



Strasbourg, 20 January 2016

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 19 (2016):

“The role of court presidents”

Answers of ROMANIA

Please in your answers do not send extracts of your legislation but describe the situation in brief and concise manner.

Comments on what is also happening in practice, and not only on point of law, will be much appreciated.

Introduction

The first three sections deal with presidents of first instance courts and presidents of courts of appeal. Please for each question, if and when applicable, make a distinction between the two positions.

The last section specifically deals with the president of the Supreme Court (e.g. Court of Cassation, Courts of last resort, but not with the Constitutional Courts or bodies with similar authority).

The Bureau and the Secretariat of the CCJE thank you very much for your cooperation and contributions.

1. Selection, removal, term of office, decision making process

1.1 How many presidents of first instance courts and how many presidents of the court of appeal there are in your country?

In Romania there are 176 Presidents of “Judecatoria” (English equivalent of first instance court), 42 presidents of Second Jurisdiction courthouse, 4 presidents of specialized jurisdictions, 15 Presidents of Courts of Appeal.

- 1.2 Who appoints (e.g. Judicial Council, Ministry of Justice, Higher court, Parliament, Agency etc.) the presidents of the courts? (Please remember, if applicable, to make a distinction between the presidents of the courts of first instance and of the courts of appeal. Is it possible that presidents of the courts are appointed from other legal professionals than those who are already judges?)

The assignment of President and Vice-president Positions in Courts of Appeal, second jurisdiction and specialized jurisdiction and first instance court is made only through open competition or organized exam, held anytime necessary by the superior Council of Magistrates through the National Institute of Magistrates.

- 1.3 Do the presidents get a “confidence vote” (after or before their appointment) from the other judges of the court?

No

- 1.4 Please describe briefly the selection procedure for presidents of the courts.

The judges that participate in competition for a management position are obliged to give a statement on their own responsibility, by which is made clear that they were never part of Secret Information Systems, before 1990 and they never collaborated with them, as well as statement of interest which is yearly updated, or in a term 15 days from the moment of any change is noticed or from the date since the judge found out about this. The judges sent in their applications together with the above mentioned statements and the relevant documents in term of 20 days from the publication of the competition date or exam at the National Institute of Magistrates. At the same time the judges must write up a project referring to the practice of specific duties as called by their management position, project which needs to be submitted to the Superior Council of Magistrates with at least 7 days ahead from the date of the first part of the competition in CD format and as a hard copy, and it is published together with relevant documents on the Court intranet system at which the management position is advertised for which one is applying, after the respective management position was fulfilled by the candidate after the competition. The competition has the following parts:

a. Psychological exam

Assessment of the candidate’s capacity in decision making and accepting responsibility as well as checking his/her under pressure, stress resistance.

b. Presentation of a project, referring to the practice of specific duties to the position for which he candidates.

c. Written test on management, communication and Human resources.

The Exam Commission is assigned by the Superior Council of Magistrates (CSM) at the Proposal of NIM (National Institute of Magistrates) and is formed by two judges from the High Court of Cassation and Justice, two judges from the Appeal Courts, three specialists in management and Institutional Organization. At the establishment of this commission will be given priority especially to judges who participated in management courses, were registered in the data base of INM and have followed courses on methods and evaluation techniques organized here.

- 1.5 What kinds of qualifications (e.g. specific training, previous specific judicial position, seniority, managerial experience etc.) are required to become president? (Please explain, for example, if training is mandatory or on a voluntary basis, is there training at all, and how much it affects the choice of the president).

The competition is open for those judges who obtained the “very well” qualification at the last evaluation, have not had any kind of disciplinary sanctions in the last 5 years, have fulfilled all the

prerequisites of accumulated service, stipulated by the law and have at least the professional rank according to the Court for whose Management position they have been applying.

The prerequisite of accumulated service has to be fulfilled until the date of the First Part of the Exam or Competition. In this management position may not be assigned judges who were part from Information Secret Service before 1990 or were collaborating with them, or judges with a personal interest which influence or may influence the objectivity and impartiality of application of attributes stipulated by the law.

- 1.6 Are presidents selected among the judges of the same court, or they may or must have served in a different court before taking the position as court president.

At the competition the judges from the same Instance are candidating.

Previously these judges may have had another management position (such as the Judge was transferred from another Instance where he had a management position and in the present moment

he may apply for Management position from the Jurisdiction where he is working at present.

