

1. Evaluation of the judicial systems (2016-2018 cycle)



Romania

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 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 two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

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

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

1.General 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)

[19638309]

Comments Provisional data which will be completed when the National Institute of Statistics will finalize population data - (19638309 -as communicated in September 2017).

Update:

After reviewing/completing of population data by the National Institute of Statistics, in accordance with the methodology of calculation, the revised data are as follows- for January 1, 2015, the number of inhabitants (as revised) is 19875542; for January 1, 2016, the number of inhabitants (final data) is 19760314; for January 1, 2017, the number of inhabitants (final data) is 19644350.

Methodological explanations:

Reference moments for statistically determining the usual resident population are January 1st and July 1st, t year. The data on usual resident population at the moment of January 1st, t year are available on August (provisional data) and on January, t+1 year (final data). Usual resident population represents all persons of Romanian nationality, foreign or stateless who have their usual residence in Romania. Usual residence is the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage. The usual residence may be the same as the domicile or may differ from it, for the persons who choose to establish their usual residence in a locality other than the locality of domicile in the country or abroad. It is considered having their usual residence in a specific geographic area just people who have lived in that usual residence for a continuous period of at least 12 months prior to reference moment. The resident population includes the persons who immigrated to Romania but excludes the persons who emigrated from Romania. In order to carry out international comparisons, it will be used only the usual resident population, calculated according to European regulations (Regulation no. 1260/2013 of the European Parliament and of the Council on European demographic statistics and Regulation no. 205/2014 laying down uniformed conditions for the implementation of Regulation no. 1260/2013 on European demographic statistics as regards breakdowns of data, deadlines and data revisions). For the period between the last two censuses (2002-2011 period), data refers to usual resident population, re-estimated under comparability conditions with final results of the Population and Housing Census of 2011. After January 1st, 2012, the usual resident population on January 1st was estimated according to the usual residence criterion, using the components method.

The revised data are available in the TEMPO database of the National Institute of Statistics (www.insse.ro).

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

	Amount
State or federal level	53294642267 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

[8600]

Comments Provisional data

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

[7085]

NA

Comments

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

[4.5411]

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

Sources: 1.National Institute of Statistics
 2.Ministry of Finance
 3.National Institute of Statistics- Eurostat
<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tec00001&plugin=1>
 5.Ministry of Finance

1.1.2.Budgetary data concerning judicial system

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

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	392582194 [] NA [] NAP	389594829 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	249022263 [] NA [] NAP	248573120 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	2627777 [] NA [] NAP	2557371 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	1100614 [] NA [] NAP	1054620 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	30122878 [] NA [] NAP	29370499 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	11352536 [] NA [] NAP	10922035 [] NA [] NAP
6. Annual public budget allocated to training	140935 [] NA [] NAP	81707 [] NA [] NAP
7. Other (please specify)	98215190 [] NA [] NAP	97035476 [] NA [] NAP

Comments - 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 differences: The significant difference between the approved and implemented budgets allocated to "training" is mainly due to the fact that during the development of the activities organised within the training programs were made savings that could not be predicted at the time of the budget allocation.

The increase of the IT budgets is for replacing the old equipment for courts (e.g. servers, network communications etc.) with new ones; such a change is made once every five-to-eight years.

The decrease of the amounts in 2016 as regards the annual public budget allocated to investments in new (court) buildings is mainly explained by the fact that in 2015 larger funds were allocated for the rehabilitation of several court offices - these buildings have been received in early 2016, thus the funds provided for this destination in 2016 (the payments to be made in the course of 2016) were lower. The increase in funds in 2016 as regards the annual public budget allocated to training is mainly explained by the significant increase in the percentage of participation in training courses, especially for the economists in the courts (participation permitted by the modification of legislation in the financial accounting field and the implementation of the FOREXEBUG system).

The category "other" includes 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.), the amounts (allocated in 2016) provided in the writs of execution, having as object the granting of salary rights for the judiciary staff. As to the category "other", the allocated funds for payment of wage rights established by court decisions allocated in 2016 were lower than those allocated in 2015 and 2014. In fact, according to the budgetary records, the highest amounts for payment of wage rights established by court decisions were allocated in 2014, all these salary entitlements (salary differences) being set and paid in salary installments (tranches) starting with 2009-2010.

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

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

Comments:

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

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

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of court taxes or 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/.....111,49 eur - 8%, but not less than 20 lei/.....4,46eur;

b) between 501 lei/.....111,72 eur and 5000 lei/.....1.114,9 eur- 40 lei/.....8,92 eur + 7% for what exceeds 500 lei/.....111,49 eur;

c) between 5001 lei/.....1.115,12 eur and 25.000 lei/.....5.574,51 eur - 355 lei/.....79,16 eur + 5% for what exceeds 5000 lei/.....1.114,9 eur;

d) between 25.001 lei/.....5.574,73 eur and 50.000 lei/.....11.149,02 eur - 1.355 lei/.....302,14 + 3% for that exceeds 25.000 lei/.....5.574,51eur

e) between 50.001 lei/.....11.149,24 eur and 250.000 lei/.....55.745,09 eur - 2105 lei/.....469,37 eur + 2% for what exceeds 50.000 lei/.....11.149,02 eur;

f) over 250.000 lei/.....55.745,09 eur - 6105 lei/.....1.361,30 eur + 1% for what exceeds 250.000 lei/..... 55.745,09 eur.

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

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

[173]

[] NA

[] NAP

Comments

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

[59499517]

[] NA

[] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	10306534	9606247	700287
	[] NA	[] NA	[] NA
	[] NAP	[] NAP	[] NAP

12.1 for cases brought to court	10306534 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9606247 <input type="checkbox"/> NA <input type="checkbox"/> NAP	700287 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<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 Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	10173620 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9483803 <input type="checkbox"/> NA <input type="checkbox"/> NAP	689817 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	10173620 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9483803 <input type="checkbox"/> NA <input type="checkbox"/> NAP	689817 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<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 - 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 differences: Despite the reply NA in respect of the category 12.2, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning "other than criminal law cases". There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	194760300 <input type="checkbox"/> NA <input type="checkbox"/> NAP	192213562 <input type="checkbox"/> NA <input type="checkbox"/> 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 allocated to the public prosecution services, please indicate the main differences:

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

Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level

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

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

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

Sources: Ministry of Justice, Ministry of Public Finances

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	908247781 [] NA [] NAP	896566276 [] NA [] NAP

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

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole

justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No <input type="checkbox"/> NAP
Legal aid (see question 12)	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	(X) Yes () No <input type="checkbox"/> NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
Council of the judiciary	(X) Yes () No <input type="checkbox"/> NAP
Constitutional court	() Yes (X) No <input type="checkbox"/> 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 [] NAP
Judicial protection of juveniles	() Yes (X) No [] NAP
Functioning of the Ministry of Justice	(X) Yes () No [] NAP
Refugees and asylum seekers services	() Yes (X) No [] NAP
Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes (X) No [] NAP
Other	(X) Yes () No [] NAP

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

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

Sources: Ministry of Justice

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	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify: According to the definition at question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties, but, according to Article 6 letter c) of GEO no. 51/2008, it can also be the payment of the bailiff's fee.

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. Quantitative information on legal aid

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

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	81910 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In criminal cases	77580 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In other than criminal cases	4330 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please specify when appropriate:

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

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(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. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

() Yes

(X) No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Full legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

(X) Yes

() No

Comments - If yes, please explain the exact criteria for denying legal aid: Article 16 GEO no. 51/2008:

(1) The public legal aid can be refused if solicited abusively, when its estimated cost is disproportionate compared to the value of the subject of the case, as well as when the grant of the public legal aid is not solicited for the defence of a legitimate interest or is solicited for an action contrary to public order or constitutional order.

(2) If the application for the settlement of which judicial public aid is required belongs to the category of those that can be submitted to

mediation or to other alternative settlement procedures, the request for judicial public aid can be rejected if it is proved that the solicitor of the judicial public aid has previously refused before the trial to follow such a procedure.

