



CCJE-BU(2020)1

Strasbourg, 18 February 2020

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Answers Questionnaire for the preparation of the CCJE Opinion No. 23 (2020):**

**“The role of the Associations of Judges  
in supporting the judicial independence”  
ROMANIA**

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

### General

1. How many Associations of Judges (please note that they can have different names) exist in your country?
  - a) For judges of all jurisdictions and all court levels \_\_\_\_\_
  - b) For judges of certain jurisdictions only \_\_\_\_\_
  - c) For judges of certain court levels only \_\_\_\_\_
  - d) Are there Associations of Judges on some other criteria (i.e. women judges) \_\_\_\_\_

Total number of all types of Associations of Judges \_\_\_\_\_

Other objectives \_\_\_\_\_

***1. In Romania there are 6 judicial associations, respectively: the Association of Magistrates in Romania (AMR); the National Union of Romanian Judges (UNJR); the Association of Judges for the Defence of Human Rights (AJADO); the Forum of Judges in Romania (FJR); the National Association of Retired Magistrates in Romania (ANMPR), which includes former magistrates and judges, both civil and military, assistant magistrates from the High Court of Cassation and Justice and other categories of staff similar to magistrates who have been retired based on Law No 303/2004 on the status of judges and prosecutors; and the Association Themis-Casația of former judges***

*and assistant magistrates of the High Court of Cassation and Justice for all court levels, except for the latter, which concerns former judges and assistant magistrates of the High Court of Cassation and Justice.*

*For ex. AMR is a non-governmental, non-political, professional association established under The Law for Associations and Foundations No. 21/1924 (replaced by Government Ordinance No. 26/2000 and modified by Law No. 22/2014) and The Law of Judicial Organisation No. 92/1992 (replaced by Law No. 304/2004).*

*It was founded in 1993 to carry on the goals and traditions of the Magistrates' and Lawyers' Association (AMA) created in 1933, whose activity ceased under the totalitarian regime. The AMR is a non-profit, non-political entity which aims to ensure the representation of the magistrates' interests in a state governed by the rule of law, the independence of the judiciary and the achievement of a genuine judicial reform.*

*Its commitment which is defending these principles, has received well-deserved recognition at a national level including when contributing to Romania's integration in the EU structures. In 1998 the AMR was given by state authorities a special statute as a public utility organization. According to its Statutes, the AMR strives to create a magistracy that observes the highest professional and moral standards, as a part of the greater European justice family.*

*AMR has been a member of the International Association of Judges (IAJ-UIM) and of the European Association of Judges (AEM-EAJ) since 1994 when it had a private organization status, but in 1998 AMR was given a special statute as a public utility organization, by Government Resolution No. 530/2008, as specified above.*

*The representatives of AMR actively participate every year to the annual meetings of IAJ-UIM and AEM-EAJ. Also, AMR sends letters and open letters to IAJ-UIM and AEM-EAJ on the main topics regarding judicial independence in Romania.*

## **Membership**

2. What are the requirements for membership in the Associations of Judges?

*The capacity of acting judge or retired judge. According to the art. 10.2. of the Statute to AMR any person who is a judge or prosecutor may become a member of the association.*

3. Are prosecutors members of the Associations of Judges?

*AMR is a non-governmental, non-political, professional, national association of judges and prosecutors (Art. 1 of the Statute).*

**Pursuant to the AMR Articles of Association, may upon request, become AMR members judges and prosecutors who share the professional ideals fostered by the Association as provided by the judicial Organization Law. The AMR also includes honorary members and outstanding legal personalities.**

#### **Legal framework / objectives**

4. Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?

