



CCJE-BU(2021)1

Strasbourg, 21 January 2021

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Answers by Romania to Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):

**“Evolution of the Councils for the Judiciary
and their role for independent and impartial judicial systems”**

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

General

1. Is there a Council for the Judiciary in your judicial system?	<input checked="" type="radio"/> yes <input type="radio"/> no
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2. What is the exact title/denomination of this body?

Concil Superior of Magistracy

3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.

Defending and fostering the independence of judges and the judiciary/the rule of law	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Defending judges/the judiciary against public attacks	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ

	<input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Administration of the judiciary	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Selection of new judges	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input type="radio"/> other, please specify
Selection of judges for promotion	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input type="radio"/> other, please specify
Evaluation of judges	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Evaluation of court performance	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Conducting disciplinary procedures	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament

	<input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Drafting and enforcing a code of ethics	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Providing input on legislative projects	<input checked="" type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Training of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify National Institute of Magistracy
IT, including digitalisation of the judiciary and online hearings	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents

	<input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
Salaries of judges	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> Bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?

Romania's Superior Council of Magistracy has the above-mentioned competences. The Division of Judges of the Superior Council of Magistracy appoints and removes the president, vice presidents and division presidents of the High Court of Cassation and Justice; appoints judges in leadership positions, under the law and regulations; issues orders to suspend judges.

- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country? _

Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input checked="" type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Composition	<input checked="" type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Selection of members including tenure and removal during tenure	<input checked="" type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Tasks	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Resources, funding, administration	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify

Independence	<input type="radio"/> <input checked="" type="radio"/> Constitution <input type="radio"/> <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
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- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country? _

Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there?

Romania's Superior Council of Magistracy consists of 19 members: 9 judges and 5 prosecutors; 2 civil society representatives, who are law professionals and enjoy a high professional and moral reputation.

- Are there ex-officio members?

3 are ex officio members: the President of the High Court of Cassation and Justice, who represents the authority of the judges, the Minister of Justice and the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?

The 9 judges must have a minimum of 7-year experience as judges.

- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)

As indicated above, only the two civil society representatives may be professionals other than judges.

Romania's Superior Council of Magistracy consists of two divisions: the Division of Judges and the Division of Prosecutors.

The Division of Judges of the Superior Council of Magistracy consists of 2 judges from the High Court of Cassation and Justice, 3 judges from the courts of appeal, 2 judges from tribunals and 2 judges from the district courts.

The Division of Prosecutors of the Superior Council of Magistracy consists of 1 prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate or the Directorate for Investigating Organised Crime and Terrorism, 1 prosecutor from the prosecutor's offices attached to the courts of appeal, 2 prosecutors from the prosecutor's offices attached to the tribunals and 1 prosecutor from the prosecutor's offices attached to the district courts.

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)
- Please describe the appointment system
- If members are elected by Parliament, are these members elected with a simple or qualified majority?

The 9 judges and the 5 prosecutors who are members of Romania's Superior Council of Magistracy are elected in the general assemblies of judges or prosecutors, as applicable. The members of the Superior Council of Magistracy are elected from among the judges and prosecutors appointed by the President of Romania, they must have a minimum of 7-year experience as judges or qualified prosecutors and must have no disciplinary record for the past 3 years.

Judges and prosecutors may campaign for their candidacies as members of the Superior Council of Magistracy before the assemblies of judges and prosecutors not later than two days before the election date. The candidacies of judges and prosecutors may be supported by the assemblies of judges and prosecutors, as well as by their professional associations.

Candidacies shall be submitted with the Leadership Board of the High Court of Cassation and Justice or, as applicable, with the Leadership Board of the Prosecutor's Office attached to the High Court of Cassation and Justice, including for the prosecutors with the National Anticorruption Directorate and the Directorate for Investigating Organised Crime and Terrorism, as well as with the leadership boards of the courts of appeal or with the leadership boards of the prosecutor's office attached to the courts of appeal. Candidacies shall include the following attachments: curriculum vitae, a project concerning the main goals to be pursued by the candidate judge or prosecutor if elected as member of the Superior Council of Magistracy, as well as, when applicable, any documents supporting the candidacy, an affidavit indicating that the candidate was not part of, and did not collaborate with, the intelligence services before 1990 for persons who were 16 years old as at 1 January 1990, an affidavit indicating that the candidate is not and has not been an agent, including undercover agent, informer or collaborator with any of the intelligence services and an affidavit indicating that the candidate has no personal interests that influence or might influence their objectivity and impartiality in fulfilling their duties under the law.