(3) The judicial public aid can be refused when the solicitor claims damages for attacks upon his/her image, honour or reputation, if he/she has never suffered a pecuniary damage, as well as if the request results from the commercial activity or from an independent activity carried out by the solicitor.

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

- the court
- an authority external to the court
- a mixed authority (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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

Sources: Superior Council of Magistracy and Ministry of Justice

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

Yes, please indicate the internet adresse(es)	No
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legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> www.just.ro; www.csm1909.ro; www.scj.ro; www.mpublic.ro	<input type="checkbox"/>
case-law of the higher court/s	<input checked="" type="checkbox"/> http://portal.just.ro/SitePages/ac asa.aspx; www.rolii.ro; www.scj.ro	<input type="checkbox"/>
other documents (e.g. downloadable forms, online registration)	<input checked="" type="checkbox"/> http://portal.just.ro/SitePages/ac asa.aspx; www.csm1909.ro	<input type="checkbox"/>

Comments - Please specify what documents and information the addresses for "other documents" include:

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

Yes, always

No

Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: The Civil Procedure Code provides in art. 238 that during the research phase, at the first hearing when the parties are legally summoned, after the parties are heard, the judge shall estimate the duration of the investigation phase, taking into account the circumstances of the case, so that the trial can be settled within an optimal and predictable timeframe. The estimated duration shall be mentioned in the conclusions. For reasonable grounds, after hearing the parties, the judge is able to reconsider the established duration.

In criminal matters, according to art. 343 of the Criminal Procedure Code, the duration of the preliminary procedure is no longer than 60 days from the registration of the case in the court. According to art. 19, para 4, the civil action is settled within the criminal trial, if it does not exceed the reasonable duration of trial; if the reasonable duration of trial is exceeded, the court may decide that the civil action should be dealt with separately and send it to the competent civil court.

In accordance to art. 209, 218 and 228 of the Criminal Procedure Code, the person placed under custody, preventive arrest or house arrest shall be informed of the maximal duration of the respective measure.

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

Yes

No

Comments - If yes, please specify:

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<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
Victims of terrorism	<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
Minors (witnesses or victims)	<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

Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Disabled persons	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: Special provisions in the Criminal Procedure Code generally applicable to all categories of crime victims or witnesses:

The Criminal Procedure Code (CPP) contains several provisions which are procedural guarantees for the protection of all the victims who are a party in the criminal trial. For example, art.111 stipulates that during the criminal prosecution or during the judgment, the injured party may be heard through some audio and video means. On the occasion of the first hearing, the victim is informed of the fact that, in the event that the defendant is deprived of freedom or convicted to a custodial sentence, the former can be informed of their release in any manner. Also, art. 111 of the CPP provides other special rules for the hearing of victims of crimes.

Art.352 from CPP regulates a special judgment procedure. Thus, if a public hearing in court were to harm to various state interests, morality, a person’s dignity or privacy, the interests of juveniles or to justice, the court, based on application by the prosecutor, the parties, or ex officio, may declare that the court hearing shall not be public for the entire duration of the court proceedings in this case, or only for a certain part of the court proceedings in this case. The court may also declare that the court hearing shall not be public based on application by a witness if the latter’s hearing in open court session were to bring harm to his safety or dignity or privacy or to that of the members of his family, or based on application by the prosecutor, the victim or the parties, if a public court hearing were to jeopardize confidential information.

As for the hearing of the minor witnesses, there are special procedural provisions in the art.124 from CPP. Hearing of underage witnesses up to 14 years of age shall take place in the presence of one of the parents, of the guardian or of the person or representative of the institution to which the minor is entrusted for raising and education. If the persons mentioned cannot be present or have the capacity of suspect, defendant, victim, civil party, party with civil liability or witness in the case, or if there is a reasonable suspicion that these can influence the minor’s statement, their hearing shall take place in the presence of a representative of the guardianship authority or of a relative having full legal capacity, established by the judicial bodies. If they deem it necessary, upon request or ex officio, criminal investigation bodies or the court may order that a psychologist be present during the hearing of underage witnesses.

Hearing of underage witnesses must avoid the causing of any negative impact on their psychological state.

The witness or the vulnerable witness also may benefit of the protection of its identification data according to the provisions of Art. 125-129 from CPP - The witnesses may also benefit of the special protection measures laid down by Law 682/2002 on the witnesses’ protection.

Art. 12 of the CPP stipulates that in front of the judicial bodies the use of the maternal language is ensured to the parties and to other persons in the trial. If the parties of a criminal trial do not speak or do not understand the Romanian language or cannot express, Art.12 CPP stipulates the free of charge possibility to know the file documents, the right to speak, as well as the right to put conclusions in court, through interpreter.

If the parties of a criminal trial have disabilities which do not allow them to speak or understand the Romanian language or if these persons cannot express, Art.12 CPP stipulates the free of charge possibility to know the file documents, the right to speak, as well as the right to put conclusions in court, through interpreter.

Special provisions for victims in the Criminal Code(CP): A special protection measure for the victims is laid down by the CP and Criminal Code and by the CPP. Thus, the court can stipulate the obligation of the offender or the convicted not to return to their family’s dwelling, not to get close to the victim or the members of their family, to other participants in the committed offense, witnesses or experts or to other persons specified by the judicial bodies and not to communicate with these in any way, be it directly or indirectly.

Special provisions for domestic violence victims in the Law no. 217/2003: Starting from 2012, the victims of domestic violence can request to a judge a protection order against the offender. The judge can impose one or more of the following obligations, measures or prohibitions:

a) temporary removal of the perpetrator from the family home whether it is the owner of the property;

- b) reintegration of the victim and, where appropriate, of children, in the family home;
- c) limitation for the perpetrator to use only a part of common house if it can be shared so that the abuser does not come into contact with the victim ;
- d) order for the abuser to maintain a specified minimum distance to the victim, to his children or other relatives or to the domicile, work place or educational unit of the protected person;
- e) prohibiting the abuser from entering into certain places or defined areas that the protected person visits regularly;
- f) prohibit any contact, including telephone, mail or in any other way, with the victim;
- g) order the abuser to give to the police the held weapons ;
- h) the custody of minor children or the establishment of their residence.

According to the Law no 217/20013, the request for issuing a protection order is solved in an emergency procedure and in council chamber. Special provisions in the Law no.682/2002 on the witnesses' protection:

For the victims of certain offences, who did not constitute party in the criminal trial, but they consent to be a witness, Law no. 682/2002 on the witnesses' protection regulates the establishment of certain protection measures which may be stipulated, separately or jointly, within the witness support scheme:

- a) the protection of the identity data of the protected witness;
- b) the protection of his statement;
- c)the hearing of the protected witness by the judicial bodies, under another identity that the real one or through special ways of distorting the image and the voice;
- d)the protection of the witness found in state of detention, provisional arrest or in the execution of a penalty involving deprivation of liberty, in collaboration with the bodies administering the detention places;
- e)increased safety measures at the domicile, as well as for the protection of the witness travel at and from the judicial bodies;
- f) the change of the domicile;
- g) the change of the identity;
- h) the change of the appearance.

The assistance measures which may be laid down, as applicable, within the support scheme are:

- a) reinsertion in another social environment;
- b) professional requalification;
- c) change or insurance of the working place;
- d) insuring a revenue until finding a working place.

Special provisions in the Law no. 678/2001 on preventing and combating the human beings trafficking: There are special centers for sheltering the victims of the trafficking in human beings for a determined period, in which they benefit of psychological and legal assistance, as well as of the physical protection against the authors of the offences.

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

- Yes
- No

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

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

Yes, please specify for which kind of offences: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.

- No

Comments

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

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: According to the Law no 217/2003, the prosecutor can ask ex officio to the court for a protection order for a domestic violence victim.