- 1.7 Can the candidates, who applied for the position but did not get it, challenge the decision before a court/tribunal?

During the exam period it is approved to make appeal but not at the time of nomination.

- 1.8 How often does it happen? (Please give a percentage based on data available or on your personal knowledge).

I do not know.

- 1.9 Is additional training in management, or in other subjects, required after the judge has been selected as court president?

Yes, after being assigned in the position, the Presidents of Jurisdiction may participate in other type of management courses organized by National Institute of Magistrates or individual courses.

- 1.10 What is term of office for the president of court (please explain if there are limitations)?

The mandate of the Jurisdiction President is of 3 years, with the possibility of his reinvestment for another three year mandate but only after another competition was organized.

- 1.11 How many times the same position of court president can be hold by the same person?

Twice. He may be in this position two times for three year mandate.

- 1.12 Which is the process to confirm presidents in their position (e.g. assessment of the first term served and then renewal)?

Competition in the same conditions as stipulated above. In the project there will be some mentions made referring to the results of the previous mandate, weak or strong points from his activity as a manager.

- 1.13 Under which circumstances can presidents be removed from their office before the expiration of their term?

Revoking from management position of judges is done by The Superior Council of Magistrates ex officio or after the proposal of the General Assembly or the president of the Jurisdiction for the following reasons:

a. In the case they are no longer fulfilling one of the necessary requirements for their assignment in management role;

b. In the case of fulfilling improperly the management tasks on efficient organization, behavior and communication, assuming responsibility and management skills.

c. In the case of being disciplinary sanctioned.

1.14 Who is in charge of the removal procedure, and how it works?

The revoking is done ex officio by The Superior Council of Magistrates, General Assembly or the President of the Jurisdiction and will be analyzed the following:

- Checking the efficient organization of activity according to the next criteria: the proper use of material and human resources, the needs assessments, the management of conflict situation, report of invested resources –results obtained, management of information, organization of professional courses and professional development, and assigning tasks within the Instances;

- Checking the behavior and communication: behavior and communication with judges, prosecutors, auxiliary staff, parties to the litigation, other institutes, mass media, ensuring access to public interest information from the jurisdiction and transparency of the management act;

- At the checking of assuming responsibility, it will be necessary to be respected the attributes as stated by laws and regulations, implementing national strategies, and sequential in the field of law, and respecting the principle of random distribution or by case, the repartition based on objective criteria of cases;

- at the checking of management attributes one will keep in mind mostly the capacity of organization, the ability of quick decision making, working under stress, self-improvement, the analytical ability, synthesizing skills, forecast, strategy and planning for short, medium and long term, initiative and capacity of fast adapting.

1.15 Can the president removed challenge the decision before a tribunal/court?

Yes, by means of administrative court, under the law conditions.

1.16 Are the decisions by the presidents shared/negotiated with the other judges or "boards" within the courts?

The Presidents of Jurisdiction may delegate from their attributes to Vice Presidents, Presidents of Sections. There is not the possibility of negotiation.

- 1.17 Do the local lawyers association or any other authority play a role in the decision making process carried out by the court's president?

Yes, the local bars of lawyers, respectively the Dean of the Bar, discuss periodically with the President of Jurisdiction about good practices in the judicial activity, improvement of administrative measures, with the purpose of fulfilling the justice mission in the support of public service (they sign a cooperation protocol between the Bar and Jurisdiction based on the Inter professional Chart for judges, prosecutors and lawyers from Romania).

- 1.18 Are the organizational decisions taken by the presidents supervised by any other authority (e.g. Ministry of Justice, Judicial Council, Supreme Court, other)?

There is not such a thing as a supervisory report between Presidents and Superior Council of Magistrates but the Presidents of Jurisdiction apply independently the measures disposed by CSM.

- 1.19 Is there any extra remuneration for presidents, and how much is it in percentage of the regular judge's salary in the same court?

Yes, there is a percentage allowance differentiated in reference to roles of President's position of first Jurisdiction, second Jurisdiction and Appeal Court, and this allowance is given only during the mandate duration. For instance there is 13,8 for the President of Appeal Court, compared with 11,7 for the judge of the Court of Appeal.

- 1.20 Please add any critical issue or further information that you consider relevant for this section.

Other information or criticism I have none to make.

2. Tasks, functions, relations

- 2.1 Are the presidents of the courts adjudicating cases as the other judges or they have a reduction of their caseload fixed by the law or by practice?