The leadership boards of the High Court of Cassation and Justice, of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the courts of appeal and of the prosecutor's offices attached to the courts of appeal shall check whether the candidates meet the requirements within 5 days after the candidacy submission cut-off date, and the resolution of that leadership board shall be immediately published on that court's or prosecutor's office's website.

Candidates or, as applicable, judges or prosecutors with the courts or prosecutor's offices for which the candidacy was submitted may file appeals against the above-mentioned resolutions.

Appeals shall be filed with the Superior Council of Magistracy and shall be settled by resolution issued by the appropriate division of the Superior Council of Magistracy within 7 days after its registration.

The resolution issued by the appropriate division of the Superior Council of Magistracy may be appealed by candidates, judges or prosecutors with the courts or prosecutor's offices for which the candidacy was submitted. The appeal shall be filed before the First Civil Division of the High Court of Cassation and Justice, shall be settled within 7 days after its registration, serving notice on the parties, and the resolution shall be final.

The judges with the High Court of Cassation and Justice elect in their general assembly, by way of secret, direct and personal ballot, 2 members of the Superior Council of Magistracy from among the judges that have submitted candidacies, and the prosecutors with the Prosecutor's Office attached to the High Court of Cassation and Justice, the prosecutors with the National Anticorruption Directorate and the prosecutors with the Directorate for Investigating Organised Crime and Terrorism elect in their general joint assembly, by way of secret, direct and personal ballot, 1 member of the Superior Council of Magistracy from among the prosecutors that have

submitted candidacies. The prosecutors with the local structures of those prosecutor's offices also vote in the general assembly. If none of the candidates has the majority of votes, a second round of elections shall be held, with the judges and prosecutors ranking first and second in the first round running. The candidate who has the highest number of votes in the second round shall be elected as the member of the Superior Council of Magistracy.

The votes cast in the courts of appeal, tribunals and specialised tribunals within the jurisdiction of each court of appeal, and by the judges within the jurisdiction of each court of appeal, shall be secret, direct and personal.

All lists of judges and prosecutors are submitted to the Superior Council of Magistracy at least 20 days before the date scheduled for the general assemblies. The Superior Council of Magistracy shall send to each court and each prosecutor's office a number of stamped ballots equal to the number of judges and prosecutors in that prosecutor's office, plus 10%. The Superior Council of Magistracy shall decide the form and contents of the ballots and shall provide for the printing of the ballots.

General assemblies shall be convened in every court and every prosecutor's office, and shall be deemed to be validly convened if the majority of judges or, as applicable, prosecutors are in attendance. General assemblies shall be presided over by the magistrate with the longest seniority as a judge or prosecutor who has not submitted a candidacy to become a member of the Superior Council of Magistracy.

The judge or prosecutor who presided over the general assembly, together with the 2 judges or prosecutors designated by the general assemblies before the voting process shall count the votes, prepare the report on the election process and outcome, and submit it to the Superior Council of Magistracy, and indicate the names of the judges or prosecutors appointed as the candidate for the position as a member of the Superior Council of Magistracy, and prepare and submit to the Superior Council of Magistracy the list of the candidates in the descending order of votes received in the general assemblies.

The Superior Council of Magistracy shall aggregate the outcome of the voting process in the jurisdictions of all the courts of appeal and all prosecutor's offices attached to the courts of appeal.

The following shall be elected as members of the Superior Council of Magistracy: 3 judges from the courts of appeal who received the highest number of votes nationwide, 2 judges from tribunals and specialised tribunals who received the highest number of votes nationwide, 2 judges from district courts who received the highest number of votes nationwide, 1 prosecutor from the prosecutor's offices attached to the courts of appeal who received the highest number of votes nationwide, 2 prosecutors from the prosecutor's offices attached to tribunals and specialised tribunals who received the highest number of votes nationwide and 1 prosecutor from the prosecutor's offices attached to district courts who received the highest number of votes nationwide.

The Superior Council of Magistracy shall check the lawfulness of the appointment and election processes ex officio or upon a complaint of any judge or prosecutor. For the purpose of filing a complaint, judges and prosecutors shall be entitled to check the reports on the election process and outcome, as well as the ballots.

Any objections to the lawfulness of the appointment and election process may be filed with the appropriate division of the Superior Council of Magistracy within 15 days after the date when the voting outcome has been determined. The objections shall be settled by the Plenum of the Superior Council of Magistracy within 5 days after the complaint date. A substantiated resolution for the objection shall be served on the persons who filed the complaint.