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

Yes

No

NAP

Comments - If necessary, please specify:

2.2.2. Confidence of citizens in their justice system



037. (Modified question) Is there a system for compensating users in the following circumstances:

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

Even if the civil regulations of material and procedural law do not provide special mechanisms for the compensation of individuals in case of excessive duration of procedures and non-enforcement of judgments, there are norms guaranteeing the right to a fair trial and at case settlement within a reasonable time-limit. In such circumstances, there is a possibility to pay certain sums of money as fines or even as compensation. In the criminal matter, the only possibility to obtain damages in the case of the procedural delays is the civil claim for damages, made on the provisions of the Civil Code. In the new Civil Procedure Code (the Law 134/2010), entered into force on the 15th of February 2013), there is stipulated a much more efficient mechanism to this effect, respectively the contestation concerning the protraction of the case settlement. Thus, according to Article 522 paragraph (1) of the NCPC, any party, as well as the prosecutor attending the trial may make contestation by which, invoking the infringement of the right to the settlement of the trial within an optimal and reasonable time-limit, to solicit the taking of the legal measures for the removal of this situation. See, for completion, the regulations stipulated in the civil matter (the NCPC) as concerns the guarantee of the right to a fair trial and at the case settlement within a reasonable time-limit.

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

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

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

National level	Court level
----------------	-------------

1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<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
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<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
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

<https://www.csm1909.ro/ViewFile.ashx?guid=59ba91bf-5bed-4b07-9c4b-f67b39539f80%7CInfoCSM>

<https://www.csm1909.ro/ViewFile.ashx?guid=fc427f30-b54f-4a19-87e7-16e958222c6b%7CInfoCSM>

<https://www.csm1909.ro/ViewFile.ashx?guid=99cc93d6-a849-4cc1-bb70-d9de17237019%7CInfoCSM>

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Council of the Judiciary	(X) Yes () No	() Yes (X) No
Other external bodies (e.g. Ombudsman)	() Yes (X) No	() Yes (X) No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[X] NA [] NAP	[X] NA [] NAP
Higher court	[X] NA [] NAP	[X] NA [] NAP
Ministry of Justice	[X] NA [] NAP	[X] NA [] NAP
Council of the Judiciary	48 [] NA [] NAP	[X] NA [] NAP
Other external bodies (e.g. Ombudsman)	[] NA [X] NAP	[] NA [X] 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 any of the mentioned institutions, as to the competences of each of them. 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.

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 ministry has, in turn, a petition form published on its own web site and a form for complaints against the answers which discontent the solicitants. Both may be completed and sent online. The procedure for the petitions treatment is the one stipulated 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 general legal grounds for receiving these 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 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 and the disciplinary actions. Starting with May 2012, besides the Judicial Inspection, the Minister of Justice and president of the High Court may act as holders of the disciplinary actions for judges, respectively the Minister of Justice and the Prosecutor General, for prosecutors, but, in all cases, the disciplinary investigation is carried out by the Judicial Inspection and the final decision is taken by the competent Section of the SCM.

In 2016, the Judicial Inspection acting within the Superior Council of Magistracy has registered 4427 complaints against judges from applicants complaining mostly on their activity or conduct. Furthermore, the Judicial Inspection registered 1877 complaints against prosecutors complaining on their activity or conduct.

During 2016, 35 disciplinary actions were carried out against judges and 13 disciplinary actions for prosecutors.

Additional information regarding disciplinary referrals within the Ministry of Justice:

- the number of requests (petitions) received in 2016 at the Commission for disciplinary referrals within the Ministry of Justice: 187;
- the number of petitions filed: 187;

- the number of petitions sent to the SCM for prior verifications: 93;
- the number of cases in which disciplinary sanctions have been applied (in 2016) as a result of such petitions: 0.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

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

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	233 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	243 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There are 176 first instance courts, 42 tribunals and 15 courts of appeals. All of the first instance courts deal with cases in first instance, but also the tribunals and the courts of appeal may have material or personal jurisdiction in first instance.

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

	Number of courts
Total (must be the same as the data given under question 42.2)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

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

Yes

No

Comments - If yes, please specify:

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

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

Comments

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

Yes

No, please give your definition for small claims: Small claims are cases where the financial value of the claim does not exceed 10.000 RON (2174 euro) at the moment when the claim is filed, excluding the interests, court fees or other accessories.

Comments

045-2. (New question) Please indicate the value in € of a small claim:

Comments The value is obtained using the exchange rate of national currency indicated at Q5

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

Sources: Superior Council of Magistracy of Romania

3.2. Court staff

3.2.1. Judges and non-judge staff

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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	4628 [] NA [] NAP	1220 [] NA [] NAP	3408 [] NA [] NAP
1. Number of first instance professional judges	2055 [] NA [] NAP	568 [] NA [] NAP	1487 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	2463 [] NA [] NAP	633 [] NA [] NAP	1830 [] NA [] NAP
3. Number of supreme court professional judges	110 [] NA [] NAP	19 [] NA [] NAP	91 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In the table above the judges from tribunals are included in the category "second instance professional judges".

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	234 [] NA [] NAP	73 [] NA [] NAP	161 [] NA [] NAP
1. Number of first instance court presidents	167 [] NA [] NAP	54 [] NA [] NAP	113 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	66 [] NA [] NAP	19 [] NA [] NAP	47 [] NA [] NAP

3. Number of supreme court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP
--	------------------------	------------------------	------------------------

Comments In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In the table above the court presidents from tribunals are included in the category "second instance court presidents". There are mentioned only the presidents and not the vice-presidents of courts.

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

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

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

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

- () Yes, please give specifications on the types of cases and an estimate in percentage.
 (X) No

Comments see the answer for 048 (NAP)

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

	Figure
Gross figure	[] NA [X] NAP
In full time equivalent	[] NA [X] NAP

Comments

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

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()

- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

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

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other cases

Comments

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

[]

[] NA

[X] NAP

Comments

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	10297 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	6191 [] NA [] NAP	[X] NA [] NAP	[X] NA [] 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)	1621 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Technical staff	1822 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Other non-judge staff	663 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If “other non-judge staff”, please specify: 6191 represents the number of clerks with judicial tasks (- 165 work only within the High Court of Cassation and Justice); 1621 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants (– 9 work only within the High Court of Cassation and Justice); 1822 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents (– 109 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (663):

Assistance magistrates: 113 Judicial assistants: 173 Probation counselors: 377

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

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): Some types of IT services and maintenance of equipments

Comments Security is outsourced to the National Gendarmerie. The distribution of procedural documents is carried out based on a contract concluded with the National Romanian Post Office Company

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

Sources: Q 46, Q 47 and Q 52 - Superior Council of Magistracy and Ministry of Justice

3.3. Public prosecution

3.3.1. Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	2622 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1366 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	1176 <input type="checkbox"/> NA <input type="checkbox"/> NAP	556 <input type="checkbox"/> NA <input type="checkbox"/> NAP	620 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	910 <input type="checkbox"/> NA <input type="checkbox"/> NAP	437 <input type="checkbox"/> NA <input type="checkbox"/> NAP	473 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at supreme court level	536 <input type="checkbox"/> NA <input type="checkbox"/> NAP	263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	273 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

Total	Males	Females
-------	-------	---------

Total number of heads of prosecution offices (1 + 2 + 3)	426 [] NA [] NAP	202 [] NA [] NAP	224 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	145 [] NA [] NAP	57 [] NA [] NAP	88 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	205 [] NA [] NAP	100 [] NA [] NAP	105 [] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	76 [] NA [] NAP	45 [] NA [] NAP	31 [] NA [] NAP

Please provide any useful comment for interpreting the data above: As regards the total number of heads of prosecution offices that went from 277 in 2014 to 426 for 2016 data, this may be generated by the fact that the specialised prosecution units (such as the anticorruption and anti organised crime structures) might have not been taken into account. Data may therefore not be comparable.

Without taking into calculation the specialised structures as mentioned above, the number of heads prosecution offices of the Supreme court is 13; if adding the number of heads of prosecution offices of the specialised structures, the number will be as follows: DNA (anticorruption unit) 15 out of which 10 male and 5 female; DIICOT (anti organised crime structure) 51 out of which 28 male and 23 female.

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

() Yes, please specify their number (in full-time equivalent):

(X) No

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

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

() Yes

(X) No

Comments see the answer for 057

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

(X) Yes

() No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	3142 [] NA	[X] NA	[X] NA

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

Sources: Superior Council of Magistracy of Romania

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify: The presidents of the courts that have legal personality have responsibilities in relation to the budgets of those courts and the courts under their jurisdiction. They may delegate this competence to a economic manager.

