



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[19 405 156]

Comments Provisional data (which will be completed when the National Institute of Statistics will finalize population data).The revised data will be available in the TEMPO database of the National Institute of Statistics (www.insse.ro).

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	70 265 528 849 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[10 400]

Comments

004. Average gross annual salary (in €) for the reference year

[11 235]

NA

Comments At national level, the average gross annual salary is not calculated and included in the official statistical reports made annually by the National Institute of Statistics. Thus, the SMBA was calculated by request by the National Institute of Statistics on the basis of the monthly average gross salary at an average annual value of the euro calculated by the National Bank of Romania for the reference year 2018

According to the provisions of the national legislation in force (GEO no. 79/2017 with subsequent amendments and completions), the social insurance contributions, respectively those of social health insurance that fell to the employer, were transferred to the employee's responsibility and, starting with 2018, are fully supported by the employee, being reflected in the gross amount of the earning.

Consequently, the indicator "monthly gross average wage" produced and disseminated from 2018 is no longer comparable with the previous data series.

These legal provisions do not influence the data comparability for the series of "average monthly net earnings."

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[4.6639]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: 1 -National Institute of Statistics

3 -National Institute of Statistics -see the source : Eurostat database, -

https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=nama_10_pc&lang=en - Main GDP aggregates per capita (nama_10_pc)

4- National Institute of Statistics- see the methodological explanations above

5- Ministry of Finances

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	551 790 133 [] NA [] NAP	549 344 286 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	433 158 301 [] NA [] NAP	432 766 411 [] NA [] NAP
2. Annual public budget allocated to computerisation	471 923 [] NA [] NAP	461 165 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	1 147 109 [] NA [] NAP	1 128 870 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	25 484 680 [] NA [] NAP	25 398 488 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	3 787 174 [] NA [] NAP	3 743 505 [] NA [] NAP
6. Annual public budget allocated to training	38 594 [] NA [] NAP	33 999 [] NA [] NAP
7. Other (please specify)	87 702 352 [] NA [] NAP	85 811 849 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Regarding the annual budget allocated to gross salaries, the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay: according to the provisions of the national legislation in force (GEO no. 79/2017 with subsequent amendments and completions), the social insurance contributions, respectively those of social health insurance that fell to the employer, were transferred to the employee's responsibility and, starting with 2018, are fully supported by the employee, being reflected in the gross amount of the earning. In this context, the explanation given in the last evaluation cycle regarding the differences in this budgetary chapter remains valid and must be reiterated: Since 2000 to the present, the magistrates' salaries have risen steadily, including the latest law on salaries in the public domain (Law no. 153/2017) has set a salary level for magistrates well above the average of the budgetary staff. This law will have its full effect until 2022.

Regarding the budget for computerisation, considering the Government Program priorities and the public expense limitations, the 2018 IT funds related judiciary had to be diminished. But it is very important to underline that, although the budget had these lower values in 2018, the procurement procedure was finalized and two extremely important and substantial contracts were concluded (for which the advance was paid from the budget for 2018), having as object the delivery of IT equipment and software to the Ministry of Justice, the Public Ministry, courts and prosecutor's offices, contracts to carried out during 2019.

In the case of investments in new court building, there were reduction in spending due to fewer large investments compared with previous years. For annual public budget allocated to training, the differences between 2017-2018 reflects certain reductions registered in the budget for training for certain categories of civil servants (other non –judge staff) who work in courts or in the Ministry of Justice. To be remembered here that the professional training of magistrates is done through the SCM, which has a separate budget. Finally, as to the category “other”, the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay. Also it should be mentioned that the allocated funds for payment of wage rights established by court decisions allocated in 2018 were lower than those allocated in 2017.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- Government Emergency Ordinance no. 80/2013 eliminates the judicial stamp, which was accessory to the judicial stamp duty, simplifying thus the procedure. Court fees are set differently depending on the nature of disputes:

- Patrimonial - disputes whose value can be estimated in money
- Non-patrimonial – disputes which cannot be evaluated in money (e.g. guardianship cases, establishment of paternity)

a. According to the rule, for patrimonial disputes court fees shall be established as a percentage of the value of the case; the percentage gradually decreases as the value of the case increases.

Exemple : Article 3 (1) of GEO no. 80/2013 on the judicial fees:

(1) The proceedings and patrimonial applications shall be charged as follows:

- a) up to 500 lei- 8%, but not less than 20 lei;
- b) between 501 lei and 5000 lei- 40 lei + 7% for what exceeds 500 lei;

c) between 5001 lei and 25.000 lei - 355 lei + 5% for what exceeds 5000 lei;
d) between 25.001 lei and 50.000 lei-1.355 lei + 3% for what exceeds 25.000 lei; e) between 50.001 lei and 250.000 lei - 2105 lei + 2% for what exceeds 50.000;
f) over 250.000 lei - 6105 lei + 1% for what exceeds 250.000 lei.

b. For non-patrimonial disputes the law provides for fixed court fees. There are 5 categories of fixed fees: 20 lei, 50 lei, 100 lei, 200 lei, 300 lei. For each type of non-patrimonial dispute the law expressly provides for the quantum of the fixed fee.

It is worth mentioning that on the website of the Ministry of Justice there is a calculator for calculating (as a guide) the value of the stamp duty, according to GEO no. 80/2013, art. 3 paragraph (1), valid only for actions and requests evaluable in money - <http://www.just.ro/calculator-taxa-judiciara/>

This computer has an informational role. The exact and mandatory value of the stamp fees is the one established by the court.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[175]
 NA
 NAP

Comments

009. Annual income of court fees received by the State (in €):

[67 018 671]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	10 371 363 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 645 361 <input type="checkbox"/> NA <input type="checkbox"/> NAP	762 002 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court (court fees and/or legal representation)	10 371 363 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 645 361 <input type="checkbox"/> NA <input type="checkbox"/> NAP	762 002 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	10 351 642 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 627 027 <input type="checkbox"/> NA <input type="checkbox"/> NAP	724 615 <input type="checkbox"/> NA <input type="checkbox"/> NAP

12-1.1 for cases brought to court (court fees and/or legal representation)	10 351 642 [] NA [] NAP	9 627 027 [] NA [] NAP	724 615 [] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	269 902 871 [] NA [] NAP	267 694 743 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	72 435 [] NA [] NAP	68 144 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: About differences between 2017-2018, must be mainly highlighted the current explanations given above (for Q 6.1 and Q 6.6) concerning the influences on the budget given by the changes in the tax legislation (regarding the number of compulsory social contributions that employers must pay) and by the allocated funds (in 2018) for payment of wage rights established by court decisions.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other ministry	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Supreme Court	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
High Judicial Council	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

If any other Ministry and/or inspection body and/or other, please specify:

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

	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	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court President	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Court administrative director	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No	(X) Yes () No

Comments - If "other", please specify: The presidents of the courts that have legal personality have responsibilities in relation to the budgets of those courts and the courts under their jurisdiction. They may delegate this competence to a economic manager. An external review is carried out by the Ministry of Justice, through its Audit Unit and by the Courts of Audit.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice, Ministry of Public Finances

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	1 197 838 504 [] NA [] NAP	1 186 886 847 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	(X)	()	()
Constitutional court	()	(X)	()
Judicial management body	()	()	(X)
State advocacy	()	()	(X)
Enforcement services	()	(X)	()
Notariat	()	(X)	()
Forensic services	(X)	()	()
Judicial protection of juveniles	()	(X)	()
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	(X)	()
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	()	(X)	()
Other	(X)	()	()

If "other", please specify: Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Legal aid in Romania:

The Emergency Ordinance no. 51/2008 on public legal aid in civil matter, states in article 3 that “public legal aid under this Emergency Ordinance is granted in civil, commercial, administrative, labour and social insurance disputes, as well as in other disputes, except for criminal matters.” Hence, the judicial assistance in criminal matters is subject to a special regime, stated in article 91 of the Criminal Procedure Code. The different forms of legal aid, depending on the context over the issue of the applicant, are described in article 6 of Emergency Ordinance no. 51/2008, such as: “(...) a) payment of the fee to ensure representation, legal aid and, where appropriate, defence, through a lawyer that has been appointed or chosen, for the assertion in justice of a legitimate right or interest or in order to prevent a dispute, hereinafter referred to as legal aid through counsel;

b) payment of experts, translators or interpreters used during the proceedings, with the approval of the court or other competent authority, if the obligation to make this payment belongs, under the law, to the applicant for public legal aid;

c) payment of the fee for a judicial enforcement officer;

d) exemptions, discounts, spreading out or postponement of the payment of judicial duties provided in the law, including those that are due at the stage of coercive enforcement.” In such cases, article 7 of the same act provides that “public legal aid may be granted, either separately or cumulatively, in any of the forms provided in art.6, while not exceeding, per total, during a year, the maximum amount equivalent to 10 gross minimum salaries at the level of the year in which the application was submitted.”

According to article 4 of the Emergency Ordinance no. 51 /2008, a person is appropriate to acquire state legal aid if “(...) he is unable to bear the costs of proceedings or the costs involved by obtaining legal advice in view of asserting a legitimate right or interest in court without jeopardising his ability to financially support himself or his family.”

The application for granting public legal aid must be submitted to the law court, according to art. 11 of Emergency Ordinance no. 51/2008, such as:

“(1) The application for public legal aid must be submitted to the law court that is competent to process the dispute in relation to which legal aid is being requested; if public legal aid is requested for the enforcement of a judgement, the application is of the

competence of the executing court.

(2) In the event that the competent court cannot be determined according to para. (1), the competence shall belong to the first instance court whose territorial jurisdiction includes the domicile or residence of the applicant.

(3) If public legal aid is being requested in relation to ongoing proceedings, the application or, where appropriate, applications for public legal aid shall be processed, unless the law provides otherwise, by the panel that has been designated to handle the dispute.”

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Information on legal aid



020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	70 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	70 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In criminal cases	67 192 <input type="checkbox"/> NA <input type="checkbox"/> NAP	67 192 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

In other than criminal cases	3 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: According to the Art. 93 (3) and (4) of the New Criminal Procedure Code, the legal assistance is mandatory when the victim or the civil party has limited or without legal capacity. When the judicial authority considers that the victim, the civil party or the civil responsible party cannot defend himself, takes all the measures for appointing a lawyer ex officio.

