



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Romania

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

21610213

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	12386210810
Regional / entity level	

3) Per capita GDP (in €)

6876

4) Average gross annual salary (in €)

3667

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

3,38

Please indicate the sources for the questions 1 to 4

- 1 - National Institute of Statistics
- 2 - Ministry of Public Finances
- 3 - National Institute of Statistics
- 4 - Ministry of Public Finances
- 5 - Ministry of Public Finances

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

267977585,47

7) Please specify

Not including the prosecutor`s offices,
Including High Court of Cassation and Justice

8) Does the approved budget of the courts include the following items? Please give for each item (or

some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	232105356
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	20728665
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	5854032
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	17935550
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	30120659
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	128016
Other (please specify):	<input type="checkbox"/> Yes	

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years? Yes No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

2001 - 100%
 2002 - 180,91%
 2003 - 141,43%
 2004 - 109,92%
 2005 - 135,20%
 2006 - 120,96%

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction: for criminal cases? for other than criminal cases?

If yes, are there exceptions? Please specify:

As provided by Law no.146/1997 on the judicial fees , the exceptions are as follows:

1. some labor cases
2. some family cases (alimony, adoption, tutelage)
3. some social insurance cases
4. cases for granting damages for convictions or some illegal preventive measures
5. consumer protection
6. exertion of electoral rights
7. cases on the restitution of property

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

180000000

12) Total annual approved budget allocated to the whole justice system (in €)

554578228

13) Total annual approved public budget allocated to legal aid (in €)

6065759

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	6065759	0

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

114927466

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Ministry of Economy and Finances

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

The Court of Appeal (second financial coordinator) draft the annual budgets, those proposals are sent to the Ministry of Justice (main financial coordinator) that after the endorsement of the Superior Council of Magistracy, sends the final budget to the Parliament of Romania for approval.

Please indicate the sources for the questions 6, 7, 13 et 16

- 6 - Ministry of Justice
- 7 - Ministry of Justice
- 13 - Ministry of Justice
- 16 - Ministry of Justice

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

Exceptions, reductions or postponements for judicial fees and bail

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	269780
Criminal cases	261280
Other than criminal cases	8500

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?			NO
for other than criminal cases?	X		NO

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

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criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In criminal cases if convicted the party is compelled to pay all the legal costs (those granted by the state and the parties involved).

In civil cases the party losing the trial is compelled to pay the legal costs already paid by the winning party.

Please indicate the sources for the questions 24 and 26

24 - National Bar Association of Romania

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	http://www.just.ro http://www.csm1909.ro
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	http://www.scj.ro http://portal.just.ro
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	http://www.just.ro http://www.csm1909.ro

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

4 specialized agencies, probation services, National Agency for the Protection of Family, National Agency against Human Trafficking, General Directorates for Social Assistance and Protection of Child.

There are 41 probation services attached to tribunals, coordinated by the Ministry of Justice, as provided by Law no. 211/2004. Those services inform the victims of crimes as regards their rights, offer psychological counseling and free legal aid.

Free hot lines were set up at national level, having a unique number for the entire country.

Also all the bodies within the judiciary are compelled to inform the victims in the language understood by those.

National Agency for the Protection of Family functions at the level of each district and the sectors of Bucharest by the use of centers for recovery of the victims resulted from family violence, centre of assistance for aggressors. Those also ensure psychological, legal and medical assistance.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

For criminal cases the losing party pays all the legal fees (paid before by the state and the other party).

For civil cases the losing party pays all the legal fees (paid by the other party and his own fees).

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

In case of persons with a limited civil capacity (i.e. juveniles) the prosecutor protects their interest in the trial.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

The Criminal Procedure Code provides for the right of every person (having a legal interest in the trial) to ask for the annulment of the ordinance issued by the prosecutors for the closing of a case (by cessation of criminal investigation, elimination from the criminal investigation, classification of criminal investigation file).

