nürnberg, Germany; SANS FOR585 Smartphone Forensic Analysis in-Depth + GASf course, 21 - 26 October 2024, Munich, Germany; AX320 Magnet AXIOM Internet and Cloud investigation course, 29 October - 1 November 2024, Birmingham, United Kingdom.
- Within the project 2022 – RO – OCULUS - course on operating the drone, on 8 November 2024, Bucharest.

The two above-mentioned projects were implemented through the Project Implementation Unit (PIU) within the Professional Training and Programs Service. Currently, the PIU also ensures the implementation of projects approved during the previous years²⁷ that have as objectives the consolidation and development of the IT&C infrastructure of DNA, in order to support *the digitization process and the digital transformation of the institution, including that of the Support Structure*. The projects aim at upgrading the hardware infrastructure, improving the imaging and listing equipment, increasing the technological capacity in order to streamline the work of the employees, including by supporting their remote work, as well as implementing the back-up and monitoring solutions of the network infrastructure.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

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.

²⁶ The support structure was established by Law 6/2021 laying down measures for the implementation of Council Regulation (EU) 2017/1.939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO').

Law No 6/2021 provided for an initial number of 20 posts for judicial police officers, 8 posts for specialists, 5 posts for court clerks.

²⁷ The information on projects carried out in 2023 was sent by the DNA official letter 2591/C/1608/I-6/2023 of 11 January 2024.

The former National Integrity Council's mandate ended in March 2024. In February 2024, the Romanian Senate launched the legal proceedings for appointing new full and substitute members, according to which the entities provisioned by Law no. 144/2007 designated members. Subsequently, all candidates have been subject to hearings before the Senate's Legal, Appointment, Discipline, Immunities and Validation Commission. The Commission decided on endorsing 25 candidates, which shall undergo the voting procedure before the Senate's Plenum. The procedure was first postponed in March, then resumed in November and currently postponed again.

In February, ANI issued a press release upon the role of the Romanian Senate on appointing CNI members for the 2024–2028 mandate. The statement underlined the need to prevent the indirect formation of a politically homogeneous majority within the Council, with the ultimate goal of ensuring its activities are governed by impartiality and balance, thus reflecting a broad spectrum of opinions and perspectives. ANI also warned that deviating from the principle of political balance, as stipulated by Law No. 144/2007, could undermine the credibility and effectiveness of both the Council and the Agency in promoting integrity in public offices and dignities.

The External Independent Audit Report- The annual 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 2023, the auditors noted *that "ANI continued to implement measures to ensure the efficient and effective management of the institution's activity. Such measures were aimed at consolidating and further developing the Agency's organizational capacity, ANI managed to fulfil its objectives as well as its role, established by the law on organization and functioning, respecting independence, transparency and professionalism principles".*

Amongst ANI's main achievements for the year 2023, the auditors noted the following:

- The operation of the external reporting channel and the establishment of the specialized structure at the Agency level, namely the Public Interest Whistleblowers' Directorate;
- Involvement in the accession process of Romania to the Organisation for Economic Cooperation and Development (OECD) in order to fulfil the requirements provided by the Accession Roadmap in the area of strengthening public governance, integrity and increasing efforts to fight corruption;
- Achieving a 95% degree of total or partial implementation of the objectives set for the year 2023 by ANI's 2022 – 2025 Strategy, as well as a 74% degree of the overall objectives;
- Finalization of the NIAct project - *Updating the legislation in the field of integrity and providing support to the authorities and depositors in the transition to the digital declaration of assets and interests;*
- Commencement of the projects included in Pillar II – Digital transformation, Component 7 – Digital transformation within the National Recovery and Resilience Plan, ANI being the Beneficiary in the projects;
- Carrying out awareness-raising activities on annual submission of asset and interest disclosures through *e-DAI* platform, organizing training sessions and popularisation on social networks and in the mass media of video spots and tutorials regarding the activity of ANI and the legal integrity framework.

Nonetheless, the Report also included shortcomings such as the deficit of human resources, with the occupancy rate at the end of 2023 being only 51%, due to the minimal interest of potential candidates in participating in the competitions organized by ANI.

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

Ministry of Justice

As mentioned in our previous national contribution, the National Anticorruption Strategy (NAS) 2021-2025 provides for 5 general objectives and 18 specific objectives (please see: <https://sna.just.ro/en/a/seturile-de-indicatori-de-performanta/seturile-de-indicatori-de-performanta,-riscurile-asociate-obiectivelor-si-masurile-din-strategie>). The second monitoring report of NAS 2021-2025 regarding the implementation of the strategy during 2023 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-2021-2025-in-anul-2023>). The monitoring report details the implementation of 87 measures with deadline in 2023 or annually/permanently deadline. According to the monitoring report, out of 87 measures, 39 have been implemented, 16 are partially implemented, 21 are ongoing and 11 are not implemented. Please note that the 2024 NAS Monitoring Report will be drafted in the first trimester of 2025.

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

Ministry of Justice

National Anticorruption Strategy: NAS Technical Secretariat continued its training efforts on integrity issues, focusing on relevant departments in the Ministry of Transport and Infrastructure and the Ministry of Foreign Affairs. Topics covered the management of corruption risks and ethical values applicable to the diplomatic personnel.

During June and October 2024 were carried out the peer-review missions within the monitoring mechanism for the implementation of the National Anticorruption Strategy 2021- 2025. Therefore, between June - July 2024, 7 institutions from central public administration were evaluated: the Ministry of Internal Affairs, the Ministry of Family, Youth and Equal Opportunities and structures subordinated/coordinated/under authority from the two ministries. Between September - October 2024, 9 institutions representing central public administration and independent and anticorruption authorities were evaluated (the Ministry of Health – including structures subordinated/coordinated/under authority and state-owned companies, the Prosecutor's Office attached to the High Court of Cassation and Justice, the High Court of Cassation and Justice National Council for the Study of the Securitate Archive). Due to the implementation of the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, Romania adopted the Law no. 361/2022 regarding the protection of whistle-blowers in the public interest. In this regard, the peer-review missions carried out in 2024 had a single theme – the implementation of the provisions from the Law no. 361/2022 at institutional level. The evaluation reports regarding the Ministry of Internal Affairs and the Ministry of Family, Youth and Equal Opportunities (including structures subordinated/coordinated/under authority from the two ministries) were approved within the meeting of the cooperation platform of central public administration and the cooperation platform of independent and anticorruption authorities that were organised in December 2024 (the General Anticorruption Directorate is subordinated to the Ministry of Internal Affairs, but the entity is member of the cooperation platform of independent and anticorruption authorities). The reports regarding the institutions evaluated during September and October will be subject for the approval of the cooperation platforms which will be organised in the 1st Semester of 2025. All the reports will be published <https://sna.just.ro/ro/c/rapoarte-de-evaluaire>.

National Integrity Agency

Follow-up on ANI cases

From January 2024, the National Integrity Agency finalized 1.024 cases, both with findings and closed files. With regard to ANI's findings, the integrity inspectors ascertained 63 integrity incidents, as well as other 9 cases regarding 9 persons on possible criminal offences which were sent before the competent bodies.

In December 2024, ANI had 3.263 ongoing investigations and the average case load was of 163 files/integrity inspector.

Cases ascertained by ANI

Since January 2024, ANI ascertained 63 integrity incidents, as follows: 25 cases of incompatibilities, 34 cases of administrative conflicts of interest and 4 cases of unjustified wealth amounting to over 2,7 million RON (over 544.000 EUR), as follows: **25 Incompatibilities:** 1 Prefect; 2 County Councillors; 2 Mayors; 1 Deputy Mayor; 6 Local councillors; 6 Persons with management and/or control positions; 4 Public servants with special statute; 3 Public servants; **34 administrative conflicts of interest:** 1 County Councillor; 9 Mayors; 18 Local councillors; 1 Person with management and/or control position; 5 Public servants; **4 unjustified wealth** amounting to over 2.7 million RON (over 585.000 EUR): 4 Public servants with special statute.

At the same time, the integrity inspectors have identified 9 cases regarding possible criminal offences (use of the office to favour people, false statement etc.) in the case of 9 persons, which were sent before the prosecution bodies, for further investigation, as follows: 1 Mayor; 2 Local councillors; 4 Persons with management and/or control positions; 2 Public servants with special statute.

Moreover, through Law no. 410/2023, the incomes of persons under the obligation to declare their assets and interests are no longer subject to anonymization. The only exception to this new provision applies to offices for which there is no obligation to submit disclosures (e.g. spouse of the public official working in a private company, side activities carried out by deponent). All through 2024, ANI analysed approx. 65.000 asset and interest disclosures for anonymization purposes.

Administrative fines

Since January 2024, 655 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 2.228 complaints against the administrative fines applied by ANI starting with 2008, Courts issued definitive and irrevocable decisions in 1.739 cases, as follows: 1.390 (80%) decisions were in favour of ANI, while 349 (20%) were unfavourable.

Definitive and irrevocable cases

Since January 2024, 117 cases have remained definitive and irrevocable - 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: 53 cases of incompatibilities; 59 cases of administrative conflicts of interests; 5 cases of unjustified wealth, in which the Courts ordered the confiscation of over 2.6 million RON (approx. 528.000 EUR).

v-DAI 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, on all of the submitted asset and interest disclosures, not limited to accuracy check of declarations. ANI's purpose is to ensure a robust verification process – this 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 criminal offences.

Therefore, based on both our practice, as well as international good practice, we designed specific risk factors based on which all disclosures are scrutinized, as: potential false data or unjustified wealth – stemming from failure to declare

incomes, significant loans granted or debts of the declarant; potential illegal tenure of public office – those who breached 3 years ban to occupy public offices due to incompatibilities findings; potential breach of incompatibility rules – stemming from declaring income from independent activities or other sources, membership in management bodies of commercial entities; stemming from contracts with the state or from holding the public office and a political party membership; potential breach of conflict of interest rules – stemming from contracts concluded with the state by the official or their family; potential risks of biased decision-making – stemming from benefits and awards obtained; potential breach of the submission rules – stemming from failure to submit disclosures within the legal term.

Current solution will be further followed-up and developed based on OECD guidance on verifying and analysing asset declarations based on risk-based methodology (TSI project).

For the current risk factors (entitled alerts) please see the Annex 11.

As of now, the platform identified more than 1.000 cases of persons at risk of breaching the legal framework, for whom over 5.000 asset and interest disclosures need to be further filtrated and analysed by ANI's integrity inspectors. Of these, 6 cases are currently undergoing the evaluation procedure, while the remaining are currently under analysis, with an outcome expected by the end of Q1 2025.

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, ANI issued 1.977 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 – 114, Incompatibilities – 1.230, Filling-in and submission of disclosures – 336, Other cases – 297*). Of these, ANI issued 86 clarifications regarding situations that are prone to generate a conflict of interest and 514 clarifications regarding situations that are prone to generate an incompatibility situation.

General Secretariat of the Government

In the context of the implementation of the National Recovery and Resilience Plan (NRRP), the General Secretariat of the Government (GSG), in collaboration with the Ministry of Justice and the National Integrity Agency, is responsible for the fulfillment of Milestone no. 432 related to Reform 7 - *Evaluation and updating of the legislation regarding the integrity framework. The objective of Milestone no. 432 aims at the approval of the revised version of the codes of ethics and conduct for the Government, in addition to the existing ones for the public office and the adoption and implementation of enforcement measures.*

GSG initiated together with the Ministry of Development, Public Works and Administration a draft law that proposes to complete the emergency Government Ordinance no. 57/2019 on the Administrative Code, with the subsequent amendments and additions with a new chapter to regulate the Ethics and Conduct Norms for members of the Government, other persons holding positions of public dignity at the level of the central public administration and for the staff assigned to their offices.

Scope: the provisions of the draft law apply to members of the Government, the head of the Chancellery of the Prime Minister, the Secretary General and Deputy Secretaries General of the Government, Secretaries and Under-Secretaries of State, as well as their assimilated within the Government, ministries and other specialized central bodies subordinated to the Government or ministries and State Advisors within the Chancellery of the Prime Minister. The rules on gifts also apply to staff employed under employment contracts in the offices of dignitaries, as well as to honorary advisors to the Prime Minister or ministers.

Rules regarding gifts: gifts and official activities are defined, some prohibitions and rules are established regarding the return and storage conditions of gifts, as well as the obligation to publish their list every six months by the institutions or authorities of the central public administration. The project provides for the reduction of the threshold for goods received as part of protocol activities to 100 euros, as well as the introduction of an annual limit of gifts that can be received from the same person (300 euros).

Measures regarding the improvement of transparency in the exercise of powers: the possibility of abstaining the members of the Government from participating in the decision-making process regarding a normative act or a public policy document is foreseen, as well as a measure with a preventive role, according to which the prime minister designated or the head of the central public administration institution or authority may request the persons he/she proposes or appoints, prior to the appointment, information regarding any type of personal interests likely to affect the impartial exercise of mandate or employment contract.

RUTI: the Single Register of Transparency of Interests (RUTI) is regulated by law by establishing the obligation for officials to publish planned meetings, as well as those that took place without prior planning. The following information will be published in RUTI: names of persons and/or names of participating entities; the date and place of the meeting; describing the purpose of the meeting. Within 5 working days of the meeting, information about the meeting will be completed with the main topics of discussion and their conclusions, as appropriate.

Training and guidance: the project provides for the organization by the National Institute of Administration of training courses on specific topics, respectively through counseling activities carried out by the ethics counselor.