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

- the court
 an authority external to the court
 a mixed authority (court and external bodies)

Comments For the 2016 cycle, the interpretation of the question was different, the answer concerning only extrajudicial assistance, granted by lawyers. Thus, the legal aid provided by a lawyer may be extrajudicial and consists of the granting of advice, the submission of applications, petitions, complaints, the initiation of other such legal steps, and representation before public authorities or institutions, other than the judicial ones or those having jurisdictional competences, for the purpose of asserting legitimate rights or interests. Extrajudicial aid must lead to the provision of clear and accessible information to the applicant, in compliance with the legal provisions in force regarding the competent institutions and, if it is possible, the requirements, time limits and procedures provided in the law for the recognition, granting or assertion of the right or interest claimed by the applicant (see the article 35 para.1 of the Emergency Ordinance no.51/2008 on public legal aid in civil matters). Extrajudicial aid is granted according to the Law no. 51/1995 for the organization and practice of the profession of lawyer (see the article 35 para.2 of the Emergency Ordinance no.51/2008). However, according to the rules provided in Chapter III (“Competence and procedure for the granting of public legal aid”) of the Emergency Ordinance no. 51/2008, the rule remains that the decision (to grant or refuse legal aid) have been taken by the court and not by an external authority.

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Superior Council of Magistracy and Ministry of Justice (legal framework)

2.2. Court users and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

	Yes	Internet adresse(s)
legal texts (e.g. codes, laws, regulations, etc.)	()	(X) www.just.ro; www.csm1909.ro; www.scj.ro; www.mpublic.ro
case-law of the higher court/s	()	(X) http://portal.just.ro/SitePages/ac asa.aspx; www.rolii.ro; www.scj.ro
other documents (e.g. downloadable forms, online registration)	()	(X) http://portal.just.ro/SitePages/ac asa.aspx; www.csm1909.ro

Please specify what documents and information are included in "other documents":

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

(X) Yes

() No

Comments - If yes, please specify: Law no. 211/2004 contains provisions regarding the general principles and the steps of the process of informing, supporting and protecting the victims of crime. In 2019, the provisions of the Law no 211 have been modified and extended. Thus, art. 32 - 34, 37, art. 4-6 and art. 7-9 (in force in 2018) from Law no 211 contain detailed provisions about the information of victims. According to art. 3 (in force in 2018) from the same law, the public authorities with responsibilities in the field of protection of victims of crime, in cooperation with non-governmental organizations, organize public information campaigns in this field.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the

following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Disabled persons	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

() Yes

(X) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of offences?

(X) Yes, please specify for which kind of offences:

() No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

(X) Yes

() No

Comments Art. 21 of Law 211/2004 stipulates that the persons which were victims of the following types of offences benefit of financial compensations: - attempt to the offence of murder, aggravated murder and particularly serious murder, serious body injury, laid down by art. 182 of the Criminal Code, an intentional offence which has as consequence a serious body injury of the victim, rape, sexual relation with a minor, sexual perversion, an offence concerning the trafficking in human beings, an offence of terrorism, any other intentional offence committed with violence. Law no. 217/2003 stipulates that the victims of domestic violence can benefit of financial compensations.

033. If yes, does this compensation come from:

[X] a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): There is no mechanism for calculating the compensation. The courts take into consideration the national case law and the jurisprudence of the European Court of Human Rights in similar cases.

Even if the civil regulations of material and procedural law do not provide special mechanisms for the compensation of individuals in case of excessive duration of procedures and non-enforcement of judgments, there are norms guaranteeing the right to a fair trial and at case settlement within a reasonable time-limit. In such circumstances, there is a possibility to pay certain sums of money as fines or even as compensation. In the criminal matter, the only possibility to obtain damages in the case of the procedural delays is the civil claim for damages, made on the provisions of the Civil Code. In the new Civil Procedure Code (the Law 134/2010), there is stipulated a much more efficient mechanism to this effect, respectively the contestation concerning the protraction of the case settlement. Thus, according to Article 522 para. (1) of the NCPC, any party, as well as the prosecutor attending the trial may make contestation by which, invoking the infringement of the right to the settlement of the trial within an optimal and reasonable time-limit, to solicit the taking of the legal measures for the removal of this situation. See, for completion, the regulations stipulated in the civil matter (the NCPC) as concerns the guarantee of the right to a fair trial and at the case settlement within a reasonable time-limit.

The non-observance of judgments is incriminated as offence by Art. 287 of the Criminal Code. Within the criminal trial there may be also formulated the civil claim for damages for the non-enforcement of the judgment. The civil action may be also introduced separately, at the civil court. Both actions shall be judged according to the provisions of the Civil Code, regulating the delictual civil responsibility.

Illegal arrest and illegal conviction are situations circumscribed to judicial errors for which the Romanian state is responsible according to Art. 538-539 and the following of the Criminal Procedure Code(the Law 135/2010) For the appreciation in substance of the civil responsibility, there shall apply the common law rules laid down by the Civil Code. According to the provisions of the art. 538 of the Criminal Procedure Code, any person who suffered a wrongful condemnation or was, during a criminal trail, illegally deprived of his/her liberty is entitled to receive a compensation.

The compensation should cover both the material and moral prejudices caused to that person.

The amount of the compensation is to be determined by the court (the tribunal) in whose district the entitled person has its domicile. The entitled person should introduce a civil action against the state (which is represented by the Ministry of Public Finances), action which is exempted of any judicial fees.

Regarding the excessive duration of the criminal procedures, there is a remedy, but it is not compensatory - see art. 488 (index1) and the following of the Criminal Procedure Code.



2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Within the Project on Transparency, accessibility and judicial education for improving public communication within and of the judicial system, among other activities a survey has been carried out during 2019 aiming at identifying the public perception of the court users and of the professionals on the Judiciary.

There are no survey mechanism available on constant basis, but the judicial system may conduct some surveys in cooperation with academics, NGOs or within some projects or special studies dedicated to this subject

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

Number of complaints	Compensation amount granted
-----------------------------	------------------------------------

Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
High Judicial Council	6 812 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

Depending on the object of the notification, there may be petitions sent to any of the mentioned institutions.

The petitions of the competence of the Superior Council of Magistracy, about the way of accomplishment of the judicial system attributions may be addressed either directly to the Council, by a petition formulated in written, either by the leaders of the courts or prosecutor's offices. The Council has a petition form published on its own web site. The petitions may aim inclusively at the activity of judges and prosecutors, of courts and prosecutor's offices, if the notified aspects are within the limits of the SCM competence. According to the statistics, in 2018 a number of 6812 petitions were registered at the competent department of the SCM.

The petitions of the competence of the Ministry of Justice, concerning mainly the applicability and evolution of the regulations in the judicial matter may be addressed by post or may be deposited in person at the headquarters of the institution. The general legal grounds for receiving the complaints (petitions) and for the drawing up of the answers is represented by the Government Ordinance 27/2002 concerning the regulation of the petitions settlement, approved by Law 233/2002.

The petitions referring to the functioning of the judicial system are in their great majority managed by the Superior Council of Magistracy, respectively, where applicable, to the special departments within the Ministry of Justice.

The time-limit to answer to these complaints (petitions) is the legal one: 30 days from their registration date.

In disciplinary matters, the Superior Council of Magistracy has the role of a disciplinary court. The Judicial Inspection carries out preliminary investigations. The disciplinary investigation is initiated and carried out by the Judicial Inspection and the final decision is taken by the competent Section (for judges or for prosecutors) of the SCM in disciplinary matters. The data filled for the current cycle represent the number of complaints of all natures submitted to the Superior Council of Magistracy, while in the previous evaluation cycle (2016) there were mentioned only the disciplinary actions carried out by the Judicial Inspection, namely a total of 48 actions. In 2018 the number of disciplinary actions was 38.

In 2018, the Judicial Inspection has registered 6010 complaints against judges and prosecutors (3881 regarding judges and 2129 regarding prosecutors) from applicants complaining mostly on their activity or conduct and in other 131 cases (90 regarding judges and 41 regarding prosecutors) the Judicial Inspection initiated ex officio investigations. During 2018, 20 disciplinary actions were carried out against judges and 18 disciplinary actions were carried out against prosecutors.

Additional information regarding disciplinary referrals within the Ministry of Justice (before the Commission for analyzing the complaints made in the matter of disciplinary liability of prosecutors):

- the number of requests (petitions) received in 2018 at the Commission for disciplinary referrals within the Ministry of Justice: 240;
- the number of petitions sent to the SCM for prior verifications: 180;
- the number of cases in which disciplinary sanctions have been applied (in 2018) as a result of such petitions: 0.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts



042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	233 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	9 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	243 [] NA [] NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	9 [] NA [] NAP
Commercial courts (excluded insolvency courts)	3 [] NA [] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	1 [] NA [] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	[] NA [X] NAP

Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify:

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

Yes

No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	176 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an employment dismissal	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	176 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an insolvency case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims: According to the art. 1026 of the new Code of civil procedure, small claims are cases where the financial value of the claim does not exceed 10.000 RON (2107 euro) at the moment when the claim is filed, excluding the interests, court fees or other accessories.

045-2. Please indicate the value in € of a small claim:

[2 107]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	4 677 [] NA [] NAP	1 272 [] NA [] NAP	3 405 [] NA [] NAP
1. Number of first instance professional judges	2 029 [] NA [] NAP	586 [] NA [] NAP	1 443 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	2 540 [] NA [] NAP	663 [] NA [] NAP	1 877 [] NA [] NAP
3. Number of Supreme Court professional judges	108 [] NA [] NAP	23 [] NA [] NAP	85 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In line with our previous reports in this matters, in the table above judges from tribunals and courts of appeal shall be included in the category "second instance professional judges", even if according to the procedural provisions in terms of competences tribunals may judge both as first and instance court and for certain procedural circumstances (material and personal) even the courts of appeal may judge in first instance. Moreover even the High Court can judge in first instance for example in criminal cases according to the personal competence rules of procedure.

