



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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.

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## 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)

[ 19 186 201 ]

Comments Usually resident population of Romania on January 1st -provisional data

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## 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	87 163 675 196 <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 The analysis of the Reports of the Ministry of Finance on the final budget execution for these years shows that the increase of these expenditures is mainly due to the measures that were considered to combat the COVID-19 epidemic, respectively the amounts necessary for emergency financing for preventive measures and treatment, and for the investments in medical equipment, medicines and other medical goods. the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, on the one hand, and the exceptional social and economic measures to reduce the negative effects on the economy caused by measures taken to limit infection among the population.

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

[ 11 290 ]

Comments provisional data

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

[ 13 385 ]

NA

Comments The difference can be explained based on salary increases, and an upward trend can be observed continuing from 2018.

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

[ 4.8694 ]

Allow decimals : 5

NAP

Comments

### A1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice, National Institute of Statistics

## 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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	630 844 046 <input type="checkbox"/> NA <input type="checkbox"/> NAP	623 431 990 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	469 028 217 <input type="checkbox"/> NA <input type="checkbox"/> NAP	468 031 978 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	9 198 464 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 017 152 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1 Investments in computerisation</b>	8 037 810 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 005 554 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	1 334 867 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 295 332 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	35 208 445 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 560 806 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	15 466 793 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 175 736 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Annual public budget allocated to training</b>	84 405 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50 546 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	100 522 857 <input type="checkbox"/> NA <input type="checkbox"/> NAP	98 300 440 <input type="checkbox"/> NA <input type="checkbox"/> 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: 1. the expenses regarding the maintenance of the IT equipment of courts cannot be highlighted separately within point 2.2, as they are included in the total budget provided for point 4 - the budget for maintenance and operating cost allocated to courts. Therefore we marked NA on point 2.2

2. the category "other" includes, as usual, other salary expenses such as for example temporary transfer in the employer's interest and secondment pays, contributions owed by the employer, other rights which judges and ancillary staff are entitled to (reimbursement of the sums paid for medicines, transportation, rent, travel expenses, fuel and lubricants expenses, periodical medical checks, labor protection etc.). "Annual public budget allocated to computerisation": This increase, according to the relevant reports, reflects the continuous growth of financial resources allocated for the entire judicial system for the implementation of IT solutions - part of digitization, which is a continuous process of adaptation and renewal by reference to new technologies and products.

"Annual public budget allocated to court buildings": In addition to increasing funds for new investment objectives, larger funds have been allocated for maintenance and operating cost, for example for current repairs, payment of utilities etc.

"Annual public budget allocated to investments in new (court) buildings": The financial resources allocated to the new investment objectives at the courts, even for the design and construction of new buildings- court premises, have increased, as a part of the constant policy of ensuring all the conditions for the administration of justice as a public service.

"Annual public budget allocated to training": The difference can be explained by the increasing need for training, and implicitly of the allocated funds, especially for certain sectors or issues.

**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 the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:**

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

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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
<b>for criminal cases</b>	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
<b>for other than criminal cases</b>	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation 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:

[ 171 ]  
 NA  
 NAP

Comments

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

[ 56 469 192 ]  
 NA  
 NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	16 336 715 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 193 042 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 143 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	16 336 715 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 193 042 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 143 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	<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 The increase in the budget of legal aid is mainly due to the increase of the amounts (tariffs) destined to the fees of the lawyers providing the legal aid services – according to the Protocol for establishing the lawyers' fees in this field, concluded with UNBR, as amended in 2019. It is worth emphasizing that since 2008 the approved budget for legal aid has recorded a clear ascending trend.

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

TOTAL	Criminal cases	Other than criminal cases
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<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	16 295 765 [ ] NA [ ] NAP	15 155 062 [ ] NA [ ] NAP	1 140 703 [ ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	16 295 765 [ ] NA [ ] NAP	15 155 062 [ ] NA [ ] NAP	1 140 703 [ ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ 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: The explanation concerning the observed increase lies mainly in the increase of the amounts (tariffs) destined to the fees of the lawyers who provide the legal aid services – according to the Protocol for establishing the lawyers' fees in this field, concluded with UNBR, as amended in 2019. It is worth emphasizing that since 2008 the approved budget for legal aid has recorded a clear ascending trend.

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### 012-2. Does legal aid include:

	Legal aid includes:
<b>Coverage of court fees</b>	( X ) Yes ( ) No [ ] NAP
<b>Exemption from court fees</b>	( X ) Yes ( ) No [ ] NAP

Comments

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### 012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
<b>Coverage of court fees</b>	( X ) Yes ( ) No [ ] NAP
<b>Exemption from court fees</b>	( X ) Yes ( ) No [ ] NAP

Comments Methodology of calculation/estimation: Criteria similar to those considered in compiling a budget are taken into account - estimates based on the budget execution from the previous year, the requests/estimates of the courts, as well as the requests/estimates of the National Union of Romanian Bars, the inflation factor, etc.

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

Approved budget (in €)	Implemented budget (in €)
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<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	322 119 974 [ ] NA [ ] NAP	311 524 523 [ ] NA [ ] NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	8 634 [ ] NA [ ] NAP	5 221 [ ] 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: The training of judges and prosecutors is provided by the National Institute of Magistracy (Superior Council of Magistracy). For 2020, the amounts included to both Q6 and O13 included the amounts from the state budget provided for the training of civil servants and other categories of non-judge / non-prosecutor staff. In 2018, according the data provided by the economic department, at these amounts were included, the training within some European training programs (programs within European funds) of a number of judges (and prosecutors) - a separate budget from the budget regarding the training through the National Institute of Magistracy (Superior Council of Magistracy).

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#### 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
<b>Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other ministry</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Parliament</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Supreme Court</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>High Judicial Council</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Inspection body</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify:

#### 014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please

**select maximum three main criteria of allocation**

	Criteria used	Main criteria
Previous years' budget costs	[ X ]	[ X ]
Special needs assessment	[ X ]	[ X ]
Number of judges/non judges' staff	[ X ]	[ X ]
Number of incoming cases	[ ]	[ ]
Number of pending cases	[ ]	[ ]
Number of resolved cases	[ ]	[ ]
Other	[ ]	[ ]

[ ] NAP

Comments - If "Other", please specify

**014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Head of court administration and/or non-judges	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Mixed body (judge(s) and non-judge(s))	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: 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 the questions in this part**

Sources: Ministry of Justice



## 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 €)
<b>Total annual public budget allocated to the whole justice system in €</b>	1 395 753 481 [ ] NA [ ] NAP	1 369 870 022 [ ] NA [ ] NAP

Comments - 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, Q13)

	Included
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services</b>	( X ) Yes ( ) No [ ] NAP

Comments

### 015-3. Other budgetary elements

	Included
<b>Prison system</b>	( X ) Yes ( ) No [ ] NAP
<b>Probation services</b>	( X ) Yes ( ) No [ ] NAP
<b>High Judicial Council</b>	( X ) Yes ( ) No [ ] NAP
<b>High Prosecutorial Council</b>	( ) Yes ( X ) No [ ] NAP
<b>Constitutional court</b>	( ) Yes ( X ) No [ ] NAP

Judicial management body	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
State advocacy	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Enforcement services	( ) Yes (X) No <input type="checkbox"/> NAP
Notariat	( ) Yes (X) No <input type="checkbox"/> NAP
Forensic services	(X) Yes ( ) No <input type="checkbox"/> NAP
Judicial protection of juveniles	( ) Yes (X) No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	(X) Yes ( ) No <input type="checkbox"/> NAP
Refugees and asylum seekers services	( ) Yes (X) No <input type="checkbox"/> NAP
Immigration Service	( ) Yes (X) No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes (X) No <input type="checkbox"/> NAP
Other	(X) Yes ( ) No <input type="checkbox"/> NAP

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 the questions in this part

Sources: Ministry of Justice

## 1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Every court is run by a president who exercises the management competences in view of effective organization of the court's

activity. According to the workload the president can be assisted by 1-2 vice-presidents. The presidents of the courts of appeal and of the tribunals shall exercise also competences of co-ordination and control of the administration of the court where they exercise their office, as well as of the courts in their jurisdiction. Law court presidents and vice-presidents take measures for the organization and proper functioning of the courts they are in charge of and, as the case may be, of the courts in their jurisdiction, ensure and verify the observance of the law and regulations by the judges and by the auxiliary specialized personnel. The verifications must observe the principles of the independence of judges and of their subjection only to the law, as well as the authority of res judicata.