If breaches of the law are found in the appointment and election processes, the appropriate division of the Superior Council of Magistracy shall order the actions necessary to remove such breaches, including repeating the election process, only in

the courts or prosecutor's offices where law violations resulted in the election outcome being influenced.

The Superior Council of Magistracy shall prepare the final list of elected magistrates and submit it to the Senate's Permanent Bureau.

Before submitting the list to the Senate's Permanent Bureau, The National Council for the Study of the Securitate Archives shall check and report whether the elected judges and prosecutors were part of, or collaborated with, the intelligence services before 1990, within 15 days after a request from the Superior Council of Magistracy; the Supreme Council of National Defence shall check and report to the Superior Council of Magistracy the outcome of verifications on whether the elected judges and prosecutors are undercover officers, collaborators or informers of the intelligence services within 15 days after a request from the Superior Council of Magistracy.

The Senate's Permanent Bureau shall forward the list to the Committee for legal matters, appointments, discipline, immunity and validations in order to prepare a report.

The Senate, with the attendance of the majority of its members and based on the report prepared by the Committee for legal matters, appointments, discipline, immunity and validations, shall validate the list of magistrates elected as members of the Superior Council of Magistracy.

Regarding the election of the 2 civil society representatives with the Superior Council of Magistracy, the professional organisations of legal professionals, the professional boards of the accredited schools of law and the associations and foundations the goal of which is defending human rights, may each submit a candidate with the Senate's Permanent Bureau.

Civil society representatives who meet the following requirements may be elected as members of the Superior Council of Magistracy: they are law professionals, with an experience of at least 7 years in a legal profession or in the higher law education system, enjoying a high professional and moral reputation, have not been part of the intelligence services neither before, nor after 1990, not having collaborated with the intelligence services in any way and having no personal interests that influence or might influence their objectivity and impartiality in fulfilling their duties under the law. They shall submit an authenticated affidavit that they were not operative agents and did not collaborate in any way with any of the intelligence services neither before, nor after 1990, and that they are not members of any political party and have not held any public offices in the last 5 years.

The propositions for candidacies shall be submitted with the Senate's Permanent Bureau 90 to 60 days before the term of the Superior Council of Magistracy members expires, accompanied with the court resolution or statutory act establishing the concerned legal entities, with the articles of incorporation and bylaws of the concerned legal entities, as well as with their taxation records.

The period when the candidacy propositions are submitted shall be published in the Official Journal of Romania, Part III, as well as on the webpage of the Superior Council of Magistracy.

The list of candidates and the documents shall be posted on the webpages of the Senate and the Superior Council of Magistracy within 5 days after the end of their submission period.

The Senate shall choose the 2 civil society representatives from among these candidates, according to the process stipulated in the chamber's regulations.

The Senate's resolutions validating and electing the members of the Superior Council of Magistracy shall be published in the Official Journal of Romania, Part I.

7. How is integrity and independence of members ensured in the selection process and during their time on the Council?

Yes, the integrity and independence of the members are warranted throughout the selection process and while the members exercise their competences, as also shown by the election process, with checks being carried out regarding the indicated requirements, with judges and prosecutors having the opportunity to express their positions regarding the candidates, with general assemblies independently debating the projects concerning the main goals to be pursued by judges or prosecutors if elected with the Superior Council of Magistracy. Furthermore, as to the matter of integrity, candidates must know and comply with the Code of Conduct for Judges and Prosecutors.

8. How is the President and/or Vice-President of the Council selected and appointed?

Romania's Superior Council of Magistracy is headed by a president, assisted by a vice president, who are elected for a 1-year term by the Plenum, with at least 15 members of the Superior Council of Magistracy in attendance, based on the votes cast by the majority of the attending members among the judges and prosecutors representing different divisions. The president cannot run for another term.

One judge and one prosecutor shall be candidates for the positions as president and vice president. They shall be appointed by the Superior Council of Magistracy's Division of Judges and Division of Prosecutors, respectively, from among the members of the Superior Council of Magistracy, with at least 2/3 of the members of the divisions attending and based on the votes cast by the majority of the attending members.

The candidates for president and vice president shall submit their candidacies, each accompanied with a project for the pursued goals in their respective divisions.

The respective divisions of the Superior Council of Magistracy shall review and debate the submitted candidacies and shall appoint the candidates for president and vice president of the Superior Council of Magistracy.