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	230 [] NA [] NAP	82 [] NA [] NAP	148 [] NA [] NAP
1. Number of first instance court presidents	164 [] NA [] NAP	57 [] NA [] NAP	107 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	65 [] NA [] NAP	25 [] NA [] NAP	40 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Comments There are mentioned only the presidents and not the vice-presidents of courts.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- No
- NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

social law cases	()	()	()
commercial law cases	()	()	()
insolvency cases	()	()	()
other civil cases	()	()	()

NAP

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	10 662 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	6 402 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	1 645 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	1 772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	843 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: 6402 represents the number of clerks with judicial tasks (- 163 work only within the High Court of Cassation and Justice); 1645 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants (- 17 work only within the High Court of Cassation and Justice); 1772 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents (-101 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (843):

Assistance magistrates: 110 Judicial assistants: 176 Probation counselors: 557

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	9 882 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	4 741 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	4 973 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	168 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases

other cases not mentioned (please describe in comment)

non-litigious cases

NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

Yes

No

Comments

054-1. If yes, please specify which services have been outsourced:

IT services

Training of staff

Security

Archives

Cleaning

Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: The source for answers at Q46 and Q47 is the data base managed by SCM in terms of human resources in courts
The source for answers at Q52 is the data base managed by Ministry of justice in terms of human resources in courts

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	2 521 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 305 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	1 069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	522 <input type="checkbox"/> NA <input type="checkbox"/> NAP	547 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	887 <input type="checkbox"/> NA <input type="checkbox"/> NAP	411 <input type="checkbox"/> NA <input type="checkbox"/> NAP	476 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Number of prosecutors at Supreme Court level	565 [] NA [] NAP	283 [] NA [] NAP	282 [] NA [] NAP
--	--------------------------	--------------------------	--------------------------

Please indicate any useful comment for interpreting the data above: In Romania there are four level of courts/prosecution offices attached to these courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In line with our previous reports in this matters, in the table above prosecutors from prosecution offices of the tribunals and of the courts of appeal shall be included in the category "second instance professional prosecutors".

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	432 [] NA [] NAP	217 [] NA [] NAP	215 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	137 [] NA [] NAP	63 [] NA [] NAP	74 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	194 [] NA [] NAP	103 [] NA [] NAP	91 [] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	101 [] NA [] NAP	51 [] NA [] NAP	50 [] NA [] NAP

Please provide any useful comment for interpreting the data above: In line with our previous reports in this matters, in the table above prosecutors from prosecution offices of the tribunals and of the courts of appeal shall be included in the category "second instance professional prosecutors".

057. Do other persons have similar duties to those of public prosecutors?

() Yes

(X) No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

() No

[] NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

(X) Yes

() No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	2 468 [] NA	[X] NA	[X] NA

Comments Out of the total of 2468 filled in positions in the prosecution offices country wide, 2044 are occupied by clerks and the rest of 424 are procedural agents (who accomplish activities such as delivering summons, other courier activities etc.) and other staff such as drivers.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: The source for answers at Q55 and Q56 is the data base managed by SCM in terms of human resources in courts/prosecution offices

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: In line with the constitutional principle of rights equality (art. 16 of the Romanian Constitutional) there are no specific gender provisions for the recruiting procedure for any legal professions but the general conditions, such as the general conditions for judges and prosecutors regulated by the art. 14 of the Law no. 303/2004 amended and republished in 2018 (such as citizenship, lack of any criminal

or financial records, medical and psychological capacities).

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	()	(X)
the promotion of judges	()	(X)
the recruitment of prosecutors	()	(X)
the promotion of prosecutors	()	(X)
the recruitment of non-judge staff	()	(X)
the promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text)

[X] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

[X] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal)

[X] NAP

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
 mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
 other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): There is no national structure in charge of the strategic policy making and governance of the judicial system modernization. Every major institution has an IT department that coordinates IT system modernization. There are mixed team of judicial staff (judges/prosecutors) and administrative/technical/scientific staff depending of the requirements of specific projects.

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments) Apps from Tribunal Arad (ex: TDS), Court of Appeal Cluj (ex: InfoDosar), Superior Council of Magistracy (ex: EMAP Portal).

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist): Outside audit is done by ROMANIAN COURT OF ACCOUNTS, an independent government body.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

- Yes
- No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) National Supervisory Authority for Personal Data Processing. Rights to citizens are granted by General Data Protection Regulation. By default, databases can not be share with other administration. Any share of databases need approval.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- Yes

() Non

Comments Courts decisions are published online on www.rolii.ro - Romanian Legal Information Institute. Some decision are not published on www.rolii.ro, based on citizens request (GDPR).

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Criminal	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Administrative	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

[] Linkage with other European records of the same nature

[X] Content directly available through computerised means for judges and/or prosecutors

[X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access Ministry of Justice

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
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062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments EMAP Portal

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify Regarding "Status of case online" decisions are available online thru www.rolii.ro. fFor some courts, a link and a password is provided to parties in order to access their case.

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Business registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)

Budgetary and financial management of courts	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify In terms of criminal procedures the case (file) shall be submitted to the court by the prosecution office together with the indictment for notifying the court. Moreover the indictment itself can be electronically submitted to the court through the CMS called ECRIS. In terms of the legislation providing the means of electronically submitting a case to court, the provisions are regulated in the Code of procedure.

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

Requesting legal aid electronically

Availability rate	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> SMS <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/>
Criminal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> SMS <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/>

Administrative	<input checked="" type="checkbox"/> [X]	<input type="checkbox"/> []	<input checked="" type="checkbox"/> [X]	<input type="checkbox"/> [] SMS <input checked="" type="checkbox"/> [X] E-mail <input type="checkbox"/> [] Specific computer application <input checked="" type="checkbox"/> [X] Other	<input checked="" type="checkbox"/> [X]
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Comments Transmitting summons by fax can be an other modality of sending summons.

In terms of specific legislation framework in this matter, there should be mentioned the Code of criminal procedure and the Code of civil procedure.

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input checked="" type="checkbox"/> [X] 100% <input type="checkbox"/> [] 50-99% <input type="checkbox"/> [] 10-49% <input type="checkbox"/> [] 1-9% <input type="checkbox"/> [] 0% (NAP) - for this matter <input type="checkbox"/> [] NA	<input checked="" type="checkbox"/> [X] Submission of a case to a court <input checked="" type="checkbox"/> [X] Phases preparatory to a hearing <input checked="" type="checkbox"/> [X] Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> [X] Transmission of court decisions	<input checked="" type="checkbox"/> [X] E-mail <input checked="" type="checkbox"/> [X] Specific computer application <input type="checkbox"/> [] Other	<input checked="" type="checkbox"/> [X] Yes

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Judicial police services	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
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Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments In terms of specific legislation framework in this matter, there should be mentioned the Codes of criminal procedure and the

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1.National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

3.6.2.Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

disposition time

other (please specify):- e.g. suspended cases

Comments - e.g. suspended cases

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

Yes

No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the public prosecutors)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: BIANUAL

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

Inspection authority

- Supreme Court
- External audit body
- Other (please specify):PRESIDENTS OF THE COURTS

Comments The periodical evaluation of judges/prosecutors is carried out within commissions at the level of courts/prosecution offices. Moreover, annually the leadership of the courts/prosecution offices perform an evaluation of the activity in the courts/prosecution offices; there is also the possibility of an evaluation through the electronic program (Statis) that generates reports on the efficiency of courts/prosecution offices. The Judicial Inspection carries out different thematically verifications.

Moreover, through the reports generated by Statis program the Superior Council of Magistracy can also evaluate the efficiency of the activity of courts/prosecution offices.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments The periodical evaluation of judges/prosecutors is carried out within commissions at the level of courts/prosecution offices. Moreover, annually the leadership of the courts/prosecution offices perform an evaluation of the activity in the courts/prosecution offices; there is also the possibility of an evaluation through the electronic program (Statis) that generates reports on the efficiency of courts/prosecution offices. The Judicial Inspection carries out different thematically verifications.

Moreover, through the reports generated by Statis program the Superior Council of Magistracy can also evaluate the efficiency of the activity of courts/prosecution offices.

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	()	(X)

Comments There are statistical reports developed by an IT application called Statis that monitor the duration of a court trial on different levels - total time, preliminary proceedings, delays between the sessions, time for drafting the decision etc.

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):The Superior Council of Magistracy
- No

Comments There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

- Yes (please indicate the name and the address of this institution):STATISTICS DEPARTMENT OF PICCJ
- No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments BIANUAL REPORT OF MP (MINISTERUL PUBLIC)

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments BIANUAL REPORT OF MP (MINISTERUL PUBLIC)

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: As mentioned in the previous cycle, indeed there are special appointed prosecutors that present the case files before the court and uphold the position of the prosecution service, aspect that describes moreover the procedural duties and competences of the prosecutors in the procedural stage where the case is being heard before the court, than as a dialogue between prosecutors and courts regarding the way cases are presented before the courts.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments According to the provisions of art. 39 of the Law no. 303/2004, amended and republished in 2018, judges and prosecutors are being periodically evaluated under the observance of the professional and performance criteria. The evaluation shall envisage the quality of their activity, efficiency, integrity as well as the fulfillment of the obligation to take part in in-service professional training and on managerial activity for those judges and prosecutors in leadership positions. The periodical evaluation shall be first carried out by the end of the first 2 years of activity after the entering in profession and shall be continued every 3/4/5 years depending on the seniority in profession (5-10 years, 10-15 years, over 15 years of seniority).

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public prosecutorial Council

Head of the organisational unit or hierarchical superior public prosecutor

Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments similar to judges, see Q114, 114.1 and the additional comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Legislation on the statute of judges and prosecutors (Law no. 303/2004, amended and republished) and the Regulation on evaluation

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

NA

NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[13]

NA

Comments The total number of initiated procedures of challenges during the reference year (2018) was 4960, out of which 663 have been admitted. Therefore the ratio between the total number of initiated procedures of challenges and total number of finalized challenges was 13,37%, as by finalized challenges we understand procedures of challenges that have been admitted.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): In this respect, we should mention some aspects regarding the internal mechanism to ensure timely and effective execution of judgments of the European Court of Human Rights:

The mechanism's normative basis is represented by the Government Ordinance no. 94/30 August 1999, published in the Official Journal no. 424/31 August 1999, as modified by the Government Urgency Ordinances nos. 64/28 June 2003, published in the Official Journal no. 464/29 June 2003 and 48/21 April 2008, published in the Official Journal no. 330/25 April 2008 and approved by Law no. 191/21 October 2008, published in the Official Journal no. 728/28 October 2008. The enforcement of ECHR's judgments, regarding both individual and general measures, is supervised by the Directorate of the Government Agent for the European Court of Human Rights within the Ministry of Foreign Affairs. In this context, it also supervises the payment of the just satisfaction awarded by the European Court – by transmitting the necessary data to the Ministry of Public Finances in order for this authority to pay the sums awarded by the Court. Regarding individual measures other than the payment of just satisfaction, the aforementioned directorate informs the authorities involved about the measures of this nature required to enforce a ECHR judgment and the need to fulfill the obligations implied in order to fully execute the judgment. Concerning general measures, the directorate initiates and coordinates the actions of the actors involved. -Thus, it raises awareness as to the possible general measures implied by the European Court's judgments and consults and coordinates the authorities involved in order to carry into effect the necessary actions in order to fulfill the obligations required by the judgment.