The appointment into the offices of president and vice-president within the district courts, tribunals, specialized tribunals and courts of appeal is possible only through an examination organized by the Section for Judge of the Superior Council of Magistracy, through the National Institute of Magistracy.

The presidents of the court of appeal are secondary authorizing officers, and the presidents of the tribunals are tertiary authorizing officers. This role refers to the financial attributions as the allocation of the budget.

The presidents of the court can delegate the quality of authorizing officer to the economic managers.

The High Court of Cassation and Justice, the courts of appeal, and the tribunals, shall include in their structure one economic-financial and administrative department, run by an economic manager.

The economic manager is subordinated to the court president where he/she works and ensures the economic, financial and administrative activity also for the first instance courts.

A person can be appointed economic manager if he/she has higher economic studies and a specialty seniority of at least 5 and has succeeded in the competition held for this purpose by the High Court of Cassation and Justice or the courts of appeal, as the case may be.

The economic managers have the capacity of public servants, with the rights and duties provided by Law No. 188/1999 on the Statute of public servants

Max characters value : 10 000

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- The prosecutor's offices are run by general prosecutors or by first prosecutors.

The first prosecutors attached to the first instance courts shall exercise competences of co-ordination of the prosecutor's office. The general prosecutors from prosecutor's offices attached to the courts of appeal and the first prosecutors from the prosecutor's offices attached to tribunals exercise competences of co-ordination and control of the administration of the prosecutor's office where they operate, as well as of the prosecutor's offices in their jurisdiction. According to the workload, the General Prosecutor or, as the case may be, the first prosecutor can be assisted by 1-2 deputies.

The appointment to the offices of general prosecutors, first prosecutors or deputies is possible only through an examination organized by the Section for Prosecutors of the Superior Council of Magistracy, through the National Institute of Magistracy.

The general prosecutors of the prosecutor's offices attached to courts of appeal shall be secondary authorizing officers and the first prosecutors of the prosecutor's offices attached to tribunals shall be tertiary authorizing officers. This role refers to the financial attributions as the allocation of the budget.

The heads of the prosecutor's offices can delegate the quality of authorizing officer to the economic managers.

The Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anti-corruption Directorate, the Directorate for the Investigation of Organized Crime and Terrorism, the prosecutor's offices attached to the courts of appeal and the tribunals shall include in their structure one economic-financial and administrative department, run by an economic manager.

The economic manager is subordinated to the head of the prosecutor's office where he/she works and ensures the economic, financial and administrative activity also for the prosecutor's offices in their jurisdiction.

A person can be appointed economic manager if he/she has higher economic studies and a specialty seniority of at least 5 and has

succeeded in the competition held for this purpose by the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anti-corruption Prosecutor's Office or the Directorate for the Investigation of Organized Crime and Terrorism as the case may be. The economic managers have the capacity of public servants, with the rights and duties provided by Law No. 188/1999 on the Statute of public servants.

Max characters value : 10 000

## 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

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##### 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.”

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**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: According to the Article 6 letter b) GEO no. 51/2008, public aid may be also the payment of the expert, translator or interpreter used during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to the law.

**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
<b>TOTAL</b>	66 522 <input type="checkbox"/> NA <input type="checkbox"/> NAP	66 522 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>In criminal cases</b>	63 492 <input type="checkbox"/> NA <input type="checkbox"/> NAP	63 492 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>In other than criminal cases</b>	3 030 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 030 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
-------------------------------------	--	--	--

Comments - Please specify when appropriate: In criminal cases data also include ex officio layers.

**020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Actual average duration</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: There is no timeframe set for the procedure of granting legal aid by the court. The procedure is urgent as a general rule, being decided in chambers.

=

**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
<b>Accused individuals</b>	( X ) Yes ( ) No
<b>Victims</b>	( X ) Yes ( ) 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
<b>Accused individuals</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Victims</b>	( ) Yes ( X ) 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 judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments

**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	( X ) Yes ( ) No
in other than criminal cases	( X ) Yes ( ) No

Comments - If no, please specify how legal costs are distributed:

## B1. Please indicate the sources for answering the questions in this part

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, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
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	( )
Information about the judicial system (organisation of courts, court proceedings, etc)	( X ) www.csm1909; www.just.ro; www.scj.ro	( )
Other documents (e.g. forms, downloadable forms, online registration forms)	( X ) http://portal.just.ro/SitePages/ac asa.aspx; www.csm1909.ro	( )

Comment - 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 their proceedings?

( X ) Yes, always

( ) No

( ) Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and



**facilitating access to justice:**

	<b>Information system</b>
<b>General for citizens</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for victims of offences</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for minors (child-friendly systems)</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of terrorism</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Minors (witnesses or victims)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of domestic violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ethnic minorities</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Persons with disabilities</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Juvenile offenders</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "Other vulnerable person" and/or "Other specific arrangements", please specify:

**031-0. If there are special arrangements for minors, what are the settings / tools / facilities /**

**practises employed to protect them when they participate in judicial proceedings?**

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify .....
- NAP

Comment

**031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

	Civil proceedings	Criminal proceedings
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). Between 14-18 years old a minor has limited capacity, and may initiate procedural action only assisted by a parent or a legal guardian. In criminal proceedings there is no age threshold for filing a complaint and a lawyer ex officio will be appointed. The civil action attached to the criminal action may be initiated by the legal representative of the minor (under18). minors may be heard as witness regardless of their age, but they do not take the oath. Their testimony will be appreciated taking into consideration their special situation.

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

Civil proceedings	Criminal proceedings

<b>Parent/legal guardian</b>	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment as stated in Q 031-1 in criminal proceedings there is no age threshold for filing a complaint and a lawyer ex officio will be appointed. The civil action attached to the criminal action may be initiated by the legal representative of the minor (under18).

### 031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment According to ART. 113 of the Criminal Code (CP) a minor under the age of 14 years is not criminally responsible. A minor who is aged between 14 and 16 years criminally liable only if it is proved that he committed the act with discernment.

A minor over the age of 16 years criminally liable under the law.

### 031-3-1. What is the age threshold for the criminal liability of minors?

#### Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- [ 14 ]
- NA
- NAP

#### Criminal liability resulting in sentence of privation of liberty

- [ 14 ]
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? According to art. 114 of the CP the minor that at the time of the offense, was aged between 14 and 18 years can be subjected to a non-custodial educational measure. The minor aged between 14 and 18 years can be subjected to an educational measure of imprisonment in the following cases:

- a) carried out or whose execution began before the offence for which he or she is being tried.
- b) where the penalty for the offence is imprisonment for seven years or more, or life imprisonment.

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always

No

Comment

**032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify: 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.

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

Yes

No

Comments it is necessary a court or a prosecutor's decision.

**032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify: 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.

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

Yes

No

Comments it is necessary a court or a prosecutor's decision.

**032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify: 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.

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

Yes

No

Comments it is necessary a court or a prosecutor's decision.