*The general legal framework is regulated by Ordinance No 26 of 30 January 2000 regarding associations and foundations, also applicable to professional associations. Also, Law 303/2004 on the status of judges and prosecutors specifically provides that: “(3) Judges and prosecutors may be members of scientific or academic societies, as well as of any legal entities under private law without an economic purpose”. Also, under the law judges have the obligation to annually complete a statement of interests, mentioning whether they are members of professional associations, the names of the associations and any held management positions, if applicable. The statements are published on the website of the Superior Council of Magistrates, regarding UNJR; FJR was established based on the provisions of article 40 from the Constitution of Romania and article 11 para. 3 of Law No 303/2004 on the status of judges and prosecutors, as republished; ANMPR was established in accordance with the provisions of Law No 502/17.11.2004 on pensioners’ associations, of Government Ordinance No 26/2000, as amended, and of article 331 and following from the Code of Civil Procedure, or based on the legislation preceding such law.*

*According to the art. 76 of the Law No. 303/2004 on the Statute of Judges and Prosecutors, to the AMR the judges and prosecutors are free to organise or accede to local, national or international professional organisations, for the protection of their professional interests, as well as to those provided by art.11 para 3 (Judges and prosecutors may be members of scientific or academic societies, as well as of any legal entities of private law that do not have a pecuniary-related purpose).*

*The Romanian Magistrates Association has been established under The Law for Associations and Foundations No. 21/1924 (replaced by Government Ordinance No. 26/2000 and modified by Law No. 22/2014) and The Law of Judicial Organisation No. 92/1992 (replaced by Law No. 304/2004).*

5. According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by "1", "2" and "3" the three most important objectives)

Defending and fostering the independence of judges and the judiciary	<input type="radio"/> <b>yes</b> <input type="radio"/> no 1.
Defending and fostering the rule of law	<input type="radio"/> <b>yes</b> <input type="radio"/> no 2.
Fighting for economic safeguards of judges	<input type="radio"/> <b>yes</b> <input type="radio"/> no 3.
Fighting for social and physical security of judges	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Contribution to the development of the law	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Training of judges	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Ethics and accountability of judges	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Media work	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Organising conferences	<input type="radio"/> <b>yes</b> <input type="radio"/> no
International contacts and networking	<input type="radio"/> <b>yes</b> <input type="radio"/> no
Other objectives (which) .....	<input type="radio"/> yes <input type="radio"/> no

### Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?

*a) UNJR communicates through online platforms, discussion groups which include members of the associations, by means of informal meetings, conferences, seminars organized by the association, scientific reunions, inside the country and abroad; FJR intends to create its own internet site where all an association's decisions, publications and debates by members of the association will be posted, including those of the management bodies; the editing and distribution of specialized publications of any type (journals, periodicals, journals in electronic format etc.) related to the association's area of activity.*

*AMR liaises with judges through the council, through branches, through the president, through dissemination of information, through communication and feed-back, using e-mail groups, WhatsApp groups, through (often) informal discussions, etc.*

b) Can judges get assistance from the Association (which kind)?

b) *Professional associations may submit requests for intervention in the interest/support of its members within judicial actions, either initiated or directed against them; amicus curiae for referrals of the Constitutional Court in terms of the legal provisions within certain laws in the prior process for the verification of the constitutionality of laws on justice.*

c) Do the Associations of judges defend individual judges (against what)?

*AMR has defended judges in disciplinary proceedings, by formulating applications to intervene both at the Superior Council of Magistracy and at the High Court of Cassation and Justice.*

*Also, when the reputation of the judges was affected, press releases were issued and requests were made at the Superior Council of Magistracy to defend the reputation of judges. Two of the main goals of the Romanian Magistrates Association (AMR) as laid down in the Statute are as follows: contribute, through all legal means, to defending the independence of the magistrates and the judiciary against any pressures or interferences; defending the professional status, dignity and freedom of the profession.*

*According to art. 30 para 2 of the Law No. 317/2004, the Superior Council of Magistracy is entitled and obliged to take note, even ex officio in order to protect judges and prosecutors against any acts that could affect their independence or impartiality or that could give rise to suspicion with regard to these. Also, the Superior Council of Magistracy shall protect the professional reputation of judges and prosecutors.*

*The judges may be assisted by representatives of the associations before the section for judges within the Superior Council of Magistrates, in the event of disciplinary actions initiated against them.*

7. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react?