As for the modalities to liaise with persons or bodies responsible at the national level for deciding on the measures necessary to execute the judgments and the modalities to acquire information from other state actors, they are accomplished by means of written correspondence, consultations, meetings and inter-ministerial working groups. Another important aspect concerns the drawing-up of action plans/reports and related effective coordination/cooperation with the relevant actors at the national level for the same purpose of implementing of the Court's judgments. It should be mentioned that the action plans/reports are drawn-up, in particular with regard to judgments revealing structural problems or special issues, following consultations held with the authorities concerned, meetings and inter-ministerial working groups.

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments

D1. Please indicate the sources for answering questions in this chapter.

Sources: current legislation and statistics (ECRIS)

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify: In civil matter, as a rule, the procedural documents are accomplished in the order, time limits and conditions laid down by law or, where applicable, established by the judicial court. -The former Civil Procedure Code (applicable in 2012) consecrates a special procedure, optional – the research of the trial in the case the proofs are administered by lawyers (art. 241 ind. 1- 241 ind. 22 of the Civil Procedure Code). During this period – applicable only to patrimonial disputes which do not concern rights to which law does not allow to make transaction –, the parties may agree for the lawyers assisting and representing them to administer the proofs in the case (art. 241 ind. 2 of the Civil Procedure Code). - It has to be mentioned that this procedure was maintained by the new Civil Procedure Code -NCPC (the Law no.134/2010, which has entered into force on the 15th of February 2013), subject to the section concerning the administration of the proofs by the lawyers and the legal advisers (art. 366-388 NCPC).

4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	639 082 [] NA [] NAP	1 354 351 [] NA [] NAP	1 402 241 [] NA [] NAP	591 192 [] NA [] NAP	22 721 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	581 464 [] NA [] NAP	1 240 508 [] NA [] NAP	1 273 442 [] NA [] NAP	548 530 [] NA [] NAP	17 182 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	10 770 [] NA [] NAP	30 103 [] NA [] NAP	29 986 [] NA [] NAP	10 887 [] NA [] NAP	4 102 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	1 354 [] NA [] NAP	23 618 [] NA [] NAP	23 426 [] NA [] NAP	1 546 [] NA [] NAP	65 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	9 416 [] NA [] NAP	6 485 [] NA [] NAP	6 560 [] NA [] NAP	9 341 [] NA [] NAP	4 037 [] NA [] NAP
2.2.1. Non litigious land registry cases	4 322 [] NA [] NAP	5 631 [] NA [] NAP	5 324 [] NA [] NAP	4 629 [] NA [] NAP	194 [] NA [] NAP
2.2.2 Non-litigious business registry cases	5 094 [] NA [] NAP	854 [] NA [] NAP	1 236 [] NA [] NAP	4 712 [] NA [] NAP	3 843 [] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	46 848 [] NA [] NAP	83 740 [] NA [] NAP	98 813 [] NA [] NAP	31 775 [] NA [] NAP	1 437 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In the national Stasis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

Referring to the non-litigious business registry cases, the differences in the statistical data are given by the dynamics in the business

environment and the interactions at economic level and do not relate to any manifestation at the level of public authority. By referring to total requests that are the object of registration in the trade register, the influence is insignificant. Referring to the administrative cases, the decrease in the number of pending cases in administrative matters can be determined by aspects such as: certain types of cases that have been exhausted before courts (e.g. cases on salary rights of public servants initiated in 2010) or cases such as those on pollution taxes that were mostly exhausted before courts and for which administrative procedures have been expressly regulated as to discharge the huge workload in courts that they have generated. In terms of incoming administrative cases, when referring to a decrease in their number, similar reasons that justify the decrease in the number of pending administrative cases should be taken into consideration, namely, for example, those referring to the administrative procedures that have been expressly regulated as to discharge the huge workload in courts (e.g. regarding to the cases on pollution taxes).

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Divorce with the consent of the parties, granting of legal personality, modification of the constitutive acts of legal persons, requests related to unions, non-litigious requests (civil, litigation with professionals, minors and family).

093. Please indicate the case categories included in the category "other cases":

. NAP

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	101 650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	383 756 <input type="checkbox"/> NA <input type="checkbox"/> NAP	382 490 <input type="checkbox"/> NA <input type="checkbox"/> NAP	102 916 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 243 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If “Other cases” please specify: The changes brought to the code of criminal procedure may be among the reasons for the augmentation of the total number of criminal law cases pending on January 1st between 2016 and 2018, namely for e.g. the procedure regarding the prosecutor's decision to discontinue the criminal investigation has to be confirmed by a judges/in court, according to the new provisions.

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	83 741 [] NA [] NAP	197 330 [] NA [] NAP	208 052 [] NA [] NAP	73 019 [] NA [] NAP	679 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	82 344 [] NA [] NAP	194 375 [] NA [] NAP	204 868 [] NA [] NAP	71 851 [] NA [] NAP	671 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	1 397 [] NA [] NAP	2 955 [] NA [] NAP	3 184 [] NA [] NAP	1 168 [] NA [] NAP	8 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	383 [] NA [] NAP	1 312 [] NA [] NAP	1 356 [] NA [] NAP	339 [] NA [] NAP	2 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	1 014 [] NA [] NAP	1 643 [] NA [] NAP	1 828 [] NA [] NAP	829 [] NA [] NAP	6 [] NA [] NAP
2.2.1. Non litigious land registry cases	1 014 [] NA [] NAP	1 643 [] NA [] NAP	1 828 [] NA [] NAP	829 [] NA [] NAP	6 [] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

4. Other cases	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments - If “Other cases” please specify In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts in judging appeals and second appeals has changed. Accordingly, the number of appeals in the New Civil Procedural Code includes the number of appeals and second appeals from the Old Code and shows continuous increase since the entry into force of the provisions.

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	7 537 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	23 963 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	24 407 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	7 093 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	73 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If “Other cases”, please specify.

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	42 944 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	76 786 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	80 035 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	39 695 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	954 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	11 172 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	33 252 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	26 540 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	17 884 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	452 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	114 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	351 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	349 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	116 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	5 [] NA [] NAP	53 [] NA [] NAP	58 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	109 [] NA [] NAP	298 [] NA [] NAP	291 [] NA [] NAP	116 [] NA [] NAP	3 [] NA [] NAP
2.2.1. Non litigious land registry cases	109 [] NA [] NAP	298 [] NA [] NAP	291 [] NA [] NAP	116 [] NA [] NAP	3 [] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	31 658 [] NA [] NAP	43 183 [] NA [] NAP	53 146 [] NA [] NAP	21 695 [] NA [] NAP	499 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify The differences compared to the previous cycle are due to changes brought by the Constitutional Court's decisions to the interpretation given by the High Court of Cassation and Justice to the legislation regarding the increasing number of incoming civil litigious cases and the decreasing number of civil litigious cases pending for more than 2 years.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes

(X) No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? []

cases closed by this procedure? []

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	161 [] NA [] NAP	288 [] NA [] NAP	279 [] NA [] NAP	170 [] NA [] NAP	49 [] NA [] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify The increase in the total of criminal law cases incoming between 2016 and 2018 can be explained by the retrial / re-examination of a high important number of cases (to be noted that none of these cases were new) according to the Constitutional Court's decision that brought changes to the interpretation given by the High Court of Cassation and Justice in the matter of judicial organisation.

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	16 646 [] NA [] NAP	34 609 [] NA [] NAP	34 439 [] NA [] NAP	16 816 [] NA [] NAP
Employment dismissal cases	1 498 [] NA [] NAP	1 661 [] NA [] NAP	1 760 [] NA [] NAP	1 399 [] NA [] NAP
Insolvency	33 373 [] NA [] NAP	27 374 [] NA [] NAP	29 819 [] NA [] NAP	30 928 [] NA [] NAP
Robbery case	1 010 [] NA [] NAP	1 797 [] NA [] NAP	1 838 [] NA [] NAP	969 [] NA [] NAP
Intentional homicide	548 [] NA [] NAP	1 335 [] NA [] NAP	1 266 [] NA [] NAP	617 [] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	126 [] NA [] NAP	992 [] NA [] NAP	900 [] NA [] NAP	218 [] NA [] NAP

Cases relating to the right of entry and stay for aliens	201 <input type="checkbox"/> NA <input type="checkbox"/> NAP	90 <input type="checkbox"/> NA <input type="checkbox"/> NAP	93 <input type="checkbox"/> NA <input type="checkbox"/> NAP	198 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments The augmentation of cases related to asylum seekers is due to the increase of the migration as a phenomenon

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The judicial remedies relating to asylum seekers is regulated by Law no 122/2006 on asylum in Romania.

The access to the asylum procedure is guaranteed to any foreign or stateless person that is on the Romanian territory or at the frontier and who requests orally or in writing the protection of the Romanian state, under the conditions of the law.

The application is filed at the competent authorities and it is then forwarded to the National Office for Immigration.

In any phase of the asylum procedure, the applicant has the right to be assisted by a lawyer, the right to an interpreter, the right to contact and to be assisted by an official of UNCHR or a national or international NGO etc.

The applicant has free access to court, including legal assistance and exemption from cautio iudicatum solvi.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP	197 <input type="checkbox"/> NA <input type="checkbox"/> NAP	191 <input type="checkbox"/> NA <input type="checkbox"/> NAP	531 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	224 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	476 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP	301 <input type="checkbox"/> NA <input type="checkbox"/> NAP	182 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	483 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP	417 <input type="checkbox"/> NA <input type="checkbox"/> NAP	124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	670 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	52 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 <input type="checkbox"/> NA <input type="checkbox"/> NAP	169 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	387 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP	170 <input type="checkbox"/> NA <input type="checkbox"/> NAP	121 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	291 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The amendments to the new Criminal Procedural Code for putting in accordance the new Code with the decisions of the Constitutional Court and with those of the High Court, might have influenced the modifications in terms of lengths of procedures

(regarding the intentional homicide cases).