**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:

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - 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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - 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 €)
<b>Total</b>	<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
<b>Excessive length of proceedings</b>	<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
<b>Non-execution of court decisions</b>	<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

<b>Wrongful arrest</b>	<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
<b>Wrongful conviction</b>	<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
<b>Other</b>	<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

Comment - Where appropriate, please give details of 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 a compensation. In criminal matters, the only possibility to obtain damages in case of procedural delays is the civil claim for damages, based on the provisions of the Civil Code. The new Civil Procedure Code (the Law 134/2010) provides for 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, he/she solicits the adoption of legal measures remedying to this situation. Please, refer to the regulations of the NCPC as concerns the guarantee of the right to a fair trial and a 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, common law rules laid down by the Civil Code apply. 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 trial, 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 to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
<b>Surveys for judges</b>	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>Surveys for court staff</b>	<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

<b>Surveys for public prosecutors</b>	<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
<b>Surveys for lawyers</b>	<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
<b>Surveys for other professionals</b>	<input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>Surveys for the parties</b>	<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
<b>Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</b>	<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
<b>Surveys for victims</b>	<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
<b>Surveys for minors</b>	<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
<b>Surveys for the general public</b>	<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
<b>Other not mentioned</b>	<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

Comment - 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

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

- Yes, please specify: .....
- No

Comment - If you have additional comments please specify:

**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
<b>Court concerned</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Higher court</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Ministry of Justice</b>	( ) Yes (X) No	( ) Yes (X) No
<b>High Judicial Council</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( ) Yes (X) No	( ) Yes (X) No

Comments

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

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	[X] NA [ ] NAP	[X] NA [ ] NAP
<b>Higher court</b>	[X] NA [ ] NAP	[X] NA [ ] NAP
<b>Ministry of Justice</b>	[X] NA [ ] NAP	[X] NA [ ] NAP
<b>High Judicial Council</b>	6 772 [ ] NA [ ] NAP	[X] NA [ ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	[X] NA [ ] NAP	[X] NA [ ] 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 2020 a number of 6772 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.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts



#### 042. Number of courts - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	242 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	233 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	175 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2 Total number of specialised courts - legal entities</b>	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Law no. 304/2004 on the judicial organisation.

The number of „judecatorii” has decreased by one between 2019-2020 because the activity of Judectoria Insuratei was suspended so it no longer appears in the statistics. 175 represent the first instance courts with general jurisdiction in this matter, even if tribunals, courts of appeal and the High Court may also judge first instance cases. Starting from 2020 the methodology of presentation of data changed and only “judecatorii” are counted as first instance courts of general jurisdiction, even if tribunals, courts of appeal and the High Court may also judge first instance cases.

#### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
<b>Total number of specialised courts - legal entities</b>	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Commercial courts (excluded insolvency courts)</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insolvency courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Labour courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Family courts</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: Law no. 304/2004 on the judicial organisation.

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	182 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	242 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Law no. 304/2004 on the judicial organisation.

It should be mentioned that some of the first instance specialised courts share the location with „judecatorii”.

=

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

	Number of courts
A small claim	175 [ ] NA [ ] NAP
An employment dismissal	42 [ ] NA [ ] NAP
A robbery	175 [ ] NA [ ] NAP
An insolvency case	[ ] NA [ X ] NAP

Comments The 175 judecatorii are competent in respect of small claim cases and robbery cases, while the 42 tribunals are competent in respect of employment dismissal cases.

### 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim: 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 (2030 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:

[ 2 030 ]

Comments

### C. Please indicate the sources for answering the questions in this part

Sources: the current legislation and statistics provided by the Superior Council of Magistracy.

## 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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	4 600 [ ] NA [ ] NAP	1 223 [ ] NA [ ] NAP	3 377 [ ] NA [ ] NAP

<b>1. Number of first instance professional judges</b>	2 103 [ ] NA [ ] NAP	563 [ ] NA [ ] NAP	1 540 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	2 387 [ ] NA [ ] NAP	634 [ ] NA [ ] NAP	1 753 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	110 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: Only judges of the „judecatorii” are counted as first instance judges.

=

**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

( ) Yes

( X ) No

Comments

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify: .....
- Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>1. At first instance level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2. At second instance (court of appeal) level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>3. At Supreme Court level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP

Comments

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

- ( ) Less than 50%
- ( ) 50 – 60%
- ( ) 60 - 80%
- ( ) More than 80%
- [ ] NA
- [X] NAP

Comments

=

**046-2. Number of judges (FTE) by case type:**

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	4 600 [ ] NA [ ] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>First instance</b>	2 103 [ ] NA [ ] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Second instance</b>	2 387 [ ] NA [ ] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Supreme court</b>	110 [ ] NA [ ] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

If "Other", please explain which types of cases: 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
<b>Total number of court presidents (1 + 2 + 3)</b>	239 [ ] NA [ ] NAP	92 [ ] NA [ ] NAP	147 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	173 [ ] NA [ ] NAP	68 [ ] NA [ ] NAP	105 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	65 [ ] NA [ ] NAP	24 [ ] NA [ ] NAP	41 [ ] NA [ ] NAP

<b>3. Number of Supreme Court presidents</b>	1 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	1 [ ] NA [ ] NAP
--	------------------------	---------------------	------------------------

Comments There are mentioned only the presidents and not the vice-presidents of courts.  
see also comments in Q46

**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
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] 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. ....

( X ) No

[ ] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who may 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 on a jury):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] 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 / mixed bench
<b>Criminal cases (severe)</b>	( )	( )	( )
<b>Criminal cases (misdemeanour and/or minor)</b>	( )	( )	( )

Family law cases	( )	( )	( )
Labour law cases	( )	( )	( )
Social law cases	( )	( )	( )
Commercial law cases	( )	( )	( )
Insolvency cases	( )	( )	( )
Other civil cases	( )	( )	( )

NAP

Comments - If "Other civil cases", please specify:

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

Yes

No

Comments

**050-1. If yes, for which type(s) 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 posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	10 512 <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
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	<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 (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	6 374 <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)	1 621 <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	1 682 <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	835 <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:

**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 posts actually filled).**

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	10 512 <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	4 686 <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	5 487 <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	339 <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 3. Total non-judge staff working in courts at Supreme Court level-

The difference between 2018 (communicated data) and 2020 is pointedly given by the difference in the methodology for reporting data within the human resources sector. Thus, for 2018, in the total number of auxiliary staff (non-judge staff working at Supreme Court level) was not included the number of staff represented by ushers, procedural agents, drivers. Also, rechecking the communicated data for 2018 on this point (point. 3), it is confirmed that the total number of auxiliary staff (occupied positions) at the High Court of Cassation and Justice is 230 (2018 data, including the staff represented by the professional categories mentioned above).

=

**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- 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 the questions in this part**

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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).**

Total	Males	Females

<b>Total number of prosecutors (1 + 2 + 3)</b>	2 446 [ ] NA [ ] NAP	1 174 [ ] NA [ ] NAP	1 272 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	1 144 [ ] NA [ ] NAP	545 [ ] NA [ ] NAP	599 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	788 [ ] NA [ ] NAP	364 [ ] NA [ ] NAP	424 [ ] NA [ ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	514 [ ] NA [ ] NAP	265 [ ] NA [ ] NAP	249 [ ] NA [ ] NAP

Comments - Please indicate any useful comment for interpreting the data above:



=

**055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?**

( ) Yes

(X) No

Comments

**055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify: .....
- Without reason

Comments

**055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?**

	<b>Total (%)</b>	<b>Male (%)</b>	<b>Females (%)</b>
<b>Total (1 + 2 + 3) (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>1. At first instance level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2. At second instance (court of appeal) level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>3. At Supreme Court level (%)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

**056. Number of heads of prosecution offices.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	306 <input type="checkbox"/> NA <input type="checkbox"/> NAP	179 <input type="checkbox"/> NA <input type="checkbox"/> NAP	127 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	83 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	131 <input type="checkbox"/> NA <input type="checkbox"/> NAP	77 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	92 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 <input type="checkbox"/> NA <input type="checkbox"/> 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".