The Presidents of Jurisdiction have a smaller participation in the court sessions by comparison to the volume of cases from the Jurisdiction (respectively one session per week or one session per month)

- 2.2 Are the presidents involved in the selection and recruitment of the judges? (Please make a distinction, if applicable, between full-time/permanent judges, temporary judges, lay judges if it applies in your respective jurisdiction).

No, because the National Institute of Magistrates by Competition is in charge for recruiting and promotion.

- 2.3 Are the presidents involved in the selection and recruitment of the court staff?

No. Because there are competitions for promoting the auxiliary staff, organized at the level of Court of Appeal whose commissions are always established according to the regulation.

- 2.4 Do the presidents assess the work of the judges of the court? (If this is the case, please describe how often does it happen, what kind of procedure is followed, what are the consequences of this assessment, and if the assessment can be challenged by the judges before a tribunal/court).

The assessment procedures for judges is done according to a distinct regulation of evaluation. At the High Court of Cassation and Justice and for judges from Jurisdiction, Specialized Courthouses, Appeal Courts, the commission includes the President of the Jurisdiction. The assessment takes place every three years, appeals may be accepted for qualifications obtained at the sections of Superior Council of Magistrates not having any way of appealing them in the courts of law. There is a way of appeal in instance, in front of the administrative court. This possibility came as a result from jurisprudence, as a decision from the Constitutional Court, verification is carried out only from the criteria of the lawfulness of the evaluation, as the qualification obtained may not be changed.

- 2.5 Are the presidents in charge of starting a disciplinary procedure against a judge? (If this is the case, please describe briefly the procedure and who is going to make the final decision about the charge).

He cannot start a disciplinary procedure against a judge.

- 2.6 Can, and under which circumstances, the presidents fire a judge or a court employee?

He may not revoke a judge, but he may apply disciplinary sanctions. These may include also the revoking of auxiliary personnel.

- 2.7 Which is the procedure of assigning cases to judges? Is there place for discretion of president of the court in this procedure? If yes, is it regulated by law or other kind of regulation?

The president of court of first instance doe not allocate the cases. There is a computer based application ECRIS at national level for

random allocation of cases. The claims that meet the legal conditions, documented, for civil cases, indictments and criminal cases are covered by notes of the file in electronic format, by inserting data about the parties, claims introduced etc in the application, the case getting a unique registration number until its final settlement.

- 2.8 Can presidents set priorities in the handling of the cases (e.g. family cases must be dealt with before contracts)?

No, only the President of the Panel of judges may prioritize the judgments of cases of family law, with respect of the other cases, including contracts.

- 2.9 Which are the circumstances that may allow presidents to retrieve cases from judges and re-assign them?

Only from objective reasons (promoting the judge who was initially invested with the case in another Jurisdiction, the dissolution of some courts, because of the volume of activity reduction, death and other objective justifiable situations.

- 2.10 Do presidents decide over the composition of court's sections/division and over the composition of judges' panel?

No, the management board is reassessing the job scheme for each section. The presidents of sections propose yearly to the management board the number of panels of judges and the structure, so the principle of continuity is respected. Only from objective reasons the panels and their structure may be reduced, the changes being submitted for discussion to the management board of the Court.

- 2.11 Do presidents select and appoint judges who may coordinate/head a section/division of the court?

The Court president is making a proposal to the Superior Council of Magistrates for the appointment of the Chief of Section, as well as the revoking from the position for unsuitable performance which does not comply with the attributes stipulated by law or regulations.

- 2.12 Can presidents delegate their functions to other judges?

Yes, the presidents may delegate from their obligations to Vice presidents or to other assigned judges.

- 2.13 Are presidents supported in their tasks and by whom?

The presidents may be assisted by Vice presidents, section presidents in carrying out their tasks.

- 2.14 Have presidents any supervision on the judgments delivered by other judges of the court?

No, presidents do not supervise judicial rulings elaborated by other judges from the court.

- 2.15 Are presidents in charge of the uniform application of the law within the court, and in which way they carry out this function?

The Presidents of Instances designate judges with attributes over analysis of practices from the judicial control courts and write monthly a report on the legal problems relevant to the solution of cases, emphasizing the uneven practice of the court, of superior court if case may be. The judges with attributes on the unification of judicial practice are assigned by Presidents of Courts and have attributes established by the section decision for Judges of Superior Council of Magistrates.