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

According to the information centralized until 19th of February 2024 by the General Secretariat of the Government and sent to the Ministry of Justice for drafting the Progress report regarding the implementation of NAS 2021-2025, we mention the following data²⁸: 734 dignitaries accounts and 266 specialised groups were registered in the Unique Interest Groups' Transparency Register (RUTI); 3726 published meetings of the dignitaries.

National Integrity Agency

Portal of assets and interest disclosures

All asset and interest disclosures sent before ANI are published on the *Public portal of asset and interest disclosures* (<http://declaratii.integritate.eu/>). By December 2024, over 12 million asset and interest disclosures were published.

e-DAI Platform continues to streamline the process for filling in and submitted asset and interest disclosures in digital format. Starting with the 1st of January 2024, all persons provisioned by Law no. 176/2010 have the obligation to fill-in and submit asset and interest disclosures through e-DAI certified exclusively with an electronic signature. This change marks the abolishment of the possibility to also submit disclosures with handwritten signature.

Please find below statistical data of the e-DAI platform - data extracted covers the period since the launch of electronic submission (since January 1st 2022, electronic submission became mandatory): no. of users registered as deponents: 486.620, no. of institutions with at least one account created: 13.142, no. of filled-in asset disclosures and sent to ANI: 1.312.426, no. of filled-in interest disclosures and sent to ANI: 1.295.048.

²⁸ <https://sna.just.ro/ro/a/rapoarte-de-monitorizare/raport-privind-stadiul-implementarii-strategiei-nationale-anticoruptie-2021-2025-in-anul-2023>, page 69.

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 2024, the PREVENT system analysed 19.592 procurement procedures, of which 13.128 were public stand-alone procurement procedures (without batches) and 6.464 were public procurement procedures with batches (containing 77.574 batches).

At the same time, the integrity inspectors issued 19 integrity warnings, amounting to approx. RON 396 million (approx. EUR 79,6 million). In 18 of the cases notified by the system, the leaders of the contracting authorities removed the causes that generated potential conflict of interests. The remaining case is 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 2.875 contracting authorities, 16.899 companies, as well as 403.195 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 6 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

The Whistleblower Directorate has continued to take steps for identifying the public entities that receive and solve reports on violations of the law, within their area of competence, according to special legal provisions. On these lines, the Agency offered guidance to support the development of the working procedures for a total of nine entities. Additionally, in November, the Agency convened a roundtable with all the identified institutions, titled "*Law No. 361/2022: The Role and Responsibilities of Authorities in Protecting Whistleblowers*."

The Agency continued offering individual counselling and organizing training sessions for public and private entities. For instance, support has been provided for 45 external reporting channels in developing working procedures, as well as for developing and/or revising reporting procedures. ANI has also organized meetings with the Ministry of Investments and European Projects, organizing a working group in charge of the application of the European Directive no. 2019/1937, in the context of the adoption of GEO no. 124/2021 on the establishment of the institutional and financial framework for the management of EU funds allocated to Romania through the Recovery and Resilience Mechanism. In addition, 3

working sessions have been organized with the Ministry of Health on the receiving, registering, examining, following up and settling reports in public interest.

From January up to present time, the Agency has monitored the implementation of Law no. 361/2022, specifically regarding the establishment and operation of internal reporting channels. As a result, 380 internal reporting channels have been verified over the course of the year.

An online workshop on the unified application of legislation has also been organized in December and invitations have been sent to approx. 150 private entities. The discussions focused on reporting methods and their content, as well as record keeping, internal reporting channels and procedures, protective measures and counselling, as well as sanctions. The webinar aimed to raise awareness on the obligations of private entities, the duties of the competent authorities, the obligations of persons who make reports or publicly disclose information on violations of the law, and the measures in place to protect them.

In addition, the Agency has taken all necessary steps to fulfil the provisions of art. 24, para. (2) of Law no. 361/2022, specifically by making efforts to ensure that all member bar associations comply with and uniformly apply the legal provisions regarding the granting of free legal aid, regardless of the whistleblower's financial situation.

Please find below statistical data of the Whistleblower Directorate within ANI – data extracted covers 2024:

ANI received a total of 306 reports, as follows: **159 of them are made anonymously**, out of which: 137 were closed – lack of whistleblower identity and contact details, further information was not possible to be requested, among with reporting minor breaches of law; 19 were closed and redirected to competent entities (Integrity Inspection within ANI, financial entities); 3 are in the evaluation procedure; **147 in which the whistleblowers gave their identity and contact details**, out of which: 37 were closed and redirected to competent entities (Integrity Inspection, Romanian Government, Prefecture, Ministry of Education, School Inspectorate, etc.); 71 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; 39 are in the evaluation procedure.

A total of 234 cases in which ANI provided counselling (through phone), as follows: 3 confidential counselling; 231 non-confidential counselling, out of which: 64 counselling sessions that targeted private entities and persons; 167 counselling sessions that targeted public entities and persons.

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.

National Integrity Agency

v-DAI platform: please see above

Other aspects:

National Integrity Agency

Actions undertaken in the context of Romanian elections

In 2024, four rounds of elections were organized across two processes: *Local Public Administration and European Parliamentary* elections held in June, and *Presidential and Parliamentary* elections held between November and December. In light of this, ANI took a series of measures aimed at raising awareness and ensuring compliance with legal requirements.

ANI thus launched a dedicated section on its website, tailored to each electoral process, which provided essential information to both candidates and the general public. The section included: *Centralized point for candidates' submitted disclosures* – 419.159 asset and interest disclosures of candidates were collected, processed and published in due time, in a specialized section; *Dedicated Reporting Form* – A special contact form was created, dedicated to notifying irregularities in the disclosures submitted by candidates; *Main legislative texts* – Relevant legal provisions that rule the legal regime of incompatibilities, conflicts of interest and unjustified assets were centralized; *Guidelines* – Manuals on filling in asset and interest disclosures and on incompatibilities and conflicts of interest were provided; *E-forms* – Special point for downloading electronic filling-in forms of disclosures was created (*i.e. according to Law no. 176/2010, candidates to elected positions submit disclosures in paper format*).

On this line, ANI sent communications to the Permanent Electoral Authority, the Central Electoral Bureau, and judicial courts, providing them with the list of individuals under the 3-year interdiction of holding an eligible position. This updated list was also transmitted to the Superior Council of Magistracy for dissemination to relevant courts during the validation of local elected officials' mandates.

In the context of validating parliamentary candidacies, ANI also found support from the Superior Council of Magistracy, in ensuring the dissemination to the appropriate courts of the updated list of individuals under interdiction. On these lines, ANI expressed its gratitude for the support offered by the Superior Council of Magistracy. Also, following the elections ANI provided the Senate with the name of an elected candidate – former Mayor of District 1 of Bucharest – who was subject to the aforementioned interdiction.

However, in the context of local elections, regardless of the measures taken by ANI with regards to the persons under the interdiction to hold an elected office, in a significant number of cases, the Electoral Bureaus and/or the judicial courts have disregarded the normative provisions and have validated the candidacies and the mandates of individuals under this interdiction.

A notable case in this matter is the case of S.P., mayor in the county of Alba, S.P. has submitted his candidacy for a new term as a mayor, even though he was under the 3-year interdiction to hold an elected position, as he was found to be in an administrative conflict of interest, and he won the elections. His mandate needed to be validated by a judicial court, in accordance with the legal provisions in the matter, and the Alba Iulia Court has rejected the request. S.P. has challenged the decision before the Alba Tribunal and his decision has been admitted, being therefore named in the position of mayor. Forward, the same S.P. has also submitted his candidacy for a position of senator, being the first person nominated by the political group. His candidacy has been challenged by another political party before the court and the Alba Tribunal, which has validated him in the position of mayor only 3 days prior to this, annulled his candidacy. The decision became definitive before the Court of Appeal of Alba. (*more information in Romanian media* <https://tinyurl.com/mu3z8tr>)

Another case is that of the mayor of District 1 of Bucharest who, in November 2022, has been found by ANI to be in a state of incompatibility, as well as in an administrative conflict of interest. The Prosecutor's Office was also notified on evidence of committing the offense of using the office to favour certain persons. As the 3-year interdiction provided for in art. 25 para. (2) of Law no. 176/2010 is applicable after the remaining definitive of the court's decision or of the evaluation report, if not challenged in the legal term, they submitted their candidacy to both local elections, for a new term as mayor, as well as for the position of senator. While they lost the local elections, they won the parliamentary elections. The court's definitive decision, which confirmed ANI's findings, came one week before the validation of the mandates of senators and deputies. However, the evaluated person went to the Parliament to assume their mandate, declaring and posting on social networks that the provisions of art. 25 were not applicable in this case and that they would not be prohibited from holding an eligible office. Nevertheless, they ended up renouncing the seat before the Senate's committee decided on the validation. (*more information in Romanian media* <https://tinyurl.com/u6jtsp8z> ; <https://tinyurl.com/4uwss823>).

NIAct Project

On December 22nd 2023, ANI finalized the implementation of the NIAct project on *updating the integrity legislation and providing support to authorities and deponents in the transition to the digitization disclosure of assets and interests*. The project was EU-funded and had the ultimate goal of addressing the issue noted by the European Commission on the “*continued challenges to the legal framework for integrity and the need for stability, clarity and a robust framework*”.

The main outcome of the NIAct project is represented by a draft legislative proposal which enhances the clarity, coherence and comprehensiveness of the legal integrity framework. Following referring the proposal to Ministry of Justice in December 2023, we expect that an adequate legislative solution based on our analysis and proposal to be adopted by the Romanian authorities in the near future.

In addition, there was also a solid cooperation to amplify the outcome of the updating of the legal integrity framework, materialized by an EU funded Technical Support Instrument (TSI) project and implemented with the support of the OECD. Through this undergoing project, OECD shall carry out a multi-pillar analysis and subsequently provide concrete, evidence-based recommendations for strengthening the institutional arrangements to facilitate the proper implementation of the new legal framework on integrity. This recommendation will also reflect Romania’s improvement needs in the context of its OECD accession Roadmap.

For further details regarding the projects implemented by ANI, please see Annex 12.

The Ministry of Justice

One of the areas in which the Ministry focused its attention in the past year was the Anti-Bribery Convention, which is a key instrument included by the OECD in the Accession Roadmap. We adhered to this instrument last year and since then, Romania completed both phase 1 and 2 of the Working Group on Bribery's evaluations. The adherence of Romania to the OECD Convention significantly impacts businesses by imposing stricter regulatory and ethical standards to combat foreign bribery. These measures enhance financial accountability, encourage the reporting of unethical practices, protect whistleblowers, and foster a culture of compliance and integrity through robust internal controls and corporate governance policies.

With regard to the 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 the Technical Support Instrument (TSI) of the European Commission, two more project outputs are approaching finalization, which will soon provide RO authorities with an updated public procurement risk map and an analysis of the public procurement framework.

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)

Ministry of Energy

For the Natural Gas sector

According to the provisions of **Law No. 185/2016** on certain measures necessary for the implementation of projects of national importance in the natural gas sector and of **Law no. 256/2018** on certain measures necessary for the implementation of petroleum operations by the holders of petroleum agreements relating to deep offshore and onshore oil perimeters, as further amended and supplemented, the **Ministry of Energy**, through the General Directorate for Electricity, Oil and Natural Gas, issues: CONSTRUCTION AUTHORIZATIONS for projects of national importance - natural gas (Law no. 185/2016) and AUTHORIZATION ACTS (Law no. 256/2018).

The beneficiaries of the construction permits/acts of authorization shall submit the applications accompanied by the documents provided for in the above-mentioned laws to the Registry of the Ministry of Energy, which are assigned by the Ministry's management, by resolution, to the General Directorate of Electricity, Petroleum and Natural Gas.

The General Directorate for Electricity, Oil and Natural Gas:

- Draws up the construction permits/authorization acts, following the ascertainment of the fulfillment of the conditions stipulated in the above-mentioned laws, they are signed by the management of the Ministry of Energy and subsequently forwarded to the beneficiaries;
- Correspondence with applicants is conducted under the strict coordination of the Ministry's management;
- Participates in the acceptance stage of the works for which authorizations have been issued.

For the Electric Power sector

There is a draft Emergency Ordinance for the amending and supplementing certain normative acts in the field of investments on the electricity transmission grid on the approval circuit.

Through this normative act, in order to benefit from accelerated measures for obtaining the necessary approvals and agreements CNTEE Transelectrica, the following legislative amendments are proposed:

- Amendment of Law No. 50/1991 on the authorization of the execution of construction works;
- Amendment of Law No. 255/2010 on expropriation for reasons of public utility, necessary for the realization of objectives of national, county and local interest;
- Amending Law No. 120/2019 on certain measures necessary for the realization of works and implementation of projects of national importance regarding the electric transmission grid;
- Amending Law No. 350/2001 on spatial planning and urbanism, as well as other related proposals for the urgency of electricity transmission infrastructure projects.

The draft normative act, which legislates the issuance of authorizations for RET investments by the Ministry of Energy instead of the Ministry of Economy, was submitted for promotion by CNTEE Transelectrica.

Reporting on the use of digital technologies to enhance transparency and oversight in public procurement

National Agency for Public Procurement

I. Digital technologies play an essential role in reducing costs and bureaucracy, promoting transparency, efficiency, and innovation in Romania's public procurement system.

The primary electronic tool for managing public procurement at the national level is the Electronic Public Procurement System (EPPS), operated by the Authority for the Digitalization of Romania (ADR).

EPPS ensures transparency and efficiency in Romania's public procurement process through technical functionalities that enable: publishing procurement notices and award announcements, submitting/evaluating bids exclusively through electronic means, conducting e-auctions, implementing the dynamic purchasing system, publishing the electronic catalog, and performing direct purchases.