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

The sum is established by the court judgment.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Studiul privind percepția magistraților asupra independenței sistemului judiciar (20 decembrie 2006)

http://www.csm1909.ro/csm/linkuri/20_12_2006__7233_ro.doc

As regards the perception of citizens there are several studies developed by the NGOs in Romania (Transparency International Romania).

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input checked="" type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

For the administrative investigation, developed by inspectors – 60 days For the complaints that do not involve a disciplinary procedure (of administrative investigation) the term for solving is 30 days. In 2007 the Discipline Commission for judges initiated 11 disciplinary actions and the Discipline Commission for prosecutors initiated 10 disciplinary actions. The Section for judges solved 7 disciplinary actions (4 passed and 3 rejected) and the Section for prosecutors solved 9 disciplinary actions (6 passed and 3 rejected). The Section for judges applied 3 sanctions of disciplinary warning (2 sanctions for committing the disciplinary breaches provided by article 99 letter k of Law no.303/2004 and 1 sanction for committing the disciplinary breach provided by article 99 letter g of Law no.303/2004) and 1 sanction of reducing the monthly gross wage (for committing the disciplinary breach provided by art.99 letter h of Law no. 303/2004). The Section for prosecutors applied 3 sanctions of disciplinary warning (1 warning for committing the disciplinary breach provided by article 9 letter j of Law no.303/2004, 1 sanction for committing the disciplinary breach provided by art.99 letter e of Law no.303/2004 and 1 sanction for committing the disciplinary breaches provided by art.99 letters e and i of Law no.303/2004, 2 sanctions of reducing the monthly gross wage (for committing the disciplinary breaches provided by article 99 letters b and h and article 99 letters e and h and 1 sanction of disciplinary transfer (for committing the disciplinary breach provided by article 99 letter h of Law no.303/2004).

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	188
Specialised first instance courts (legal entities)	4 tribunals
All the courts (geographic locations)	249

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

The Romanian judiciary is organized on three level of jurisdiction: first instance courts, tribunals and courts of appeal. Also, in Bucharest functions the High Court of Cassation and Justice.

In this respect, justice is realized by the use of:

188 first instance courts (of which functioning only 178)
 42 tribunals (will full competencies, 1 in each district + 1 in Bucharest)
 3 tribunals for commercial matters
 1 tribunal for family and juveniles matters
 15 courts of appeal

Within the courts of appeal, tribunals, and some first instance courts with a high volume of activity function specialized sections and panels for civil, commercial (also for insolvency cases) criminal, juveniles offenders, administrative and fiscal, labor and insurances cases.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

- Yes
 No

If yes, please specify:

In the new drafts of the civil procedure code and criminal procedure code are provided some norms regarding the amendment of the existing dispositions on the competencies of courts.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	178
a dismissal	41
a robbery	178

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

We keep the definition from the previous evaluation round.

Please indicate the sources for the question 45

Superior Council of Magistracy

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

4482

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	NAP
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

In the Romanian judiciary there are no judges sitting in courts on an occasional basis.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

In the Romanian judiciary there are no non – professional judges.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

In the Romanian judiciary the justice is realized only by professional judges.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

9359

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes

non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars Yes

staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes

technical staff Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Superior Council of Magistracy

Q56. Observation: In the Romanian judiciary, there are not so well defined categories

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

2743

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

1432

Please indicate the sources for the questions 57 and 59

Superior Council of Magistracy and Public Ministry

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

In Romania, the Ministry of Justice has the quality of first financial coordinator, the courts of appeal have the quality of second financial coordinator and the tribunals have the quality of third financial coordinator. The third and second financial coordinators sent the draft budgets to the Ministry of Justice which adds information on its own apparatus. The Ministry of Justice sends the main draft budget to Superior Council of Magistracy for endorsement, then it sends the budget to the Ministry of Justice in order to be included in the consolidated budget of the State. The draft budget of the State is adopted by the Government and then it is passed to the Parliament for approval.