*See above.*

*Press releases, public positions, letters/petitions addressed to internal and international courts, amicus curiae before the Constitutional Court, court proceedings and the submission of objections of unconstitutionality.*

8. Is there any influence of the Associations of judges on appointment or promotion of judges?

**No.**

9. Is there any influence of the Associations of Judges in disciplinary procedures?

*See above. Please see the reply under point 6 c).*

10. Is there any influence of the Associations of Judges on training?

*AMR referred to the replies under point 22; UNJR has held conferences and seminars on themes pertaining to judicial organization, judicial independence or professional training, it has collaborated with the National Institution of Magistracy on various activities related to professional training.*

#### **Resources**

11. Are there membership fees?

*UNJR states: yes; FJR states that there is no monthly or annual subscription, nor any monthly or annual fee mandatory for the members.*

*AMR answer Yes. The membership fee is paid to the central organization or to the branch. In the latter case, the branch must only pay a percentage of the contributions to the central organization.*

12. What other resources are available for the Associations of Judges?

*AMR answer the primary funding sources are membership fees.*

*Also, every year the Romanian Magistrates Association (AMR) receives from members and supporters the share of 2% of the tax that can be redirected to non-profit organizations, according to Law no. 227/2015 regarding the Fiscal Code.*

*The Romanian Magistrates Association (AMR) have collaborated on projects with NGOs and received Grant funding: Romanian Judges-skills for EU competition law, a Transparency International Romania (TI-Ro) Grant; Promoting Human Rights Respect in enforcement of penal sentences, a Romanian Group for the Defence of Human Rights Grant.*

*In November, 2019 another project developed by the Romanian Magistrates Association (AMR) and Transparency International Romania (TI-Ro) has been finalized, on the matter of "Training of national judges in EU competition law" - "State aid in the context of updating the rules on granting state aid and strengthening the role of national courts" from the "Enhancing the enforcement role of Romanian Courts in state aid matters" Project, funded by European Union – European Commission, Directorate General for Competition.*

*As stated in the statute another patrimonial resource of the association is the contributions of the members (other than membership fees).*

*UNJR mentions that it also has other sources of funding dedicated to projects performed by the associations, including European sources. Under the statute and the law, there are other forms of resources as well, donations included, but in practice they are never used; FJR indicated that the associations' revenue originates from bank interest on amounts representing share capital, which are in a current account and/or bank deposits; b) donations by members or third parties, individuals or legal entities from within the country and from abroad; c) the sale of its own publications; d) fees for participation in courses, competitions or other scientific or research activity organized by the associations in cooperation with third parties, if applicable; e) revenue obtained by the associations from their own activities; f) other revenue obtained in accordance with the legal provisions; the funds of the associations are provided by redirecting 2% or 3.5%; the associations can refuse any donation or legacy provided under unacceptable terms or which infringes upon the objectives of the associations or the provisions of this statute.*

#### **Administration of the Associations of Judges**

13. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?

*The Romanian Magistrates Association (AMR) comprises of members, a National Conference, a Governing Board and a president.*

*The National Conference is the highest leadership structure. As it convenes intermittently it delegates its power of ruling to the President and the Governing Board.*

*The President of the Romanian Magistrates Association (AMR) is elected at the National Conference. The duration of the President's mandate is of 3 years. The President is entitled to 2 consecutive mandates. If during their mandate, the President becomes unable to exercise their duty, the Governing Board elects an Acting President through an individual voting process. The Acting President will lead AMR until the following National Conference. Any legally established professional association of judges comprising more than 10 persons, as well as any person having the position of judge or who has retired from this position and adheres to the provisions of the association's statute, may become a member of UNJR, upon request. Membership is granted based on the Board of Trustees' approval of the application for registration. The executive management of the association is provided by a Board of Trustees made up of 7 members including, by virtue of the law, the association's President and Vice-President elected for a 2-year period. Regarding FJR, the General Meeting elects and replaces the association's Board of Trustees; it elects and appoints the association's Committee of Auditors. The association's executive management is provided, during the first*