The interventions under the reform of the national public procurement system, as part of the National Recovery and Resilience Plan (NRRP) aim to automate/digitalize the public procurement process. These reforms are carried out by the National Agency for Public Procurement (NAPP) with technical support from ADR.

The most recent developments of the Electronic Public Procurement System implemented under the NRRP are as follows:

- Implementation of electronic forms, in accordance with Regulation (EU) 2019/1780 of 23 September 2019, which establishes standard forms for publishing public procurement notices (eForms). The transition to the new electronic forms modernizes work methods for direct users, replacing standard forms with electronic ones and

improving EPPS's technical capabilities. These enhancements allow for more structured data collection regarding public procurement, increasing transparency and monitoring capacity in Romania.

- Interconnection of EPPS with various platforms:

- The National Integrity Agency (NIA) portal – PREVENT: Aligns the Integrity Form to flexible usability requirements. The PREVENT system, launched in June 2017, aims to prevent conflicts of interest during public procurement by establishing an ex-ante verification mechanism from the perspective of situations that may generate conflicts of interest within the procedures initiated through the electronic public procurement system, so that they are removed without affecting the respective procedures. Specifically, this prevention mechanism involves analyzing the data and information entered in the Integrity Form by the responsible person within the contracting authority by interconnecting the PREVENT system with relevant databases (National Trade Register Office – NTRO, Directorate for the Registration of Persons and Administration of Databases – DRPAD). The PREVENT system can automatically identify presumed relationships that may exist between persons within the contracting authority and persons within economic operators who are bidders in procurement procedures initiated by a contracting authority. In the event of a possible conflict of interest being detected, NIA issues an integrity warning, and the contracting authority must take all measures to remove the possible conflict of interest issued by the PREVENT system;

- the portal of the National Council for the Resolution of Complaints (NCRC) in order to inform about the submission of complaints/publication of the decision at the level of the award procedure. By interconnecting EPPS with the NCRC IT system (<http://portal.cnsr.ro>), data on the complaints submitted, related to a procurement procedure initiated by a notice of participation or other notice of initiation, are automatically transmitted to EPPS. Information will be displayed in EPPS regarding the number of complaints submitted and the number of decisions issued related to them. The decisions themselves remain the responsibility of the contracting authority/entity to be published in EPPS, according to legal provisions. This interconnection does not replace the legal channels of communication, but is intended to warn participants in an award procedure that there are complaints submitted and their decisions issued by NCRC. After issuing decisions and publishing them on the NCRC portal, data about these decisions will be automatically transmitted to EPPS, thus notifying contracting authorities/entities that decisions have been issued regarding a specific appeal;

- The Virtual Private Space (VPS) operated by the National Agency for Fiscal Administration (NAFA): Facilitates obtaining the Tax Clearance Certificate to streamline and reduce bureaucracy in public procurement. By interconnecting EPPS with the NAFA IT system (PatrimVen - <https://epatrim.anaf.ro/>), a contracting authority may request that the document "Tax Attestation Certificate - TAC" issued by NAFA for an economic operator identified by tax identification code, which has the status of participant in an award procedure organized in EPPS by the respective contracting authority, be transmitted to EPPS;

- MySMISS application Managed by the Ministry of Investments and European Projects (MIEP) in order to develop and maintain a functional and efficient information system for the implementation of structural and cohesion funds;

- an IT platform of the Ministry of Internal Affairs (MIA) for obtaining a criminal record. The interface that has been created allows the MIA IT system (Service Hub) to transmit in EPPS, to an economic operator registered within the Public Procurement System, the document "Criminal Record Certificate (natural person)" issued by the ROCRI system. Upon receipt in EPPS of the Criminal Record Certificate issued by the MIA through the ROCRI system, the economic operator is notified in EPPS. In this context, the tenderer, in its capacity as a participant in an award procedure, will be able to transmit the Criminal Record Certificate to the contracting authority organizing the procedure, directly within EPPS;

- The National Trade Register Office (NTRO) application: Provides quick access to registration data of economic operators participating in public procurement;

- an IT application operated by NAPP. In order to develop the ex-ante control of the process of awarding public procurement contracts/framework agreements, sectoral contracts/framework agreements and works and service

concession contracts and, respectively, of the amendments to these contracts/framework agreements carried out by NAPP through EPPS, the IT system implemented at the Agency level queries EPPS to obtain the documentation awaiting selection and the relevant data about them, in order to carry out the sampling operation. After sampling, through the same interface, the NAPP system transmits to EPPS the list of the analyzed documentation and marks for each one the documentation that was selected for sampling in order to exercise the ex-ante control and the documentation that was not selected;

- the IT application managed by the Ministry of Justice (MJ) which ensures the transmission within EPPS of decisions at the time of their pronouncement displayed on the PORTAL.JUST.RO portal, respectively identifies the public procurement procedures to which each decision refers and transmits the update at the time of the decision becoming final from the MJ system to the EPPS system.

Also, to ensure an operational Electronic Public Procurement System (Milestone 438), the National Agency for Public Procurement as reform coordinator, with the technical support of the Authority for the Digitalization of Romania, will achieve the following:

- Development and implementation of electronic forms in the bid evaluation process within public procurement procedures;
- Extension of the functionalities of the dynamic public procurement system (DPS);
- Electronic contracts, electronic invoicing, electronic payment and contract management tools (additional documents, receipt reports, payments, etc.).

By interconnecting EPPS with other IT systems operated and managed by institutions that hold data and information relevant to the conduct of the public procurement process (NTRO, NIA, NAFA, NAPP, NCRC, MIA, MJ), major benefits will be brought to the evaluation process, by ensuring direct access of contracting authorities to information that currently must be made available by economic operators, contributing to reducing the administrative burden of all actors involved.

Thus, the reform objectives targeting the procurement field represent an important contribution to the development of digital technologies to increase transparency and supervision of public procurement.

II. At the level of NAPP, the necessary activities were carried out to automate the legislative screening process in the context of exercising the regulatory function, namely the process aimed at monitoring normative acts that have an impact in the field of public procurement. The legislative screening IT application is functional, is in the testing stage and will be able to be used once the collaboration protocols are signed with the institutions that provide access to their databases. In addition, the application will facilitate the transparency of the public consultation process of draft normative acts/working tools initiated by NAPP.

III. During December 2024, NAPP facilitated the general public's access to data on public procurement in Romania by using the flexible data analysis platform Tableau Desktop. Through this modern data exploration and visualization platform, NAPP has made a significant contribution, by moving from the classic way in which data analyses are built and run, to the modern one, where the visual capabilities and functionalities made available to all interested parties contribute to a better understanding of how various activities in the field of public procurement are carried out.

C. Repression

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

The Ministry of Justice

Romania officially became the WGB's 45th member as of 3 May 2023. In October 2024, the WGB concluded the second phase of the Anti-Bribery Convention evaluation of Romania. The evaluation concluded that Romania's legal framework

is largely in compliance with the OECD Anti-Bribery Convention, although there are several points that will continue to be examined during the third phase of the evaluation. The Romanian Parliament also recently passed the draft law that further aligns to the standards of the OECD Anti-Bribery Convention by raising sanctions, removing the effective regret clause for foreign bribery and improving the definition of foreign public officials - Law no. 319 of December 20, 2024 establishing certain measures for the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted in Paris on November 21, 1997. The Law targets specific measures for combating acts of *international corruption*, defines the term of *foreign public official* and regulates the *foreign bribery* as a special offence. Also, the draft project provides for an exclusive jurisdiction to investigate these types of offences to the National Anticorruption Directorate.

Official data on the number of investigations, prosecutions, final judgements and application of sanctions for corruption offence (differentiated by corruption offence if possible)²⁹. Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds³⁰; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data.

National Anticorruption Directorate

During 2024, the National Anticorruption Directorate continued, at a sustained pace, its intense activity of criminal prosecution and of pleading the cases before the courts in corruption cases and those assimilated to corruption, according to its competences provided by the law.

Statistical data – criminal prosecution

- The number of criminal cases registered in 2024: 2,379, of which 526 cases in which offences against the financial interests of the European Union are investigated.
- The number of criminal cases pending in 2024: 5.443;
- During the reference period, 131 indictments were drawn up and 238 plea bargaining agreements were concluded (of which 71 plea bargaining agreements were concluded in 11 criminal cases pending at the end of the reporting period);
- 131 criminal cases were solved by indictment and 107 by plea bargaining agreement;
- 683 defendants were sent to trial, of which 445 by indictment and 238 through plea bargaining agreements (of which 71 plea bargaining agreements were concluded in 11 criminal cases still under investigation at the end of the reference period). Of the 683 defendants, 655 are natural persons and 28 are legal persons.
- The status of the defendants who are natural persons who were sent to court:
 - 1 member of the Chamber of Deputies and medical doctor at the time the acts were committed;
 - 1 former President of the National Authority and State Secretary at the time the acts were committed;
 - 1 former Secretary of State, currently Director-General of the public institution, at the time the acts were committed;
 - 1 general director and 1 executive director of the county health insurance house, 1 hospital manager, 1 technical director of the county ambulance service, 4 medical doctors (1 of whom was also acting as a member of the Chamber of Deputies at the time the acts were committed, and 1 veterinarian doctor), 1 executive director of the county public health directorate;
 - 2 county council presidents, 1 county council vice-president, 8 mayors (including 1 mayor of municipality), 3 deputy mayors, 2 directorate town hall directors;
 - 3 secondary school directors;

²⁹ 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.

³⁰ 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.

- 18 directors of public institutions;
- 2 directors of entirely state-owned companies;
- 1 directorate director, 1 technical director of the energy complex;
- 2 notaries, 4 lawyers;
- 82 policemen (of which 1 former policeman – retired at the time the acts were committed, 1 executive director of the local police, 1 chief of section, 1 head of service);
- 6 military personnel (of which 1 unit commander and 1 in reserve at the time the acts were committed).

The total value of the assets and amounts against which *precautionary measures* were ordered in the cases in which the defendants were sent to court – over RON 291,7 million lei.

The trial activity

In the reference period 01.01.2024-31.12.2024, the courts notified by the National Anticorruption Directorate ruled a number of: **285** final conviction decisions concerning 391 defendants; **57** final acquittal decisions concerning 147 defendants; **104** final decisions for the closing of the criminal proceedings concerning 328 defendants, out of which for 307 defendants the reaching of the statute of limitation for criminal liability was retained as a cause for terminating the judgement.

Among the defendants convicted by final judgment (as *authors and participants*):

- 55 defendants were convicted for committing offences of taking bribe;
- 88 defendants were convicted for committing offences of giving bribe (of which 2 defendants are legal persons);
- 44 defendants were convicted for committing offences of influence peddling (of which 1 defendant is a legal person);
- 47 defendants were convicted for committing offences of buying of influence;
- 79 defendants were convicted for committing offences against the financial interests of the European Union, as provided for by Articles 181-5 of Law No 78/2000 (of which 10 defendants are legal persons);

Concerning the manner of executing the sentences:

- 34 defendants were convicted to the punishment of imprisonment with the execution of the punishment (against 1 defendant the punishment of imprisonment was ruled cumulative to the criminal fine);
- 316 defendants were convicted to the punishment of imprisonment with the suspension of the execution of the punishment during a judicial surveillance period (against 1 defendant the punishment of imprisonment was ruled cumulative to the criminal fine);
- 3 defendants were convicted to the punishment of imprisonment with the conditioned suspension of the execution of the punishment;
- 19 defendants were convicted to the punishment of a criminal fine;
- 19 defendants were convicted to the punishment of imprisonment with the postponing of the execution of the punishment.

In the same reference period, the courts ruled the confiscation of amounts of 47,900,206 Lei, 3,867,759 Euro and 30,100 USD, as well as of certain movable and real estate assets, in amount of 2,460,000 Euro (approx. 12,237,516 lei). During the indicated period, the courts ruled the payment of compensations amounting to RON 401,180,209 Lei and 54,456 Euro.

The statistical data on the Directorate's annual activity are available on the institution's official website, under Our results, <https://www.pna.ro/results.xhtml>, in accordance to the legal obligation provided by the Law 544/2001 on the free access to information of public interest.

General Prosecutor's Office

Statistical data (not involving high-level corruption offenses, as these fall within the competence of DNA) are presented in Annex 13.

High Court of Cassation and Justice

Criminal Chamber (until 19.12.2024):

- Number of cases pending as of 01.01.2024: 13 cases (corruption and related corruption criminal offenses), procedural stage merits;
- Number of registered cases: 1 case, substantive stage;
- Number of cases disposed of: 6 cases, procedural stage merits;
- Number of acquittals at first instance: 3 acquittals at first instance, concerning 6 defendants;
- Number of solutions to terminate criminal proceedings: 1 solution concerning 3 defendants;
- Number of convictions at first instance: The Criminal Chamber of the High Court of Cassation and Justice handed down 2 convictions at first instance, concerning 3 defendants. One ruling, in respect of one defendant, concerns corruption criminal offenses and the other, in respect of 2 defendants, concerns criminal offenses assimilated to corruption criminal offenses;
- Number of pending cases: 8 cases.

5-judge panels in criminal matters (until 17.12.2024)

- Number of cases pending on 01.01.2024: 4 cases;
- Number of registered cases: 5 cases, stage appeal;
- Number of cases disposed: 5 cases, appeal stage; in the 5 cases, 3 defendants were acquitted, 2 defendants were acquitted, and in 3 cases both acquittals (42) and terminations (8) were pronounced for 23 defendants;
- Number of pending cases: 4 cases.