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Two alternative divorce procedures were introduced by the new Civil Code, which entered into force on October 1st, 2011: the administrative divorce, at the civil status service, and the divorce in front of the public notary. These alternatives are available in the situation of the divorce through mutual consent. They are already contributing to a quicker dispute resolution and to relieving the burden on courts.

Details:

The non-litigious divorce is of the competence of the court of first instance, notary public or civil status officer. The procedure is different depending on each authority, but has the following common rules:

- The existence of the spouses' agreement about the divorce and its consequences;
- Granting 30 days from the registration date of the application until the pronouncement of the divorce;
- Compulsory presence of the parties to express their consent to divorce, with the exceptions stipulated by law;
- Hearing the minor who reached 10 years (except the administrative procedure of the competence of the civil status officer which imposes no minor children);
- The compulsory settlement of the applications concerning the exercise of the parental authority and the contribution of the parents at the expenses for the children grow up and education, when the spouses have minor children, born before or during the marriage or adopted (except of course the administrative procedure of the competence of the civil status officer); the family name the spouses will bear after divorce.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. The length of proceedings is calculated starting from the moment when the file is created and implemented in the IT system, until the moment when the case is closed in the IT system. This includes the time for drafting the decision.

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- [X] to conduct or supervise police investigation
- [X] to conduct investigations
- [X] when necessary, to request investigation measures from the judge
- [X] to charge
- [X] to present the case in court
- [X] to propose a sentence to the judge
- [X] to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):to defend the legitimate rights and interests of the minors, of the persons under interdiction, of the disappeared and of other persons in the legal conditions;

Comments

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	622 964 <input type="checkbox"/> NA <input type="checkbox"/> NAP	497 530 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74 081 <input type="checkbox"/> NA <input type="checkbox"/> NAP	46 441 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	2 638 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	2 638 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	1 069 033 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Discontinued by the public prosecutor because the offender could not be identified	571 503 [] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	423 449 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	74 081 [] NA [] NAP
4. Other	[] NA [X] NAP

Comments

109. Do the figures include traffic offence cases?

- Yes
- No

Comments Only serious offenses that are considered crimes, such as drunk driving or involuntary manslaughter.

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Department of statistics of the Superior Council of Magistracy of Romania

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments Moreover, exceptionally, according to the provisions of art. 33 alin. 1 of the Law no. 303/2004 amended and republished in 2018, on a competition basis, if they fulfill the conditions stipulated in art. 14 paragraph (2), the former judges and prosecutors who ceased their activity for non-imputable reasons, can return to the magistracy, as well as other categories of legal staff such as the specialized legal staff provided in art. 87 paragraph (1), lawyers, notaries, judicial assistants, assistant magistrates etc. can be appointed as magistrates on basis of open competition if they have at least 5 years of judicial seniority; the mentioned open competition is the same as the open competition for the general recruitment procedure for judges and prosecutors. Also, the judges of the Constitutional Court at the end of their term of office can return to their previous positions of judges/prosecutors (if they were judges/prosecutors)

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career

recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: According to art. 1 para 2, that was been introduced on the occasion of the amendments to the justice laws brought in 2018, the judges' career is separated by the prosecutors' career; therefore the Section of judges of the SCM will observe and deal with judges' career and the Section for prosecutors with the prosecutors' career. According to art. 21 of the Law 303/2004 amended and republished in 2018, on statute of judges and prosecutors, the junior/trainee judges/prosecutors are appointed by the Sections for judges/prosecutor of the Superior Council of Magistracy. After the maximum 2 years of traineeship period the judges and prosecutors shall pass a capacity exam and shall be appointed as judges/prosecutors by the President of Romania at the proposal of the Superior Council of Magistracy (art. 31 of the Law no.303/2004). The Superior Council of Magistracy through the National Institute of Magistracy, is responsible for the whole recruitment procedure of judges and prosecutors.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments According to art. 43 of the Law no. 303/2004, the promotion of judges/prosecutors is the result of passing the competition organised by the Sections for judges/prosecutors of the Superior Council of Magistracy through the National Institute of Magistracy every year or anytime it is considered necessary.

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): According to art. 46 of the Law no.303/2004, the procedure for on the spot promotion consist of a written test and according to the art. 46 ind. 3 the procedure for effective promotion consists in a competition aiming at evaluating the activity and the professional conduct of judge/prosecutors for the last 3 years before the promotion.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): Performance and subjective criteria are now taken into account as a result of 2018 legislative modification.

5.1.2.Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). According to art. 132 of the Constitution and to art 62 of the Law no. 304/2004, republished in 2018 on judicial organization, prosecutors function in prosecution offices within the Public Ministry and they carry out their activity under the principle of legality, impartiality and hierarchical control under the authority of the minister of justice. According to art. 3 of the Law no.303/2004, amended and republished in 2018, prosecutors are independent in their specific activity regarding the solutions they ordered in the criminal investigations under the conditions of the Law no.304/2004, amended and republished in 2018 on judicial organization.

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Yes

No

Comments - If yes, please specify: According to art. 64/2 of the Law no 304/2004, amended and republished in 2018, in his decisions, the prosecutor is independent, according to the law. The prosecutor may challenge to the Section for Prosecutors of the Superior Council of Magistracy, within a procedure of verification of the conduct of the judges and prosecutors any kind of intervention of a superior prosecutor in the investigation or in reaching a solution.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments Similar to the procedure for recruiting judges.

See also Q110

Moreover, exceptionally, according to the provisions of art. 33 alin. 1 of the Law no. 303/2004 amended and republished in 2018, on a competition basis, if they fulfill the conditions stipulated in art. 14 paragraph (2), the former judges and prosecutors who ceased their activity for non-imputable reasons, can return to the magistracy, as well as other categories of legal staff such as the specialized legal staff provided in art. 87 paragraph (1), lawyers, notaries, judicial assistants, assistant magistrates etc. can be appointed as magistrates on basis of open competition if they have at least 5 years of judicial seniority; the mentioned open competition is the same as the open competition for the general recruitment procedure for judges and prosecutors. Also, the judges of the Constitutional Court at the end of their term of office can return to their previous positions of judges/prosecutors (if they were judges/prosecutors)

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: similar to the procedure for recruiting judges, see Q111 According to art. 21 of the Law 303/2004 amended and republished in 2018, on statute of judges and prosecutors, the junior/trainee judges/prosecutors are appointed by the Sections for judges/prosecutors of the Superior Council of Magistracy. After the maximum 2 years of traineeship period the judges and prosecutors shall pass a capacity exam and shall be appointed as judges/prosecutors by the President of Romania at the proposal of the Superior Council of Magistracy (art. 31 of the Law no.303/2004). The Superior Council of

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments similar to the procedure for promoting judges, see Q112 According to art. 43 of the Law no. 303/2004, the promotion of judges/prosecutors is the result of passing the competition organised by the Sections for judges/prosecutors of the Superior Council of Magistracy through the National Institute of Magistracy every year or anytime it is considered necessary.

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): similar to the procedure for promoting judges, see Q113 According to art. 46 of the Law no.303/2004, the procedure for on the spot promotion consist of a written test and according to the art. 46 ind. 3 the procedure for effective promotion consists in a competition aiming at evaluating the activity and the professional conduct of judge/prosecutors for the last 3 years before the promotion.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: According to art 82 of the Law no.303/2004, judges/prosecutors and their assimilates (expressly provided by these provisions) can retire from magistracy even before becoming 60 years old unless they have at least 25 years seniority in profession. Moreover, the magistrate can have the option not to retire until maximum 70 years old but beginning with the age of 65 he/she needs a special annual approval of the Section for judges/prosecutors of the Superior Council of Magistracy.

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):2 years

No

Comments As previously mentioned, after graduating the National Institute of Magistracy classes, the graduated auditors of justice are appointed as trainee judges or prosecutors and after the traineeship period they have to pass a capacity exam to become definitive judges / prosecutors appointed "for life" (irremovable).

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: similar to judges
According to art 82 of the Law no.303/2004, judges/prosecutors and their assimilates (expressly provided by these provisions) can retire from magistracy even before becoming 60 years old unless they have at least 25 years seniority in profession. Moreover, the magistrate can have the option not to retire until maximum 70 years old but beginning with the age of 65 he/she needs a special annual approval of the Section for judges/prosecutors of the Superior Council of Magistracy.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):2 years

No

Comments similar to judges, see Q122

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments Under the provisions of art. 33 ind. 1 of the Law 303/2004, amended republished in 2018, former judges and prosecutors with at least 10 years seniority as judge/prosecutors/assistant magistrate, who have not been disciplinary sanctioned, who have received the grade "very good" on the occasion of every evaluation and who ceased their activity for non-imputable reasons can be (re)appointed in the judiciary, without any competition or exam, in the vacant positions of judge/prosecutor, in courts/prosecution offices of the same or inferior hierarchical level as those where they have functioned in before.

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments similar to judges, see Q125-1

Under the provisions of art. 33 ind. 1 of the Law 303/2004, amended republished in 2018, former judges and prosecutors with at least 10 years seniority as judge/prosecutors/assistant magistrate, who have not been disciplinary sanctioned, who have received the grade "very good" on the occasion of every evaluation and who ceased their activity for non-imputable reasons can be (re)appointed in the judiciary, without any competition or exam, in the vacant positions of judge/prosecutor, in courts/prosecution offices of the same or inferior hierarchical level as those where they have functioned in before.

E1. Please indicate the sources for answering the questions in this chapter:

Sources: legal provisions of the Law 303/2004 modified and republished in 2018 on statute of judges and prosecutors and the Romanian Constitution

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
--------------------------------------	---------------------	---------------------	---------------------

Comments General in-service training is both a right and a duty of judges and prosecutors according to the provisions of art 35 of the Law no. 303/2004 and shall be accomplished at least once every 3 years (according to art 37 of the same law).

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Magistrates shall participate in the in-service training courses at least once every 3 years.

