

# CURRENT JUSTICE LAWS IN ROMANIA

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## Abstract

*At the end of 2022, the new Romanian justice laws were adopted, namely Law no. 303/2004 on the status of judges and prosecutors, Law no. 304/2022 on the status of judges and prosecutors and Law no. 305/2022 on the Superior Council of Magistracy.*

*The magistracy is the judicial activity carried out by judges for the purpose of dispensing justice and by prosecutors for the purpose of defending the general interests of society, the rule of law and the rights and freedoms of citizens.*

*The judicial organization is the set of principles and rules governing the functioning of the courts in judicial activity, with the aim of guaranteeing respect for the Romanian Constitution and the realization of the fundamental rights and freedoms of the individual through the dispensation of justice as a public service.*

*Judges and prosecutors may be awarded the Diploma of Judicial Merit by the President of Romania, on the proposal of the Plenum of the Superior Council of Magistracy, for outstanding merits in their activity.*

The Ministry of Justice and the Superior Council of the Magistracy shall cooperate loyally in the exercise of their respective powers relating to the proper organization and administration of justice as a public service.

**Keywords:** *magistrates, judges, prosecutors, judicial authority, judiciary, Public Ministry, Superior Council of Magistracy, justice laws, statute of judges and prosecutors, judicial organization.*

## 1. Introduction

According to the provisions of art. 1 of the Romanian Constitution, the Romanian State is a democratic and social state governed by the rule of law, organized according to the principle of the separation and balance of powers – legislative, executive and judicial – within the framework of constitutional democracy.

The judiciary is made up of the High Court of Cassation and Justice and all other courts established by law.

In particular, the High Court of Cassation and Justice ensures the uniform interpretation and application of the law by the other courts, according to its jurisdiction.

The Constitutional Court of Romania, despite its name, is not a court of law and is not part of the judicial order but of the constitutional order.<sup>1</sup>

The concept of judicial power is not confused with that of judicial authority.

The judicial authority consists of the courts, the Public Prosecutor's Office and the Superior Council of Magistracy.

Regarding the status of judges, the Romanian Constitution states that they are appointed by the President of Romania, irremovable and incompatible with any other public or private office, with the exception of teaching posts in higher education.

The Public Prosecutor's Office exercises its powers through prosecutors constituted in public prosecutor's offices operating alongside the courts, in accordance with the law, representing the general interests of society and defending the rule of law and the rights and freedoms of citizens.

The work carried out by prosecutors is governed by three principles: the principle of legality, the principle of impartiality and the principle of hierarchical control.

Prosecutors enjoy stability and are incompatible with any other public or private office, except for teaching posts in higher education.

The Superior Council of Magistracy is the guarantor of the independence of justice, consisting of 19 members, and proposes to the President of Romania the appointment of judges and prosecutors, with the

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<sup>1</sup> N. Popa (coord.), E. Anghel, C. Ene-Dinu, L.-C. Spătaru-Negură, *General Theory of Law. Seminar booklet*, 3<sup>rd</sup> ed., C. H. Beck Publishing House, Bucharest, 2017, p. 61.

exception of probationary judges and prosecutors under the law, and acts as a court, through its sections, in the area of disciplinary liability of judges and prosecutors.

The Superior Council of Magistracy, in addition to being the guarantor of the independence of justice, contributes to the proper organization and administration of justice through its powers and competences.

The concept of justice laws in Romania refers to the status of judges and prosecutors, the judicial organization and the Superior Council of Magistracy.

At the end of 2022, the new justice laws in Romania were adopted, namely Law no. 303/2022 on the status of judges and prosecutors, Law no. 304/2022 on the judicial organization and Law no. 305/2022 on the Superior Council of Magistracy.

## 2. Content

Law no. 303/2004 on the status of judges and prosecutors, in force from September 2004 until December 2022, was repealed by Law no. 303/2022 on the status of judges and prosecutors.