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)

General Prosecutor's Office

In 2024, the decisions on the statute of limitations regarding criminal liability taken by the Constitutional Court and the High Court of Cassation and Justice, mentioned in the previous material, continued to have effect³¹.

National Anticorruption Directorate

The statute of limitation

A significant difficulty in achieving the finality of the activity of combating the acts of corruption within the competence of the DNA resulted from the situation generated after the adoption of the decision of the Constitutional Court of Romania no. 358/2022, which declared unconstitutional the art. 155 of the Criminal Code, regarding the conditions for interrupting the course of the *statute of limitations of criminal liability* and the decision no. 67/2022 of the High Court of Cassation and Justice in its Panel for resolving some legal issues, which clarified that the rules regarding the interruption of the statute of limitations of criminal liability are rules of substantive (material) criminal law and are therefore subject to the application of the principle of the more lenient criminal law.

³¹ Decision of the Constitutional Court no. 297 of 26 April 2018, Decision of the Constitutional Court no. 358 of 26 May 2022, Decision of the High Court of Cassation and Justice, Panel for the resolution of certain points of law, no. 67 of 25 October 2022.

Thus, during 2023 and 2024, the number of defendants in respect of whom the criminal proceedings were terminated because of the application of those decisions increased significantly if compared to the previous years.

During 2024, the courts ruled 104 final decisions to terminate the criminal proceedings concerning 328 defendants, of which the reaching of the statute of limitations of criminal liability was retained as a ground for termination for 307 defendants. By comparison, before the adoption of the aforementioned decisions, in 2022, the termination of criminal proceedings for the same case was ruled for 129 defendants.

Procedural rules

An obstacle to the prosecution of high-level corruption offences is the limited regulation of the use of undercover investigators and collaborators in the Romanian Criminal Procedure Code, namely that the measure of their use cannot be extended beyond one year in the case of corruption offences and those assimilated to corruption offences. By contrast, for other serious offences, including those concerning the financial interests of the European Union or money laundering, it is possible to extend this measure beyond one year.

The Article 148 of the Criminal Procedure Code regulates the use of undercover investigators and sets out the maximum durations for which this type of measure can be authorized. Under paragraph 1 of that article, the public prosecutor may authorize the use of undercover investigators for a maximum of 60 days in the case of serious offences³², including the corruption offences and those assimilated to corruption offences.

The paragraph 9 stipulates that “...the total duration of the measure, in the same case and concerning the same person, may not exceed one year, except for offences against life, national security, offences of drug trafficking, offences against the regime on doping substances, non-compliance with the regime on weapons, ammunition, nuclear materials, explosive materials and restricted explosives precursors, trafficking and exploitation of vulnerable persons, acts of terrorism or similar, terrorist financing, money laundering, as well as the offences against the financial interests of the European Union.”

It is obvious from the analysis of this article that the corruption offences and those assimilated to corruption offences do not enjoy the same flexibility concerning the extending the term of use of undercover investigators, compared to other offences of similar gravity, such as money laundering or offences against the financial interests of the European Union. Currently, for the cases concerning corruption offences and/or those assimilated to corruption offences, the limit of the authorization of the measure is one year, and for other serious offences, this period can be extended, which represents a regulatory disproportion.

This limitation affects the DNA’s ability to carry out complex and lengthy investigations into high-level corruption cases. The period of one year is often insufficient to build solid evidence. By limiting the authorization of the measure, there is a risk to jeopardize the efficiency of investigations. In order to ensure greater efficiency in the fight against high-level corruption and to deal with the complexity of such cases, the corruption offences and those assimilated to corruption offences should also be included in the list of those for which an extension of the use of undercover investigators beyond one year can be ordered. This change would address the existing inequality among the different categories of offences and allow the criminal prosecution bodies to properly investigate complex corruption cases, which, by their specific nature, require a longer investigation period.

³² “offences against national security provided for by the Criminal Code and other special laws, as well as in the case of offences of drug trafficking, offences against the regime of doping substances, illegal operations with precursors or other products that may have psychoactive effects, offences against the regime of weapons, ammunition, nuclear materials, explosives and restricted explosives precursors, trafficking and exploitation of vulnerable persons, acts of terrorism or similar, terrorist financing, money laundering, counterfeiting of coins, stamps or other valuables, counterfeiting of electronic payment instruments, in the case of offences committed through computer systems or electronic communication means, blackmail, illegal deprivation of liberty, tax evasion, in the case of **corruption offences, offences treated as corruption offences, offences against the financial interests of the European Union or in the case of** other offences for which the law provides for a term of imprisonment of 7 years or more...”

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.

National Agency for the Management of Seized Assets

Statistical Data Overview: In 2024, the National Agency for the Management of Seized Assets (ANABI) achieved significant progress in the field of identification and management of assets. A number of 476 requests received from national and international law enforcement authorities were managed, leading to the identification of assets amounting to approximately €24,956,596. This includes 2,901 real estate properties valued at €21,091,542, 402 vehicles valued at €3,865,054, and over 2,600 bank accounts and 447 companies.

Additionally, ANABI successfully administered approximately €204,574,268.42 across 39,661 bank accounts, as well as valuable movable assets, such as cars, watches, and motorcycles, with an estimated value of €16,000,000. Furthermore, ANABI manages a portfolio of over 70 types of digital assets (BTC, SOL, WIF, ETH, FET, PENDLE, AUCTION, CTSI, ROSE, USDC, DOGE, TIA, INJ, RUNE, DMT and others). In a single criminal case involving cryptocurrencies, ANABI managed a diversified portfolio of digital assets, with an estimated value of \$4,000,000.

European projects: ANABI has further strengthened international cooperation in asset recovery by implementing, among other partners, two European projects.

The RECOVER project focuses on enhancing the mutual recognition of freezing and confiscation orders, improving cross-border cooperation in fighting organized crime.

The KLEPTOTRACE project aims to strengthen investigations and the recovery of assets related to high-level transnational corruption, a critical issue in the EU's efforts to combat corruption.

EPAC and International Cooperation: In 2024, ANABI became a member of the European Partners Against Corruption (EPAC), further reinforcing its role in the global fight against corruption. Additionally, a Memorandum of Understanding (MoU) was signed with the Ukrainian Asset Recovery and Management Agency (ARMA), marking a significant step in enhancing inter-institutional cooperation for asset recovery between the two countries.

First-Time Grant Allocation: In 2024, ANABI allocated non-reimbursable grants derived from confiscated assets to support associations and foundations dedicated to victim assistance and protection. Key funded projects include: "Justice for Victims with Intellectual or Psychosocial Disabilities" , "Start with You: Education, Prevention, Action Against Crime", "Active Measures for Crime Prevention, Victim Protection, and Strengthening the Resilience of Communities in Argeş County".

III. MEDIA PLURALISM AND PLURALISM

III. Media freedom and pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media freedom and pluralism (if applicable)

Recommendation: 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

No up-dates.

Ministry of Culture

In accordance with the commitments made within the European Union and the national objectives to promote a pluralistic and free media environment, the Ministry of Culture is responsible for actively contributing to the strengthening of media pluralism and freedom of expression in Romania.

Thus, in 2024, the Ministry of Culture made a significant contribution to the progress in implementing and monitoring national and European regulations regarding media pluralism, closely collaborating with regulatory authorities such as the National Audiovisual Council to ensure that the existing legislation effectively protects pluralism and editorial independence.

Media freedom is a cornerstone of democracy and essential for the proper functioning of a market economy. Globally, the European Union continues to be a bastion of press freedom, setting relevant standards in this area.

In order to counter the concerning trends that threaten press freedom, the European Commission has adopted a series of measures aimed at protecting media freedom and pluralism within the EU. In this context, the European Regulation on Media Freedom was adopted, which came into force on May 7, 2024, and its provisions will be fully applied starting from August 8, 2025. This new legislative framework aims to ensure a fairer and more diversified media environment in Europe, protect press freedom from external influences, and support citizens' access to accurate and impartial information.

The Ministry of Culture has actively contributed to the negotiation process of this regulation, conducting ongoing consultations with relevant national authorities such as the National Audiovisual Council, the Romanian Television Society, the Ministry of Internal Affairs, and the Romanian Intelligence Service.

Furthermore, in order to align national legislation with the European framework on media freedom, the Ministry of Culture is considering the establishment of an interinstitutional working group, which will aim to identify national legal acts that need to be adapted.

A. Media authorities and bodies³³

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

No up-dates from the previous report.

Conditions and procedures for the appointment and dismissal of the head /members of the collegiate body of media regulatory authorities and bodies

No up-dates from the previous report.

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.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of the press (private and public)

³³ Cf. Article 30 of Directive 2018/1808.

- 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

No up-dates from the previous report.

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 National Audio-visual Council issued a press release³⁴ calling for the protection of a journalist, condemning the decision of Russia's Federal Security Service to open criminal cases against foreign journalists, including a Romanian journalist, who report from the conflict zones between Ukrainian and Russian forces.

According to the press release, the journalists must be protected to enable them to provide the public with information as close as possible to the reality on the ground. Harassing them is an attack on freedom of information and free access to information of exceptional public interest.

The National Audiovisual Council remains firmly committed to the values of protection of journalists and those guaranteeing freedom of expression. The Russian Federation's gesture does nothing but confirm, once again, that the totalitarian, brutal, fear-based, totalitarian regime is preferred in Russia, in contrast to the path of European democracy to which Romania is committed.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

No up-dates from the previous report.

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 drafting of the transposition law of the Anti-SLAPP Directive is ongoing. We intend to submit the draft to the Government for approval in April 2025. Following approval by the Government, the draft shall be sent to the Parliament

³⁴ [Comunicat de presă - CNA](#)

for debate. We are considering whether to extend the procedural guarantees contained in the Directive to domestic cases. Consultations on this issue are ongoing with representatives of civil society and the judiciary (Superior Council of Magistracy and High Court of Cassation and Justice).

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

44. Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

Recommendation: *Step up efforts to ensure effective public consultations before the adoption of legislation.*

From the information provided by the competent institutions it results that significant steps have been taken to ensure effective public consultations before the adoption of legislation (transparency, consultation with civil society, etc.).

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders³⁵/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.

The General Secretariat of the Government

In the context of the implementation of Target no. 407 "The process of public consultation and stakeholder involvement has improved by increasing by 20% the number of draft legislative acts subject to public consultation and stakeholder involvement at the central level" of the NRRP, 24 training sessions (1 session lasting 3 days, 8 hours/day) were held in order to streamline the implementation of regulations in the field of public consultation and free access to information of public interest, bringing together a total of 631 public officials from central and local authorities.

The monitoring and evaluation exercises on the application by public authorities and institutions of the legal provisions on free access to information of public interest in public administration were continued, being carried out and published on the institution's webpage (<https://sgg.gov.ro/1/transparenta-decizionala-monitorizare/>):

- o Synthesis of annual reports on the implementation by central and local public authorities and institutions of the legislation on free access to information of public interest, illustrating the situation for 3,126 authorities and institutions and containing recommendations aimed at improving practices in this area;
- o Centralizers on the degree of compliance with the standards for the ex officio publication of information of public interest, showing the situation for 580 public authorities and institutions at central and local level.

Implementation of methodological guidance actions, which involved:

- Two working meetings with central and local government representatives on effective annual reporting, progress made, challenges encountered and good practices in the implementation of legal provisions, as well as identification of concrete solutions to support better transparency and communication with citizens;
- Issuance of individual recommendations to 580 central and local public authorities and institutions monitored on their compliance with the standards for the ex officio publication of information of public interest.

The monitoring and evaluation exercises of the application by public authorities and institutions of the legal provisions on decision-making transparency were continued, and the Synthesis of the annual reports on decision-making transparency in the public administration related to the year was completed and published on the institution's webpage

³⁵ This includes also the consultation of social partners.

(<https://sgg.gov.ro/1/transparency-decisional-monitoring/>). This includes the data related to a number of 484 authorities and institutions of the central and local public administration, containing recommendations for improving practices.

Two methodological guidance meetings were held with central and local government representatives, which focused both on streamlining the annual reporting and the recommendations included in the above-mentioned synthesis.

In the context of the implementation of Target No. 407 "Public consultation and stakeholder involvement process improved by increasing by 20% the number of draft legislative acts subject to public consultation and stakeholder involvement at central level" of the NRRP, the following actions were pursued:

- Conduct training sessions in order to streamline the implementation of regulations in the field of public consultations and free access to information of public interest - detailed in Section III C, point 3.
- Develop the Scoreboard for monitoring and assessing the quality of central and local government public consultation procedures and stakeholder engagement processes. This is to become public in 2025, containing data related to the practices of the administration, structured in 3 categories, such as: ex officio publication of information of public interest, provision of information of public interest on request and transparency of decision-making. Also, based on the indicators established, the scoreboard will allow individual scores to be given to institutions for each of the 3 categories mentioned above.
- Development of the existing IT platform www.e-consultare.gov.ro to serve as a government-wide "one-stop-shop" for citizens on participation opportunities. Similar to the Scoreboard, this will become available from 2025 and will allow the public consultation process to be carried out directly by the authorities, including at the local level, in digital format, providing standard procedures and mechanisms. It will also allow the management of requests for access to information of public interest, as well as the handling of funding calls in electronic format.

For more in-depth information, please see below the activity of the General Secretariat of the Government and the Legislative Council (section regarding the process for preparing and enacting laws).

Senate

The Romanian Senate has implemented during 2023 the project "Digital solutions to increase the administrative capacity of the Romanian Senate", code SIPOCA 1271/code MySMIS 158231, co-financed by the Operational Programme Administrative Capacity 2014-2020. The overall objective was to increase the institutional capacity and streamline the work in the organizational structures of the Romanian Senate services by implementing innovative IT solutions to simplify the delivery of services to beneficiaries.