The President of Instance may establish that the judge with attributions regarding the unification of judicial practice to be also in charge with the analysis of practice in the instances of judicial control.

- 2.16 Do presidents set productivity and/or timeframes targets for their court?

Yes

- 2.17 Do presidents set productivity or timeframes targets for each judge or court staff?

Yes for each judge.

- 2.18 Do presidents monitor the length of judicial proceedings and what kind of actions they can undertake to improve the pace of litigation?

Yes

- 2.19 What are the functions of presidents as far as the management of judges and court staff is concerned (i.e. setting working hours, authorising holidays, moving staff from one function to another, allowing extra-judicial activities etc.)?

Regarding the schedule this is prescribed by regulation, but there is a flexible schedule according to the volume of cases, in order to take annual leave, staff travel from one instance to another, participation in seminars, conferences, this is requested by means of a written application.

- 2.20 Have presidents any discretion in setting the remuneration (i.e. financial incentives) or other fringe benefits (please explain which one) of judges or court staff?

No, has no discretionary attributions, taking into consideration budgetary restrictions as a consequence of financial crisis, are allocated strictly the salaries payment, to judges and auxiliary staff.

- 2.21 Which tasks presidents have in the appropriation of the court budget among the different courts?

The President of Instance according to jurisdiction (Court of Appeal, Court House) is either a secondary coordinator or tertiary coordinator and is responsible of the use according to the law of the amounts received from the state budget, daily up keeping of accounting, and of presenting accounting reports over the budgetary use. The attributes may be delegated to the Vice President or to the Financial Manager.

- 2.22 Which tasks and how much discretion presidents have in the management of the court budget within the court?

No, the position of credit supervisor can not the delegated to the Vice president or to the Financial Manager.

- 2.23 Do presidents manage the court premises and layout?

Yes

- 2.24 Do presidents manage information and communication technology implemented in the court?

Yes

- 2.25 Do presidents have some autonomy about what kind of information and communication technology tools/application should be implemented in their court?

Yes

- 2.26 Are presidents really the managers of the court or they are supported in their functions by a board (please describe the composition) or by a court manager/administrative director?

The presidents of instances are supported by vice presidents, management board, and financial manager.

- 2.27 If applicable, please briefly describe the functions and the background of the court manager in comparison to the president of the court.

The Financial manager is an economical entity and is subordinated to the president of instance, responsible with a few more attributions:

a. he manages the department of economical- financial and administrative;

b. he is responsible for organizing the activity of financial accounting and administration according to the legal dispositions;

c. He coordinates the activity of elaboration and validation of the yearly budget for income and expenses;

d. He fulfills based on authority delegation received from the credit supervisors the attributes stipulated by the law.

e. He is responsible for use of budgetary credit and obtaining the income, the efficient use of funds received from the state budget, the budget of state social insurance, or budgets of special funds, of integrity of assets given to the instance, organizing and updating of accounting, and submitting in due time the financial situations, over the state of patrimony under administration and the budget execution;

f. he coordinates the activity of administration of the offices of Courts, takes necessary measures for ensuring the material conditions for their proper activity;

g. he elaborates programs for economical activity and administrative for the courts for the accomplishment of current tasks and future ones;

h. he takes necessary steps for sustaining and developing the projection themes for current repairs work and capital repair for the offices and investment objectives;

i. he supervises and is responsible for repair work and for investment objectives;

j he is organizing the inventory of all buildings from the property and administration of Instances as well as other goods within the patrimony.

k. he is responsible for financial control, preventive and internal control.

l. he informs the economical department from the Minister of Justice, about any deficiencies noted by state control bodies, by sending a copy of the minutes made, for taking the necessary measures according to the law, m) consulting with instances from circumscription about the establishing and substantiation of the annual budget for income and expenses. As it may be seen the economical manager is having specific economical activity while the President of court manages, organizes and supervises the administrative activity of the court for the good operation of the trial activity.

- 2.28 Please describe briefly the court manager selection process, if they serve for a limited term, and if the president can remove the court manager.

The Economic Manager is a public worker selected based on open competition, being employed with a work contract for a determined period, and in case of disciplinary offense, a commission formed according to the Public workers Law will make verifications over the misconduct and based on the measures disposed by them he may have the work contract terminated by the president of the court, who is the employer. Therefore, the Court president cannot directly revoke the economic manager as following from one of his duties.

- 2.29 Are presidents the "interface" with the media, and are they trained to do it?