In-service training activities (conferences, seminars, workshops) are offered yearly through the annual continuous training programme drafted by the National Institute of Magistracy and approved by the Superior Council of Magistracy. In 2018, NIM did not conduct training activities in the field of use of computer facilities. In the process of centralised continuous (in-service) training, the frequency of in-service training for use of computer facilities is modified from regularly to occasional due to the decreasing of the continuous training budget from 2016 to 2018. In-service training in ethics was organised on a regular basis until 2017 and just one training activity per year since then (2018) – the Summer school for European judges and prosecutors, included in the EJTN Catalogue. Nevertheless, at decentralised level – the in-service training conducted by courts and prosecution offices under the coordination of NIM – training activities in the field of judicial functions, management functions of the court, ethics and use of computer facilities were organised regularly in the reference period. As for specialized judicial functions and management functions of the court we would like to emphasize that the frequency of training in these fields decreased from regularly in 2016 and 2017 to none in 2018 for management and to fewer training activities in 2018 for the specialised in-service training.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

Compulsory	Optional	No training proposed
------------	----------	----------------------

Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments General in-service training is both a right and a duty of judges and prosecutors according to the provisions of art 35 of the Law no. 303/2004 and shall be accomplished at least once every 3 years (according to art 37 of the same law).

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: As previously mentioned, magistrates shall participate in the in-service training courses at least once every 3 years.

In-service training activities (conferences, seminars, workshops) are offered yearly through the annual continuous training programme drafted by the National Institute of Magistracy and approved by the Superior Council of Magistracy. In 2018, NIM did not conducted training activities in the field of use of computer facilities.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[]
One institution for prosecutors	[]	[]	[]
One single institution for both judges and prosecutors	[]	[]	[X]

Comments The National Institute of Magistracy is the public institution entitled to provide both initial and in-service professional training for both judges and prosecutors and it functions under the coordination of the Superior Council of Magistracy. Moreover, in terms of in-service professional training both judges and prosecutors can take part in decentralized in-service programs organised countrywide and in other forms of training programs aboard on different subjects and domains of their professional interest.

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	[] NA [X] NAP
One institution for prosecutors	[] NA [X] NAP
One single institution for both judges and prosecutors	8 899 200 [] NA [] NAP

Comments The increase of the budget granted to the NIM is due to the increase of the staff expenditures and the scholarships given to the justice auditors.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Initial training for judges and prosecutors is compulsory.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	421 [] NA [] NAP	213 [] NA [] NAP
1. Only for judges	123 [] NA [] NAP	[X] NA [] NAP

2. Only for prosecutors	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Only for other non-judge staff	142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	170 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Only for other non-prosecutor staff	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other common training	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments: The in-service training courses for non-judges/non-prosecutors staff, namely for clerks functioning in courts/prosecution offices are organised through the National School of Clerks and these data are presented in the table above, separately for clerks in courts (non-judge staff) and clerks in prosecution offices (non-prosecutor staff).

E2. Please indicate the sources for answering the questions in this chapter:

Sources: National Institute of Magistracy, National School of Clerks

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	45 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	210 468 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 124 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	91 378 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 456 <input type="checkbox"/> NA <input type="checkbox"/> NAP	426 180 <input type="checkbox"/> NA <input type="checkbox"/> NAP	249 315 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	45 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	210 468 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 124 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	67 977 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 767 <input type="checkbox"/> NA <input type="checkbox"/> NAP	317 040 <input type="checkbox"/> NA <input type="checkbox"/> NAP	185 468 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	(X) Yes () No	(X) Yes () No
Housing	(X) Yes () No	(X) Yes () No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments Other financial benefits are essentially related to medical expenses and travel expenses (limited).

134. If “other financial benefit”, please specify:

. Other financial benefits are essentially related to medical expenses and travel expenses (limited).

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The only activities magistrates (judges and prosecutors) are allowed to carry out and to be remunerated for, additionally to their daily activity in courts/prosecution offices, are teaching and research and publication but only in judicial matters and in terms of teaching only within law universities/post-universities. When it comes to activities such as the cultural ones, the meaning of „cultural function”, must be clarified since judges and prosecutors may not hold a public or private position at a cultural and art institution (for ex., theatre

director), but magistrates are allowed to participate in cultural activities, only without any form of remuneration and observing their deontological provisions and in the limits of their ethical regulations.

Having in view the importance of the good development of the projects with European and international financing, the SCM Plenum, by its Decision no. 261 of 13 March 2008, established that „it is possible the participation in capacity of experts within the external financing programs for justice of judges, prosecutors, court clerks and staff assimilated to magistrates”.

according to art. 8 of the Law no.303/2004, republished, judges and prosecutors may be shareholders or associates as a result of the law on the mass privatization. Art. 10 of Law no. 303/2004 allows judges and prosecutors to plead, under the conditions stipulated by law, only in their personal cases, of their ascendants and descendants, of their spouses, as well as of the persons under their trusteeship or curatorship. But even in such situations judges and prosecutors are not allowed to use their capacity in order to influence the solution of the trial court or of the prosecutor’s office and must avoid creating the appearance that they could influence in any way the solution. Art. 11 of Law no. 303/2004 stipulates that judges and prosecutors may participate at the issue of publications, may draw up articles, literary or scientific studies and may participate at audio-visual shows, except those with political character.

Judges and prosecutors may be members of some examination commissions or for the drawing up of regulatory acts, certain internal or international documents.

Judges and prosecutors may be members of the scientific and academic associations, as well as of any legal persons of private law without patrimonial purpose.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: similar to judges, see Q 135

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify:

Comments According to art. 30 para. 6 of the Law no.317/2004 amended and republished in 2018, the Superior Council of Magistracy ensures the observance of law and of both competences and professional ethics criteria during judges and prosecutors' carrier. Moreover the Plenum of the SCM approves and publishes the Deontological Code of magistrates.

According to art. 64 of the Regulation on organization and functioning of the SCM, any request claiming alleged breach of the Deontological Code by magistrates, registered by the Council, shall be submitted by the president or by vice-president of the Council to the Judicial Inspection for investigations and the result of the investigations shall be presented as a report to the Section for judges/prosecutors within the Council to render a solution. The decision rendered by the Section can be challenged before the contentious litigations court and shall be registered in the personal file of the judge/prosecutor.

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. In our judicial system, there are not only opinions in terms of ethics/deontology but a Deontological Code which is publicly available, the Superior Council of Magistracy being entitled to publish the Code, as previously mentioned and there are also decisions of the Sections for judges/prosecutors on alleged breaches of the deontological code which are also being published after being anonymised.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

only by prosecutors

by prosecutors and other legal professionals

other, please specify:

Comments According to art. 30 para. 6 of the Law no.317/2004 amended and republished in 2018, the Superior Council of Magistracy ensures the observance of law and of both competences and professional ethics criteria during judges and prosecutors' carrier. Moreover

the Plenum of the SCM approves and publishes the Deontological Code of magistrates.

According to art. 64 of the Regulation on organization and functioning of the SCM, any request claiming alleged breach of the Deontological Code by magistrates, registered by the Council, shall be submitted by the president or by vice-president of the Council to the Judicial Inspection for investigations and the result of the investigations shall be presented as a report to the Section for judges/prosecutors within the Council to render a solution. The decision rendered by the Section can be challenged before the contentious litigations court and shall be registered in the personal file of the judge/prosecutor.

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. In our judicial system, there are not only opinions in terms of ethics/deontology but a Deontological Code which is publicly available, the Superior Council of Magistracy being entitled to publish the Code, as previously mentioned and there are also decisions of the Sections for judges/prosecutors on alleged breaches of the deontological code which are also being published after being anonymised.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

Comments According to the new provisions of the judicial laws, that entered into force in 2018, in the matter of disciplinary liability of judges and prosecutors, one of the changes refers to keeping the Judicial Inspection as the only authority entitled to exercise the disciplinary action against judges, prosecutors and assistant magistrates (art.44 para.3 of the Law no. 317/2004 republished).

Also, under the same article para. 3 ind.1 the minister of justice may notify the Judicial Inspection in order for the Judicial Inspection to verify whether there are clues for disciplinary offences committed by prosecutors.

According to art. 45 - (para. 1) the Judicial Inspection may ex officio initiate the disciplinary investigation or can be notified (in written and grounded form) by any interested individuals including by the Superior Council of Magistracy with alleged disciplinary offences committed by judges or prosecutors.

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

Citizens

- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments According to the new provisions of the judicial laws, that entered into force in 2018, in the matter of disciplinary liability of judges and prosecutors, one of the changes refers to keeping the Judicial Inspection as the only authority entitled to exercise the disciplinary action against judges, prosecutors and assistant magistrates (art.44 para.3 of the Law no. 317/2004 republished).

Also, under the same article para. 3 ind.1 the minster of justice may notify the Judicial Inspection in order for the Judicial Inspection to verify whether there are clues for disciplinary offences committed by prosecutors.

According to art. 45 - (para. 1) the Judicial Inspection may ex officio initiate the disciplinary investigation or can be notified (in written and grounded form) by any interested individuals including by the Superior Council of Magistracy with alleged disciplinary offences committed by judges or prosecutors.

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments According to art. 44 para.1 of the Law no.317/2004 amended and republished, the Superior Council of Magistracy accomplishes through its Sections (for judges/for prosecutors) the role of a judicial court in the field of disciplinary liability of judges and prosecutors.

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments According to art. 44 para.1 of the Law no.317/2004 amended and republished, the Superior Council of Magistracy accomplishes through its Sections (for judges/for prosecutors) the role of a judicial court in the field of disciplinary liability of judges and prosecutors.

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: In the table above we have indicated the number of disciplinary actions registered in the reference year (2018) before the Sections for judges and prosecutors of the Superior Council of Magistracy in disciplinary liability matters.

The inadvertence between the number of disciplinary actions and the number of breaches of professional ethics + breaches of the professional inadequacy is due to the fact that one disciplinary action can refer to not only one but more disciplinary offences, as well as to not only one but more magistrates.