Law no. 303/2004 on the status of judges and prosecutors has been amended and supplemented over time by several normative acts, including: GEO no. 148/2005, Law no. 29/2006, GEO no. 50/2006, Law no. 356/2006, GEO no. 100/2007, Law no. 97/2008, GEO no. 46/2008, GEO no. 195/2008, GEO no. 230/2008, CCR dec. no. 82/2009, Law no. 77/2009, CCR dec. no. 785/2009, GEO no. 59/2009, GEO no. 80/2010, Law no. 300/2011, Law no. 24/2012, GEO no. 23/2012, GEO no. 81/2012, GEO no. 48/2013, Law no. 255/2013, CCR dec. no. 176/2014, Law no. 118/2014, Law no. 138/2014, GEO no. 1/2016, Law no. 242/2018, GEO no. 7/2019, CCR dec. no. 121/2020, Law no. 313/2021.

Among the amendments and additions made to the regulation of the statute of judges and prosecutors, we mention: the procedure for holding the competition for promotion to the position of judge at the High Court of Cassation and Justice, the facts for which liability for judicial errors may be incurred, the procedure for transferring judges and prosecutors, the minimum seniority requirements for appointment to senior positions, disputes given to the jurisdiction of probationary judges, etc.

Law no. 304/2004 on judicial organization, in force from September 2004 until December 2023, was repealed by Law no. 304/2022 on judicial organization, with the exception of Article 661 which is repealed 90 days after the date of entry into force of the new law.

Law no. 304/2004 on the judicial organization has been amended and supplemented by several normative acts, among which we recall: GEO no. 134/2005, GEO no. 50/2006, GEO no. 100/2007, GEO no. 56/2009, Law no. 202/2010, Law no. 148/2011, Law no. 71/2011, Law no. 300/2011, GEO no. 81/2012, Law no. 296/2013, Law no. 255/2013, GEO no. 3/2014, H. G. no. 328/2016, GEO no. 18/2016, GEO no. 90/2018, CCR dec. no. 547/2020, GEO no. 215/2020, Law no. 198/2021, Law no. 49/2022, CCR dec. no. 55/2022.

With regard to the amendments and additions made, we indicate, by way of example and not exhaustively, the following: the transition from the National Anticorruption Prosecutor's Office to the National Anticorruption Directorate, the control of the senior prosecutor over the acts and measures ordered by prosecutors, the professional level of execution and salary of DIICOT prosecutors, the acceleration of trials, the number of judges' posts in the reserve fund, the abolition of some courts and their prosecutors' offices, issues related to the administrative organization of the High Court of Cassation and Justice and the powers of its Management College, specialized courts and their competences, the jurisdiction of the High Court of Cassation and Justice, measures for the execution of technical surveillance warrants ordered in criminal proceedings, principles of judicial organization, access to justice, court activity during a state of emergency, the establishment and dissolution of the Section for the Investigation of Offences in Criminal Matters, the composition of appeal court panels, etc.

Law no. 317/2004 on the Superior Council of Magistracy, in force from September 2004 until December 2022, was repealed by Law no. 305/2022 on the Superior Council of Magistracy.

Law no. 317/2004 on the Superior Council of Magistracy has been amended and supplemented by a number of legislative acts, including the following: GEO no. 4/2013, CCR dec. no. 196/2013, GEO no. 23/2012, Law no. 255/2013, GEO no. 77/2018, GEO no. 12/2019.

The amendments and additions concerned, inter alia, the election and dismissal of members of the Superior Council of Magistracy, the term of office of members of the Superior Council of Magistracy, the work of the plenary and of the sections of the Superior Council of Magistracy, powers regarding the authorization of search,

detention, preventive arrest or house arrest of judges, assistant magistrates and prosecutors, the completion of Article 67 of Law no. 317/2004 on the Superior Council of Magistracy, disciplinary offences, etc.

Thus, Law no. 303/2022 on the status of judges and prosecutors consists of Title I - General provisions, Title II - Career of judges and prosecutors, Title III - Rights, duties, incompatibilities and prohibitions, Title IV - Assistant judges of the High Court of Cassation and Justice, Title V - Liability of judges and prosecutors and Title VI - Transitional and final provisions.