*four years of its activity, by a Board of Trustees made up of the founding members. The number of members of the Board of Trustees may be amended by the General Meeting, upon conducting elections regarding its composition. If, due to any reason, any of the founding members of the Board of Trustees no longer operates in this capacity, the General Meeting will decide on their replacement at its first meeting. The Board of Trustees is elected for a 3-year period. At least 5 days before the elections, any active member of the association may submit his/her candidature in writing and/or in electronic form, on condition that he/she presents a brief program on the projects he/she will implement in the interest of the association and of its members. The elections for the Board of Trustees will be carried out, as a rule, in the period 1-7 April of the respective year. If necessary, the General Meeting may propose other dates.*

14. Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges, and if yes, how many terms and for how long?

*See above.*

15. Are there restrictions to become an officer of an Association of Judges?

*No.*

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?

Are Associations of Judges involved in the process of law-making?

If yes, how (is this formal or informal)?

*The Romanian Magistrates Association (AMR) does not meet regularly with representatives of the legislature. Meetings with the legislature occur at the request of either the President of the Senate or the AMR and are not frequent (e.g., the meeting with the President of the Senate on February 21<sup>st</sup>, 2017 regarding main issues of the judicial organization and the statute of magistrates).*

*The Romanian Magistrates Association (AMR) is not always asked in advance to provide its opinion on projects and bills that affect the judiciary and justice system, but we are vigilant to issue documented opinions to the legislature whenever such bills are in debate. As a merit, the Romanian Magistrates Association (AMR) was invited to take part in the working group debate organized by the President of the Senate on the reform of the main Justice Laws (November 2015 - March 2016). Then, AMR was asked to*



*express its opinion and to participate in the debates about the reform of the Sentence Enforcement Law No. 254/2013 and the Pardoning Law (February - March 2017) at the Senate.*

*The AMR accepted these invitations issuing a written document after each one.*

*Beginning with the year 2015, The Romanian Magistrates Association (AMR), has been an active participant in the dialogue with the Parliament aimed at amending the Laws of Justice (Law No. 303/2004 on the status of judges and prosecutors, Law No. 304/2004 on the organisation of the judiciary and the Law No. 317/2004 on the organisation and functioning of the Superior Council of Magistracy).*

*The whole activity carried out in this field has taken into consideration the purpose of AMR, as established by the Statute. The art. 5 stipulates that the purpose of AMR is "to represent the interests of magistrates in relation to other domestic and international subjects of law". AMR also considered the objectives set out in the Statute to achieve this goal, namely the promotion of the liberty and dignity of the profession, the defense of the status of magistrates in the rule of law and the independence of the judiciary [Art. 6 (2) of the Statute], the defense of the freedom, dignity and professional status of magistrates [Art. 6 (4) of the Statute].*

*The Romanian Magistrates Association (AMR) points out that, as it has firmly stated in Open letter no. 75/4 October 2017, addressed to the Prime Minister and the Minister of Justice, the opening of the dialogue did not involve, in 2015, either in 2016 or in 2017, a "blind" agreement with the proposals made for amending the Laws of Justice, a "yes-man" reaction. Opening up the dialogue was the clear-cut statement of both positive and accepted elements for the judiciary and for magistrates contained in the successive forms of the Amending Bill of the 3 Laws of Justice as well as the obvious criticism of proposals with negative effects.*

*AMR's attitude respected the imperative mentioned by the President of the European Court of Human Rights, M. Guido Raimondi, in his speech on the occasion of the official opening of the judicial year 2017. After expressly referring to one of the fundamental principles of the rule of law, namely the independence of the judge, he underlined that if judges end up afraid to express their opinions in the exercise of their functions, this will inevitably lead to a weakening, or even the disappearance, of one of the foundations of democracy.*