Arbitration and allocation of the budget it is made by the Ministry of Justice which grants monthly sums to the courts of appeal and tribunals, as a result of their motivated request. The evaluation is made by Ministry of Justice and the control is made by the Directorate for Internal Audit and Court of Accounts.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base				

of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Superior Council of Magistracy - 141B Calea Plevnei, sector
6, Bucharest, postal code 060011

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Ministry of Justice

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
- No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

Celerity

Suspended cases

Number of decisions annulled by the appellate court

Number of juvenile cases

68) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

69) Concerning court activities, have you defined performance indicators?

- Yes
- No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

Superior Council of Magistracy

74) Please specify the main targets applied:

There are four levels for appraising the performances, as settled by the marks granted for the activity developed: Very Well, Well, Satisfactory, and Unsatisfactory

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

The law provides procedural terms as regards the time limit allowed for pronouncing and writing the judgments.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

Only in the cases strictly provided by the law for the suspension of trial.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

The planned controls developed by the Judicial Inspection on the courts management.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

The planned controls developed by the Judicial Inspection on the management of the prosecutor's offices attached to courts.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

SUPERIOR COUNCIL OF MAGISTRACY

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

NA

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

NA

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	1	6	-
Civil proceedings - Article 6§1 (non-execution)	3	3	15	-
Criminal proceedings - Article 6§1 (duration)	2	-	2	1

Please indicate the sources for the questions 82 and 84

Superior Council of Magistracy

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

1. Civil cases – presidential ordinance, insurance measures
2. Criminal cases – infractions of flagrant delicto
3. Administrative cases – procedure of claims, when the plaintiff asks for the suspension of administrative act's execution the courts solves the claim with urgency and priority

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Ordinance no.5/2001 on the payment summon, published in Official Journal no. 422/30.07.2001

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and	228936	1202168	1152328	278776

administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*	117821	546222	522112	141931
2 Civil (and commercial) non-litigious cases*	-	-	-	-
3 Enforcement cases	7588	155357	154325	8620
4 Land registry cases**	-	-	-	-
5 Business register cases**	-	-	-	-
6 Administrative law cases	32566	141879	134975	39470
7 Other	70961	358710	340916	88755
Total criminal cases (8+9)	61952	243670	262541	43081
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

1. First instance courts are addressed only for claims.

6. First instance courts solve claims against judgments of bodies with administrative and jurisdictional attributions.

8, 9. Romanian legislation does not provide for a distinct terminology between severe crimes and minor crimes.

Observation: The first instance cases are solved by one single judge panels

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	21327	35799	41804	15322
1 Civil (and commercial) litigious cases*	15857	24093	28421	11529
2 Civil (and commercial) non-litigious cases*	-	-	-	-
3 Enforcement cases	991	695	1281	405
4 Land registry cases**	-	-	-	-
5 Business register cases**	-	-	-	-
6 Administrative law cases	-	-	-	-
7 Other	4479	11011	12102	3388
Total criminal cases (8+9)	4275	26340	26216	4399
8 Criminal cases	-	-	-	-

(Severe criminal offences)				
9 Misdemeanour cases (minor offences)	-	-	-	-

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	40598	183863	184495	40929
1 Civil (and commercial) litigious cases*	33958	112141	118275	27824
2 Civil (and commercial) non-litigious cases*	-	-	-	-
3 Enforcement cases	469	828	1070	227
4 Land registry cases**	-	-	-	-
5 Business register cases**	-	-	-	-
6 Administrative law cases	6171	42356	34899	7457
7 Other	7134	28538	30251	5421
Total criminal cases (8+9)	5218	62584	61804	5998
8 Criminal cases (Severe criminal offences)	-	-	-	-
9 Misdemeanour cases (minor offences)	-	-	-	-

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	18453	62516	59653	21316
Employment dismissal cases	252	1550	1256	546
Robbery cases	1051	1825	2200	676
Intentional homicide case	411	946	822	535

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	7,41	0			
Employment dismissal cases	57	0			
Robbery cases	83	0			
Intentional homicide	63	0			

94) Where appropriate, please specify the specific procedure as regards divorce:

The table contains only fields on the new cases and pending cases for a determined period and does not include a field for the solved cases. Excepting the cases where the divorce claim is associated with other claims (apportion of marital property), the solving term is reasonable.