A portal dedicated to citizens has been implemented, which includes seven online services: flows for petitions, for submitting opinions on legislative initiatives under public consultation, for requests for information of public interest, made under Law 544/2001, for requests for access to public meetings of the Senate and for requests for copies of documents from the archive of the institution. The portal also includes services dedicated to the accreditation of journalists, as well as a feed for internship sessions organized at the Senate. The modern IT measures implemented through the platform will cover both the back-office (adaptation of internal working procedures, digitization of the archive, development and linking of databases on the legislative process, etc.) and the front-office, i.e. measures to improve citizens' access to the Senate's activities. Useful link: [Senat Online](#)

The Senate of Romania provides citizens and NGOs with the possibility to attend plenary sittings, upon request and within the limit of available seats, in compliance with the access rules. Citizens and representatives of non-governmental organizations may request to attend the Senate's plenary sessions by filling in and submitting the form on the Portal.

Legislative initiatives under public consultation

Stakeholders' views on legislative initiatives can be submitted via the form in the Portal.

Suggestions made must relate exclusively to legislative proposals under public consultation, according to the list on the digital platform. At Senate level, during 2024, interinstitutional dialog events were held to ensure transparency in the legislative process. Among these, we mention the following: 10.12.2024: 76th anniversary of the adoption of the Universal Declaration of Human Rights: 'Reducing inequality and promoting human rights', 04.12.2024: International Day of Persons with Disabilities - commitment to equality and inclusion, 06.11.2024: Drug prevention: the joint responsibility of public institutions and civil society, 18.10.2024 - European Anti-Trafficking Day.

The Legislative Council

Through its constitutional and legal responsibilities, the Legislative Council contributes to ensuring the quality of the legislative process and legislation, primarily by issuing opinions on draft legislative proposals by deputies and senators or by citizens, as well as draft laws, emergency ordinances, ordinances, and normative government decisions.

According to Article 3, paragraph (1) of Law no. 73/1993, the consultative opinions of the Legislative Council address: the conformity of the proposed regulation with the Constitution, framework laws in the field, European Union regulations, and international acts to which Romania is a party. Additionally, in the case of draft laws and legislative proposals, they address the nature of the law and which chamber should be notified first, the correctness and clarity of legal expression, the removal of contradictions or inconsistencies within the draft normative act, ensuring the completeness of its provisions, compliance with legislative drafting norms, and normative language, as well as presenting the implications of the new regulation on the existing legislation.

Furthermore, the Legislative Council contributes to ensuring quality legislation also by fulfilling its responsibility of maintaining the official record of legislation, as well as its duties related to the systematization, unification, and coordination of legislation—objectives derived from Article 79, paragraph (1) of the Constitution of Romania.

Regarding the official record of legislation, starting with 2024, this activity has been conducted using a new IT platform with enhanced functionalities compared to the previous version. This development contributes to reducing the information processing time and ensuring its accuracy.

Moreover, to ensure the accessibility of information on existing legislation, a new public interface for the official version of the Legislative Repertoire—prepared by the Legislative Council—has been implemented. This interface provides additional features for querying the legislative database and offers improved speed compared to the previous version.

Additionally, according to Article 2, paragraph (1), letter g) of Law no. 73/1993 regarding the establishment, organization, and functioning of the Legislative Council, delays in issuing normative acts for implementation, as mandated by laws, ordinances, and government decisions, have been reported quarterly to the competent public authorities.

At the same time, considering the responsibility provided in Article 5, paragraph (5) of Law no. 73/1993, the Legislative Council has annually reported to Parliament or, as the case may be, to the Government, delays in the republication of normative acts for which such a measure was ordered.

In the same context, it is worth mentioning the recommendation to include, in draft normative acts, provisions for the republication of the basic normative act when it has undergone significant amendments and/or additions. This recommendation has been made by the Legislative Council in its opinions whenever the legal conditions for republication were met.

Another way in which the activity of the Legislative Council contributes to meeting the requirements of accessibility of normative acts, and thus to the quality of legislation, is by exercising the responsibility provided in Article 2, paragraph (1), letter f) of Law no. 73/1993, namely, drafting consolidated versions of laws, as well as ordinances, emergency ordinances, and normative government decisions.

Starting from November 9, 2023, the Legislative Council has been permanently engaged in drafting and publishing on the institution's website the consolidated versions of normative acts affected by legislative events. Consolidated versions of normative acts amended after the entry into force of Law no. 343/2022 can be found on the institution's website (www.clr.ro).

The General Secretariat of the Government

During the year 2024, 4 in-depth training sessions in the field of regulatory impact assessment (ex-ante and ex-post) were organized for more than 80 representatives of central public administration. Two exchanges of experience were also organized with other EU countries on the application of new methodologies in the field of impact assessment, in particular those involving quantification (e.g. the use of compliance costing in the underpinning of legislation). Exchanges of experience also focused on the work of assessing the quality of the underpinning of legislation and the functioning of the structures responsible for this. Among the countries represented at the meetings were the UK, Germany, Italy, Spain, the Czech Republic and Germany.

The Advisory Council for the Impact Assessment of Legislation (CCEIAN) continued its work in 2024 by analyzing the quality of presentation and reasoning tools. The statistics of the opinions issued by the CCEIANIC are presented below:

	2023				2024 (until November 30)			
	Opinions				Opinions			
Drafts	Number	Positive	FOP*	Negative	Number	Positive	FOP	Negative
Laws	18	4	6	8	10	4	5	1
GEO	45	11	19	15	28	2	21	5
GO	8	2	5	1	2	1	1	0
GD	40	6	22	12	46	14	24	8
Total	111	23 20.72%	52 46.84%	36 32.44%	86	21 24.42%	51 59.3%	14 16.28%

*FOP – Positive with comments and proposals

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

Legislating through emergency ordinances is carried out under the conditions stipulated in Article 115, paragraph (4) of the Constitution, which provides that the Government may adopt emergency ordinances only in extraordinary situations whose regulation cannot be postponed, being obligated to justify the urgency within their content.

The adoption of emergency ordinances is also subject to the rules outlined in Article 115, paragraph (6) of the Constitution, which states that emergency ordinances cannot be adopted in the field of constitutional laws, cannot affect the regime of the fundamental institutions of the state, the rights, freedoms, and obligations stipulated by the Constitution, electoral rights, and cannot involve measures for the forced transfer of assets into public ownership.

Regarding the Government's recourse to legislating through emergency ordinances, we specify that, at the level of primary legislation (acts with the force of law), the synthetic situation for the year 2024 (as of December 17, 2024) is as follows:

Type of Act	Base Acts	Amending Acts	Total
Law	209	105	314

Type of Act	Base Acts	Amending Acts	Total
Emergency Ordinance	59	88	147
Ordinance	15	29	44
Total	283	222	505

In 2024, emergency ordinances were adopted, as in previous years, taking into account the need to meet, on time, the milestones and targets associated with key investments and major reforms related to the six main pillars established by Regulation (EU) 2021/241 of the European Parliament and the Council of February 12, 2021, establishing the Recovery and Resilience Facility. Consideration was also given to the Council Implementing Decision of November 3, 2021, approving the assessment of Romania's Recovery and Resilience Plan.

At the same time, some European Union directives were transposed through emergency ordinances, given the initiation of infringement procedures against Romania by the European Commission or the imminence of such procedures. Additionally, emergency ordinances have been used to adopt certain social protection measures and fiscal-budgetary measures. Furthermore, some emergency ordinances introduced support measures for farmers or other categories of people in the context of the crisis caused by Russia's aggression against Ukraine.

Emergency ordinances are drafted and adopted by the Government under an emergency procedure, during which the Legislative Council is obligated, as stipulated by Article 4, paragraph (3) of Law no. 73/1993, to issue its opinion within 24 hours, regardless of the length or complexity of the respective draft.

Senate

In 2024, the Senate passed 467 legislative bills. Of these, 272 were adopted under the emergency procedure, including the 166 bills for the approval of Government Emergency Ordinances that have an accelerated adoption procedure according to the Romanian Constitution . It follows, in terms of bills and legislative proposals, that only 106 were adopted under the emergency procedure, approximately 22.67% of the total legislative bills adopted in 2024.

The General Secretariat of the Government

The Romanian Government is currently systematically applying the Methodology on the use of emergency ordinances, set out in Annex VI of Government Decision No. 561/2009 approving the Regulation on the procedures at Government level for the elaboration, endorsement and submission of draft public policy documents, draft normative acts and other documents for adoption/approval. Thus, there are three main filters to analyze the appropriateness and legality of using emergency ordinances as a legal instrument. These are:

- 1. The Advisory Council for the Impact Assessment of Legislation (CCEIAN)** - at the beginning of the public consultation process - it issues points of view in which it analyzes the distinct presence of objective elements of the extraordinary situation that determine the use of the GEO, the regulation of which cannot be postponed, by highlighting indicators that allow their use to be circumstantialized. The CCEIAN indicates the presence or absence of these elements in the points of view.
- 2. Department for Relations with Parliament (DRP)** - at the beginning of the endorsement process - it issues opinions on the appropriateness of using emergency ordinances.
- 3. Ministry of Justice (MJ)** - at the end of the endorsement process - it issues final opinion on the legality and constitutionality of all regulations.

Please note that the Government has the legitimacy to make the final decision on the use of emergency ordinances as a regulatory instrument.

We present below the statistical evolution of emergency ordinances in recent years.

Year	Number of laws	Number of ordinances	Number of emergency ordinances	Total of primary legislation	Number of government decisions	Total of legislation	% emergency ordinances out of total primary legislation	% emergency ordinances out of total legislation
2020	298	8	226	532	1119	1651	42.4%	13.6%
2021	323	19	145	487	1305	1792	29.7%	8%
2022	385	37	192	614	1556	2170	31.2%	8.8%
2023	431	42	131	604	1323	1927	21.6%	6.8%
2024 (until November 30)	298	43	136	477	1500	1977	28.5%	6.9%

Data source: https://www.cdep.ro/pls/legis/legis_pck.frame

Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination. [this question complements the exiting question on rules and use of fast-track and emergency procedures]

People's Advocate

Although the People's Advocate institution does not offer safeguards regarding the decisions or inactions of administrative authorities nor remedies in this regard, nevertheless, through the activity carried out to fulfil its constitutional and legal purpose, that of respecting rights and freedoms of individuals, it has at its disposal **the Recommendations** as specific procedure and means of intervention.

If the People's Advocate identifies, when resolving a complaint or during an investigation, cases of maladministration, it issues recommendations to the public administration authorities in question, requesting then to reform or revoke of the administrative act, to repair of the damages caused, and to restore the aggrieved individual to the previous situation.

Also, through the recommendations issued, the People's Advocate may request the heads of public administration authorities to amend or supplement the regulations, orders, and instructions issued in the exercise of legal powers.

The recommendations do not have the legal effect of sanctions, but they constitute a warning addressed to the public administration authority on the need to re-evaluate the illegal administrative act or deed and correct it.

In the event that the public administration authority does not adopt the recommendation issued by the Ombudsman, the matter is referred to the hierarchically superior authorities.

Also, according to the provisions of Art. 15 paragraph (1) letter (m) of Law no. 35/1997 on the organization and functioning of the People's Advocate institution, republished, the People's Advocate may notify the administrative court under the terms of the administrative litigation law.

Thus, in accordance with the provisions of Art. 1 paragraph (3), in conjunction with Art. 11 paragraphs (1) and (3) of Law no. 554/2004 on administrative litigation, as subsequently amended and supplemented, the People's Advocate, following the control carried out, according to its organic law, if it considers that the illegality of the act or the refusal of the administrative authority to perform its legal duties cannot be removed except through the Justice System, it may notify the competent administrative litigation court. The complainant acquires the status of plaintiff by right, and will be

summoned in this capacity. If the complainant does not appropriate and take over the action filed by the People's Advocate at the first hearing, the administrative court annuls the request. The action filed by the People's Advocate is subject to the general limitation period of the right to notify the administrative court.

Rules and application of states of emergency (or analogous regimes), including judicial review or parliamentary oversight

The Legislative Council

According to Article 93 of the Constitution, the President of Romania establishes, in accordance with the law, the state of siege or the state of emergency throughout the country or in certain administrative-territorial units and requests Parliament's approval of the measure adopted within no more than 5 days of taking it. If Parliament is not in session, it is convened by law within no more than 48 hours from the establishment of the state of siege or emergency and operates throughout their duration.

These constitutional provisions are detailed in Government Emergency Ordinance no. 1/1999 regarding the regime of the state of siege and the regime of the state of emergency, approved with amendments and additions by Law no. 453/2004, as subsequently amended and supplemented.

Regime for constitutional review of laws

B. Independent authorities

Recommendation: Take forward the process for obtaining accreditation for two National Human Rights Institutions, taking into account the UN Paris Principles

In March 2024 the People's Advocate institution concluded a collaboration protocol on this issue with the Romanian Institute for Human Rights.

By Memorandum No. DH/439/3 July 2024, the Prime Minister of Romania communicated that the Government of Romania agrees to support the accreditation of the People's Advocate and the Romanian Institute for Human Rights in the Global Alliance of National Human Rights Institutions (GANHRI) system.

The GANHRI Bureau has decided that the provision in the GANHRI Statute and the relevant SCA Rules of Procedure, concerning accreditation of more than one NHRI from one United Nations member State, shall be clarified.