*Although identified negative aspects in the amending project of the Laws of justice, the Romanian Magistrates Association (AMR) has found it necessary to defend his point of view and to take steps to eliminate or correct proposals harmful to the judiciary, status of magistrates and the administration of justice. AMR was also aware that a de plano opposition could not lead to the blocking of the legislative process. In this situation, the*

*only solution was the dialogue which, as it turned out later, brought benefits. In order to achieve this dialogue, AMR has asked the Prime Minister and the Minister of Justice to remove unacceptable proposals before discussing the draft amendments to the Laws of Justice. This request was included in Open letter no. 75/4 October 2017. AMR also requested that it be given the time to express its point of view in a direct dialogue.*

*AMR pointed out that magistrates know the needs, vulnerabilities and successes of the judiciary.*

*See above.*

*In addition, we emphasize that as a result of the invitation received from the Parliament, the Romanian Magistrates Association (AMR) participated in November - December 2017 in the work of the Joint Special Committee of the Chamber of Deputies and the Senate, which debated the project for amending and completing the Laws of Justice (Law No. 303/2004 on the status of judges and prosecutors, Law No. 304/2004 on the organisation of the judiciary and Law No. 317/2004 on the organisation and functioning of the Superior Council of Magistracy).*

*As stated in the Press Release no. 1/2 January, 2018, AMR did not agree with all the proposals to amend the Laws of Justice but on the contrary clearly expressed the position of non-acceptance of specific proposals, where appropriate. AMR has taken into consideration the rights and interests of magistrates, their status, the proper organization of justice, and, very importantly, the independence of the judiciary.*

*This reality is also clear from the proposals / observations that AMR has written (hundreds of pages) and spoken.*

*Meetings of the special Joint Parliamentary Committee have been broadcast live and can be watched by any person.*

*UNJR stipulated that, at the invitation of the judicial commissions, professional associations may participate in their work on draft laws concerning the status of judges or the judicial system. Please see the submitted reply.*

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?

*AMR does not meet regularly with representatives of the executive. Meetings with the Minister of Justice occur at the request of either the Minister or the AMR. The majority of requests have come from the AMR.*

*For example, a meeting took place on January 10, 2017 at the request of the (newly appointed) Minister of Justice.*

*The most recent meeting took place on November 11, 2019 at the invitation of the Minister of Justice issued after the Romanian Magistrates Association (AMR), the Association of Judges for Defense of Human Rights (AJADO), the National Union of the Romanian Judges (UNJR) and the Romanian Prosecutors Association (APR) emphasized in a press release, on October 30, 2019, the importance of the accuracy of the premises on which the CVM recommendations are based – themselves – precisely because they concern the system and magistrates, with both important effects on the act of justice and on citizens. As magistrates, we cannot close our eyes on the existence of the repeatedly incorrect, unrealistic factual and legal statements in CVM reports that some of the recommendation have been built. Informing about these errors / unrealities does not mean denying CVM character for the Romanian State as an EU member, but rather the needs for magistrates, the judiciary, institutions and citizens to benefit from recommendations with accuracy, precisely, strictness.*

*Following the request from the Ministry of Justice, communicated on the 8th of January 2020, in which AMR was asked for an analysis of the most recent report of the European Commission on progress in Romania under the Cooperation and Verification Mechanism, the Romanian Magistrates Association (ARM), the Association of Judges for the Defence of Human Rights (AJADO), the National Union of Romanian Judges (UNJR) and the Association of Romanian Prosecutors (APR) have sent reasoned jointly observations.*

*AMR is not always consulted in advance with regards to government reforms that affect the judiciary, but we are vigilant to issue documented opinions to the executive whenever such reforms are in debate.*

*AMR was invited to take part in the working group debate at the Ministry of Justice regarding the amendments to the Laws of Justice (February - March 2016).*

*UNJR mentioned that through meetings held at the level of the Ministry of Justice, through participating in joint working groups and by the submission of views on the draft laws/reports/strategies promoted by the Ministry.*

18. a) How do the Associations of Judges interact with political parties?