An external review is carried out by the Ministry of Justice, through its Audit Unit and by the Courts of Audit.

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 (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis

of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

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

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: Annually, the Prosecutors' Office by the High Court of Cassation and Justice issues an activity report of the prosecution service and makes it public.

Also, according to art. 38 par 6 of the Law 317/2004, the Superior Council of Magistracy draws up an annual report on the state of justice (including the activity of the prosecutors' offices) to be presented to the joint Chambers of the Parliament.

3.6.2. Performance and evaluation of courts

070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments - suspended cases etc.

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify: There are statistical reports developed by an IT application called Stasis 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.

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: The system may be inquired and offer information in real time. On a regular basis, the information is used within the annual report of the judiciary.

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

Yes

No

Comments A periodic evaluation system of the activity (performance and result) of the court is not formally adopted (by law or by a subsequent regulatory act). SCM uses a series of performance indicators (see questions 71 and 74 below) concerning the activity of the courts. Periodical assessments are being carried out and further measures are being implemented on the highlighted results. By the decisions 1305/2014 and 149/2015, SCM has approved the reports on implementing these indicators and there were established new margins for their implementation.

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

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

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

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

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify):

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

High Council of judiciary

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

3.6.3. Court activity and administration

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

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

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

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

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

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed 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. (New question) If yes, please, indicate the periodicity at which the report is released:

- Annual
 Less frequent
 More frequent

Comments

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

- Yes
 No

Comments - If yes, please specify: There are special appointed prosecutors that present the case files before the court and uphold the position of the prosecution service.

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

- Yes

() No

Comments - If yes, please specify: In civil cases, in first instance, the judge, after hearing the parties, estimates the time needed for the trial (art. 238 Civil procedural code).

3.6.4. Performance and evaluation of judges

083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

(X) Yes

() No

Comments

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

[] Executive power (for example the Ministry of Justice)

[] Legislative power

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

[] President of the court

[] Other (please specify):

Comments There are no formal standards for quality established for the whole Judiciary. However, informal standards are being used (such as training, quality of the reasoning, assessment of the activity of the judges, assessment of the good reputation of the judges etc.)

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

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

[]

[X] NA

[] NAP

Comments

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

(X) Yes, number of successful challenges in a year 5

() No

Comments - Please could you briefly specify:

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

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; 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.

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

Sources: Superior Council of Magistracy

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

civil cases

criminal cases

administrative cases

There is no specific procedure

Comments - If yes, please specify: The Romanian law consecrates a series of special procedural rules and mechanisms for the settlement of some urgent cases.

Criminal cases:

As a general rule, all the cases involving persons arrested or persons under home arrest are dealt with urgently (art. 355 NCPP), as well as the cases with minors that are being accused (art. 509 NCPP) and extradition (Law 302/2004).

Moreover, the New Criminal Procedure Code has several provisions for celerity in several other procedures: establishing the jurisdiction (art. 51 NCPP), revoke of the involuntary hospitalization in order to carry out the psychiatric expertise (art.184 NCPP), challenging in the courts on the valorization of the seized goods (art.252-4 NCPP).

Civil cases:

As a general observation, the main legislative solutions envisaged by the new Civil Procedure Code (NCPC) aim at ensuring citizens' access to simpler and more accessible procedural means and methods to speeding up the proceedings, including the ones with respect to the coercive enforcement stage. In this context, the New Civil Procedure Code envisages a series of procedural mechanisms and tools meant to contribute to solving the civil cases in a reasonable period of time, such as: the exceptional nature of the postponements that may be granted by the court; the provision of court's obligation to determine short procedural terms, even from one day to another; the explicit provision of the judge's obligation to assess the duration of the investigation stage of the proceedings; extending the notion of acknowledgment of the first hearing term. Furthermore, have been reconsidered the civil trial stages (the written stage, the judicial investigation stage and the debates on the merits of the case), in order to improve the efficiency of the trying activity and to reduce the length of the civil trial. Moreover, in the civil matter, in the cases qualified by law as being urgent, the NCPC has contained some special provisions (for instance, shorter time-limits for summoning, for the establishment of the trial time-limits, for the lodging a defense, for establishing the order of the cases debate etc.)

For example, there are qualified as urgent the following cases: the appointment of a special curator in case of emergency, if the natural person lacked of capacity of exercise of the civil rights does not have a legal representative or there is a conflict of interests between the representative and the represented person or the legal person, called to sit in judgment, does not have a legal representative (Art. 58 of the NCPC); the procedure for ensuring the proofs (Art. 359-365 of the NCPC); the temporary suspension of enforcement until the settlement of the suspension request by the court [Art. 719 par. (7) of the NCPC]; ; the precautionary measures – seizure insurer, attachment insurer, judicial seizure (Art. 952- 977 of the NCPC); the procedure of the president ordinance (Art. 997-1002 NCPC)etc.

In the administrative matter:

Law of contentious administrative no. 554/2004-

The requests addressed to the court in the matter of contentious administrative are emergency and especially judged [art. 17 par. (1) of the Law of contentious administrative no. 554/2004, as subsequently amended and completed]. The request for the suspension of the execution of the unilateral administrative document until the pronouncement of the court is emergency and especially judged [art. 14 par. (2) of Law 554/2004]. The court pronounces, after the emergency procedure. The recourse declared against the judgment pronounced in first instance in the matter of the contentious administrative is emergency judged [art. 20 par. (2) of Law 554/2004].

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: The New Civil Procedure Code (art. 1026-1033) regulates a simplified procedure for the settlement of the requests ratable in money, whose value – without taking into consideration the interests, the judicial fees and other accessory revenues–does no exceed the amount of 10.000 lei on the court notification date. The procedure is, as a rule, written, and develops, with the exceptions laid down by law, in camera. The judgment pronounced upon the small claim application is submitted only to appeal. By the New Criminal Procedure Code, although there is not made a classification of the offences as to their seriousness, there are regulated some simplified procedure rules for offences stipulating sanctions more with low seriousness. Thus, art. 318 NCPP stipulates

the possibility to renounce at the criminal prosecution in determined cases and conditions. In such cases, the prosecutor may renounce at the criminal prosecution when, in relation to the defendant, the behaviors had before the commission of the offence, the content of the fact, the way and means of its commission, the followed purpose and the concrete circumstances of its commission, the produces consequences or which could have been produced by the commission of the offence, the efforts made by the defendant for the removal or diminution of the offences consequences, he finds out there is no public interest in the prosecution of this one.

There are also kept the provisions concerning the judgment in case of recognition of the guilt. Moreover, there is introduced the agreement for the recognition of the guilt, which may be concluded only as concerns the offences for which law stipulates the penalty of fine or imprisonment of at most 7 years, according to Art. 478 and the following NCPP. If there is concluded an agreement for the recognition of the guilt, the prosecutor does not draw up the bill of indictment concerning the defendants with which he concluded the agreement. The court pronounces upon the agreement for the recognition of the guilt by sentence, after a non-contradictory procedure, in public session, after the hearing of the prosecutor, defendant and his lawyer, as well as the civil party, if present. In the matter of remedies, the second appeal (recourse) shall be converted into the extraordinary remedy of the second appeal in cassation (recourse in cassation). The judgment of this extraordinary remedy shall be simplified by the introduction of the institution of the admission in principle.

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

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

Yes

No

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

-It has to be mentioned also that the NCPC regulates the systematization of the civil trial stages (written stage; trial research; trial debate on the merits), for increasing the efficiency of the judicial proceedings and for reducing the duration of the civil trial. In this context, the NCPC perfects the legislative solutions concerning the court notification, so that, between the moment of the introduction of the request for suing at law and its putting on the case list, there shall interpose a preliminary stage (written) to the judgment activity, having as purpose the regularization of the request for suing at law and supposes the realization of a written correspondence only with the help of the request for suing at law, in view of covering all the eventual lacks of this one. -Before establishing the first trial time-limit, in order to preliminarily establish the object and limits of the trial, the court proceeds at the communication of the requests formulated by the parties (the application initiating proceedings, and, where applicable, of the defense, of the answer to defense and of the counterclaim).