9. What is the term of office for a member of the Council?

The term of a Council member spans 6 years.

10. May a member be removed from office against his/her will and, if so, under what circumstances?

The current law applicable to the organisation and functioning of the Superior Council of Magistracy stipulates the cases and process for removing an elected member of the Superior Council of Magistracy.

An elected member of the Superior Council of Magistracy may be dismissed during their term if:

a) that person no longer meets the legal requirements to be an elected member of the Superior Council of Magistracy;

b) that person has been subject to disciplinary action as stipulated under the law for judges and prosecutors, and that action has been ruled to be final;

c) based on a report prepared by the Judicial Inspectorate, the appropriate division of the Superior Council of Magistracy has found that the concerned person has failed to discharge or improperly, grossly, repeatedly and unreasonably discharged their duties under the law.

As to the process, the appropriate division of the Superior Council of Magistracy (either the division for judges, or the division for prosecutors) shall find whether one of the assumptions under para 1(a) and 1(b) applies, upon being notified by a majority of the judges in the Division for Judges or by a majority of the prosecutors in the Division of Prosecutors, as applicable, as well as upon being notified by any general assembly.

In the case stipulated under para 1(c), the process for removing a Council member shall be conducted as follows:

a) a removal motion may be initiated by at least 2/3 of the general assemblies of courts or prosecutor's offices represented by the member of the Superior Council of Magistracy whose removal is sought;

b) the motion shall specifically indicate the legal duty which that person has failed to discharge or has grossly, repeatedly and unreasonably discharged, as well as the reasons generating those circumstances. The motion shall be inadmissible if it concerns the way in which the elected member has exercised their voting rights, since the mandate of elected members is not imperative;

c) the removal motion shall be submitted to the proper division of the Superior Council of Magistracy, which shall order the Judicial Inspectorate to make the required investigations. Such investigations shall be carried out no later than 90 days after the Judicial Inspectorate has been notified. The Chief Inspector may issue an order to extend the investigation period, if there are well grounded reasons justifying that order, applying the requirements of Art. 46(1) accordingly;

d) the report prepared by the Judicial Inspectorate shall be submitted to the appropriate division of the Superior Council of Magistracy, which shall relay it to the concerned judge or prosecutor. The concerned judge or prosecutor may object to the report within 30 days after being served with it. The final report shall be submitted to the general assemblies of courts or prosecutor's offices represented by the member of the Superior Council of Magistracy whose removal is sought;

e) for the purpose of debating the report, the appropriate division of the Superior Council of Magistracy shall summon all the general assemblies of the courts or prosecutor's offices represented by the member of the Superior Council of Magistracy whose removal is sought, and shall schedule one single date and time for such assemblies to be held;

f) the person subject to the removal process may make their case before the judges or prosecutors in any suitable way by the date of the general assemblies;

g) if 2/3 of the votes validly cast by the judges or prosecutors convening for the general assemblies of the courts or prosecutor's offices represented by the member of the Superior Council of Magistracy whose removal is sought are for the removal motion, the appropriate division of the Superior Council of Magistracy shall acknowledge the resolutions passed by the general assemblies;

h) the general assemblies of the courts or prosecutor's offices represented by the member of the Superior Council of Magistracy whose removal is sought shall be validly convened if attended by at least 2/3 of the total number of judges or prosecutors. The resolutions of the general assemblies shall pass if voted for by at least 2/3 of the total number of judges or prosecutors.

The provisions of para (1) to (3) shall also apply accordingly to the removal of elected members of the High Court of Cassation and Justice.

Removal from the position as president or vice president for failure to discharge or improperly discharge the duties stipulated under Art. 24(3) (a) to (g) shall be subject to a motion submitted by one third of the members of the Superior Council of Magistracy and shall pass with a majority of the Council Plenum votes, with at least 2/3 of its members attending. The resolution of the Plenum shall be prepared within 20 days and shall be served immediately.

The removal resolution may be appealed against within 15 days after service before the Division for Administrative and Taxation Disputes of the High Court of Cassation and Justice within 15 days after its service. The appeal shall be judged by a panel consisting of 3 judges. The enforcement of the resolution shall be lawfully stayed upon the filing of an appeal. The resolution settling the appeal shall be final.