While deliberations are ongoing on a revision of the relevant provisions of the GANHRI Statute on this matter and pending a final decision, scheduling of the accreditation requests from multiple institutions in one UN Member State will be paused including the requests by the institutions of Romania.

In conclusion, we consider that steps have been taken in order to obtaining accreditation for two National Human Rights Institutions, taking into account the UN Paris Principles, since we are waiting for the GANHRI Bureau's decision.

The People's Advocate

The People's Advocate is an autonomous and independent public authority from any other public authority; it does not substitute itself for public authorities, cannot be subject to any imperative or representative mandate, and its activity is public in nature; it has its own budget which is an integral part of the state budget.

The Ombudsperson and their deputies are not legally liable for the opinions expressed or for the acts they perform, in compliance with the law, in the exercise of the duties provided by law. To fulfill its constitutional and legal role, the People's Advocate receives, examines and resolves, under the law, complaints submitted by any natural person, regardless of citizenship, age, gender, political affiliation or religious beliefs.

In order to resolve the problems with which it is notified, the People's Advocate has the right to request the public authorities to take the appropriate measures to protect the rights and freedoms of individuals, and if the public authority in question fails to react, then the People's Advocate can notify the hierarchically superior public authorities.

The People's Advocate has the right to conduct its own investigations, to request the authorities of the public administration any information or documents necessary for the investigation, to hear and take statements from the heads of the public authorities and from any official who can provide the information necessary to resolve the complaint.

Also, in the exercise of their powers, the Ombudsperson issues recommendations. Through the recommendations issued, the Ombudsperson notifies the public administration authorities on the illegality of their administrative acts or deeds.

The People's Advocate Institution was designated by the Romanian Parliament as a National Human Rights Institution within the meaning established by the Resolution of the General Assembly of the United Nations (UN) Resolution No. 48/134 of 20 December 1993, which adopted the Paris Principles. Following the adoption of these principles, OHCHR developed a system for accrediting national human rights institutions with regard to the level of compliance with the Paris Principles, the highest level being "A status". Granting a status to a national human rights institution recognizes the state's efforts in promoting and protecting fundamental rights by creating and maintaining a specific mechanism in the field, at international standards.

Taking all this into account, through the 2018 amendment of Law no. 35/1997 on the organization and operation of the People's Advocate institution, republished, the People's Advocate institution was designated by the Romanian Parliament as a national human rights institution. At the same time, the successive amendments to the legislation on the organization and operation of the People's Advocate institution led to the consolidation and development of the mandate of the People's Advocate institution, which makes this institution today the only national human rights institution that is fully in line with international standards.

As a result, in the fall of 2018, this institution initiated the process of accreditation as a national human rights institution. On this occasion, several meetings were held with responsible persons from the Office of the High Commissioner for Human Rights (OHCHR) and the Global Alliance of National Human Rights Institutions (GANHRI), the body that organizes the accreditation procedure.

In the context of the SARS-CoV-2 pandemic, the calendar of the accreditation process was postponed and in 2023 the People's Advocate reiterated the request made in 2018 regarding the initiation of the process of accreditation of the institution as a National Human Rights Institution.

Given the particularity of the institution's candidacy, in the sense that another institution in Romania, namely the Romanian Institute for Human Rights, has also made a similar request, and knowing the requirements of art. 6.3 of the Rules of Procedure of the GANHRI Sub-Committee on Accreditation, which provides special regulations for the situation in which several national institutions apply for accreditation, in March 2024 the People's Advocate institution concluded a collaboration protocol on this issue with the Romanian Institute for Human Rights.

Fulfilling the obligations incumbent on the Romanian state within the accreditation process as a national human rights institution is the responsibility of the Government of Romania, in which context the institution has requested its support, in order to be accredited as a national human rights institution with A status, according to the aspects noted and assumed by the Protocol indicated above and made available to the Sub-Committee through previous correspondence.

By Memorandum No. DH/439/3 July 2024, the Prime Minister of Romania communicated that the Government of Romania agrees to support the accreditation of the People's Advocate and the Romanian Institute for Human Rights in the Global Alliance of National Human Rights Institutions (GANHRI) system.

By electronic correspondence dated December 19, 2024, the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) confirmed the receipt of the request for accreditation with GANHRI from the Romanian Institute for Human Rights and the People's Advocate of Romania.

As these requests concern the accreditation of multiple institutions in one UN Member State with the same geographic competence, the Sub-Committee on accreditation sought policy guidance on the matter from the GANHRI Bureau during its November 2024 meeting. The GANHRI Bureau has decided that the provision in the GANHRI Statute and the relevant SCA Rules of Procedure, concerning accreditation of more than one NHRI from one United Nations member State, shall be clarified.

While deliberations are ongoing on a revision of the relevant provisions of the GANHRI Statute on this matter and pending a final decision, scheduling of the accreditation requests from multiple institutions in one UN Member State will be paused including the requests by the institutions of Romania. Once the provisions of the GANHRI statute have been clarified, the Romanian Institute for Human Rights and the People's Advocate of Romania will be informed accordingly.

Romanian Institute for Human Rights

The Romanian Institute for Human Rights has followed the necessary steps to initiate the application procedure for accreditation by the GANHRI Subcommittee on Accreditation. Unfortunately, due to non-compliance issues identified by the Subcommittee, particularly regarding the involvement of state authorities, IRDO was not invited to submit the required documentation for accreditation application during this year's sessions. The same resolution was applied to the Ombudsman Institution.

The Government of Romania expressed its position in the sixth Country Report submitted to the UN Committee on Economic, Social and Cultural Rights, in accordance with Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The report clarified that the institutions in Romania with mandates in the field of human rights (specifically regarding the status of the Ombudsman and the Romanian Institute for Human Rights) have different competences. Although at first glance it may appear that the competences overlap, in reality, these two institutions complement each other through their respective mandates.

The Government's position was also reflected in the dialogue with members of the UN Committee, during which the official delegation emphasized that "The Ombudsman is an autonomous and independent public authority established under the Constitution. Its mandate covers all human rights, with a particular focus on individual rights in areas such as social protection, family, health, and education. The Romanian Institute for Human Rights is an independent body under parliamentary control, tasked with raising awareness through reports, studies, and training. Both the Ombudsman and the Institute have requested accreditation as national human rights institutions, in accordance with the Paris Principles. The Government has called for the identification of a formula that would allow national institutions to meet the accreditation requirements while maximizing cooperation between them"³⁶.

*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*³⁷

The People's Advocate

To achieve its constitutional and legal purpose, that of respecting rights and freedoms of individuals, the People's Advocate institution has at its disposal specific procedures and means of intervention: investigations, recommendations, special reports and ex officio notifications.

³⁶ Committee on Economic, Social and Cultural Rights, Seventy-fifth session, Summary record of the 3rd meeting, E/C.12/2024/SR.3

³⁷ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

In cases where the People's Advocate finds violations of rights and freedoms through administrative acts, it requests the reformation or revocation of the administrative act in question, the repair of the damages caused and the restoration of the aggrieved individual to the previous situation. Consequently, the authorities involved are obliged to take all measures to eliminate the illegalities found, repair the damages and eliminate the causes that generated or favored the respective violation, informing the People's Advocate about it.

The People's Advocate has the legal possibility to address the hierarchically superior public authorities, in connection with the lack of reaction of those entitled to order legal measures, in the event that the notified public administration authority does not comply with the request addressed. At the same time, in the case of serious violations of rights or freedoms or the illegality of an administrative act, the People's Advocate may issue recommendations addressed to the public administration authorities that violated fundamental rights or issued illegal acts.

Romanian Institute for Human Rights

Both the 2024 report³⁸ of the European Network of National Human Rights Institutions (ENNHRI) on the Rule of Law and the 2024 country report³⁹ of the European Commission on the Rule of Law highlight that the status of IRDO is characterized by an outdated regulatory framework, as well as limited financial and human resources, which significantly impede the Institute's ability to operate at an optimal level. The latest report of the European Commission provides a detailed account of developments regarding the accreditation of a human rights institution, referencing the provisions of Article 6, paragraph (3) of the Rules of Procedure of the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), as well as the steps taken by the Romanian Institute for Human Rights to comply with these requirements. The report also mentions the government's agreement to support the accreditation of the Romanian Institute for Human Rights and the Ombudsman Institution. Additionally, the document provides information on the status of the Romanian Institute for Human Rights, emphasizing the need to improve the legislative framework to ensure its proper functioning. At the same time, ENNHRI, of which the Institute is an associate member, has recommended that Romanian authorities take urgent measures to address the current situation.

In the current context (including, among other challenges, a staff shortage) and considering the expansion of its mandate as a focal point under the "anti-SLAPP" Recommendation (EU) 2022/758, the Institute is carrying out its mandate with significant difficulties. Taking into account the provisions regarding the role of national institutions with responsibilities in the field of human rights outlined in the Recommendation, as well as the mandate of the Romanian Institute for Human Rights (IRDO) under Law No. 9/1991, the Institute has been assigned the following additional responsibilities: organizing training programs for journalists and human rights defenders; conducting awareness campaigns on SLAPP procedures; and collecting statistical data on SLAPP cases.

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

The People's Advocate

196 recommendations were issued in 2023, and in 2024, by December 19, **186 recommendations**.

These are available on the institution's website, being published on the day of their issuance, and are permanently followed and monitored in order to be adopted by the public institutions and authorities to which they were addressed, all information being made known to the public immediately.

Romanian Institute for Human Rights

³⁸ <https://rule-of-law.ennhri.org/export?country%5B0%5D=42&year%5B0%5D=2024>

³⁹ https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en

The Romanian Institute for Human Rights aligns with institutions of the Institute or Center type, which are generally mandated to provide advisory services to governmental and parliamentary authorities on policies and legislation related to human rights, conduct monitoring activities, and implement educational programs in this field. These activities include public awareness initiatives, organizing debates, sessions, and meetings, as well as producing and disseminating research and publications specific to human rights. The Institute also organizes training programs primarily aimed at categories of individuals with special responsibilities for protecting human rights or raising awareness of human rights issues among broad segments of the population. Additionally, it conducts programs specifically tailored for students and teachers in pre-university education, with the goal of fostering a culture of human rights. A distinctive feature of such institutions lies in their lack of competence to resolve individual complaints, as their activities are predominantly focused on research and reporting in the field of human rights.

Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

Ministry of Economy, Digitalization, Entrepreneurship and Tourism (MEDET)

The independence of regulatory and supervisory authorities is a key principle to ensure a stable and fair economic environment for economic operators. In this regard, MEDET approved in 2024, by Ministerial Order, the Methodology for the development and application of the SME Test and ensures the application of this key tool for assessing the impact of new regulations on small and medium-sized enterprises. Through this mechanism, it aims to:

1. Ensure transparency and objectivity in the decision-making process by identifying and removing any disproportionate obstacles for SMEs, thus contributing to a balanced and open legislative process.
2. Prevent disproportionate influence on regulators by ensuring that regulation is fair and does not favor one type of economic operator over others.
3. Promote a participatory and consultative framework by actively involving economic actors in the regulatory development process, which reinforces the independence of regulators from external political or economic influences.
4. Constant monitoring of the impact of legislative measures on SMEs, by continuously assessing their effects on the business environment, providing the possibility to make quick and correct adjustments in order to maintain a balanced business climate.

Although it functions as an indirect measure to implement the European Commission's recommendations on the rule of law, we consider the SME Test as an important pillar within the MEDET policy to support a fair business environment and to strengthen the independence of regulators with an impact on economic operators.

The Legislative Council

Regarding the question about ensuring guarantees concerning the independence of regulatory and supervisory authorities that have a direct impact on economic operators, in the analysis of draft normative acts submitted for approval to the Legislative Council, these aspects are also examined, insofar as the necessity of such guarantees derives from constitutional-level regulations, legal acts adopted at the European Union level, or international treaties to which Romania is a party. If the regulations contained in the respective drafts include legislative solutions that would undermine these guarantees enshrined in the aforementioned acts, such aspects would be highlighted in the issued opinion.

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

High Court of Cassation and Justice

The HCCJ ensures the highlighting, on its own website, of the case law pronounced on disciplinary sanctions applied to magistrates, by publishing the decisions pronounced by the Panels of 5 judges as follows:

- in systematized format - section containing the judgments handed down in this area since 2021, structured by type of disciplinary offences, with an indication of the published judgements and a *link to* quick access to anonymized judgements. This systematization is published and regularly updated on the website of the Supreme Court, in the section dedicated to the Panels of 5 judges in civil matters. This tool makes it possible to observe the judgements of the Supreme Court in disciplinary matters by aggregating only the judgements that have ruled on factual issues in disciplinary matters, excluding those concerning procedural issues;
- by publishing an annual collection case law in this area "Bulletin of disciplinary case law".

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

However, the following statistical information related to the activity of the specialized chamber of the Court of Cassation in the field of judicial review of administrative decisions may be relevant:

In the period 01.01.2024 - 30.12.2024, the Administrative and Tax Litigation Chamber of the Court of Cassation registered **77** cases concerning the *annulment of a Government decision*.

Also, in the above-mentioned period, **56** cases concerning the *annulment of Government decisions* were settled, and in **12** cases the first court judgment ruling partial annulment of Government decisions was upheld.

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

High Court of Cassation and Justice

In order to ensure a uniform format for the transmission of requests submitted by the High Court of Cassation and Justice to the Court of Justice of the European Union (CJEU) for a preliminary ruling, a certain person has been designated for the transmission of such requests through the e-Curia application.