-The trial research shall develop in camera; within this procedural stage there are accomplished, in the legal conditions, the procedural documents, there are solved the procedural exceptions and are administered the proofs.

-The trial debate in substance/on the merits shall take place predominantly in public session; within this procedural stage the parties have the possibility to debate in contradictory the circumstances of fact and the reasons of law invoked by them or discussed, ex officio, by the court.

According to the New Criminal Procedure Code -NCPC (the Law no.135/2012, which has entered into force on 1 February 2014), the

procedure in preliminary room does not suppose the presence of the parties or lawyers, but they will be able to lodge written notes. There is also maintained the previous provisions concerning the lodging of written conclusions by the lawyers, at the end of the research, according to art. 390 NCPP.



4.2.2. Case flow management – first instance

091. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	649920 [] NA [] NAP	1477959 [] NA [] NAP	1496900 [] NA [] NAP	630979 [] NA [] NAP	26623 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	597721 [] NA [] NAP	1335498 [] NA [] NAP	1362471 [] NA [] NAP	570748 [] NA [] NAP	24571 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	11750 [] NA [] NAP	25099 [] NA [] NAP	26737 [] NA [] NAP	10112 [] NA [] NAP	321 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	3049 [] NA [] NAP	18421 [] NA [] NAP	19714 [] NA [] NAP	1756 [] NA [] NAP	122 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	8701 [] NA [] NAP	6678 [] NA [] NAP	7023 [] NA [] NAP	8356 [] NA [] NAP	199 [] NA [] NAP
2.2.1. Non litigious land registry cases	4788 [] NA [] NAP	5904 [] NA [] NAP	6499 [] NA [] NAP	4193 [] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	3913 [] NA [] NAP	774 [] NA [] NAP	524 [] NA [] NAP	4163 [] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

3. Administrative law cases	40449 [] NA [] NAP	117362 [] NA [] NAP	107692 [] NA [] NAP	50119 [] NA [] NAP	1731 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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.

The high clearance rate of administrative cases in previous cycles has led to lower significantly the number pending cases. The increase of the number of incoming cases is a consequence of a higher number of requests filed in administrative domain that also triggers an increase in the number of resolved cases. The decrease in the number of non-litigious pending cases as well as "other" pending cases is mostly due to lower number of incoming ases.

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. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	62698 [] NA [] NAP	349352 [] NA [] NAP	315888 [] NA [] NAP	96162 [] NA [] NAP	1092 [] NA [] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

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": In the national Statis system, the cases are recorded on categories of pending cases as follows: - 0-1/2 years; - 1/2-1 year; - 1 - 1 and 1/2 years;

- 1 and 1/2 - 3 years;

- 3 - 5 years;

In the table above, last column, there are mentioned the numbers for cases pending for more than 3 years.

The total number of incoming criminal cases in first instance courts has substantially increased when compared to 2014 data (+41%).

These figures have been confirmed by the CEPEJ National Correspondent.

4.2.3. Case flow management – second instance



097. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	91360 [] NA [] NAP	204986 [] NA [] NAP	217920 [] NA [] NAP	78426 [] NA [] NAP	467 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	89983 [] NA [] NAP	202441 [] NA [] NAP	215244 [] NA [] NAP	77180 [] NA [] NAP	460 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	1377 [] NA [] NAP	2545 [] NA [] NAP	2676 [] NA [] NAP	1246 [] NA [] NAP	7 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	310 [] NA [] NAP	824 [] NA [] NAP	837 [] NA [] NAP	297 [] NA [] NAP	2 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	1067 [] NA [] NAP	1721 [] NA [] NAP	1839 [] NA [] NAP	949 [] NA [] NAP	5 [] NA [] NAP
2.2.1. Non litigious land registry cases	1067 [] NA [] NAP	1721 [] NA [] NAP	1839 [] NA [] NAP	949 [] NA [] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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.

The general increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed. Accordingly, the number of appeals in the new Civil Procedure Code includes the number of appeals and second appeals from the old Code and shows continuous increase after 2014.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	31591 [] NA [] NAP	24539 [] NA [] NAP	24004 [] NA [] NAP	7587 [] NA [] NAP	12 [] NA [] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In the national Statis system, the cases are recorded on categories of pending cases as follows: - 0-1/2 years;

- 1/2-1 year;
- 1 - 1 and 1/2 years;
- 1 and 1/2 - 3 years;
- 3 - 5 years;

In the table above, last column, there are mentioned the numbers for cases pending for more than 3 years.

4.2.4. Case flow management – Supreme Court

099. (Modified question) 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 (Please insert NA for category 2))

Total of other than criminal law cases (1+2+3+4)	40023 [] NA [] NAP	58015 [] NA [] NAP	65812 [] NA [] NAP	32226 [] NA [] NAP	1514 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	18743 [] NA [] NAP	22103 [] NA [] NAP	27860 [] NA [] NAP	12986 [] NA [] NAP	1135 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	215 [] NA [] NAP	221 [] NA [] NAP	306 [] NA [] NAP	130 [] NA [] NAP	6 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	34 [] NA [] NAP	37 [] NA [] NAP	58 [] NA [] NAP	13 [] NA [] NAP	1 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	181 [] NA [] NAP	184 [] NA [] NAP	248 [] NA [] NAP	117 [] NA [] NAP	5 [] NA [] NAP
2.2.1. Non litigious land registry cases	181 [] NA [] NAP	184 [] NA [] NAP	248 [] NA [] NAP	117 [] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
3. Administrative law cases	21065 [] NA [] NAP	35691 [] NA [] NAP	37646 [] NA [] NAP	19110 [] NA [] NAP	373 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In the national Statist system, the cases are recorded on different categories of pending cases. So, for the last column, there are mentioned the numbers for cases pending for more than 3 years. As result of the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed and some of the cases that were under the jurisdiction of the High Court are now under the jurisdiction of the courts of appeal Consequently the number of cases in Supreme court shows significant decrease in all categories.

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

(X) Yes, please indicate the number of cases closed by this procedure:NA

() No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	1766 [] NA [] NAP	52 [] NA [] NAP	1541 [] NA [] NAP	277 [] NA [] NAP	178 [] NA [] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments The jurisdiction of the courts on judging appeals and second appeals has changed and some of the cases that were under the jurisdiction of the High Court are now under the jurisdiction of the courts of appeal Consequently the number of cases in Supreme court shows significant decrease in all categories.

In the national Statis system, the cases are recorded on categories of pending cases as follows: - 0-1/2 years;

- 1/2-1 year;

- 1 - 1 and 1/2 years;

- 1 and 1/2 - 3 years;

- 3 - 5 years;

In the table above, last column, there are mentioned the numbers for cases pending for more than 3 years.

4.2.5. Case flow management – specific cases



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	15912 [] NA [] NAP	36041 [] NA [] NAP	36200 [] NA [] NAP	15753 [] NA [] NAP
Employment dismissal cases	2257 [] NA [] NAP	2030 [] NA [] NAP	2485 [] NA [] NAP	1802 [] NA [] NAP
Insolvency	41701 [] NA [] NAP	29883 [] NA [] NAP	36369 [] NA [] NAP	35215 [] NA [] NAP
Robbery case	854 [] NA [] NAP	1897 [] NA [] NAP	1732 [] NA [] NAP	1001 [] NA [] NAP

Intentional homicide	579 [] NA [] NAP	971 [] NA [] NAP	973 [] NA [] NAP	577 [] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	158 [] NA [] NAP	351 [] NA [] NAP	356 [] NA [] NAP	153 [] NA [] NAP
Cases relating to the right of entry and stay for aliens	90 [] NA [] NAP	265 [] NA [] NAP	263 [] NA [] NAP	92 [] NA [] NAP

Comments The decrease of pending Employment dismissal cases is due to high Clearance Rate in 2015. Regarding insolvency cases, the decrease observed for the period 2014-2016 was determined, on the one hand, by the change in economic conditions and the re-launching of the companies' potential. On the other hand, the reform of insolvency legislation (Law 85/2014) encouraged early recovery prior to insolvency and, balancing the protection of creditors with that enjoyed by debtors, has reduced the tendency of borrowers to use this judicial procedure.