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The solving term is counted distinctly for each cycle of the trial (first instance, appeal, second appeal).

We don't collect statistics regarding the length for each file from the first instance procedure to the highest court procedure. The duration are an average for those types of cases for first instance procedure and for appealing procedure (appeal and second appeal).

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

In the solving of cases on administrative legal claims, the prosecutor is allowed to participate in every stage of the trial, any time he appreciates it is necessary to protect the rule of law, the rights and the liberties of the citizens (article 3 paragraph 3 of Law no. 554/2004).

- the prosecutor protects the rights and the interests of the juvenile, of the persons under a legal interdiction, of those disappeared and of other persons, as provided by the law
- the prosecutor exerts the civil action according to the provisions of the law

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	108367				0	27139

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

The indicated figures represent the statistics for the first nine months of 2007, because the statistics are not finalized at this moment.

The romanian juridical system does not allow the public prosecutors to negotiate or impose criminal punishments.

Please indicate the sources for the questions 92 to 94 and question 98

92, 94 - Superior Council of Magistracy

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

Superior Council of Magistracy

102) Which procedures and criteria are used for promoting judges? (please specify).

The promotion of judges takes place only by a competitive exam, and in order to attend the contest is necessary for the judge to have the mark "Very well" at the most recent evaluation, to have no disciplinary sanctions and to fulfill all the expertise conditions required for the level of court where the promotion is requested.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

Superior Council of Magistracy

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The promotion of prosecutors takes place only by contest, and in order to attend the contest is necessary for the prosecutor to have the mark "Very well" at the most recent evaluation, to have no disciplinary sanctions and to fulfill all the expertise conditions required for the level of prosecutor's office where the promotion is requested.

107) Is the mandate given for an undetermined period for judges ?

Yes

No

Are there exceptions? Please specify:

The term of office is granted for a determined period (3 years), only in cases regarding the leading positions within first instance courts, tribunals and courts of appeal.

108) Is the mandate given for an undetermined period for prosecutors?

Yes

No

Are there exceptions? Please specify:

The term of office is granted for a determined period (3 years), only in cases regarding the leading positions within the prosecutor's offices attached to first instance courts, tribunals and courts of appeal.

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please specify the length

for prosecutors

yes, please specify the length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

Initial training

- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

The professional training is taking into consideration the dynamic of legislative process and involves knowledge and thoroughgoing study of internal legislation, of European and international legislation as adopted by Romania, of the case law of national courts and Constitutional Court of Romania, of the E.C.H.R. and C.J.C.E. and also of the comparative law. The responsibility for the continuous professional training for judges and prosecutors is attributed to National Institute of Magistracy, to the management of the courts and prosecutor's offices and also to each judge and prosecutor (by individual study).

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	6936	4835
Judge of the Supreme Court or the Highest Appellate Court	34082	23760
Public prosecutor at the beginning of his/her career	7936	4835
Public prosecutor of the Supreme Court or the Highest Appellate Instance	28153	19628

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

Insurance for professional risks and life insurance
 Life annuity for the surviving husband and child
 Disability pension
 Regular pension for activity
 Reimbursement of 6 tickets for local travels

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function			

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Ministry of Justice

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Discipline Commission within the Judicial Inspection which functions attached to the Plenum of Superior Council of Magistracy.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Sections of the Superior Council of Magistracy, as provided by the law.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	11	10
1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	4	6
1. Reprimand	3	3
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary	1	2
6. Degradation of post		
7. Transfer to another geographical (court) location		1
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

20485

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

17000

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

NGOs - fundamental rights and rights of the citizens
Family member - in cases involving a family member
Trade unions - labor cases

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

Please indicate the source for the question 126

National Bar Association of Romania

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
- No

If yes, please specify:

The specialization in some legal field is determined by the level of continuous training certified by the Bar Association.