The disciplinary offences are expressly regulated under the provisions of art. 99 of the Law no.303/2004 amended and republished in 2018.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Temporary reduction of salary	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
9. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. There should be taken into account that the above mentioned data reflect the number of the disciplinary sanctions rendered in the reference year (2018) irrespectively of the year the disciplinary action was registered in, therefore this number is not necessary equal to the number of disciplinary actions registered in 2018, as these sanctions can be rendered for disciplinary actions registered before 2018 while there are also disciplinary actions registered in 2018 but not yet solved before the end of 2018.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: The sources of these data are the registration archives of the Sections for Judges/prosecutors of the Superior Council of Magistracy in disciplinary matters.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	22 873 <input type="checkbox"/> NA	13 085 <input type="checkbox"/> NA	9 788 <input type="checkbox"/> NA

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for

example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[X] NA

[] NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[]	[]
Dismissal cases	[]	[]	[]
Criminal cases – Defendant	[]	[]	[]
Criminal cases – Victim	[]	[]	[]
Administrative cases	[]	[]	[]

[X] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: According to the provisions of the Civil Procedure Code, as well as according to the provisions of Law no. 51/1995 for the exercise of the profession of lawyer, the party can be represented in the civil trial not only by the lawyer, but also by a person who does not have this capacity, nevertheless for the case in which the mandate is given to another person than to a lawyer. According to the procedural rules, if the mandate is given to another person than to a lawyer, the proxy can rest the case only through lawyer.

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Family member	(X) Yes () No	(X) Yes () No	(X) Yes () No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s): consumer protection associations - have the right to take legal action to defend the rights and legitimate interests of consumers

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: National Bar Association

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

5. Other

2

 NA NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. -In 2 disciplinary proceedings, the investigated lawyers were applied the warning sanction, according to art. 88 letter b) of the Law no. 51/1995.

- In 3 disciplinary proceedings, the files were resubmitted, due to procedural errors, for the continuation of judgments at the first disciplinary court.

- In 4 disciplinary proceedings (in which the investigated lawyers were tried for disciplinary breaches) it was ordered to reject the disciplinary actions, the lawyers being innocent.

7. Court related mediation and other alternative Dispute Resolution**7.1 Court related mediation****7.1.1 Details on court related mediation****163. Does the judicial system provide for court-related mediation procedures?** Yes No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator? Before/instead of going to court Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator? Yes No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Administrative cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Consumer cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

- (X) Yes
() No
[] NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	4 585 [] NA [] NAP	1 927 [] NA [] NAP	2 658 [] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Labour cases including employment dismissal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: Although we cannot offer a total of the cases of court-related mediation, divided into the three categories above, according to the statistical system in the field (which is ongoing at this moment), we could extract a number 1070 mediation agreement authorized by the court (2018) Background and legislation elements:

The control of the state regarding the mediation is indirect and it concerns the agreement concluded by the parties after following the mediation procedure – such an agreement constitutes an act under private signature. In order to become an authentic act, it has to be authenticated by the notary public or authorized by the court. Thus, if the conflict has already been submitted to a court, the settlement by mediation of such a case can be possible at the initiative of the involved parties or at the recommendation of the court and accepted by the parties, concerning rights the parties can dispose over in accordance with the legal provisions. Mediation can deal with the total or partial settlement of the concerned litigation. The court shall, on the request of the parties, issue a decision in accordance with the provisions of the Civil Procedure Code regarding the expedient court decision.

According with the provisions of article 59 para. 2 of the Law no. 192/2006, the parties to the mediation agreement may go to court to request, in compliance with the legal proceedings, to give a decision to legalize their understanding. Competence shall lay with the court in whose jurisdiction any of the parties have their domicile or residence or, where appropriate, the head office or the court of first instance in whose jurisdiction is located the place where it has been signed mediation agreement. The decision whereby the court consents on the understanding between parties shall be delivered in the council room and shall be an enforcement order under the law. The provisions of articles 438 - 441 of the Law no 134/2010 (New Civil Procedure Code), republished, as amended, shall apply accordingly.

Mediation in case of a dispute before the law courts, according with the provisions of article 61 para. 1 of the Law no. 192/2006. in case the conflict was brought to justice, its settlement by mediation may take place at the initiative of the parties or at the proposal of any of them or on the recommendation of the court, concerning the rights which the parties may enjoy under the law. Mediation may have as subject settlement of all or part of the dispute. The mediator may not charge fees for informing the parties. Also, according with the provisions of art. 63 para. 1 of the Law no. 192/2006, in case the matter has been settled by means of mediation, the court shall deliver, at the request of the parties and in compliance with the requirements of law, a judgment, the provisions of articles 438 - 441 of the Law No 134/2010, republished, as amended, being applied accordingly.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Council of Mediation

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1. Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	868 [] NA	636 [] NA	232 [] NA

Comments

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: The bailiffs are invested to perform a service of public interest.

The act performed by the bailiff, within the limits of legal competencies, bearing the stamp and signature of this one, as well as the registration number and date, is an act of public authority and has the conclusive force stipulated by law.

According to Article 7 of Law no. 188/2000 on bailiffs, republished, „The bailiff has the following duties:

a) to bring into force the provisions with civil character from the enforcement orders;

b) to notify the judicial and extrajudicial acts;

c) to serve the procedural acts;

d) to amiably recover any claim;

e) to apply the precautionary measures ordered by the court;

f) to ascertain some layouts in the conditions laid down by the Civil Procedure Code;

g) to draw up the findings report, in the case of the real offer followed by the consignment of the amount by the debtor, according to the provisions of the Civil Procedure Code;

h) to draw up, according to law, the protest of non-payment of the bills of exchange, promissory notes and checks, as applicable;

i) any other acts or transactions given by the law in the competence of this one.”

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: As a profession, the laws regulate it. There is competition within the profession, between enforcement agents. An interested person can choose one or another enforcement agent within their respective territorial area of competency. There is monopoly only as regarding to the profession itself, being the only one granted by law with the enforcement of civil executory titles (executory deeds, judicial decisions). Art. 623 and art. 625 of the Civil Procedure Code state that only the judicial executors (bailiffs) are entitled to enforcing executory civil titles.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of immovable properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of remunerations	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Eviction measures	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Enforced sale by public tender of seized properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Other	(X) Yes with monopoly () Yes without monopoly () No [] NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures

- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

174. Are enforcement fees easily established and transparent for court users?

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
- No

Comments

H0. Please indicate the sources for answering question 170

8.1.2. Efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments The executive authority (Government through the Ministry of Justice), the professional organization (National Union of Bailiffs).

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? Criteria are provided by:

The Civil Procedure Code (the procedure for enforcement). Law no. 188/2000 on bailiffs. Order of the Minister of Justice no. 210/2001 for the approval of the Regulation for the application of Law no. 188/2000 on bailiffs. The Statute of the National Union of Bailiffs. Order of the Minister of Justice no. 2550/C/2006 on the approval of the minimal and maximal fees for the services performed by bailiffs

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify):

Comments The legislative authority (Parliament), executive authority (Government through the Ministry of Justice), professional organization (National Union of Bailiffs).

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify: Government Ordinance no. 22/2002 on the execution of the payment obligations of public institutions,

established through enforceable titles

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by 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):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify: Laws modifying the GO no. 22/2002 on the execution of the payment obligations of public institutions, established through enforceable title:

- EGO nr. 46/2013 regarding the financial crises and the insolvency of the public authorities

- EGO nr. 58/2014 regarding the establishment of financial measures and the modification of some laws

Also, the Government established an interdepartmental working group, tasked with identifying the legislative and/or administrative measures required to ensure that the State complies voluntarily and in a timely manner with the decisions delivered in court disputes with private persons. The activity of the working group is in progress.

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the

decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP

5. Other

7

NA

NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Warnings

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Ministry of Justice

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). At the end of the trial stage, the court pronounces a sentence after the defendant's guilt has been established and there is no doubt about it, based on the evidences. The individualization of the penalties is realized by the court taking into account the dispositions of the Criminal Code, the limits of sanctions, the behavior of offender, the level of social danger and the aggravating and mitigating circumstances. In this context, the court decides if it's appropriate to pronounce a prison penalty or a community sanction or a criminal fine.

According to the Criminal Code, in order to ensure the enforcement of the penalties, we have to take into consideration two situations: the execution of custodial sanctions and the execution of non-custodial sanctions.

Regarding the custodial measures, the imprisonment surveillance judge supervises and controls to ensure legality in the execution of sentences and custodial measures by exercise determined by law. During sentencing duties on supervision and custodial measures, judges cannot carry out other activities in which the court were appointed.

The execution of non-custodial sanctions falls under the responsibility of the Probation Service. The competence of the Probation Service is related to the enforcement of supervision measures and obligations established by the court under the non-custodial sanctions.

The role of probation service in supervising all these measures and obligations is very important as the probation officer should verify the way they are fulfilled and is obliged to notify the court if certain reasons justify either the change of the obligations imposed or cessation of some of them or in the case when the supervised person does not comply with the conditions imposed.

For juveniles the probation service is in charge to coordinate the enforcement of all 4 educative measures: - civic training;

- educational measure of supervision;
- weekend consignment;
- daily assistance.

During the educative measures the court can impose certain support obligations to juveniles which have to be enforced by the Probation Service.

Additional information:

- Art. 9 from Law no. 254/2013, on the execution of penalties and educative measures implying deprivation of liberty provides that the enforcement of punishments shall be carried out under the surveillance, control and authority of the imprisonment surveillance judge.
- Law no.253/2013 on the execution of penalties, educative measures and other measures ordered by the judicial body during the criminal trial, which do not imply deprivation of liberty, provides the details of their execution.

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	2 698 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	2 698 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Public officials	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other", please specify the status: Notaries public are not differentiated by gender within the records of the Ministry of Justice.

192-1. What are the access conditions to the profession of notary (multiple options possible):

diploma

professional experience/professional training

exam

appointment procedure by the State

other (please specify):

Comments a) through an examination to acquire the position of probationary notary public, followed by a two-year traineeship period and the passing of the final examination for admission in the notary public profession; b) through an examination for individuals who have exerted a specialised legal position for at least 6 years;

c) by appointment in the position of notary public, upon request, without examination, of the former judges serving at the High Court of Cassation and Justice (the supreme body in the hierarchy of Romanian courts of law) to whom the mandate for which they were appointed expired or, as the case may be, were released from their positions for non-imputable reasons.

No matter what pathway is chosen, the university degree in law is mandatory. The notaries public are appointed by order of the minister of justice and must take an oath before the minister of justice and the president of the National Union of Notaries Public.

This information can be found by consulting art. 22, 24 and 39 of the Law no. 36/1995 on Notaries Public and Notarial Activity, with the subsequent amendments.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement:65

no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: After reaching the age of 75, the notary public can exercise his/her function only if he/she presents annually a medical certificate that states that he/she is medically and psychologically capable to exercise this function.

