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Date: 26/07/2024

**DH-DD(2024)856**

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Meeting: 1507<sup>th</sup> meeting (September 2024) (DH)

Item reference: Revised Action Plan (26/07/2024)

Communication from Romania concerning the group of cases of VLAD v. Romania (Application No. 40756/06)  
(appendices in Romanian are available at the Secretariat upon request)

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Réunion : 1507<sup>e</sup> réunion (septembre 2024) (DH)

Référence du point : Plan d'action mis à jour (26/07/2024)

Communication de la Roumanie concernant le groupe d'affaires VLAD c. Roumanie (requête n° 40756/06)  
(des annexes en roumain sont disponibles auprès du Secrétariat sur demande) (**anglais uniquement**)

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26 JUIL. 2024

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

L/ 4262  
3078 R/AG/208  
415 R/AG/110

24 July 2024

**Revised action plan in the case of**  
***Vlad. v. Romania***  
**(Application no. 40756/06, Judgment of 26 November 2013, final on 26 February 2014)**  
**and *S.C. CONCEPT LTD SRL and Manole v. Romania***  
**(application no. 42907/02, Judgement of 11 January 2018, final)**

**Preliminary considerations:**

From the outset, the Government mention that the present action report comes in view of completing and updating the information contained in the Action report submitted on 21 June 2023. The present revised action report contains information on the impact of the general measures taken by the Government at the level of the judiciary system.

**Introduction:**

The *Vlad and others* group of cases concerns the excessive length of civil (*Nicolau* group) and criminal proceedings (*Stoianova* and *Nedelcu* group) and the lack of effective remedy in this respect (violations of articles 6 § 1 and 13).

**As to the individual measures in case of *Vlad and Others v. Romania* (application no. 40756/06):**

Regarding the payment of the amount of 3600 EUR as just satisfaction in respect of non-pecuniary damage, the Government would like to inform the Court that on 08.04.2014 the Government submitted request no. L1/3425 (3078 R/AG/116) for the revision of the Judgement, invoking Art. 80 §4 of the Rules of the Court. So far, the Government mention that the request is under the analysis of the Court.

**As to the duration of completion of domestic court proceedings in cases where these procedures were pending at the time of the Court judgements:**

In case of *S.C. Concept LTD SRL and Manole v. Romania* (application no. 42907/02) regarding the insolvency procedure of the debtor S.C. CAROM S.A. (case file no. 79/110/2005\*) the procedure is still pending before Bacău County Court and the next hearing is scheduled on **23.05.2024.**



At the same time, the insolvency procedure of the debtor of CAROM S.A.- Solventul S.A. (case file no. 5517/99/2007), also relevant for this application, is still pending before the Iași County Court and the next hearing is scheduled on **15.05.2024**. Furthermore, the insolvency procedure of the debtor of CAROM S.A. – S.C. Bio Energy Chemicals S.A. (case file no. 25002/3/2013) also relevant for this application is still pending before București County Court and the next hearing is scheduled on **27.06.2024**.

In case of Ioana Petrache v. Romania (application no. 35783/09 – leading case Teică and others v. Romania, application no. 2337/04), regarding the bankruptcy procedure of S.C. A. COM S.R.L, the Government would like to inform the Department for the Execution of Judgements of the ECtHR that the procedure is still on-going, and the next hearing is scheduled on **12.09.2024**. The Government would like to mention that according Brașov County Court, from the beginning of the bankruptcy procedure of SC A COM SRL, a total of 18 associated case-files have been registered, of which 17 case files were filed by the applicant.

### **III. General measures**

In response to the last decision adopted by the CM at its 1259<sup>th</sup> meeting (7-8 June), the Romanian authorities submitted information regarding the impact of the legislative reforms aimed at addressing the problem of excessive length of civil and criminal proceedings.

According to the information provided by the Superior Council of Magistracy, the clearance rate is a quantitative indicator that influences the dynamics of end-of-year stocks, which can decrease if the clearance rate is greater than or equal to 100%. Thus, if the clearance rate is above 100% in the year of question, this means that, numerically, the stocks at the beginning of the reference year have also been initiated, i.e. a higher number of o cases have been settled than the number of new cases registered during the reference period.

In this regard, according to the statistical data (attached to the present revised action report) **for the year of 2022** it can be observed the following:

**In civil cases the average length of trial** for first instance courts was between 4,0 months (at first instance courts jurisdictions) and 8,5 months (at county courts jurisdictions), the average length of trial for appeal courts was between 5,8 months (at courts of appeal jurisdictions) and 7,3 months (at county courts jurisdictions), the average length of trial for appeal on points of law was between 6,0 months (at county courts jurisdictions) and 22,5 months (at High Court of Cassation jurisdiction).