Law no. 303/2004 contained five titles and 113 articles, whereas the new regulation contains six titles and 294 articles, to which are added Annexes 1 and 2 on the criteria and indicators for evaluating the professional performance of judges and prosecutors, respectively the indicators for evaluating the professional performance of judges and prosecutors in managerial positions, as well as the criteria and indicators for evaluating the professional activity of legal staff assimilated to judges and prosecutors.

In Title I - General Provisions we find the legal provisions concerning the status of judges and prosecutors as magistrates, the irremovability of judges and the stability of prosecutors, the obligation of judges and prosecutors to ensure the supremacy of the law and to respect the rights and freedoms of individuals in all their work, and equality before the law and to ensure non-discriminatory legal treatment of all participants in judicial proceedings, regardless of their status, to ensure that individual rights and freedoms are guaranteed at all stages of the proceedings and to carry out their work in good faith and impartially, in accordance with and in compliance with the Code of Ethics for Judges and Prosecutors.

Title II - Career of judges and prosecutors contains provisions on admission to the National Institute of Magistracy and initial training of judges and prosecutors (the duration of the courses at the National Institute of Magistracy is now 3 years, compared to the previous regulation where the duration was set at 2 years), the status of trainee judges and prosecutors (who enjoy stability, their coordination by a specifically designated judge or prosecutor, their powers, the prohibition to order custodial or restrictive measures, the countersignature of the solutions ordered by the trainee prosecutor by the coordinating prosecutor, taking the capacity examination, the duration of the traineeship is one year compared to the previous regulation where the traineeship lasted 2 years, the appointment of judges and prosecutors who have passed the qualification examination by the President of Romania, on the proposal of the appropriate section of the Superior Council of the Magistracy, to the posts of judge or prosecutor in the courts or public prosecutor's offices where they have been appointed as trainees, continuous professional training (this is a guarantee of independence and impartiality in the exercise of the function, representing both a right and a duty for judges and prosecutors) as well as of the legal specialist staff assimilated to them, professional evaluation of judges, prosecutors, magistrates – assistants and legal staff assimilated to judges and prosecutors and the evaluation procedure, promotion of judges, prosecutors and legal staff assimilated to them, appointment to senior positions in courts and prosecutors' offices (including the DNA and DIICOT), namely the removal from senior positions, delegation, secondment and transfer of judges and prosecutors (the duration of the delegation is a maximum of six months and may be extended, under the same conditions and with the same procedure, for a further six months), and the secondment of judges and prosecutors to positions of public dignity or to the position of judicial inspector, secondment may be ordered for a period of three years, which may be extended once for a further three years; vacant managerial posts may not be filled by transfer), suspension from office and termination of the office of judge or prosecutor (cases of suspension and dismissal).

We note that the continuous professional training of judges and prosecutors must take into account the dynamics of the legislative process and consists mainly in the knowledge and deepening of domestic legislation, European and international documents to which Romania is a party, the case law of the courts and the Constitutional Court, the ECtHR case law and the CJEU case law, comparative law, deontological rules, the multidisciplinary approach to new institutions, as well as the knowledge and deepening of foreign languages and computer operation.

The individual professional evaluation of judges and prosecutors involves the analysis and scoring of criteria and indicators for the evaluation of the professional performance of judges and prosecutors, which mainly concern the quality of work, efficiency, integrity and the obligation of continuous professional training, and in the case of judges and prosecutors appointed to managerial positions, the way in which they perform their managerial duties. Judges of the High Court of Cassation and Justice are not subject to evaluation. The professional evaluation is carried out in relation to the seniority in the position of judge or prosecutor, or may be carried out whenever the judge or prosecutor requests it.

Judges and prosecutors may be delegated or seconded under the terms of Law no. 303/2022 only with their written consent. Judges and prosecutors may be delegated, including to managerial positions, or seconded only to courts or prosecutors' offices to which they are entitled to serve according to their professional rank. DNA and DIICOT Prosecutors may not be delegated or seconded to other prosecutors' offices or institutions while working in the two directorates.