According to art. 42 of the Law no. 36/1995 on Notaries Public and Notarial Activity, with the subsequent amendments, the quality of notary public ceases in the following cases:

a)written relinquishment of the quality of notary public;

b)ascertainment of the incapacity to work, according to the law;

c)d)uninterrupted and unjustified failure of the notary public to exert his function for at least 6 months;

e)exclusion from the profession as a disciplinary sanction, according to the provisions of the law;

f)obvious professional incapacity, ascertained through verification exercised under the provisions of the law; g)definitive conviction or postponement of the application of the punishment for committing a work-related criminal offence or a different intentional criminal offence;

h)the notary public no longer fulfils the provisions of article 22 letters a)-g) of the law (meaning that the person no longer fulfils the conditions to become a notary public);

i)ascertainment of an irreversible mental illness, through the procedure provided by art. 42 par. (3) of the law;

j)death

194. What kind of activities do notaries perform (multiple options possible):

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments a) to certify certain facts, in the cases stipulated by law; b) to legalize the signatures on documents, specimen signatures and seals; c) to provide definitive date to documents; d) to receive in storage goods, documents presented by the parties, as well as the amounts of money, other goods, documents found on the occasion of the estate inventory, within the limits of the space and utilities of the notary office;

e) the acts of protest of the bills of exchange, promissory notes and checks;

f) to legalize the copies of documents; g) to perform and legalize the translations; h) to issue duplicates of the documents drawn up; i) fiduciary activities, in the legal conditions; j) to appoint, in the cases stipulated by law, the custodian or special curator;

- k) to register and keep, in the legal conditions, the prints of the marking devices;
- l) to certify the procedural phases of the auctions and/or of their results;
- m) the procedure of divorce, in the legal conditions;
- n) to liquidate the liability of estate, with the approval of all the heirs;
- o) issuing notarial enforceable titles;
- p) any other operations provisioned by law.

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: According to the law, the notary public may perform some civil procedures, alongside the courts and, in some cases, with other professionals or authority. For example, the notary public performs inheritance and consensual divorce proceedings, attributions shared with the courts. In matters of consensual divorce, the Romanian legal framework also grants powers to administrative authorities (civil status officer). Regarding authentication, according to Code of civil procedure, the authentic document is the document drawn up or, as the case may be, received and authenticated by a public authority, the notary public or by another person invested by the state with public authority, in the form and conditions established by law. The authenticity of the document refers to the identity of the parties, their capacity and their informed consent, the lawfulness of the content, the signature of the parties as well as the date of the document. Therefore, the competence of issuing authentic documents belongs to different entities, such as the courts (regarding the court decisions), the bailiffs (within the civil enforcement proceedings) and the administrative bodies (in fulfilling their public function).

In the notarial activity, according to Law no. 36/1995, with the subsequent amendments, the legal documents for which the law provides the authentic form ad validitatem will be drafted only by the notaries public (for example, in real estate transfer).

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify):

Comments According to the Law no. 589/2004 regarding the legal regime of the notarial electronic activity, the following notarial documents may be performed in electronic form:

- a) legalization of electronic copies of the original documents;
- b) issuing qualified electronic time stamps (giving a certain date to the documents that fulfill the conditions provided by the law and the attestation of the place where they were concluded);
- c) receiving and keeping in the electronic archive the documents that fulfill the conditions provided by the law;
- d) certification of translations in electronic form performed by the interpreters and translators authorised by the Ministry of Justice;
- e) issuing duplicates of notarial documents;
- f) other operations provided by the law.

On the other hand, in performing their duties, the notaries public shall interrogate or request registration of a notarial document in the following records, kept by the National Union of Notaries Public:

- a)The national notarial register of succession records (RNNES), in which are registered the succession cases regarding the Romanian, foreign or stateless citizens with their last domicile abroad, if they left goods in Romania; b)The national notarial register for the record of liberalities (RNNEL), in which all the donation documents, the testamentary provisions, their revocation, as well as the withdrawal of their revocation are registered;
- c)The national notarial register of records of succession options (RNNEOS), in which all the notarial documents referring to the acceptance and renunciation of inheritance are registered;
- d)The national notarial registry of the records of mandates and their revocations (RNNEPR), which records the mandates given for the purpose of concluding documents and performing notarial proceedings, as well as their revocation acts;
- e)The national notarial register of matrimonial regimes (RNNRM), in which the matrimonial regime chosen by spouses is registered for opposability to third parties;
- f)The national notarial register of records of the creditors - natural persons and of the oppositions to the inheritance distribution (RNNEC), in which the claims of the creditors regarding the debts of a natural person are registered, for opposability to third parties.

Also, in the cases provided by the law, in performing his attributions the notary public shall interrogate registers kept by other authorities, such as the register of rights regarding immovable or movable property, the database of the population or the national register of records of the divorce certificates (RNECD).

195. Is there an authority entrusted with supervising and monitoring the notaries’ work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments The activity of the notaries public is submitted to the administrative professional control in the conditions of the Law no. 36/1995, republished, with the subsequent amendments. The administrative professional control shall be exercised by the National Union of Notaries Public through its board and will have in view: the organization of the Chambers of Notaries Public and of the notaries public offices; the quality of the documents and papers concluded by notaries public; the observance of the legal, statutory and ethical professional obligations. The minister of justice can order the control of the notaries public activity through general specialty inspectors within the Ministry of Justice.

Notarial acts may be challenged in court by the parties or by any interested person through an action in annulment at the law court in compliance with the provisions of the Code of Civil Procedure, republished, with the subsequent amendments.

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: The records of the Ministry of Justice, the legislation in this field (Law on Public Notaries and Notarial Activity no. 36/1995, republished, with the subsequent amendments).

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[38 243]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): According to the Law no. 178/1997 on the authorisation and payment of interpreters and translators used by the Superior Council of Magistracy, by the Ministry of Justice, by the Prosecution Office of the High Court of Cassation and Justice, by the National Anti-corruption Prosecution Office, by the public prosecution authorities, by the law courts, by the public notary offices, by lawyers and by bailiffs, as subsequently amended and supplemented, the Ministry of Justice is the competent authority for authorising the interpreters and translators used by the abovementioned authorities.

201. Are the courts responsible for selecting court interpreters?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: The records of the Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts



202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): The lists of registered judicial experts, containing their identification data, drawn up by specialties and counties, is published annually on the website of the Ministry of Justice and transmitted to the local offices for judicial technical and accounting expertise within the courts. The updating of the information regarding the judicial technical experts, published on the website of the Ministry of Justice, is performed automatically, according to the information existing in the database

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments The Ministry of Justice is responsible for registering judicial experts, excepting the accounting experts and tax consultants,

who are registered by their professional bodies (The Body of Expert and Licensed Accountants of Romania and The Chamber of Tax Consultants from Romania).

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

- Yes
- No

Comments

205. Number of accredited or registered judicial experts:

Total	Male	Female

Number of experts	9 762 [] NA [] NAP	5 103 [] NA [] NAP	4 371 [] NA [] NAP
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Comments 9.762: 8839 are active experts and 922 are suspended.
The figures relating to gender differentiation are approximate.

205-1. Who sets the expert remuneration?

- The authority that ordered the expertise.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: In civil cases, the expertise report shall be submitted at least 10 days before the next trial hearing set by the court.
In criminal cases, the court sets the deadline for submitting the expertise report.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	[X] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] NAP
3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of the expertise?

Yes

No

Comments Article 17 (1) of the Government Ordinance no. 2/2000 on the organisation of the activity of judicial and extra-judicial technical expertise

Article 331 (2) of the Civil Procedure Code

Article 175 (5) of the Criminal Procedure Code

K1. Please indicate the sources for answering question 205

Sources: The records of the Ministry of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans .

2. Budget .

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Several projects have been initiated by the Superior Council of Magistracy aiming at improving the judicial system, among which the following should be mentioned:

-Optimization of the courts and prosecution offices by designing an integrated management mechanism that ensure predictability in decision making process;

-Assuring a more transparent judicial system through developing an efficient mechanism aiming at resolving the issue of repetitive cases.

These projects involve activities and measures intended to reach the goals of redistribution of tasks within courts, to allow judges to focus on their core judicial tasks and to ensure the optimization of the workload of courts and public prosecution services.

Moreover, these initiatives have a technological component designed to modernize the administration of justice, to help both courts and prosecution offices to improve the cases' allocation and to simplify the judicial proceedings.

3.1. Access to justice and legal aid The Superior Council of Magistracy carries out several projects in the matter of improving access to justice and legal aid out of which the following should be mentioned: - one of the projects aims at improving professional training and strengthening the judicial capacity under the Norwegian financing program 2014-2021; among the scheduled activities a number of 9 workshops and 2 conferences shall be organised on the topic of improving access to justice of vulnerable groups especially for Roma population. - another project on transparency, accessibility and judicial education that has been implemented by the CSM since 2018; among the activities the following should be mentioned: making available and submitting a number of 80000 informative packages on rights of vulnerable groups, namely on legal aid means, on social services they are entitled to access, anti-discriminatory measures available, against domestic violence, rights in terms of victims' protection etc.

4. High Judicial Council Among the projects initiated by the Superior Council of Magistracy the following should be mentioned, namely the project on strengthening the Council's management capacity by assuring consistent decision making processes, a better management in terms of human resources, clear and functional work procedures, a more opened organizational culture and an improved documents' management system

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. In terms of in-service professional training for legal professionals within the projects implemented by the Superior Council of Magistracy on improving professional training and judicial capacity, a high number of training activities are being organised, among which, 130 training activities in the matter of public procurement, administrative litigations, fiscal procedure, EECHR jurisprudence, judicial civil and criminal cooperation, hearing techniques for minors, improving access to justice for vulnerable groups etc.. Moreover, the in-service training for magistrates approaches both an European and a national component aiming at disseminating and implementing best practices in different judicial matters. Within the project dedicated to transparency, accessibility and judicial education a number of 36 training sessions will be dedicated to communication within the judicial system.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities .

7. Enforcement of court decisions .

8. Mediation and other ADR .

9. Fight against crime .

9.1. Prison system .

9.2 Child friendly justice Within the project aiming at improving professional training and strengthening the judicial capacity implemented by the Superior Council of Magistracy under the Norwegian financing program 2014-2021, a number of 15 seminars shall be organised in the matter of techniques of hearings for minors, especially for Roma population. Moreover a guidelines on best practices in this matter shall be drafted

9.3. Violence against partners .

10. New information and communication technologies .

11. Other .