The discrepancies in terms of number of heads within the prosecution offices compared to the previous campaign are due to the fact that the leading position mandates have expired within the current period and because of the pandemic situation competitions for filling in these positions could not be organised.

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

- Yes
- No

Comments - If yes, please specify their titles 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 prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify Within the Public Ministry was created a network of prosecutors specialized in conducting the cases with minors. The measure has been taken by Order no. 294 of 5 December 2018 of the General Prosecutor of the Prosecutor's Office attached to the High Court of Justice and Cassation. The prosecutors-in charge manage cases that have as object offences committed both by minors, and particularly against the minors, analyse the case-law of prosecutor's offices and draft proposals for taking over the complex cases, intensively covered by media, which have not been finalized. Furthermore, these prosecutors disseminate the specialized information that they gathered in their activity on the occasion of the decentralized training sessions in which they partake, and they also transmit information on the newest domestic, E.C.H.R. or international jurisprudence on human rights.

=

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	2 408 [ ] NA	[ X ] NA	[ X ] NA

Comments Out of the total of 2408 filled in positions in the prosecution offices country wide, 1997 are occupied by clerks and the rest of 411 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 the questions in this part**

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 )

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

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the

**procedures for the appointment of:**

	Yes / No
Court president	( ) Yes If “yes”, please specify:[Comment] ( X ) No
Head of prosecution services	( ) Yes If “yes”, please specify:[Comment] ( X ) No

Comments

**3.4.2 At national level**

**061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

( ) Yes

( X ) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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. to 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 - Please specify the details of this person/institution, in particular its titles and function:

**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 to different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the workspace	( )	( X )

<b>Replacement of absent persons</b>	( )	( X )
<b>Organisation of the hearings</b>	( )	( X )
<b>Other</b>	( )	( 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.

[ X ] NAP

**061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:**

- [ ] Recruitment procedures, please specify: .....
- [ ] Appointment to the position of court president, please specify: .....
- [ ] Appointment to the position of head of prosecution services, please specify: .....
- [ ] Promotion procedures and access to the functions of responsibility, please specify: .....
- [ ] Other studies, please specify: .....

[ X ] NAP

Comments - Please specify also the reference documents.

**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 at national level by one institution <input checked="" type="checkbox"/> Governed at 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 teams 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"/> No
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"/> No
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"/> No

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

**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):

**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 shared with other administration. Any share of databases needs approval.

Also, there is an outside audit mechanism regarding the case management system at the request of Ministry of Justice

**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

**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
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<b>Civil and/or commercial</b>	( ) 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
<b>Criminal</b>	( ) 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
<b>Administrative</b>	( ) 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
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

**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

Comment – if it exists in other matters please specify

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

Availability rate
-------------------

<p><b>Civil and/or commercial</b></p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p><b>Criminal</b></p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p><b>Administrative</b></p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

**062-8. Are there voice recording tools?**

Yes

No

Comments

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

<p>Availability of simple dictation tools</p>	<p>Availability of multiple speakers recording tools</p>	<p>Voice recognition feature</p>
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<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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
<b>Administrative</b>	<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

**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

**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

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

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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
<b>Administrative</b>	<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

Comment - If it exists in other matters please specify:

### 063-2. Computerised registries managed by courts

	<b>Deployment rate</b>	<b>Data consolidated at national level</b>	<b>Service available online</b>	<b>Statistical module integrated or connected</b>
<b>Land registry</b>	<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 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

<b>Business registry</b>	<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 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
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Comment – if it exists in other matters please specify:

## Budgetary and financial monitoring

### 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)
<b>Budgetary and financial management of courts</b>	<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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Justice expenses management</b>	<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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other (please specify in comments)</b>	<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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## Other tools of courts management

### 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
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<b>For judges</b>	<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
<b>For prosecutors</b>	<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
<b>For non-judge/non-prosecutor staff</b>	<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

#### 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:**

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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



<b>Administrative</b>	<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
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Comments - if it exist in other matters please specify

**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
<b>Availability rate</b>	<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
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<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
<b>Civil and/or commercial</b>	[ X ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ X ] Other	[ X ]
<b>Criminal</b>	[ X ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ X ] Other	[ X ]
<b>Administrative</b>	[ X ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ X ] Other	[ X ]

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

## Use of information technologies for improving the quality of the communication between courts and professionals

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)

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	Availability for

<b>Civil and/or commercial</b>	<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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" 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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" 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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

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
----------------------	---	--------------------------

<b>Enforcement agents (as defined in Q169 and following)</b>	<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
<b>Notaries (as defined in Q192 and following)</b>	<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
<b>Experts (as defined in Q202 and following)</b>	<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
<b>Judicial police services</b>	<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

Comments

**064-9. Are there online processing systems of specialised litigation (small claim 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.

**Use of information technologies between courts, professionals and users in the framework of judicial proceedings**

**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
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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
<b>Administrative</b>	<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

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

( X ) Yes

( ) No

Comments

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

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<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
<b>Criminal</b>	<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

<b>Administrative</b>	<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?

	<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
<b>Civil and/or commercial</b>	<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 <input type="checkbox"/> NAP
<b>Criminal</b>	<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 <input type="checkbox"/> NAP
<b>Administrative</b>	<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 <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

## 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?**

	<b>Yes / No</b>
<b>within the courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>within the public prosecution services</b>	<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: biannual (twice a year)

**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 replies possible)?**

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):PRESIDENTS OF THE COURTS

Comments "Other": president of the court

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

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

Comments

### 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 ECRIS - case management and STATIS - statistics monitoring application including for court's efficiency assessment

#### **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 STATIS - statistics monitoring application including for court's efficiency assessment

## 072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
<b>within the courts</b>	( X )	( )
<b>within the public prosecution services</b>	( 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. Are the statistics on the functioning of each court published?

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

### 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. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on an intranet website)

No



=

**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): The Report is published on the web site of the Public Ministry.

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

Internet

Intranet (internal) website

Paper distribution

Comments The report of the MP (MINISTERUL PUBLIC) is published twice a year.

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

Annual

Less frequent

( X ) More frequent

Comments biannual (twice a year)

### 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

( X ) 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

( X ) 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

( X ) 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): .....

[ X ] NAP

Comments

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

( X ) 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
- ( X ) 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
- ( X ) 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 hierarchically superior public prosecutor
- [ ] Other (please specify): .....
- [ X ] NAP

Comments

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

- ( X ) Yes
- ( ) No

Comments

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

- ( ) Annual
- ( X ) Less frequent
- ( ) More frequent

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).

#### **C4. Please indicate the sources for answering the questions in this part**

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**

##### **4.1.1Principles 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)?**

[            ]

[ X ] NA

[ ] NAP

Comments - Please add methodology for calculation used.

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

( X ) Yes

(   ) No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[ 13 ]

[ ] NA

Comments

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

[ X ] For civil procedures (non-enforcement)

[ X ] For civil procedures (timeframe)

[ X ] 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. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

### **D1. Please indicate the sources for answering the questions in this part**

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: According to art. 169 of the Civil Procedural Code, after initiating proceedings, is if all parties are represented by a lawyer or a legal counsel it is possible for them to agree to exchange documents directly. In this case the recipient will confirm the receiving of the document on the copy submitted to the court.