**In the area of criminal cases**, the average length of the trial was between 2,0 months (at courts of appeal jurisdictions) and 3,3 months (at first instance courts and at HCCJ's jurisdictions), the average length of trial for appeal courts was between 1,4 months (at county courts jurisdictions) and 3,8 months (at courts of appeal jurisdictions), the average length of trial for appeal on points of law was between 1,7 months (at courts of appeal jurisdictions) and 5,0 months (at High Court of Cassation jurisdiction).



Furthermore, according to the statistical data, **for the year of 2023** it can be observed the following:

**In civil cases the average length of trial** for first instance courts was between 4,1 months and 10,7 months (at courts of appeal jurisdictions), the average length of trial for appeal courts was between 6,2 months (at courts of appeal jurisdictions) and 8,2 months (at county courts jurisdictions), the average length of trial for appeal on points of law was between 6,4 months (at county courts jurisdictions) and 18,9 months (at High Court of Cassation jurisdiction).

**In the area of criminal cases**, the average length of the trial was between 2,3 months (at courts of appeal jurisdictions) and 4,2 months (at first instance courts), the average length of trial for appeal courts was between 1,5 months (at county courts jurisdictions) and 3,7 months (at courts of appeal jurisdictions), the average length of trial for appeal on points of law was between 1,2 months (at courts of appeal jurisdictions) and 3,8 months (at High Court of Cassation jurisdiction).

Furthermore, according to the information provided by the Superior Council of Magistracy, the increase in these average lengths of court proceedings compared to previous years can be explained, to a large extent, by the depopulation of the judiciary. Thus, in comparison, if in 2020, for the calculation of the workload, 1431 judges were considered for the courts, in 2021 their number decreased to 1367, in 2022 decreased to 1285 and in 2023 the number of judges reached to 1226, which translates into 15% in 3 years in the number of judges in the courts of this jurisdictional level.

According to the statistical data on the situation of human resources in the justice system submitted by the Superior Council of Magistracy (attached to the present revised action plan), it transpires that, in 2022 at the first instance courts the occupancy rate was between 50% at Gura Hont and Hațeg Courts of first instance to 100 % at Balș, Salonta and Întorsura Buzăului Courts of first instance, at county courts, the occupancy rate was between 52,81% at Buzău County Court to 92,62% at Brașov County Court, at the courts of appeal, the occupancy rate was between 77,23 % at Suceava County Court to 95,45% at Iași County Court.

At the same time, in 2023, at the first instance courts, the occupancy rate was between 32,50% at Moldova Nouă Court of first instance to 100% at la Întorsura Buzăului Court of first instance, at county courts, the occupancy rate was between 41,67% at Prahova County Court to 87,69% at Cluj County Court, at the courts of appeal, the occupancy rate was between 72,17 % at Galați County Court to 97,27% at Iași County Court.

As regards the prosecutors, according to the statistical data provided by the Superior Council of Magistracy, it transpires that, in 2023, the occupancy rate of the prosecutor's office attached to a first court was between 28,57%<sup>1</sup> in Oltenița to 133,33 % in Aleșd.

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<sup>1</sup> As regards the Însurăței Court of First instance, the statistical data shows 0,00% because this court of first instance was suspended in 2016 by Government Ordinance no. 476/06.07.2016 published in the Official Journal no. 528/14.07.2016 and has been proposed for closing on 27.04.2023.



The occupancy rate of prosecutor's offices attached to a county court was between 14,29% in Brăila to 66% in Harghita, the occupancy rate of prosecutor's offices attached to the courts of appeal was between 25% in Suceava to 57,14 % in Braşov.

In the end, the Government would like to draw attention to fact that, according to the recent information presented by the minister of justice on 24 July 2024, following the conclusion of the selection competition for magistrates which took place between February and July 2024, 74 new judges and 34 new prosecutors will be installed.

Furthermore, the Superior Council of Magistracy has initiated two new competitions for the admission to the National Institute of Magistracy, one competition offering 250 places for trainee magistrates (*auditori de justitie*) and another competition for admission to the magistracy opened for candidates with at least five years of legal professional experience (118 places for judges, with the possibility of 31 supplementary positions, and 21 places for prosecutors, with the possibility of 4 supplementary positions)<sup>2</sup>.

### III. Conclusions

Further information on the revision of the domestic court solutions, as well as on general measures already adopted or envisaged by the competent national authorities will be submitted as soon as it becomes available.

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<sup>2</sup> [https://www.stiripesurse.ro/alina-gorghiu-primeste-anuntul-mult-asteptat-de-la-csm-privind-criza-din-sistem-pestre-100-de-judeca\\_3387095.html](https://www.stiripesurse.ro/alina-gorghiu-primeste-anuntul-mult-asteptat-de-la-csm-privind-criza-din-sistem-pestre-100-de-judeca_3387095.html)