During 2024, 4 requests were submitted to the Court of Justice of the European Union by the Romanian High Court of Cassation and Justice: 1 request made by the First Civil Chamber in case no. 32698/3/2021/01 - the case being registered at the CJEU under no. C-598/24; 3 requests formulated by the Administrative Jurisdiction and Tax Chamber: in cas. 2705/1/2022 - the case being registered at the CJEU under no. C-149/24; in case. 6801/2/2018 - the case being registered at the CJEU under no. C- 367/24; in case no. 6739/2/2019 – CJEU case number not yet assigned (according to the data published on the CURIA website).

The Superior Council of Magistracy

On the website of the National Institute of Magistracy, https://inm-lex.ro/evidenta_cauze/cauze.php, was introduced a section in which the preliminary procedures in Romania are centralized, with tabular indication of the identification elements of the cases, and, the possibility of accessing the preliminary references, the progress of the case and the judgment.

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

Information on the status of execution with regards to judgments adopted by the European Court of Human Rights (ECHR) in cases against Romania in the year 2024, compared to 2023.

As of 20 December 2024, according to the statistics of the department for the Execution of ECHR judgments⁴⁰, over the course of the current year, Romania has 302 repetitive cases and 116 leading cases under the supervision of the Council of Europe's (CoE) Committee of Ministers (CM). At the end of 2023, Romania had 361 repetitive cases and 115 leading cases under the supervision.

In 2024 (as of 19 December), Romania succeeded in closing 102 repetitive and 6 leading cases, compared to 109 repetitive and 12 leading cases in 2023. The number of Romanian cases closed in 2023 and 2024 is 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).

With regard to the sums established by the Court to be paid as just satisfaction in cases against Romania, in 2024 (as of 20 December), the total amount was 1.418.355 EUR, compared to 1.930.743 EUR in 2023, 2.860.079 EUR in 2022, 4.181.275 EUR in 2021 and 37.455.755 EUR in 2020⁴¹. The sums established in 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.

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 4.385 cases, surpassed by Italy (9.050 cases), Türkiye (8.905 cases), Russia (8.437 cases)⁴² and Ukraine (4.520 cases).

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, 2024⁴³, Romania was in fourth place with regards to pending cases, with a total of 3.800 pending applications, or 6.2% of the total of 61.250 pending cases. Romania is surpassed by Ukraine (7.750 cases), Russia (7.900 cases) and Türkiye (22.450 cases).

For comparison, at the end of 2023, Romania had 4.150 pending cases before the Court⁴⁴. At the end of 2022, the number of pending cases against Romania was 4.800⁴⁵ and, while at the end of, 2021, the number was 5.700⁴⁶.

Evolutions concerning the execution of domestic court rulings in cases against public debtors, an issue which forms the object of the Săcăleanu v. Romania group of cases, under the supervision of the CM: according to data available on HUDOC

⁴⁰ <https://www.coe.int/en/web/execution/romania>

⁴¹ <https://www.coe.int/en/web/execution/romania>

⁴² 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.

⁴³ <https://www.echr.coe.int/documents/d/echr/stats-pending-month-2024-bil>

⁴⁴ <https://www.echr.coe.int/documents/d/echr/stats-analysis-2023-eng> (page 7/15)

⁴⁵ https://www.echr.coe.int/documents/d/echr/stats_analysis_2022_eng (page 7/14)

⁴⁶ https://www.echr.coe.int/d/stats_analysis_2021_eng (page 8/61)

EXEC⁴⁷, this group, currently consisting 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 12 information notes and action reports on individual and general measures over the course of 2024⁴⁸.

The most recent examination by the CM of the Săcăleanu group took place at its meeting between 5-7 December 2023, when the Committee adopted a decision presenting the individual and general measures still required to ensure the execution of these cases⁴⁹. Evolutions concerning the execution of domestic court rulings in cases against public debtors represented by state-owned companies under bankruptcy or already liquidated, an issue which forms the object of the SC Polyinvest SRL and eight others v. Romania group, part of the Săcăleanu group of cases

On 23 November 2023, the Romanian Government had amended the regulatory framework laying down the procedure for the payment of sums awarded by the Court as just satisfaction, to enable paying also the sums owed to the applicants in these nine cases, through the adoption of the Emergency Government Ordinance no. 106/2023, for the amendment of the Government Ordinance no. 94/1999⁵⁰. Following this legislative update, the Governmental Agent proceeded to request the payment of the sums owed (on the basis of non-enforced domestic judgments or arbitral awards) by the state-owned companies in bankruptcy or already liquidated to the applicants in these nine cases, with the payments carried out by the Ministry of Finances. In five of the nine cases of this group (Omegatech Enterprises Ltd, Besleaga, Bod and others, Zlatin and Tomiuc), the payment of the sums owed to the applicants by the state-owned companies has already taken place and the CM was informed, taking note of the fulfilment of this obligation. In another case (SC Polyinvest SRL), the payment procedure has been initiated in December 2024 and in the three remaining cases (RJ Import Bucuresti SA, Iordan, Podaru and others), efforts are ongoing to receive all the information required to establish the amounts still owed to the applicants by the public debtors and proceed to paying them.

On 11 October 2024, the authorities submitted further information on the general measures adopted regarding the SC Polyinvest SRL and eight others through an information note⁵¹ which also present updated details on the general measures required in the Săcăleanu group. The most recent examination by the CM of the SC Polyinvest SRL and eight others group took place at its meeting between 12-14 March 2024, when the Committee adopted a decision in which it took note of the payment of the sums owed to the applicant in one of the cases (Omegatech Enterprises Ltd) and decided to close its supervision thereof⁵².

⁴⁷<https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-12744%22%5D,%22execdocumenttypecollection%22:%5B%22CEC%22%5D,%22execappno%22:%5B%2273970/01%22%5D%7D>

⁴⁸ Idem.

⁴⁹ Idem.

⁵⁰<https://hudoc.exec.coe.int/eng#%7B%22execdocumenttypecollection%22:%5B%22CEC%22%5D,%22execappno%22:%5B%2220752/07%22%5D,%22execidentifier%22:%5B%22004-49305%22%5D%7D>

⁵¹[https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22DH-DD\(2024\)1154F%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22DH-DD(2024)1154F%22%5D%7D)

⁵²[https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22CM/Del/Dec\(2024\)1492/H46-28E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22CM/Del/Dec(2024)1492/H46-28E%22%5D%7D)

*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.

Nonetheless, we mention that, pursuant to Article 15 paragraphs (1) and (2) of Law No. 73/1993 on the organization and functioning of the Legislative Council, republished, with the exception of favorable opinions unaccompanied by observations and proposals, which do not require justification, in all other cases, the opinion includes a complete reasoning for each observation or proposal. If necessary, it is accompanied by studies, documents, and information supporting it, including those of a historical or comparative law nature, with the clarification that the opinion cannot include political considerations. Additionally, after being issued, the opinions of the Legislative Council are published on the institution's website.

Regarding the monitoring of compliance with this principle in the advisory activity, we consider relevant the provisions of Article 3 paragraph (3) letter (a) of Law No. 73/1993, as well as Article 3 paragraph (2) point 1 letter (a) of the Regulation on the organization and functioning of the Legislative Council, which pertain to analyzing, during the issuance of the opinion, the consistency of the proposed regulation with the framework laws in the field, as well as verifying the existence and proper indication of the legal basis for the adoption of Government decisions, regulations, and instructions of the Competition Council submitted for approval.

Moreover, in its advisory activity, the Legislative Council analyzes the presentation and reasoning instruments, which, according to Article 13 paragraph (2) of Law No. 73/1993, accompany the draft normative acts. The analysis considers both compliance with the structure and content requirements of the presentation and reasoning instruments for the draft normative act in relation to the provisions of Law No. 24/2000 on legislative drafting norms for normative acts, republished, with subsequent amendments and completions, and the correlation between the content of these instruments and the legislative solutions included in the draft normative acts. We emphasize that, if necessary, the Legislative Council's opinion includes observations and proposals concerning the aspects outlined above.

*Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies.
[this question complements the existing question on judicial review of administrative decisions]*

Romanian national legislation provides for a whole array of means of redress ensuring non-judicial review regarding decisions or inaction of administrative authorities.

The information provided below does not preclude the existence of other specific non-judicial means of redress against decisions or inaction of administrative authorities, provided for in various legislative acts concerning specialized domains. For instance, under Article 15¹ of Government Ordinance No. 27/2002 on Regulating the Activity of Resolving Petitions, the manner of resolving petitions addressed to the Parliament and the President of Romania is carried out in accordance with their own regulations.

I. Free access to public information:

The legal basis for the non-judicial means of redress in the field of free access to public information is Law No. 544/2001 on Free Access to Public Information.

Any person has the right to request and receive public information from public authorities and institutions.

According to Article 2, letter b of the said Law, “Public information means any information that concerns the activities or results from the activities of a public authority or public institution, regardless of the medium, form, or manner in which the information is expressed.”

Under Article 7, para. (1) of the said Law, “Public authorities and institutions are required to respond in writing to requests for public information within 10 days or, as applicable, within a maximum of 30 days from the date of registration of the request, depending on the difficulty, complexity, volume of documentary work, and urgency of the request. If the time required to identify and disseminate the requested information exceeds 10 days, the response must be communicated to the requesting person within a maximum of 30 days, provided the requesting person is notified in writing of this fact within 10 days.”

While Article 22 of the above-mentioned Law regulates the avenues for judicial review where a person considers themselves harmed in their rights as provided by this law, Article 21 provides for the avenues for non-judicial review.

According to Article 21, para. (1) of the said Law, “the explicit or tacit refusal of the designated employee of a public authority or institution to apply the provisions of this law constitutes misconduct and entails the disciplinary liability of the guilty party.”

Pursuant to Article 21, para. (2) of the said Law, “a complaint against the refusal provided for in paragraph (1) may be submitted to the head of the respective public authority or institution within 30 days of the affected person becoming aware of the refusal.”

Under Article 21, para. (3) of the said Law, “if, after administrative investigation, the complaint is found to be justified, the response shall be provided to the affected person within 15 days from the date the complaint was submitted. The response will include both the initially requested public information and mention of the disciplinary sanctions taken against the guilty party.”

II. The right to petition:

The legal basis for the non-judicial means of redress in the field of the right to petition is Government Ordinance No. 27/2002 on Regulating the Activity of Resolving Petitions.

This ordinance establishes the framework for the submission, examination, and resolution of petitions addressed to public authorities and institutions in Romania. Public authorities and institutions are required to receive, register, and respond to petitions within the legal deadlines, ensuring they address the issues raised.

According to Article 8 and 9 of the said law, petitions must be resolved and responded to within 30 days from the date of registration. In justified cases, this term can be extended by up to 15 days, with prior notification to the petitioner.

Under Article 15 of the said Law, the following actions constitute a disciplinary offense and are sanctioned according to the provisions of Law No. 188/1999 on the Status of Civil Servants or, as applicable, according to labor legislation:

- a) Failure to respect the deadlines for resolving petitions, as provided in this ordinance;
- b) Interventions or insistence to resolve petitions outside the legal framework;
- c) Receiving a petition directly from the petitioner, for resolution, without registering it and without it being assigned by the head of the relevant department.

III. The protection of individuals who have been harmed by the violation of their rights or freedoms by public administration authorities:

Among other legal attributions, the Ombudsman decides on petitions submitted by individuals who have been harmed by the violation of their rights or freedoms by public administration authorities (Article 15, para. (1), letter e of Law No. 35/1997 On the Organization and Operation of the Ombudsman Institution, republished).

In addition to the special legislation mentioned above under Section II, the right to petition is also a fundamental right guaranteed by the Romanian Constitution (Article 51). From this perspective, under Article 15, para. (1), letter f of Law No. 35/1997, the Ombudsman verifies the legal resolution of petitions received and requests the relevant public authorities or officials to cease the violation of the rights and freedoms of individuals, to restore the petitioner's rights, and to repair the damages.

Under Article 24, para. (1) and (2) of the aforementioned Law, in the exercise of its duties, the Ombudsman issues recommendations. Through the recommendations issued, the Ombudsman notifies public administration authorities about the illegality of administrative acts or actions. The silence of public administration bodies and the delayed issuance of acts are also considered as administrative acts.

Pursuant to Article 25 of Law No. 35/1997, the Ombudsman, their deputies, and the specialized staff of the Ombudsman's institution have the right to conduct their own investigations, to request any information or documents necessary for the investigation from public administration authorities, to hear and take statements from the heads of public administration authorities, and from any official who may provide the necessary information for resolving the petition, under the conditions of this law. These provisions apply to public administration authorities, public institutions, as well as any public services under the authority of public administration authorities.

Under Article 26 of the said Law, if, following the examination of the received petitions, it is found that the petition of the individual harmed is well-founded, the Ombudsman's institution will address the public administration authority that violated the individual's rights in writing. The institution will request the authority to amend or revoke the administrative act, repair the damages caused, and restore the affected individual to their previous situation. The concerned public authorities will immediately take the necessary measures to eliminate the identified illegalities, repair the damages, and remove the causes that led to or facilitated the violation of the individual's rights. They will also inform the Ombudsman's institution about these actions.

Pursuant to Article 27 of the said Law, if the public administration authority or public official does not eliminate the illegalities within 30 days from the date of notification, the Ombudsman's institution will address the higher-level public administration authorities, which are obliged to communicate the measures taken within a maximum of 45 days. If the public authority or public official belongs to local public administration, the Ombudsman's institution will address the prefect. From the date the complaint is submitted to the county prefect, a new 45-day period starts.

According to Article 28 of the said Law, the Ombudsman is entitled to notify the Government regarding any illegal administrative act or action of the central public administration and of the prefects. If the Government does not adopt measures within a maximum of 20 days regarding the illegality of the acts or actions of the public administration pointed out by the Ombudsman, this will be communicated to the Parliament.