**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
<b>Total of other than criminal law cases (1+2+3+4)</b>	587 819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 282 448 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 239 954 <input type="checkbox"/> NA <input type="checkbox"/> NAP	630 313 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 684 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	543 619 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 174 754 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 175 845 <input type="checkbox"/> NA <input type="checkbox"/> NAP	542 528 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 415 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	12 698 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 865 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 506 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 804 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>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)</b>	2 453 [ ] NA [ ] NAP	22 356 [ ] NA [ ] NAP	20 821 [ ] NA [ ] NAP	3 988 [ ] NA [ ] NAP	106 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	10 245 [ ] NA [ ] NAP	6 317 [ ] NA [ ] NAP	5 044 [ ] NA [ ] NAP	11 518 [ ] NA [ ] NAP	4 698 [ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	5 108 [ ] NA [ ] NAP	5 329 [ ] NA [ ] NAP	4 372 [ ] NA [ ] NAP	6 065 [ ] NA [ ] NAP	256 [ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	5 137 [ ] NA [ ] NAP	988 [ ] NA [ ] NAP	672 [ ] NA [ ] NAP	5 453 [ ] NA [ ] NAP	4 442 [ ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>3. Administrative law cases</b>	31 502 [ ] NA [ ] NAP	79 021 [ ] NA [ ] NAP	38 244 [ ] NA [ ] NAP	72 279 [ ] NA [ ] NAP	2 465 [ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments The decrease in the number of resolved cases in 2020 was caused by the context of the Covid-19 pandemic. The activity of all the courts was partially suspended between the 15-th of March until the end of May 2020 because a state of emergency was declared. During that period only few urgent cases were adjudicated. Some courts instituted preventive measures even before the 15-th of March 2020 which included postponing non-urgent cases. After the state of emergency ended there were still in place measures that affected the normal activity of the courts like: the introduction of specific timeframes for each case, hearings through video conference, a strict limitation of human interaction at the auxiliary compartments of the courts that dealt directly with public like the Archive and the Registry office, so that requests and documents had to be submitted by post, fax or e-mail. These measures affected not only the court staff but all court users that had to adapt to the new circumstances and led to the postponement of many cases. There were also gaps in activity caused by cases of Covid-19 among the personnel of the courts. The same explanation is valid for the increased Disposition time which led to an increased number of pending cases older than 3 years.

**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
<b>Total of criminal law cases (1+2+3)</b>	106 622 [ ] NA [ ] NAP	341 899 [ ] NA [ ] NAP	342 634 [ ] NA [ ] NAP	105 887 [ ] NA [ ] NAP	4 316 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>3. Other criminal cases</b>	[ ] 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 specify what cases are reported in those categories. If "Other criminal cases", please specify As stated at Q91 the context of the Covid-19 pandemic affected the activity of the courts which led to the decrease in the number of resolved cases in 2020 an increased Disposition time and an increased number of pending cases older than 3 years. In criminal law cases postponements were recurrent in cases involving persons serving a prison sentence, because generally they have to be brought to every court hearing which was not always possible due to the curantine measures taken by the prison administrations.

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
<b>Total of other than criminal law cases (1+2+3+4)</b>	72 979 [ ] NA [ ] NAP	169 147 [ ] NA [ ] NAP	163 922 [ ] NA [ ] NAP	78 204 [ ] NA [ ] NAP	1 765 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	71 874 [ ] NA [ ] NAP	166 596 [ ] NA [ ] NAP	161 403 [ ] NA [ ] NAP	77 067 [ ] NA [ ] NAP	1 740 [ ] NA [ ] NAP

<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1 105 [ ] NA [ ] NAP	2 551 [ ] NA [ ] NAP	2 519 [ ] NA [ ] NAP	1 137 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP
<b>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)</b>	364 [ ] NA [ ] NAP	1 132 [ ] NA [ ] NAP	1 072 [ ] NA [ ] NAP	424 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	741 [ ] NA [ ] NAP	1 419 [ ] NA [ ] NAP	1 447 [ ] NA [ ] NAP	713 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	741 [ ] NA [ ] NAP	1 419 [ ] NA [ ] NAP	1 447 [ ] NA [ ] NAP	713 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>3. Administrative law cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>4. Other cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments - If "Other cases" please specify As stated at Q91 the context of the Covid-19 pandemic affected the activity of the courts which led to the decrease in the number of resolved cases in 2020 an increased Disposition time and an increased number of pending cases older than 3 years.

### 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
<b>Total of criminal law cases (1+2+3)</b>	7 166 [ ] NA [ ] NAP	22 243 [ ] NA [ ] NAP	22 061 [ ] NA [ ] NAP	7 348 [ ] NA [ ] NAP	107 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

<b>2. Misdemeanour and / or minor criminal cases</b>	<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
<b>3. Other cases</b>	<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
<b>Total of other than criminal law cases (1+2+3+4)</b>	39 454 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	49 338 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	51 922 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	36 870 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	882 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	17 586 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	23 746 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	24 856 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	16 476 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	421 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	111 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	208 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	221 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	98 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>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)</b>	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	110 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	174 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	187 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	97 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	110 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	174 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	187 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	97 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<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

<b>2.2.3. Other registry cases</b>	<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
<b>2.3. Other non-litigious cases</b>	<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
<b>3. Administrative law cases</b>	21 757 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 384 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 845 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 296 <input type="checkbox"/> NA <input type="checkbox"/> NAP	460 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<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 "Other cases", please specify

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

Yes, please indicate the number of cases closed by this procedure: .....

No

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
<b>Total of criminal law cases (1+2+3)</b>	145 <input type="checkbox"/> NA <input type="checkbox"/> NAP	353 <input type="checkbox"/> NA <input type="checkbox"/> NAP	364 <input type="checkbox"/> NA <input type="checkbox"/> NAP	134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<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
<b>2. Misdemeanour and / or minor criminal cases</b>	<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
<b>3. Other criminal cases</b>	<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

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If "Other criminal cases", please specify

### 4.2.5 Case flow management and timeframes – specific cases

#### 101. Number of specific litigious cases 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	Pending for more than 2 years
<b>Litigious divorce cases</b>	15 599 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 892 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 863 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 628 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Employment dismissal cases</b>	1 339 [ ] NA [ ] NAP	2 074 [ ] NA [ ] NAP	1 638 [ ] NA [ ] NAP	1 775 [ ] NA [ ] NAP	55 [ ] NA [ ] NAP
<b>Insolvency</b>	27 048 [ ] NA [ ] NAP	19 859 [ ] NA [ ] NAP	22 409 [ ] NA [ ] NAP	24 498 [ ] NA [ ] NAP	4 177 [ ] NA [ ] NAP
<b>Robbery case</b>	983 [ ] NA [ ] NAP	1 445 [ ] NA [ ] NAP	1 535 [ ] NA [ ] NAP	893 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP
<b>Intentional homicide</b>	657 [ ] NA [ ] NAP	1 206 [ ] NA [ ] NAP	1 214 [ ] NA [ ] NAP	649 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP

Comments The increase in the number of employment dismissal cases may be attributed to a complex set of socio-economical factors and we do not have the data analysis in this matter. However, at least some of the increase may be caused by the context of Covid 19 pandemic that affected a lot of economic sectors that may have caused a surge in employment dismissal cases.



## 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-court procedures relating to the right of entry and stay for aliens</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	232 [ ] NA [ ] NAP	1 123 [ ] NA [ ] NAP	1 078 [ ] NA [ ] NAP	279 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>Court cases relating to the right of entry and stay for aliens</b>	117 [ ] NA [ ] NAP	265 [ ] NA [ ] NAP	238 [ ] NA [ ] NAP	148 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP

Comments 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.