No. At the court level there is a Department called Office for Information and Public relations, which is managed by a judge designated by the Court President or by a graduate from Law University, Journalism or a communication specialist, who is appointed after a competition or exam. The chief of this department is also the spokesperson.

The spokesperson has the right to consult the documents or cases which are in the court, with obligation of obeying the confidentiality of the work and protect any kind of confidential information he may come across. The activity of providing information about the judicial activity may be restrained, under law conditions, if this is made with a view to morality, public order, national security or when interests of the under age are at stake or protection of private life of parties in the trial are imposing this. The right to free access to information can also be restrained also when under special circumstances, the court appreciates that publicity may impede the interests of justice.

- 2.30 Would you please briefly describe what kind of relations there are between presidents of the courts (first instance and appeal) and the president of the Supreme Court (court of last resort)?

Among the presidents of courts, tribunals, courts of appeal and the President of High Court of Cassation and Justice there are relationships of cooperation with the goal of unification of judicial practice and for the administrative activity. In some cases, such as when they had to apply ways of standardizing some notifications under the concern for unification of non unified practices, as well as in cases of criminal law cases, videoconferences with them were organized. Moreover, there were organized video conferences by the Superior Council of Magistrates, where they invited the president and vice president from the High Court of Cassation and Justice, with presidents from appeal courts, in this way concrete measures for streamlining the judicial activity were applied.

- 2.31 Are there other tasks of presidents of the courts in your country, which were not mentioned before?

No

- 2.32 Please add any critical issue or further information that you consider relevant for this section.

No

3. Accountability and discipline

- 3.1 What kind of accountability mechanisms (e.g. reporting, auditing, etc.) are in place for the presidents, and before which authority (e.g. Judicial Council, Ministry of justice, Supreme Court, internal board etc.)?

At the request of Judicial Inspection, which is an independent institution in Romania, it may be requested from the Presidents to write reports about some claims, after which based on this answers or intimations may be written by inspectors for the judge section from the Superior Council of Magistrates which in the case of starting the disciplinary procedure dispose, according to a transparent procedure, with citation of the respective person entitled to defense right, disposal or non disposal of disciplinary sanction, with an appeal possibility at the Panel of 5 Judges specialized in other cases from the High court, or will dispose to the closing and dismissal of the action.

- 3.2 Do presidents have a different disciplinary responsibility in comparison to the judges?

No

- 3.3 Is there any special immunity for presidents?

No

- 3.4 Which criteria are used for the evaluation of presidents, how often, and by whom?

Criteria for assessing the presidents of courts are: 1) Capacity to organize a) management of human resources and material b) capacity to plan activity c) fair and balanced assignment of job tasks d) efficient organization of activity of court within the limits of legal competencies of the court, including administrative, resources and facilities e) solving quickly the specific activities of the management position f) concern for professional training for judges and other staff g) information management h) way of fulfilling specific duties stipulated by law and regulations. 2. Control capacity a) verification of secretarial and registrar activity b) ability to notice and solve any type of deficiencies c) crisis management 3) Decisional capacity and assuming responsibility: a) initiative, promptness and speed decision making and accountability b) submitting general problems of court management for debate to the management board c) stress resiliency d) respecting the principle of random allocation of cases 4) behavior and communication with judges, prosecutors, auxiliary staff, litigants, persons involved in the judicial case, other institutions and mass media b) allowing access to public interest information from the court c) transparency of the management activity d) objectivity and impartiality e) staff motivation f) ensuring a proper working environment. They are assessed every three years by a commission.

- 3.5 Which are the consequences of such evaluation (e.g. ranking, promotion, admonition, removal, salary increase, any other consequence, etc.)?

Assessments are taken into consideration for the career evolution of the Court President, both for his promotion and for his sanction.

- 3.6 Please add any critical issue or further information that you consider relevant for this section.

No

4. Appointment, tasks, functions, relations of the president of the Supreme Court (Chief Justice of the court of last resort e.g. court of cassation; please note that you do not have to describe the position of president of the Constitutional Court / here and after referred as president of the Supreme Court).

- 4.1 Who appoints (e.g. Judicial Council, Ministry of Justice, Parliament, etc.) the president of the Supreme Court?

The Assignment of the president of the High Court of Cassation and justice is done by the Romanian President at the proposal of the Superior Council of Magistrates, judges section.

- 4.2 Please describe briefly the selection procedure.