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

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

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

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

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

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

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

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	10 [] NA [] NAP	210 [] NA [] NAP	174 [] NA [] NAP	[] NA [X] NAP	384 [] NA [] NAP	0 [] NA [] NAP
Employment dismissal case	65 [] NA [] NAP	285 [] NA [] NAP	162 [] NA [] NAP	[] NA [X] NAP	447 [] NA [] NAP	7 [] NA [] NAP
Insolvency	32 [] NA [] NAP	550 [] NA [] NAP	123 [] NA [] NAP	[] NA [X] NAP	673 [] NA [] NAP	17 [] NA [] NAP

Robbery case	66 <input type="checkbox"/> NA <input type="checkbox"/> NAP	177 <input type="checkbox"/> NA <input type="checkbox"/> NAP	108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	285 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	87 <input type="checkbox"/> NA <input type="checkbox"/> NAP	177 <input type="checkbox"/> NA <input type="checkbox"/> NAP	111 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	288 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

103. Where appropriate, please indicate the specific procedure as regards 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 commons 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 five 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

106. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: Taking into account the role granted by the provisions of Art. 131 par. (1) of the Constitution of Romania, according to which, in the judicial activity, the Public Ministry represents the general interests of the society and defends the legal order, as well as the citizens' rights and freedoms, the Romanian civil procedural system, the NCPC consecrates some attributions of the prosecutor in civil matter. Thus, the main forms of participation of the prosecutor in the settlement activity of civil disputes, according to the Art. 92 of NCPC, are:

1. promoting the civil proceedings (anytime it is necessary for the protection of the legal rights and interests of the minors, of the persons under interdiction and of the disappeared, as well as in other cases expressly stipulated by law);
2. the prosecutor's intervention in the civil trial (putting conclusions in any civil trial, in any phase of this one, if he appreciates as necessary for the protection of the legal order, of the citizens' rights and freedoms, as well as the participation at the judgment and putting conclusions, when they are compulsory in the cases expressly stipulated by law);
3. exercising the remedies against the judgments pronounced in the cases mentioned under the point 1, even if he did not start the civil proceeding, as well as when he participated in the proceedings.
4. participating at the enforcement phase (requesting the enforcement of the judgments pronounced in favour of the minors, persons under interdiction and disappeared).

In administrative matter, the forms of participation of the prosecutor at the settlement activity of contentious administrative disputes concern:

- initiating the proceedings before the contentious administrative court [if the Public Ministry appreciates that the infringement of the legitimate rights, freedoms and interests of the persons are due to the existence of some individual unilateral administrative documents of the public authorities issued with excess of power; if the Public Ministry appreciates that by issuing a regulatory administrative document a legitimate public interest is harmed – Art. 1 par. (4) and (5) of the Law of contentious administrative no. 554/2004];
- the prosecutor's intervention in the contentious administrative dispute [the participation, in any phase of the trial, anytime he appreciates to be necessary for the protection of the legal order, of the citizens rights and freedoms – Art. 1 par. (9) of the Law on contentious administrative no. 554/2004]; introducing a request for the suspension of the regulatory administrative document, in the cases in which there is a major public interest, able to seriously trouble the functioning of an administrative public service – Art. 14 par. (3) of the Law on contentious administrative no. 554/2004)].

The public prosecutor has not a specific role in insolvency cases, but only as regards the insolvency procedure itself. However, there are situations when a company undergoing insolvency procedure is also subject of a criminal case and therefore, to some extent, one can speak of an involvement of the prosecutor in an insolvency procedure, meaning that the measures taken during the prosecution/criminal trial, by the prosecutor or the court, at the request of the prosecutor (for example, preventive measures) may have an important impact on

the insolvency estate. Also the court, at the request of the prosecutor, may suspend the liquidation procedure as well as other financial operations that may cause a decrease of the insolvency estate.

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

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	683757 [] NA [] NAP	521991 [] NA [] NAP	89725 [] NA [] NAP	47682 [] NA [] NAP

Comments As regard the increase from 2014 data related to the number of cases brought to court, most probably the new provisions in terms of guilty plea procedures introduced by the new codes may represent a reason for this increase in using this procedural institution; moreover people/parties become more aware of it/of this procedural instrument and a judicial practice has been created

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	2173 [] NA [] NAP
Before the court case	2173 [] NA [] NAP
During the court case	[] NA [X] NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	1110977 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	588986 [] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	432266 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	89725 [] NA [] NAP

Comments The decrease from 2014 regarding the number of cases discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation may be generated by the new legal provisions introduced by the new codes, giving efficiency to the principle of opportunity and we are referring namely to the institution giving the prosecutor the possibility to renounce to criminal

investigation in certain circumstances/conditions; moreover other possible reasons leading to this decrease can be the following: enhanced judicial education of citizens and acknowledging the efficiency and the benefits of ADR (alternative dispute resolution) in all legal fields.

109. Do the figures include traffic offence cases?

- Yes
- No

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

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

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

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges



110. (Modified question) 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

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

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

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The Superior Council of Magistracy through the National Institute of Magistracy which is under its coordination.

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

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

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

Annual

Less frequent

More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

statutory independent

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

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). According to the law on the status of judges and prosecutors, the prosecutors are independent. According to the law on the organization of the judiciary, the prosecutors carry out their activity according to the principles of legality, impartiality and hierarchical control, under the authority of the minister of justice.

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

Yes

No

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

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify):

Comments

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

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Superior Council of Magistracy through the institution under its coordination – National Institute of Magistracy

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

Yes

No

Comments - If yes, please specify:

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 prosecutors to be promoted? (multiple answers possible)

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

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

Comments - If yes, please specify:

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

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

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

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

- Yes
- No

Comments

5.1.3.Mandate and retirement of judges and prosecutors



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

- Yes, please indicate the compulsory retirement age:65
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal as a disciplinary sanction may be applied to judges.

With the consent of the Superior Council of Magistracy, on annual basis, a judge may also remain in office from 65 to 75 years old.

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):1

No

NAP

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):1

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)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No

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)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments Compulsory retirement age for judges/prosecutors is 65

With the consent of the Superior Council of Magistracy, on annual basis, a judge/prosecutor may also remain in office from 65 to 75 years old.

5.2.Training

5.2.1.Training of judges

127. Types of different trainings offered to judges

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

Comments Insofar as for continuous training judges have to follow a continuous training, but they are free to select the specific training sessions.

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

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

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	(X) Yes () No	() Yes (X) No

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

Comments

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

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

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

Budget of the institution for the reference year, in €
--

One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	5402826 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments According to the annual report of NIM, the total budget was of 24,853,000 RON (Approximately 5,402,826 EUR)

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?

. see the answer for 129

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	28987 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20332 <input type="checkbox"/> NA <input type="checkbox"/> NAP	131634 <input type="checkbox"/> NA <input type="checkbox"/> NAP	92328 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	58695 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41184 <input type="checkbox"/> NA <input type="checkbox"/> NAP	266538 <input type="checkbox"/> NA <input type="checkbox"/> NAP	187020 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	28987 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20332 <input type="checkbox"/> NA <input type="checkbox"/> NAP	131634 <input type="checkbox"/> NA <input type="checkbox"/> NAP	92328 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	43663 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30652 <input type="checkbox"/> NA <input type="checkbox"/> NAP	198276 <input type="checkbox"/> NA <input type="checkbox"/> NAP	139070 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The increase between 2014 and 2016 is resulting from legislative changes, including the way in which specific legislation is applied in the light of the jurisprudence of the Constitutional Court. The calculation method did not change, but the base of the monthly salaries has grown during the last two years, according to the legislation concerning the public remuneration, as it was interpreted by the Constitutional Court and the ordinary courts of law. Currently, the differences between salaries in the judicial system are eliminated. Since 2000 to the present, the magistrates' salaries have risen steadily, including the latest law on salaries in the public domain (Law no.