As to the increased number of cases relating to asylum seekers at the beginning of 2020, the reason is the increased number of incoming cases in 2019 due to the increase of the migration as a phenomenon

## 101-1. Could you briefly describe the system in your country dealing with legal 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 judicatum solvi.

### 101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
<b>Child sexual abuse</b>	297 [ ] NA [ ] NAP	418 [ ] NA [ ] NAP	323 [ ] NA [ ] NAP	390 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>Child pornography</b>	66 [ ] NA [ ] NAP	159 [ ] NA [ ] NAP	111 [ ] NA [ ] NAP	111 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: Sexual intercourse with a minor, art. 220 CP: Sexual intercourse, oral or anal intercourse and other acts of vaginal or anal penetration

committed with a minor under 15 years or by a major with a minor aged between 15 and 18 years in some circumstances.

Sexual corruption of minors, art. 221 CP: a sexual act other than that referred to in art. 220 against a minor under the age of 13 years or the corruption of the minor to bear or carry out such an act; the sexual act of any nature committed by a major in the presence of a minor under the age of 13 years; a major corrupting a minor under the age of 13 years to assist in acts of flasher or performances in which they commit sexual acts of any kind and making available pornographic material.

child pornography - art. 374 CP: The production, possession, purchase, storage, display, promotion, distribution and making available in any way, of child pornography

### 102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100 10 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP	220 [ ] NA [ ] NAP	210 [ ] NA [ ] NAP	127 [ ] NA [ ] NAP	_____ Max numeric value allowed : 100 4 [ ] NA [ ] NAP



<b>Litigious divorce cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>6</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>255</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>231</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> NAP</p>	<p><b>252</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>1</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>
<b>Employment dismissal cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>56</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>234</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>186</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> NAP</p>	<p><b>222</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>3</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>
<b>Insolvency cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>30</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>483</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>141</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> NAP</p>	<p><b>393</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>14</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>
<b>Robbery cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>51</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>215</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>160</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> NAP</p>	<p><b>174</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>1</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>
<b>Intentional homicide cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>55</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>165</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><b>110</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p><input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> NAP</p>	<p><b>171</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p><b>2</b></p> <p><input type="checkbox"/> NA</p> <p><input type="checkbox"/> NAP</p>

Comments "Average total length of the total procedure": for the present cycle a different methodology of calculation is applied, in compliance with the Explanatory Note. Accordingly, 2020 data are not comparable with previous data.

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):**

to conduct or supervise police investigation

to conduct investigations

when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

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 "other": 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;

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

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

**107. Public prosecutors: Total number of 1st instance criminal cases.**

Number of cases

1.Pending cases on 1 Jan. ref. year	1 144 581 [ ] NA [ ] NAP
2.Incoming/received cases	571 501 [ ] NA [ ] NAP
3.Processed cases (3.1+3.2+3.3+3.4)	564 155 [ ] NA [ ] NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	442 820 [ ] NA [ ] NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	[ X ] NA [ ] NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	[ X ] NA [ ] NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	[ X ] NA [ ] NAP
3.1.4 Discontinued for other reasons	[ X ] NA [ ] NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	75 636 [ ] NA [ ] NAP
3.3.Cases closed by the public prosecutor for other reasons	[ ] NA [ X ] NAP
3.4.Cases brought to court	45 699 [ ] NA [ ] NAP
4.Pending cases on 31 Dec. ref. year	1 161 346 [ ] NA [ ] NAP

Comments There are no available data on grounds on which a decision to discontinue a case is taken by the public prosecutor.

### 107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	2 175 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Before the main trial	2 175 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
During the main trial	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments

**109. Do the figures provided in Q107 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 the questions in this part**

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

**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/authorities made up of judges and non-judges

Other

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:

**111-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	9	2	7
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

**111-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

Yes

No

Comments – please specify which body is competent to decide on appeal?

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

Yes

No

Comments

### **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 procedure for judges is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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”):

## **5.1.2 Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if “mixed model” or “other”, please specify.

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

Yes

No

Comments - If yes, please specify:

**115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If “Other”, please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If “Other”, please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If “Other”, please specify:

**115-6. What is the frequency of this type of instructions:**

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

Yes

- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

**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

**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
- Other

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:

**117-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	5	4	1
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

**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

**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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- 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"):

**5.1.3Mandate 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:

**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

**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:

**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

**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

[X] NAP

Comments

**125-1. Is it renewable?**

( ) Yes

( ) No

[X] NAP

Comments

**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

[X] NAP

Comments

**126-1. Is it renewable?**

( ) Yes

( ) No

[X] NAP

Comments

**E1. Please indicate the sources for answering the questions in this part**

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
------------	----------	----------------------

<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

	<b>Frequency of the judges training</b>
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on child-friendly justice</b>	<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: In 2020, due to Covid-19 restrictions, the continuous training activities were seriously affected. Thus, NIM did not conduct training activities in the field of use of computer

facilities and management functions of the court. Only 76 training activities were organized in 2020 in pandemic conditions, out of which 12 in specialized judicial functions and 1 in ethics. Also an online HELP tutored course on Child-friendly Justice and Children's Rights was available for judges and prosecutors.

## 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
<b>Initial training</b>	<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
<b>General in-service training</b>	<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
<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	<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
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<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
<b>In-service training for the use of computer facilities in office</b>	<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
<b>In-service training on ethics</b>	<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
<b>In-service training on child-friendly justice</b>	<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

Comments

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

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

<b>In-service training on ethics</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on child-friendly justice</b>	<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 in-service training of prosecutors: In 2020, due to Covid-19 restrictions, the continuous training activities were seriously affected. Thus, NIM did not conduct training activities in the field of use of computer facilities and management functions of the court. Only 76 training activities were organized in 2020 in pandemic conditions, out of which 12 in specialized judicial functions and 1 in ethics. Also an online HELP tutored course on Child-friendly Justice and Children's Rights was available for judges and prosecutors.

### 5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
<b>Institution(s) for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for both judges and prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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, as well as training of trainers 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. NIM organizes continuous training activities both at centralized and decentralized level on an annual basis. Thus, every year, the Institute develops centralized and decentralized continuous training programs, taking into account the dynamics of the legislative process and the training needs of judges and prosecutors.

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

	Budget of the institution(s) for the reference year, in €
<b>Institution(s) for judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for both judges and prosecutors</b>	11 092 181 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments NIM's budget is of 53.908.000 lei, according to the Activity Report for 2020.

The increase in the budget is explained by the increase of salaries for some categories of NIM staff: judges and prosecutors recruited as full time trainers, legal staff assimilated to judges and prosecutors and judicial trainees (justice auditors). NIM's budget also reflects national co-financing for training activities organised in projects financed through European structural funds / Norwegian Financial

**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.

**5.2.4 Number of trainings**



**131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training**

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
<b>Total</b>	304 [ ] NA [ ] NAP	71 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP
<b>1. For judges</b>	42 [ ] NA [ ] NAP	37 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
<b>2. For prosecutors</b>	38 [ ] NA [ ] NAP	37 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>3. For other non-judge staff</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	66 [ ] NA [ ] NAP
<b>4. For other non-prosecutor staff</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>5. Ttraining for other professionals</b>	4 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Due to the pandemic restrictions, NIM organized 76 training sessions out of the total of 304 training sessions programmed for 2020. 2 training sessions opened for non-judge/non-prosecutor staff- assistant-magistrates, legal staff assimilated to judges and prosecutors 4 training sessions opened for other professionals - National Administration of Penitentiaries, police officers and other specialists in connected fields (financial specialists, psychologists, social workers etc). The 66/16 online training courses for non-judge-non-prosecutor staff were organised by the National School of Clerks. More precisely, in 2020 for non-judge staff there were 66 online courses lasting 210 days and for non-prosecutor staff there were 16 online courses lasting 166 days. The discrepancies are due to the pandemic restrictions.