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

Norms of professional ethics

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

An independent professional authority functioning attached to the Bar Association and within the National Bar Association (Discipline Commissions including lawyers)

140) Disciplinary proceedings and sanctions against lawyers:

Disciplinary proceedings initiated

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

141) Disciplinary proceedings and sanctions against lawyers:

Sanctions pronounced

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

440

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number: 307

family cases?

yes,
number: 75

administrative cases?

yes,
number:

employment dismissals?	<input type="checkbox"/> yes, number:	40
criminal cases?	<input type="checkbox"/> yes, number:	384

Please indicate the source for the question 145

Centre for Mediation and Dispute Resolution, Craiova, Romania

7. 1. 2. Other forms of alternative dispute resolution**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

Private Arbitration Procedure is used for solving financial claims excluding those rights with a possibility for transaction.

Also, in commercial matters it is used the procedure of direct conciliation prior to the trial.

Conflicts of interest in labor cases can be solved by using alternative dispute resolution methods.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

385

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Freelancers

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Ministry of Justice

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The National Union of Judicial Bailiffs develops professional verifications.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The National Union of Judicial Bailiffs develops the quality standars regarding the professional ethics.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Government's Ordinance no.22/2002 provides that debts of public institutions, mentioned in a court judgment, will be paid within six months, the institutions being compelled to include funds in the budget in order to fulfill the payment. If the public institutions do not fulfill this obligation, the creditor will have the right to ask for a forced execution.

Please indicate the sources for the questions 155 and 156

Ministry of Justice

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

- 1 - excessive length
2 - insufficient supervision
3 - excessive cost

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

Government's Ordinance no.22/2002 provides that debts of public institutions, mentioned in a court judgment, will be paid within six months, the institutions being compelled to include funds in the budget in order to fulfill the payment. If the public institutions do not fulfill this obligation, the creditor will have the right to ask for a forced execution.

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics

yes,
number:

Professional inadequacy

yes,
number:

Criminal offence

yes,
number:

Other

yes,
number:

162) Sanctions pronounced against enforcement agents:

- | | |
|------------|---|
| Reprimand | <input type="checkbox"/> yes,
number: |
| Suspension | <input checked="" type="checkbox"/> yes,
number: |
| Dismissal | <input type="checkbox"/> yes,
number: |
| Fine | <input checked="" type="checkbox"/> yes,
number: |
| Other | <input type="checkbox"/> yes,
number: |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Law no.275/2007 provides the responsibility of the delegate judge for the enforcement of the criminal judgments. Those are appointed by the president of the court of appeal, on annual basis, for each penitentiary within the circumscription of the court. The delegate judge checks the legality of the execution of certain penalties of imprisonment and also for the preventive measures of imprisonment.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

The courts have their own studies with statistical data on the recovery rate.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | |
|---|---|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes, number: |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes, number: |
| a public one? | <input type="checkbox"/> yes, number: |
| other? | <input type="checkbox"/> yes, number and specify: |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Mandates

Legalizations

Seals

Certification of certain dates

Please indicate the source for the question 166

Ministry of Justice

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Acts issued by public notaries are subject of control from the court, if requested by parties. A professional and deontological control can be developed by the Union of Public Notaries and the Ministry of Justice checks the activity of the public notaries by the means of specialized general inspectors.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

Drafts of the new Civil Procedural Code and Criminal Procedural Code are currently being debated in order to be passed by the Parliament.