153/2017) has set a has set a salary level for magistrates well above the average of the budgetary staff. This law will have its full effect until 2022.

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

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

. medical expenses, travel expenses (limited)

[] NAP

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
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. According to Art. 8 of Law no. 303/2004, judges and prosecutors may be shareholders or associates as a result of the law on the mass privatization. In the session of 16 May 2010, the SCM Plenum appreciated that, as concerns the interdiction instituted by law to judges and prosecutors to have the capacity of shareholders within trade companies, it does not apply in the case of the shares at the Property Fund. To this effect, the SCM Plenum appreciated that the title of compensation acquired by judges and prosecutors, issued in

the conditions of Law no. 247/2005 on the reform in the field of property and justice, by which there have been established compensations for the buildings abusively taken, in the Communist regime, must be mentioned in the declaration of assets.

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

Art. 10 of Law no. 303/2004 allows judges and prosecutors to plead, in the conditions stipulated by law, only in their personal cases, of their ascendants and descendants, of their spouses, as well as of the persons under their trusteeship or curatorship. But even in such situations judges and prosecutors are not allowed to use their capacity in order to influence the solution of the trial court or of the prosecutor’s office and must avoid creating the appearance that they could influence in any way the solution.

Art. 11 of Law no. 303/2004 stipulates that judges and prosecutors may participate at the issue of publications, may draw up articles, literary or scientific studies and may participate at audio-visual shows, except those with political character.

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

Judges and prosecutors may be members of the scientific and academic associations, as well as of any legal persons of private law without patrimonial purpose. It must be clarified the meaning of the notion of „cultural position”, within the meaning that, in relation to the above-mentioned legal provisions, judges and prosecutors may hold a public or private position at a cultural and art institution (for ex., theatre director), but they may exercise literary, artistic, cultural activities, in the conditions of Art.11 of Law no. 303/2004, after which copyright may be obtained.

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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The same as for the judges

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

() Yes

(X) No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): minister of justice
- Other (please specify):
- This is not possible

Comments

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

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

Comments

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

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament

Executive power (please specify):

Other (please specify):

Comments

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

Supreme Court

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

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

Judges	Prosecutors
--------	-------------

Total number (total 1 to 9)	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Temporary reduction of salary	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	0 <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.

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

Sources: Superior Council of Magistracy

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[23205]

NA

NAP

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Dismissal cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases - Defendant	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases - Victim	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Administrative cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
There is no monopoly	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

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

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

First instance	Second instance	Highest instance court (Supreme Court)

Civil society organisation	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Family member	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Self-representation	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Trade union	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP

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

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

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

Comments

149-2. What are the statuses for exercising the legal profession in court?

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

Comments

150. Is the lawyer profession organised through:

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

Comments

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

- Yes
- No

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

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

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

Sources: 146- National Bar Association

6.1.2. Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

() No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Due to some ongoing changes in the statistical reporting system within the National Bars Association (UNBR), there is a potential risk that the figures on disciplinary proceedings (figures reported by UNBR) do not accurately reflect at this time the total of cases coming from all local bars.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	[X] NA [] NAP
1. Reprimand	[X] NA [] NAP
2. Suspension	[X] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP
4. Fine	11 [] NA [] NAP
5. Other	[X] 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. Due to some ongoing changes in the statistical reporting system within the National Bars Association (UNBR), there is a potential risk that the figures on sanctions pronounced against lawyers (figures reported by UNBR) do not accurately reflect at this time the total of cases coming from all local bars.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

(X) Yes

() No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

[] Before going to court

[] Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: No mandatory mediation procedures

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	(X) Yes () No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No

Family law cases (ex. divorce)	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employment dismissals	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal cases	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

Yes

No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[5080]

NA

NAP

Comments Regarding the variation registered in the number of authorizations granted to the mediators during the period 2014-2016, we mention that this was due to the legislative changes in the field of mediation occurred during that period.

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil and commercial cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Family cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Employment dismissal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source: There are no statistics on the number of mediation procedures (Council of Mediation)

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify):

Comments •Currently, our system does not provide for judicial mediation institution.

•In the Romanian legislation, mediation is regulated by Law no. 192/2006 on mediation and organization of the profession of mediator. According to Art. 1 of this Law mediation represents a modality for the settlement of conflicts on amiable way, with the help of a third specialized person in the capacity of mediator, in conditions of neutrality, impartiality, confidentiality and having the free consent of the parties.

•The parties, natural or legal persons, may have voluntary recourse to mediation, inclusively after the beginning of a trial in front of the courts, convening to settle in this way any conflicts in civil matters, in criminal matters, as well as in other matters. •The Law no. 192/2006 provides special provisions regarding family conflicts and on mediation in criminal cases, which are supplemented by provisions referring to mediate in a dispute before the courts. •The provisions of Law no. 192/2006 also apply in the conflicts of the consumers' protection field (e.g. if the consumer invokes the existence of a prejudice as a result of the acquisition of some defected products or services, of the nonobservance of the contractual clauses or of the granted guarantees, of the existence of some abusive clauses in the contracts concluded between consumers and economic agents or of the infringing of other rights stipulated by the national legislation or of the EU legislation in the consumers' protection field). •According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties, giving them the necessary instructions. To this effect, the judge shall ask the personal presence of the parties, even if they are represented. •If necessary, taking into account the circumstances of the case, the judge shall recommend to the parties to have recourse to mediation, for the dispute settlement on amiable way, in any stage of the trial.

•Mediation is not compulsory for the parties. If, in the mentioned conditions, the parties reconcile, the judge shall ascertain their agreement in the content of the judgment he/she will pronounce (Art. 272 par. 1 I and II theses, par. 2 and par. 3 I thesis of the Civil Procedure Code).

•For a short period of time (July 2013 – May 2014), the Law on mediation provided for a mandatory information session regarding the benefits of mediation. (NB: only the information session on mediation was mandatory and not the mediation itself). This provision was declared unconstitutional by the Romanian Constitutional Court (Decision no. 266/07.05.2014). oArguments of the Court:

-Breach of the principle of access to justice (NB1: this was available not only knowing that the sanction for not participating in the mandatory information session was inadmissibility of the claim, but even in the case of any other sanction – see para. 22 of the CCR Decision; NB2: the information session was not mandatory for all types of civil litigation, but only for those expressly provided by the law - e.g. family litigation, consumer litigation, labor litigation).

-Rebutting the presumption *nemo censetur ignorare legem*. Thus, by imposing the mandatory information session, it may be admitted that there is a non-sufficient knowledge of the law on mediation (vs publication of the law in the Official Journal), contrary to the general presumption of law

•The Criminal Procedure Code (art. 22-23) regulates the possibility to renounce to the civil claims, as well as the recognition by the defendant of the civil claims and the conclusion of a mediation transaction/ agreement.

Mail CN 17/11/2015: Q166: Concerning the number of accredited or registered mediators who practice judicial mediation, we noticed that there has been an increase between 2012 and 2013 of 162%, followed by a decrease between 2013 and 2014 of 37%, which affects the long-term analysis (2012-2014). Could you explain these variations? Answer of the national correspondent: These variations were determined by the evolution of legislation in the field of mediation in which we referred to the comments (G.1)

The Law no. 192/2006 contains general provisions regarding the institution of mediation, the exercise of the profession of mediator, the organization of the mediator's activities, the procedures regarding mediation and special provisions regarding mediation in certain matters. The mediation is organized as a liberal profession and the control mechanism of mediation is given to an inside body; also, taking into consideration the youth character of the profession, the law encourages and promotes a free development of the mediation – as an alternative method for judicial proceedings – without any interference from the state authorities regarding the selection of mediators.