Judges who have worked for at least 2 years in the High Court of Cassation and Justice may run for President ; they submit their application accompanied by own responsibility statements that they were not part of the Secret services prior to 1990 , have not worked with them or have personal interests that influence or could influence the objective and impartial fulfillment of duties stipulated by law, CVs and other relevant documents. Also the applicant writes a management project about his strategy of managing the Supreme Court.

In front of a panel of judges from the Superior Council of Magistrates there will be a brief overview of his professional path as well as an interview and the candidate will give his support for the project management and will answer any questions from the members after which the members of the council will vote.

The proposal with the biggest number of votes is sent for approval to the President of Romania for nominating the President of the High Court of Cassation and Justice.

- 4.3 What kind of qualifications (e.g. specific training in management, previous specific judicial position, seniority, etc.) are required to become president of the Supreme Court? (Please also explain if training is mandatory or on a voluntary basis, if any training is necessary at all, and how much it affects the choice of the president).

It is taken into account whether the candidate has previously occupied another position then training is not mandatory but it will be important to see if the applicant has had management courses.

- 4.4 Does the president get a “confidence vote” (after or before their appointment) from other judges of the Supreme Court?

Doesn't get a confidence vote.

- 4.5 How long is term of office of the president of the Supreme Court (please explain if there are limitations)?

3 years is the mandate for the president of High Court of Cassation and Justice.

- 4.6 Can their mandate be renewed, and what is the process (e.g. evaluation of the first term served and then renewal)?

Yes, it can be renewed only once, also for 3 years, same procedure presented above in the project that will be sustained there will be reference to the results obtained and vulnerable parts from the first mandate as well as means of improving of activity.

- 4.7 What are the tasks and functions of the president of the Supreme Court in comparison to the other courts' presidents? (in particular, please explain the role of the president, if any, in relation to: Judicial Council, Ministry of Justice, legislative power, budget of the judiciary).

The President of the High Court of Cassation and Justice of Romania represents the Supreme Court in internal and international relations, has as attributes credit supervision, may delegate any of this task to the Vice president or to the economic manager. In exercising his leadership, the President of High Court of Cassation and Justice may issue orders. Also the President calls the management board quarterly in ordinary meetings , or whenever necessary in extraordinary meetings ; chairs the board of directors of the High Court of Cassation and Justice, calls for the general assembly of judges of the High Court of Cassation and Justice, chairs the general assembly of judges of the High Court of Cassation and Justice except the case in which the General Assembly meets to elect the two members for the Superior Council of Magistrates ; submits for debate and approval the necessary measures for the effective activity of the supreme court to the management board and to the general assembly of judges.

The President of the High Court of Cassation and Justice manages the activity of the United Sections, and chairs their meetings; chairs the panels of judges for appeal trials in the interest of law, chairs the panel of judges for some legal issues solutions, and the panel of 5 judges and within the sections any judge panel which participate in the trial; takes the necessary measures for assigning judges by ballot, who are part of the panels for settling the appeals with law interest in mind, from the panels for solving legal issues, in cases stipulated by law, as well as judges who are part of the 5 judge panel; he schedules the meetings of the panels above mentioned.

The President of High Court of Cassation and Justice ensures the general management of the Legislation Direction, studies, documentary and legal informatics of the Department Economical-Financial and Administrative, of the Office for International Relations and the Legal Department, controls and guides activity of the sections and compartments from the structure of the High Court of Cassation and Justice.

The President agrees that the judges from High Court of Cassation and Justice to be allowed to inform at the offices of the courthouses about aspects of correct and uniform application of law and to note any situation that may justify proposals for improvement in legislation.

The President of High Court of Cassation and Justice exerts disciplinary action in case of judges and deputy magistrates misconduct as per law conditions. The president, along with the Minister of Justice, suggests the maximum number of posts at the High Court of Cassation and Justice, which is then established by Government decision.

The President of the High Court of Cassation and Justice is a rightful member of the Superior Council of Magistrates of Romania. The President examines yearly together with the presidents of Appeal courts and the Minister of Justice, work load of the courts and accordingly to the analysis results take measures to supplement or reduce the number of posts with the consent of the Superior Council of Magistrates.

The President of High Court of Cassation and Justice fulfills other attributions specific to any president in court.

- 4.8 Please add any critical issue or further information that you consider relevant for this section.

No

**Judge PhD
Rodica Aida Popa
Criminal Section by
High Court of Cassation and Justice**

15 February 2016