*There is no “interaction” with the political parties.*

*As mentioned above, when some public statements of the politicians may affect directly or indirectly the independence of judges and / or of the courts, AMR reacts by press releases, open letters, reasoned observations.*

*UNJR mentioned that there is no interaction with political parties,*

*meetings and discussions with professional associations are held at the institutional level, through the Romanian Parliament or Government.*

b) Are certain Associations of Judges connected with certain political parties?

*AMR is not connected to any political party. No for the other associations.*

c) Is there an influence of party politics within the Associations of Judges?

*No.*

19. a) How do the Associations of Judges interact with the Council for the Judiciary?

*The representatives of professional associations may participate in the meetings of the Superior Council of Magistrates (CSM), and they express their view on matters debated by the Plenum; (rarely) meetings of the Council's representatives with professional associations.*

*As laid down in the art. 29 para 2 of the Law No. 317/2004 on the Superior Council of Magistracy (SCM), the professional associations of judges and prosecutors may participate in the work of the Plenum of the sections, expressing, when they deem necessary, a point of view on the debated issues, at their own initiative or at the request of the Superior Council of Magistracy.*

*AMR participated in the Plenum session of SCM on April 3, 2018, on debates regarding responses transmitted at the request of the Superior Council of Magistracy by the institutions from the judiciary with reference to protocols concluded with secret intelligence agencies / structures.*

*Also, AMR participated in the Plenum session of SCM on October, 15, 2019, on debates regarding fundamental issues of independence of the judiciary and judicial organization, e.g.: the Report of the Judicial Inspection regarding the observance of the general principles governing the activity of the Judicial Authority in the cases of competence of the National Anti-Corruption Directorate regarding magistrates – proof and documentation of abuses against magistrates; Follow-up report on the ad hoc Report on Romania and the Interim Compliance Report adopted by the Group of States against Corruption (GRECO) at the 83rd Plenary Meeting (Strasbourg, 17-June 21, 2019); request for taking over from the Ministry of Justice of the budget of the courts by the Superior Council of Magistracy.*

*When needed, AMR address requests, letters, open letters to the Superior Council of Magistracy on specific topics in accordance with the goals of AMR which are as follows:*

- *contribute, through all legal means, to defending the independence of the magistrates and the judiciary against any pressures or interferences;*

- *defend the professional status, dignity and freedom of the profession;*
- *contribute to strengthening the principle of equality of the judiciary in relation to the legislative and executive powers, while assuming functions and powers specific to a state governed by the rule of law;*
- *take steps to achieve real reform of the judiciary, in keeping with Romania's legal traditions and with the most significant experience of democratic countries;*
- *contribute to increasing the efficiency and quality of the juridical act, to improve the professional training of magistrates;*
- *participate in the reform of the legislative in order to bring it in line with European standards without ignoring the realities of the Romanian judiciary;*
- *expand its collaboration with international bodies, including professional magistrates' associations.*

*Several times, AMR was invited to the annual meeting of the presidents of courts with members of the Superior Council of Magistracy.*

*b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)?*

*The candidatures for the election of the members of CSM may be supported by a professional association, and by a supporting letter which will be attached to the draft candidature. The professional associations of judges are not directly involved in the selection / appointment of members of SCM, but can issue recommendation letters for candidates to the SCM and sustain their candidacy. In accordance with art. 7 para 2 of the Law No. 317/2004 on the Superior Council of Magistracy: Judges and prosecutors may sustain their candidatureship for election as members of the Superior Council of Magistracy before the collective bodies of judges and prosecutors. The applications by judges and prosecutors may be supported by the collective bodies of judges and prosecutors, as well as by their professional associations.*

*Such was the case for a current member of the Superior Council for Magistracy, a judge who was formerly the President of the Romanian Magistrates Association (AMR). Also, the former president of the SCM in 2012 had priorly been a President of AMR.*

*Also, AMR sustained the candidatureship of one of the representatives of the civil society which is now a member of the Superior Council for Magistracy.*

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?