G1. Please indicate the source for answering question 166:

Source: Council of Mediation

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

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

Yes

No

Comments

170. Number of enforcement agents

878]

NA

NAP

Comments

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

judges

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

bailiffs working in a public institution

other

Comments - Please specify their status and powers: The bailiffs are invested to perform a service of public interest. The act performed by the bailiff, within the limits of legal competencies, bearing the stamp and signature of this one, as well as the registration number and date, is an act of public authority and has the conclusive force stipulated by law. According to Article 7 of Law no. 188/2000 on bailiffs, republished, „The bailiff has the following duties: a) to bring into force the provisions with civil character from the enforcement orders; b) to notify the judicial and extrajudicial acts; c) to serve the procedural acts; d) to amiably recover any claim; e) to apply the precautionary measures ordered by the court; f) to ascertain some layouts in the conditions laid down by the Civil Procedure Code; g) to draw up the findings report, in the case of the real offer followed by the consignment of the amount by the debtor, according to the provisions of the Civil Procedure Code; h) to draw up, according to law, the protest of non-payment of the bills of exchange, promissory notes and checks, as applicable; i) any other acts or transactions given by the law in the competence of this one.

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

Yes

No

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

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

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

Comments

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

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

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

Comments

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

- Yes
- No

Comments

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

- Yes
- No

Comments

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

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

Comments

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

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

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

- Yes
- No

Comments

H0. Please indicate the sources for answering question 170

8.1.2.Efficiency of enforcement services

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

Yes

No

Comments

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

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

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

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

a professional body

the judge

the Ministry of Justice

other (please specify):

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

In a thorough overview of the system, the Parliament is responsible for primary legislation regulating the profession, the Ministry of Justice (MoJ) for secondary legislation (e.g. minister's order), both of the state institutions regulating in closed cooperation with the National Union of Bailiffs (NUB) and taking into considerations the NUB's proposals. The NUB is also responsible for adopting decisions and other internal acts that establish rules within the profession. That is why now all the three levels are mentioned.

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: The Romanian law consecrates a special regulation in the matter of the execution of the payment obligations established in the charge of public institutions through judgments and other enforceable titles (Government Ordinance nr. 22/2002 on the execution of the payment obligations of public institutions, established through enforceable titles).

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

- Yes
- No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

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

- Yes
- No

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

- EGO nr. 46/2013 regarding the financial crises and the insolvency of the public authorities
- EGO nr. 58/2014 regarding the establishment of financial measures and the modification of some laws

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. As regards a decision on debt collection, please estimate the average timeframe to notify the

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

() between 1 and 5 days

(X) between 6 and 10 days

() between 11 and 30 days

() more (please specify):

Comments

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	70 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	46 [] NA [] NAP
3. For criminal offence	[] NA [X] NAP
4. Other	24 [] NA [] NAP

Comments - If "other", please specify: committing of deeds that affect honor, professional probity or good morals

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	53 [] NA [] NAP
1. Reprimand	16 [] NA [] NAP
2. Suspension	3 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	14 [] 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:

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

Source: Ministry of Justice

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

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

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

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

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

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

The imprisonment surveillance judge shall have the following administrative-judicial administrative duties:

- a) solves the detainees complaints on exercise of rights under this Law;
- b) solves the detainees complaints regarding the establishment and changing regimes for enforcement and educational measures involving deprivation of liberty;
- c) resolves the detainee complaints regarding disciplinary sanctions;
- d) participates in the procedure regarding the hunger strike of the detainees;
- e) participates as chairman at meetings of the Committee for parole;
- f) exercise any other functions provided by law.

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

For adults

- supervising the community work for unpaid criminal fine (for the enforcement of this obligation the probation counselor assesses the person's situation and needs and, depending on the activities' utility for the community, establish in which of the two community institutions mentioned in the court decision the execution shall be performed. Then, the probation counselor shall monitor the performance of the activity);
- supervising the measures and obligations during the postponement of the penalty (The measures are similar with those imposed in

different penal institutions involving supervision and can be divided as: control measures and support measures and obligations);

- supervising the measures and obligations during the execution of the suspension of a sentence under supervision (the measures are similar with the measures mentioned previously - control measures and support measures and obligations);
- supervising the measures and obligations during the conditional release if the remaining part of the penalty is, upon conditional release, of 2 years or higher (the measures are similar with the measures mentioned previously - control measures and support measures and obligations);

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

For juveniles the probation service is in charge to coordinate the enforcement of all 4 educative measures: - civic training stage (supporting the minor in becoming aware of the legal and social consequences he/she exposes himself/herself in case of committing offenses and his/her accountability concerning his/her behavior);

- educational measure of supervision (controlling and guiding the minor regarding his/her daily schedule for 2 up to 6 months in order to assure the attending to school classes or training courses, the minor is supervised and guided during the execution of the educational measure of supervision by his/her parents, the persons who adopted him/her or the guardian);

- weekend consignment (in order to avoid the contact of the minor with certain persons or his/her presence in certain places which predisposes the minor to manifest a criminal behavior);

- daily assistance (a daily program is set up and the minor has to comply with and the activities jointly established by the probation counselor and the parents, guardian or other person who takes care of the minor, with his/her consultation).

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

Additional information:

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

- Law no.253/2013 on the execution of penalties and educative measures implying deprivation of liberty provides the details of their execution.

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

Yes

No

Comments The recovery rate cannot be estimated.

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

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

	Number of notaries
TOTAL	2549 [] NA [] NAP
Private professionals (without control from public authorities)	[] NA [X] NAP
Private professionals under the authority (control) of public authorities	2549 [] NA [] NAP
Public agents	[] NA [X] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

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

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

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

k) to register and keep, in the legal conditions, the prints of the marking devices;

l) to certify the procedural phases of the auctions and/or of their results;

- m) the procedure of divorce, in the legal conditions;
- n) to liquidate the liability of estate, with the approval of all heirs;
- o) any other operations stipulated by law.

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

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

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?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments The notarial acts are submitted to the judicial control, in the conditions of article 158 of the Law on Notaries Public and Notarial Activity no. 36/1995, republished.

The activity of the notaries public is submitted to the administrative professional control in the conditions of Law no. 36/1995, republished. The administrative professional control will be exercised by the National Union of Notaries Public through its board and will have in view: the organization of the Chambers of Notaries Public and of the notaries public offices; the quality of the documents and papers concluded by notaries public; the observance of the legal, statutory and ethical professional obligations.

The minister of justice can order the control of the notaries public activity through general specialty inspectors.

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

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: The records of the Minister of Justice, the legislation in force (Law on notaries public and notarial activity no. 36/1995, republished)

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[38146]

[] NA

[] NAP

Comments

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

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: The records of the Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

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

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments

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

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

Yes

No

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

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

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

Comments

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

- the proceeding
- 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 mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

- Yes
- No

Comments

205. Number of accredited or registered judicial / technical experts:

- 10019]
- NA
- NAP

Comments Besides the interviews organized in this period of time, which have allowed a number of specialist to acquire the quality of a judicial technical expert (in some areas of specialization), another explanation is the functions of the "Technical Experts for the Judiciary" program, which generates the number of experts according to the "Active" search criteria. The results of the program also include automatically the accountants and tax consultants who have opted for judicial expertise, and their number varies from one year to the next.

205-1. Who sets the expert remuneration?

- The authority which has ordered the expertise .

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

- Yes
- No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The expert report shall be filed at least ten days before the deadline fixed for the judgment.

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts

Comments

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

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: The records of the Ministry of Justice.

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

1. (Comprehensive) reform plans -

2. Budget -

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The set of laws that covered the three regulation in the field of the statute of magistrates and of the organization of the judiciary (a draft law amending and supplementing Law no. 303/2004 on the statute of magistrates, of Law no. 304/2004 on the judicial organization and of Law no. 317 on the Superior Council of Magistracy) was adopted by the Parliament and is currently in the process of being finalized after the procedures for verifying their constitutionality have been completed.

3.1. Access to justice and legal aid -

4. High Judicial Council see point 3

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. see point 3

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

7. Enforcement of court decisions -

8. Mediation and other ADR -

9. Fight against crime -

9.1. Prison system -

9.2 Child friendly justice -

9.3. Violence against partners -

10. New information and communication technologies -

11. Other A draft of Strategy for developing the national probation system in Romania for the period 2018-2020 is prepared and is planned to be submitted for the Government approval in the next period.