Resources and management

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> other, if so specify Romania's Superior Council of Magistracy has its own budget
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<input type="radio"/> X yes <input type="radio"/> no

Relations within the Council for the Judiciary and within the judiciary

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved? **NO.**
14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved? **NO.**

Relations with other branches of government, governmental bodies, civil society and media

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved? **NO.**
16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?

The Superior Council of Magistracy carries out its activities based on a cross-institutional dialogue and in accordance with the principles of fair cooperation and transparent communication with the other branches of government, i.e., the legislative and executive branches, as well as with the other state government agencies.

Romania's Superior Council of Magistracy prepares an annual report on the state of justice and a report on its activity. Both reports are presented before the joint Chambers of the Parliament of Romania by 15 February of the following year and published in the Official Journal of Romania, Part III, and on the webpage of the Superior Council of Magistracy.

When needed, a dialogue with other authorities occurs based on a mandate entrusted by the Plenum of the Superior Council of Magistracy upon the president, vice president and other members to attend formal meetings on the activity of the judicial branch, followed by press releases regarding the subject of discussions and the actions to be taken. There were no cases of infringement on the constitutional role of the Superior Council of Magistracy.

Legally speaking, the Plenum of the Superior Council of Magistracy may submit opinions on matters of justice to the Ombudsperson, or may make assessments on whether there is any conflict exclusively concerning the justice system between this branch and other branches of government, by submitting a complaint with the Constitutional Court.

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?

Within the limits of its legal competences, Romania's Superior Council of Magistracy works together with the anticorruption agencies, participates in discussing the anticorruption strategy and the required actions, according to its competences in the justice system, as well as participating in projects contributing to the specialised training of judges and prosecutors in investigating and judging cases of corruption, through the National Institute of Magistracy and other educational partners.

18. How does the Council for the Judiciary in your judicial system interact with NGOs?

The Superior Council of Magistracy works with NGOs in educational projects to train magistrates or in making the role of the Superior Council of Magistracy in the general society more transparent, with an emphasis on the independence of the judicial system, in providing individuals with a transparent and efficient access to the justice system.

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?

Romania's Superior Council of Magistracy works well with professional associations of judges, inviting their representatives to attend meetings that involve consulting with the associations of judges and prosecutors on specific matters concerning the judicial system. Their comments on matters of the judicial system's activity are reviewed, opinions are issued and actions are taken when required.

20. How does the Council for the Judiciary in your judicial system interact with media?

The Superior Council of Magistracy has a properly applied strategy in its relationship with the media, through its spokesperson, press releases and press statements. All media reports on matters in connection with the activity and careers of magistrates are reviewed urgently in order to properly inform the general public. Meetings with the media representatives are organised in order to improve and make the dialogue with the media more transparent. Materials were prepared and circulated on the role of media in reflecting the role of the judicial system, and a Guide to the relationship with the media has been prepared.

21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

The Superior Council of Magistracy guarantees the independence of magistrates in Romania and oversees the strengthening of the warranties for an independent judicial system, according to the competences of both its Plenum and its separate divisions. Following complaints regarding the activity of magistrates, the Superior Council of Magistracy takes action by notifying the Judicial Inspectorate to carry out the required verifications regarding the raised concerns. Based on the actions proposed by the Judicial Inspectorate, the Superior Council of Magistracy takes action in accordance with its legal competences.

Challenges, developments

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.

Of course, Romania's Superior Council of Magistracy constantly designs its activity for the purpose of strengthening its role in guaranteeing the independence of the justice system, and undertaking a process of review and institutional resilience to the reality of the Romanian magistrates' careers, and showing openness to initiatives of digitalising the justice systems. Actions were taken to mitigate the adverse effects of the pandemic, as regards the activity of both courts and prosecutor's offices, through the use of technology.

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?

Yes, the role of Romania's Superior Council of Magistracy has seen a proactive progress in strengthening the warranties for the magistrates' independence, in initiating or participating in partnerships on various educational projects, in making justice and access to justice more transparent and efficient, in strengthening its role as a communicator to the broader society, in defending the judicial system and the magistrates against attacks from legal entities or individuals regarding the judiciary activity, in participating in the debates on the draft justice laws with the Parliament of Romania.

24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?

The justice laws are currently under reassessment in Romania, with proposed amendments being subject to opinions and, subsequently, to debate, including amendments concerning the Superior Council of Magistracy. The proposed amendments are currently subject to consultation, and will subsequently be debated in the Parliament.

25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced? _

**Judge ph. In Law Rodica Aida Popa
High Court of Cassation and Justice, Criminal Section**

19 February 2021