**131-3. Number of participants of the training courses during the reference year**

Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
--	--

<b>Total</b>	1 381 [ ] NA [ ] NAP	3 652 [ ] NA [ ] NAP
<b>Judges</b>	702 [ ] NA [ ] NAP	66 [ ] NA [ ] NAP
<b>Prosecutors</b>	547 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>Non-judge staff</b>	9 [ ] NA [ ] NAP	3 026 [ ] NA [ ] NAP
<b>Non-prosecutor staff</b>	9 [ ] NA [ ] NAP	480 [ ] NA [ ] NAP
<b>Other professionals</b>	23 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments NIM trained: 9 persons trained out of non-judge/non-prosecutor staff- assistant-magistrates, legal staff assimilated to judges and prosecutors

23 persons trained out of other professionals - 5 National Administration of Penitentiaries, 9 police officers and 9 other specialists in connected fields (financial specialists, psychologists, social workers etc).

NSC trained: 3026/480 participants at online courses for the non-judge/non-prosecutor staff.

### 5.3.Practice of the profession

#### 5.3.1Salaries 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
<b>First instance professional judge at the beginning of his/her career</b>	43 223 [ ] NA [ ] NAP	25 285 [ ] NA [ ] NAP	210 468 [ ] NA [ ] NAP	123 124 [ ] NA [ ] NAP
<b>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)</b>	87 522 [ ] NA [ ] NAP	51 200 [ ] NA [ ] NAP	426 180 [ ] NA [ ] NAP	249 315 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	43 223 [ ] NA [ ] NAP	25 285 [ ] NA [ ] NAP	210 468 [ ] NA [ ] NAP	123 124 [ ] NA [ ] NAP
<b>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).</b>	67 051 [ ] NA [ ] NAP	39 225 [ ] NA [ ] NAP	326 496 [ ] NA [ ] NAP	191 000 [ ] NA [ ] 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 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.

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

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( 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: 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  
( X ) No

Comments - If yes, please specify the conditions and if possible 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.)**

- ( X ) Yes  
( ) No

Comments

**138-1. If yes, who are the members of this institution/body?**

- ( X ) Only judges  
( ) Judges and other legal professionals  
( ) Other, please specify: .....

Comments



**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.

**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, who are the members of this institution/body?**

Only prosecutors

Prosecutors and other legal professionals

Other, please specify: .....

Comments

**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.

**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 replies possible)?**

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Professional body

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple replies 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 replies 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
<b>Total number (1+2+3+4)</b>	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: As previously, in the table above we have indicated the number of disciplinary actions registered in the reference year (2020) before the Sections for judges and prosecutors of the Superior Council of Magistracy in disciplinary matters (9 disciplinary cases/disciplinary actions were registered before the Section for Judges of the SCM in disciplinary matters and 9 disciplinary cases were registered before the Section for Prosecutors of the SCM in disciplinary matters).

The discrepancies between the number of disciplinary actions and the number of breaches of professional ethics + breaches of the professional inadequacy are 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
<b>Total number (total 1 to 10)</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Suspension</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>9. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>10. Dismissal</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <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 (2020) 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 2020, as these sanctions can be rendered for disciplinary actions registered before 2020 while there are also disciplinary actions registered in 2020 but not yet solved before the end of 2020; moreover, most of the decisions are final but there are also several ones are not final yet (the recourse procedure).

“Position downgrade” - this type of disciplinary sanction did not exist and it has been introduced by the Law no. 242/2018.

### **E3. Please indicate the sources for answering the questions in this part**

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**

#### **6.1.1Status of the profession of lawyers**

**146. Total number of lawyers practising in your country:**



	Total	Male	Female
Number of lawyers	23 424 [ ] NA	9 855 [ ] NA	13 569 [ ] NA

Comments There is no official explanation due to legal norms, in principle such fluctuations can be registered within the profession, as long as the total number has not registered significant fluctuations.

**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. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP
Dismissal cases	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP
Criminal cases – Defendant	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP
Criminal cases – Victim	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP
Administrative cases	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: 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.

As in civil matters, legal representation in criminal and administrative proceedings at all instances can be carried out by lawyers but also by other persons/entities.

**149-0. If other than lawyers may represent a client in court, please specify who:**

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

Comments - If "other", please specify. In addition, for the categories selected please specify 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 - 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 the questions in this part**

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 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
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	74 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	65 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP



4. Other	8 [ ] NA [ ] NAP
----------	------------------------

Comments - If "other", please specify: 4. Other

- initiating legal proceedings without a warrant, in violation of the warrant (1);
- breach of the obligation to represent oneself before the bodies of the profession (7);

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	20 [ ] NA [ ] NAP
<b>1. Reprimand</b>	10 [ ] NA [ ] NAP
<b>2. Suspension</b>	3 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	4 [ ] NA [ ] NAP
<b>5. Other</b>	3 [ ] 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. 5. Other- warning (3)

Concernant the differences- following the disciplinary investigation, it was not necessary to exercise disciplinary action and sanction the lawyers

## 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
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Family cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Labour cases including employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Criminal cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Consumer cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP

Comments

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

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
<b>Number of mediators</b>	11 259 [ ] NA [ ] NAP	4 584 [ ] NA [ ] NAP	6 675 [ ] NA [ ] NAP



Comments The data were communicated by the Mediation Council, reflecting the pace of the authorization process as a mediator by the Mediation Council (which may register fluctuations from year to year), of persons who meet the conditions provided by law.

## 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
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Family cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Labour cases including employment dismissal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>5. Criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Consumer cases</b>	[ 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 categories above, according to the statistical system in the field (which is ongoing at this moment), we could extract a number of 614 mediation agreement authorized by the court (2020).

Background and legislation elements (remain valid from the last cycle):

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

=

**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 sources for answering the questions in this part**

Source: legislative background

**8.Enforcement of court decisions**

**8.1.Execution of decisions in civil matters**

**8.1.1 Number of enforcement agents, status and mandate**

**169. Number and type of enforcement agents in your country.**

	Total	Male	Female
<b>Total (1+2+3+4)</b>	880 [ ] NA	634 [ ] NA	246 [ ] NA
<b>1. Private professionals under the authority (control) of public authorities</b>	880 [ ] NA [ ] NAP	634 [ ] NA [ ] NAP	246 [ ] NA [ ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Judges</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If other, please specify their status and competences:

**170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?**

- diploma
- professional experience

specific exam

appointment procedure by the State

initial training

other

Comments - If "other", please specify:

### 171. Are enforcement agents 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 for men/63 for women

No, please specify the duration of the appointment: .....

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Article 23 of Law no.188/2000 provides the situations regarding the termination of the title/quality of enforcement agent

## 8.1.2 Activities/scope of competence

### 171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cohabitant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Movable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bank account	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

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

	Option
<b>Seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Preventive seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Preventive seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Sale of shares</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**171-3. Apart from 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 or public auctions of moveable or immovable property

- Custody 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

### **8.1.3 Training and ICT**

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

- Yes
- No

Comments

**172-2. Do you have an e-learning training system established for enforcement agents?**

- Yes
- No

Comments - If yes, please specify:

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

- Yes
- No

Comments - If yes, please specify:

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

- Yes
- No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

- Yes
- No

Comments - Please explain: -speeding up the procedure



### 8.1.4 Fees

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

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

Yes

No

Comments

**H0. Please indicate the sources for answering the questions in this part**

Source: Order of the Minister of Justice no.2834/C/2016 on the bringing up to date of the number of bailiffs for 2016, modify by the Order of the Minister of Justice 3800/C/2016

### 8.1.5 Organisation of profession and 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

**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:

**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

unethical behaviour of enforcement agent

other (please specify): .....