Under Article 31 of the said Law, its provisions also apply to the administrative acts of autonomous public enterprises.

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)

Ministry of justice

The draft law amending *Government Ordinance No. 26/2000 on associations and foundations*, approved by the Senate in December 2023, is still under examination by the Chamber of Deputies (reference no. 763/11.12.2023).

The People's Advocate

The constitutional and legal role of the People's Advocate institution is to defend the rights and the freedoms of individuals in their relations with public authorities. Therefore, the institution's staff tries, year after year, to develop and improve

their professional training, learn new things about defending rights and freedoms citizens, both from the institution's previous experience and from the experience similar institutions from other countries of the world.

An example of good practice in terms of cooperation with civil society is the partnership of the People's Advocate institution with the *ACCEPT Association*. Thus, in 2022, a working group was created on the execution of ECHR judgments regarding sexual orientation and gender identity, facilitated by the People's Advocate, ACCEPT and the Prosecutor's Office attached to the High Court of Cassation and Justice, with the participation of the Government Agent for the European Court of Human Rights.

The Working Group was organized within the project "Partnership for LGBTI equality: implementing the ECHR jurisprudence on sexual orientation and gender identity", carried out by the ACCEPT Association in partnership with the Public Ministry - Prosecutor's Office attached to the High Court of Cassation and Justice, between December 2021 and February 2024.

The Working Group aimed to represent a form of inter-institutional cooperation aimed at supporting national institutions in the implementation process. The People's Advocate facilitated inter-institutional dialogue and access to relevant information on the need for full implementation of the decisions, in order to agree on the most appropriate measures for the national implementation of the ECHR decisions on sexual orientation and gender identity.

During the meetings held on this topic, participants were invited to debate and identify, among other things, the most appropriate measures for the implementation of the ECHR judgment in the cases of X and Y and MC and AC against Romania, under the sustained supervision of the Committee of Ministers of the Council of Europe.

The People's Advocate Institution also supports the *ACCEPT Association's grant proposal* entitled CLEAR - Strategic Litigation and Capacity Building for Equality and Rights, submitted under CERV-2024-CHAR-LITI-LITIGATION (Theme 3): Strategic Litigation.

In this regard, the institution undertakes to carry out a strategic assessment of litigation needs from the People's Advocate Institution's perspective and to undertake strategic planning work, which will result in a strategic litigation plan for the institutional approach to violations of rights protected by the EU Charter of Fundamental Rights and the ECHR.

The resulting operational litigation plan will be monitored through two review meetings. In addition, the People's Advocate also commits to hosting three working visits with relevant human rights institutions from different states in the region, such as other Ombudsman offices, national equality bodies and relevant civil society actors.

In this context, the *ACCEPT Association* will organize three training sessions for the People's Advocate staff in the field of strategic litigation and human rights, highlighting the topics identified in the needs assessment report, as well as the issue of combating manifestly unfounded or abusive court proceedings against journalists and human rights defenders who engage in public participation.

Romanian Institute for Human Rights

Starting from January 1, 2024, a series of tax amendments introduced by the Romanian Government through Emergency Ordinance (OUG) 115/2023 have come into effect, directly impacting the sponsorship of NGOs. As a result, microenterprises no longer benefit from the tax incentive that allowed them to reduce the income tax due by 20% through sponsorship. Additionally, for other entities, the redirection of profit tax now has a much stricter deadline for completing and submitting Form 177 ("Request for redirection of profit tax"). Additionally, taxpayers with PFA (authorized persons), independent activities, or other types of income are no longer able to redirect 3.5% of their annual tax. This option is now available only to individuals earning income from salaries or salary-equivalent sources. Furthermore, all companies, PFAs, and NGOs operating in the B2B system are required to upload invoices into the e-Factura system (managed by the Ministry of Finance for the National Agency for Fiscal Administration – ANAF), which in many cases generates additional costs.

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.

Romanian Institute for Human Rights

Since 2023, the Romanian Institute for Human Rights has been designated as the focal point for the implementation of Commission Recommendation (EU) 2022/758 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) – SLAPP). Thus, the Institute has a new set of responsibilities, as follows: organizing training programs for journalists, other media professionals, and human rights defenders; conducting awareness campaigns on clearly unfounded or abusive legal actions against public participation; assuming the role of a focal point that provides information on available support for targets of SLAPP procedures; and collecting statistical data on clearly unfounded or abusive legal actions against public participation. In this regard, the Institute has reached out to lawyers working in the field of SLAPP/intimidation/threats and has held discussions with civil society representatives regarding the collection of data. Additionally, several steps have been taken to establish collaboration with the Romanian Superior Council of Magistracy to find methods for collecting statistical data on SLAPP and to facilitate the process of identifying potential SLAPP cases. The latest requests addressed to the Romanian Superior Council of Magistracy are currently pending.

The Romanian Institute for Human Rights is currently implementing the project titled “Access to Justice – SLAPP Recommendation and the Directive on Necessary Due Diligence”, in partnership with the Danish Institute for Human Rights. This initiative is developed within the framework of the EU Directive on Corporate Sustainability Due Diligence (CSDDD). Furthermore, the Institute is in the process of preparing a report that, among other topics, addresses SLAPP from the perspective of access to justice. This report will be published and disseminated by IRDO upon the completion of the project. As part of this project, a series of meetings and consultations were organized with relevant stakeholders, including civil society, the business environment, and institutions with concerns and responsibilities in the field. These efforts aimed at building capacity and raising awareness about the CSDDD in Romania, in relation to other regulatory instruments, such as Recommendation (EU) 2022/758. It is important to note that, although these activities are crucial for monitoring and providing information on the CSDDD, they could also potentially give rise to situations with a SLAPP risk.

In the context of its strong collaboration with the Ministry of Justice and the relevance of its status as a focal point, the Romanian Institute for Human Rights participated in the discussion forum organized by the Ministry of Justice regarding the transposition of the EU Anti-SLAPP Directive 2024/1069 into national legislation. The forum brought together numerous non-governmental organizations, civil society representatives, and journalists, with the aim of conducting preliminary consultations as the Ministry of Justice began the process of drafting the law to transpose the Directive.

Moreover, throughout the year, at all events organized by the Romanian Institute for Human Rights or in which IRDO participated, either domestically or internationally, its role as a focal point was consistently emphasized. The aim was to inform and raise awareness about its mandate, foster collaboration, and simultaneously launch a call for the collection of statistical data on SLAPP procedures.

The General Secretariat of the Government

In the context of the implementation of Target No. 406 “800 representatives of civil society organizations have undergone training to increase the administrative capacity and digitalization of their structures” of the NRRP, 16 training sessions were organized in addition to the 11 organized in 2023, the number of participants in 2024 being 413.

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)

Ministry of Justice

Newly adopted Law no. 268/2024 on amending and supplementing the Government Emergency Ordinance no. 80/2013 on judicial fees and the Government Emergency Ordinance no. 51/2008 on public legal aid in civil cases provides that the court may award public legal aid to not-for-profit legal persons headquartered in Romania in case such legal entities - having no personal interest in the matter - act to defend the rights or legitimate interests of persons in special circumstances or, as the case may be, to achieve a group or general interest. In such case, the public legal aid may be granted if the court considers that, given the financial-economic situation of the not-for-profit legal entities concerned, the costs of the proceedings would significantly impede their current activity.

The General Secretariat of the Government

Under commitment 2. Pilot Program - Transparentization of the Participatory Budgeting Process, implemented in the context of the National Action Plan 2022-2024 OGP, the Guide on Participatory Budgeting Process was developed for both public authorities and civil society. The elaboration process included 12 technical meetings with representatives of the public administration and civil society, 5 of which were conducted in 2024. Publication and dissemination of the guide will be carried out in early 2025 in order to provide a tool to support the inclusion of participatory budgeting in institutional budgets.

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.)

Romanian Institute for Human Rights

The Romanian Institute for Human Rights actively promotes a culture of the rule of law through various approaches. First, it contributes to the preparation of the ENNHRI annual report on the rule of law and is currently an associated member of the “Rule of Law for Lawyers (ROLL)”⁵³ project. This project, implemented by the ICJ-EI organization since January 16, 2023, with a duration of two years, aims to promote an independent and effective judiciary for the protection of fundamental rights by strengthening the knowledge and capacity of lawyers and civil society organizations regarding strategic litigation at the national and European levels. In this context, the Institute has encouraged lawyers in Romania to participate in the workshops organized under the project. This year, a workshop was held in Prague in March, focusing on the topics: *Disciplinary procedures and accountability of judges and prosecutors, and judicial ethics and responsibility*.

The Institute also organizes training programs for various beneficiary categories, with a particular emphasis on pre-university educational institutions. A relevant example is the organization of courses in schools aimed at promoting a culture of human rights. These training sessions address issues related to judicial procedures and the case law of the European Court of Human Rights and are typically intended for both students and teachers. Other training activities focus on providing information about the status of National Human Rights Institutions (NHRIs) and relevant international standards, such as the Paris Principles. Additionally, the different types of National Human Rights Institutions are presented, considering that there are currently four such institutions⁵⁴ in Romania, as well as the specific mandate of the Romanian Institute for Human Rights.

⁵³<https://www.icj.org/roll-rule-of-law-for-lawyers-project-on-judicial-independence-in-the-eu/>

⁵⁴The Romanian Institute for Human Rights, the Ombudsman, the National Council for Combating Discrimination, and the Monitoring Council for the Implementation of the UN Convention on the Rights of Persons with Disabilities.

Additionally, the Romanian Institute for Human Rights has organized this year internships for students from several prestigious partner higher education institutions in Bucharest, including the Bucharest University of Economic Studies (ASE), the University of Bucharest, "Nicolae Titulescu" University, "Titu Maiorescu" University, the National University of Political Studies and Public Administration (SNSPA), as well as students from ELSA (The European Law Students Association). Internships in the field of human rights hold significant importance, with the potential to profoundly impact both the personal and professional development of students and their contribution to the promotion and protection of fundamental human rights. Through the internships at the Romanian Institute for Human Rights, students have the opportunity to develop practical skills, gain real experience by participating in conferences and debates, interact with experts in the field of human rights, and closely observe the Institute's ongoing activities.

Ministry of Justice

On 23.11.2022, the Ministry of Justice concluded a new cooperation protocol with the Ministry of Education, the Superior Council of Magistracy, the High Court of Cassation and Justice, the Prosecutor's Office of the High Court of Cassation and Justice and the National Union of the Romanian Bar Associations, which aims to promote legal education at all levels of education (primary, secondary, high school and university), in a manner adapted to the understanding of each participant.

The conclusion of the Protocol on Legal Education is one of the steps taken by the Ministry of Justice to support the younger generation, in addition to the internship and traineeship programs organized within the institution.

The areas covered by legal education include, but are not limited to: the Constitution of Romania, fundamental rights, freedoms and duties, aspects related to the legislative process, general aspects related to the organization and functioning of the judiciary, preventing and combating discrimination, preventing and combating violence in schools and domestic violence, combating drug use and drug trafficking, online crime, elements of preventing and combating corruption, and other such topics.

Under the Protocol, in 2023, legal education activities (presentations, lectures, debates, round tables, educational projects, etc.) were carried out nationwide in 1679 pre-university educational establishments.

It should be emphasized that all these activities were carried out thanks to the voluntary involvement of the approximately 700 legal practitioners who officially joined the objectives of the collaboration protocol (judges, lawyers, prosecutors, notaries public, probation service representatives, clerks of court, etc.).

Also in 2023, two competitions dedicated to students were organized and widely attended: the national essay competition "Law in everyday life" and the national essay competition "Laws are also applicable on the net".

Similarly, between 01.01.-21.06.2024, 1,309 volunteer activities were carried out in pre-university educational establishments nationwide.

In addition, a graphic design competition for pupils and students was finalized in June, aimed at creating posters illustrating legal education and identifying a logo dedicated to it. The competition was attended by 500 pupils and students from Romania and the Republic of Moldova, which indicates the interest of young people in this field.

It should be noted that an exhibition of the winning entries was also organized in the Ministry of Justice's headquarters from 03.09.2024-04.10.2024, with free public entrance. The inauguration was attended by schoolchildren, students, representatives of the Protocol Monitoring Committee and the Ministry's management.

The National Institute for Research and Development in Informatics - ICI Bucharest

ICI Bucharest initiated concrete steps to strengthen the framework for the protection of civil society and human rights, in accordance with the commitments made through the National Strategy for the prevention and combating anti-Semitism, xenophobia, radicalization and hate speech 2024-2027 – the implementation of which is coordinated by the SGG.

A central point of ICI Bucharest's involvement is the role of coordinator of the implementation of Action A.6.1 of the Strategy, regarding the development of an integrated digital platform for reporting racist, xenophobic, anti-Semitic and hate-motivated incidents. The platform is designed to facilitate the confidential reporting of incidents by victims, non-governmental organizations, institutions and citizens, providing a transparent and secure framework for their documentation and management.

The platform also includes a section dedicated to the relevant legislation, which centralizes the national legal framework in terms of combating anti-Semitism, xenophobia, radicalization and hate speech, presented in an accessible language, to facilitate the information of civil society, thus contributing to the strengthening of social resilience in face of radicalization and discrimination.

The platform incorporates advanced technological measures to protect the identity of reporters and the personal data provided, reducing the risks of intimidation, verbal or online attacks and smear campaigns. This tool represents a significant advance in supporting civil society, given the unitary nature of the system, which allows for the centralization of information, the effective monitoring of threats and the adoption of appropriate response measures.