*The representatives of the associations are invited to meetings of the tribunal Presidents. Occasionally, joint events have been organized locally - conferences, open days - by associations and courts or by the associations with the support of the courts.*

*There are no problems in the relations with the court administration.*

*Interaction with the courts occurs in areas such as the administrative organization, the financing of the courts, the human resources, the workload, the infrastructure, IT equipment.*

#### **Interactions with other organisations**

21. a) If there is more than one Association of Judges, how do they interact with each other?

*Inasmuch as they share viewpoints, by means of joint actions: for instance, communications, analyses, joint court proceedings.*

*The Romanian Magistrates Association (AMR), the Association of Judges for the Defence of Human Rights (AJADO), the National Union of Romanian Judges (UNJR) issued joint press releases, have formulated joint observations with regard to domestic and international documents, have formulated amicus curiae, have made requests to the Superior Council of Magistracy on issues that are particularly important for the independence of judges and the judiciary. These associations notified the international bodies on issues regarding the judicial organization, independence of justice, economic safeguards of judges, defending the rule of law, liability of judges, etc.*

*Also, we have organized formal and informal meetings.*

*The Romanian Magistrates Association (AMR) has always been open to sharing ideas and experiences with other associations of judges who share the same goals (see answer to question 19) and strive to achieve them.*

b) If there is more than one Association of Judges, how other stakeholders deal with this fact?

*Usually, they require views/opinions/proposals from all professional associations.*

22. How do the Associations of Judges interact with NGOs?

*Meetings for briefings, joint projects/conferences.*

*For ex. as mentioned above, the Romanian Magistrates Association (AMR) have collaborated on projects with NGOs and received Grant funding: Romanian Judges-skills for EU competition law, a Transparency International Romania (TI-Ro) Grant; Promoting Human Rights Respect in*

*enforcement of penal sentences, a Romanian Group for the Defence of Human Rights Grant.*

*In November, 2019 another project developed by the Romanian Magistrates Association (AMR) and Transparency International Romania (TI-Ro) has been finalized, on the matter of "Training of national judges in EU competition law" - "State aid in the context of updating the rules on granting state aid and strengthening the role of national courts" from the "Enhancing the enforcement role of Romanian Courts in state aid matters" Project, funded by European Union – European Commission, Directorate General for Competition.*

*Consistent with the purpose stated by the Statute, The Romanian Magistrates Association (AMR) considered necessary that, in the interest of the magistrates they represent, to make efforts to be part of a professional training project on a topical issue for judges and courts.*

*The partnership with Transparency International Romania (TI-Ro) was the best solution for materializing this project, in which context we are grateful for the professional and the bona-fide way in which TI-Ro representatives have agreed to work with AMR. The success of the seminars which took place in different courts and the success of the International Colloquy organized on November 1st in Bucharest prove that the judges are interested in the issue of state aid and appreciated the way in which these events took place.*

*As previously indicated, the Romanian Judges' Forum Association is constantly collaborating with the European Commission, the Council of Europe, GRECO, the Parliamentary Assembly of the Council of Europe, the Venice Commission, the Consultative Council of European Judges, the Consultative Council of European Prosecutors, École Nationale de la Magistrature in France, associations of judges from Germany, Belgium, Spain, Switzerland, Bulgaria, Liechtenstein, Albania, Armenia, Mongolia, etc. The Romanian Judges' Forum Association is a founding member (Paris, 2009) of ICM (International Conference of Mediation).*

23. How do the Associations of Judges interact with foreign or international organisations?

*AMR has been a member of the International Association of Judges (IAJ-UIM) and of the European Association of Judges (AEM-EAJ) since 1994 when it had a private organization status, but in 1998 AMR was given a special statute as a public utility organization, by Government Resolution No. 530/2008, as specified above.*

*The representatives of AMR actively participate every year to the annual meetings of IAJ-UIM and AEM-EAJ. Also, AMR sends letters and open letters to IAJ-UIM and AEM-EAJ on the main topics regarding judicial independence in Romania, including the liability of judges.*

*AMR participated in the meeting with the experts of the Venice Commission, GRECO experts and CVM experts, every time when the association was invited.*