Comments

**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 serve and/or 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
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. For breach of professional ethics</b>	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. For professional inadequacy</b>	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. For criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	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
<b>Total number of sanctions (1+2+3+4+5)</b>	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	7 <input type="checkbox"/> NA <input type="checkbox"/> 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: Other sanction pronounced against enforcement agents- exclusion from the profession

## H1. Please indicate the sources for answering the questions in this part

Source: Ministry of Justice

### 8.2.Execution of decisions in criminal matters

#### 8.2.1Functioning of execution in criminal matters

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

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

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

#### 9.1.1Number, status and mandate of notaries

192. Number and status of notaries in your country.

Total	Male	Female

<b>TOTAL (1+2+3+4)</b>	2 696 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Holders of public offices appointed by the State</b>	2 696 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Civil servants (paid by the State)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

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

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify): .....

Comments The law provides three pathways to become a notary public:

- 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. After reaching the age of 75, the notary public can exercise his / her function only if he / she annually presents a medical certificate that states that he/she is medically and psychologically capable to exercise this function.
- 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 annually presents a medical certificate that states that he/she is medically and psychologically capable to exercise this function.

According to art. 41 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)uninterrupted and unjustified failure of the notary public to exert his function for at least 6 months;
- d)exclusion from the profession as a disciplinary sanction, according to the provisions of the law;
- e)obvious professional incapacity, ascertained through verification exercised under the provisions of the law; f)definitive conviction or postponement of the application of the punishment for committing a work-related criminal offence or a different intentional criminal offence;
- g)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);
- h)ascertainment of an irreversible mental illness, through the procedure provided by art. 42 par. (3) of the law;
- i)death.

## 9.1.2 Activities/scope of competences

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

	Please select one option
<b>Authentication</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Certification of signatures</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

## 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
- Protection of vulnerable persons
- Other

Comments

### 9.1.3 ICT, organisation of the profession and training

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

In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)

In their relations with their clients

In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

#### 194-4. Which computerised registries can notaries consult?

Land registry

Business registry

Civil status / Population registry

Succession / Family law registry

Any other registry (please specify) .....

None

Comments

#### 194-5. Are there registries/ registry infrastructures run by the notaries?

Yes

No

Comments - If yes, please specify:

#### 194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Succession / Family law registry</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Any other registry (please specify)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>None</b>	<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



Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify .....
- None

Comments

**194-8. Who is responsible to run the digital archives?**

- Notariat / Professional body
- Other public authority
- Another entity (please specify) .....

Comments

**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

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

- Yes
- No

Comments

**196-2. Do notaries have training on:**

	Yes	No
European law	( X )	( )

Law of another Member State (cross-border training programmes)	( X )	( )
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Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

## 11. Please indicate the sources for answering the questions in this part

Sources: The records of the Ministry of Justice, the applicable legislation (e.g. 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 registered court interpreters:

[ 38 341 ]

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):

#### 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 the questions in this part

Sources: The records of the Ministry of Justice, the applicable legislation (e.g. Law no. 178/1997, with the subsequent amendments).

## 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 participate in judicial procedures (multiple replies possible):**

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

Yes

No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?): The quality of judicial technical expert is acquired on the basis of an exam or an interview, organized by the Ministry of Justice, in compliance with the conditions stipulated by the provisions of art. 10, art. 101 and art. 12 of Ordinance no. 2/2000 regarding the organization of the activity of judicial and extrajudicial technical expertise.

The examination of judicial technical expert aims to verify the level of knowledge of future experts in the specialty for which they are applying, the level of knowledge of the normative acts related to the respective specialty, of the provisions of the civil and criminal procedure codes regarding the expertise and of other normative acts regulating the activity of judicial technical expertise, the rights and obligations of experts.

The interview for acquiring the quality of judicial technical expert in a certain specialty aims to verify the level of knowledge of the provisions of the civil and criminal procedure codes regarding the expertise, as well as of the provisions of other normative acts regulating the activity of judicial technical expertise, as well as the rights and obligations of experts.

**202-1-2. Are these lists publicly available?**

- Yes, available on the internet
- Yes
- No

Comments

**202-2. Which authority is competent for the registration of judicial experts?**

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

Comments - Please also specify the registration criteria: 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

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

- Yes
- No

Comment - If yes, please specify in which cases:

**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
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Continuous training</b>	<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 - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
Number of experts	7 438 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 912 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 526 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The observed fluctuations derive from the rhythm of organizing the contests and the results related to these contests.

**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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who defines the amount of the expert remuneration?**

In civil/administrative cases	In criminal cases
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<b>Defined by law/by-law or a special regulation</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Defined by the court/judge</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Defined by Ministry of Justice or another ministry (setting a tariff for example)</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Salary of public official (in case of forensic or another specialist – who is public employee)</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Freely agreed between expert and the parties</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If other, please specify:

## 206. Are there binding provisions for judicial experts regarding:

	Yes	No
<b>Deadlines to provide expertise</b>	( )	( X )
<b>Quality of expertise</b>	( )	( X )
<b>Other</b>	( )	( X )

[ ] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

## 207-1. Does the judge or another body control the progress of the expertise?

( X ) Yes

( ) No

If yes, please specify: 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

## 207-2. Are judicial experts' associations involved in:

[ X ] Selection processes

[ X ] Initial or continuous training

[ X ] Disciplinary procedures

[ ] NAP

Comments \* only for 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).

## K1. Please indicate the sources for answering the questions in this part

Sources: Ordinance of the Government no. 2/2000 regarding the organization of the activity of judicial and extrajudicial technical expertise.

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:**

#### **208-1. (Comprehensive) reform plans**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

#### **208-2. Budget**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

**208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No

NA

Comments - If yes, please specify: 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 magistrates to focus on their core judicial tasks and to ensure the optimization of the workload of courts and public prosecution services and have among their general objectives to identify the necessary mechanisms for the development of a modern judicial system, tailored to the requirements of the contemporary society, through the identification and development of necessary legal and infra legal mechanisms as well as to improve the management capacity by implementing standard integrated management tools, in order to create the necessary prerequisites for a predictable process of adopting managerial decisions, especially regarding human resource components, capacity to manage the workload, accurate estimation of the need for human resources and the distribution of tasks. 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, as well as to improve access to justice through a more predictable and transparent process.

#### **208-4. Access to justice and legal aid**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 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, ongoing; among the scheduled activities to be carried out during October 2021 – June 2023 there should be mentioned a number of 9 workshops and 2 conferences to 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. Moreover, there should be mentioned the 2021-2022 awareness champagne for citizens, in this matter, focused among other components on advertising spots in the outdoors and also through audio-visual and online channels, brochures for court users on the role of the institutions within the Judiciary, as well as guidance in court (materials that are being printed, including Braille and audio) or specialized brochures on criminal law, family law, citizens' rights etc. are being prepared, the general goal being to inform the general public and to increase the degree of legal education as well as to support and improve citizens' access information on the rights and obligations arising from the law.

#### **208-5. High Judicial Council**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 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.

## **208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: 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.. some of these activities are ongoing and some are to be organised in the next period 2022-2023. 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 are dedicated to communication within the judicial system and have been successfully organised during 2021.

## **208-7. Gender balance**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## **208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## 208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## 208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## 208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: 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, ongoing, 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

## 208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No

NA

Comments - If yes, please specify:

## **208-15. New information and communication technologies**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-16. Other**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The Superior Council of Magistracy has also being implementing a project dedicated to improving the systems of recruitment of judges and prosecutors and to assist and evaluate them psychologically throughout the course of their professional development, including in terms of access to management, with the ultimate aim of increasing the quality of justice and improving the professional performance of the judicial system as a whole.