*AMR has sent detailed letters, observations, points of view to IAJ-UIM, AEM-EAJ, CCJE, Venice Commission, GRECO, MEDEL, AEAJ (The Association of European Administrative), Judges for Judges, regarding, e.g., the statute of judges, the independence of judges and the judiciary, the economic safeguards of judges, the liability of judges, the unlawful interference of the Romanian secret intelligence agencies in criminal and court procedures.*

*UNJR is a member of the MEDEL association.*

*The Romanian Judges' Forum Association is constantly collaborating with the European Commission, the Council of Europe, GRECO, the Parliamentary Assembly of the Council of Europe, the Venice Commission, the Consultative Council of European Judges, the Consultative Council of European Prosecutors, École Nationale de la Magistrature in France, associations of judges from Germany, Belgium, Spain, Switzerland, Bulgaria, Liechtenstein, Albania, Armenia, Mongolia, etc.*

*The Romanian Judges' Forum Association is a founding member (Paris, 2009) of ICM (International Conference of Mediation).*

*On 25 April 2019, responding to a request from the Romanian Judges' Forum Association, the College of the Consultative Council of European Judges issued an Opinion on the situation of the judiciary system in Romania, in the context of the amendments to the laws of justice and constant attacks against magistrates in Romania. We present below the recommendations made by the College of the Consultative Council of European Judges.*

24. Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?

*No.*

#### **Ethical standards**

25. Is there any influence of the Associations of Judges in establishing ethical standards?

*The Code of ethics of judges and prosecutors has been approved by the Decision of the SCM Plenum No. 328/2005.*

*The AMR principles in this area are as follows: AMR promotes professional ethics and values; AMR defends the reputation of the magistrates on request or ex officio; AMR is entitled to make proposals to amend the provisions of the Code of Ethics, when necessary; AMR may cooperate with*



*the Superior Council of Magistracy in carrying out projects in the field of professional ethics and liability; AMR may establish contacts and partnerships with national and international bodies in the field of professional ethics.*

*UNJR stated: yes. According to the statute, UNJR's objectives also include participation in national and international programs which encourage the adoption and application of integrity and ethical standards of the judiciary. Also, UNJR members have a statutory obligation to demonstrate a robust civic-minded spirit, as well as impeccable moral and professional conduct.*

*Also, FJR has statutory provisions on ethics and discipline-related matters, in the sense that there is a Council for ethics and discipline matters ensuring that members of the associations comply with its values and guiding principles, and provides advice to its members and to other judges, asking for its support regarding matters of professional ethics and liability to disciplinary action; the Council for ethics and disciplinary matters is composed of 5 members elected by the General Meeting of the association for a 3-year mandate, which may be renewed, and establishes its own rules for organization and functioning; the Council for ethics and disciplinary matters submits an activity report to the General Meeting at the end of its members' mandate.*

26. Do the Associations of judges contribute to a further improvement of the justice system? How?

*Yes. See all the answers above.*

*UNJR mentioned that yes, by involvement in legislative projects which concern the judiciary, by the submission of proposals and notes; advocating the independent and responsible status of judges, by assuming the role of watchdog in this area; organizing conferences, symposia etc.*

Perception

27. How does the public at large see the Associations of Judges?

*In general, given the feed-back, we believe that there is a good perception regarding the activity of the associations of judges, even if there are situations in which the public does not agree or does not completely agree with the point view of the associations. Lately there is a campaign against justice, the judges and prosecutors being presented in a deeply unfavourable light. The effects of this political campaign are unfortunately observed on the way the public reacts to justice.*

*There are no specific measuring criteria regarding the public perception of professional associations. They are, however, regarded by the media as*

*specialists/experts, the opinion of the associations being requested whenever matters concerning justice are under public debate.*

**Judge ph.d in law Rodica Aida Popa  
High Court of Cassation and Justice of Romania**

**For the answers the associations AMR, UNJR and FRJ were consulted.  
18 february 2020**