The judge and prosecutor is suspended from office in the following cases: (a) when they have been indicted for the commission of a criminal offence, from the time of the finality of the decision by which the preliminary chamber judge has ordered the commencement of the trial; (b) when the magistrate has been placed under preventive arrest or under house arrest; (c) when the measure of judicial supervision or judicial supervision on bail has been ordered and the judicial body has imposed on the magistrate the obligation not to exercise the profession in the exercise of which he or she committed the offence; (d) when he or she suffers from a mental illness which prevents him or her from exercising his or her office properly; (e) when he/she has been disciplinarily sanctioned with the penalty of suspension from office; (f) when, within the disciplinary procedure, the corresponding section of the Superior Council of Magistracy has ordered the suspension from office, under the conditions of the law; (g) in the period between the date of the communication of the decision of the corresponding section of the disciplinary sanction of exclusion from the judiciary and the date of release from office, if the section for judges or, as the case may be, the section for prosecutors considers that this measure is necessary in relation to the nature and gravity of the act and its consequences.

We note that the new regulation no longer provides for the case of suspension from judicial office for referral for trial following the commission of a criminal offence, if it is considered, in the light of the circumstances of the case, that the prestige of the profession is prejudiced.

Judges and prosecutors are dismissed in the following cases: a) resignation, b) retirement, c) transfer to another position, d) professional incapacity, e) as a disciplinary sanction, f) final conviction, g) postponement or waiver of punishment, ordered by a final court decision, as well as waiver of prosecution confirmed by the preliminary chamber judge, except in cases where these solutions were ordered for offences committed with negligence for which the corresponding section of the Superior Council of Magistracy assesses that they do not affect the prestige of justice, h) on the expiry of the one-year term of suspension from office due to the refusal or for reasons attributable to the magistrate to submit to the specialist expertise, if the magistrate did not attend the specialist expertise without justification or if the expertise cannot be carried out for reasons attributable to the magistrate and i) failure to meet the conditions provided for in art. 5 para. (3) (a) and (e) of Law no. 303/2022, *i.e.*, lack of Romanian citizenship, residence in Romania and full capacity to practice, as well as lack of medical and psychological fitness to perform the function of magistrate.

In Title III - Rights, duties, incompatibilities and prohibitions, there are provisions relating to the responsibility and complexity of the function of judge and prosecutor, taking into account the place and role of justice in the rule of law, with the aim of monitoring and guaranteeing the independence and impartiality of magistrates (salary rights, special protection measures, paid rest leave, study leave, right to official housing or settlement of rent for housing, free specialist medical care for the magistrate and his/her family, the right to a pension, the right to publish literary and scientific works, the right to examine draft legislation, the obligation to submit a declaration of assets and interests, incompatibility with any other public or private office, except for teaching posts in higher education, and with the political environment and written or oral consultations in contentious matters).

Judges, prosecutors and their equivalent legal staff may hold office in institutions of the European Union or in international organizations if the international act governing the conditions of their employment expressly makes access to that office conditional on their being a judge.

Judges, prosecutors, assistant magistrates and legal staff assimilated to judges and prosecutors are free to organize or join local, national or international professional organizations for the purpose of defending their professional rights and interests and may be members of scientific or academic societies and of any non-profit-making legal person under private law and may sit on their governing bodies.

Judges, public prosecutors, assistant judges and legal staff assimilated to judges and public prosecutors are prohibited from: a) carrying out commercial activities, directly or through intermediaries, b) carrying out arbitration activities in civil or other disputes, c) being a partner or member of the management, administration or control bodies of companies, credit or financial institutions, insurance/reinsurance companies, national companies or autonomous regions, and d) being a member of an economic interest group.

Judges, prosecutors, assistant judges and legal staff assimilated to them may not belong to political parties or political groups or engage in or participate in activities of a political nature.

In Title IV - Assistant Magistrates of the High Court of Cassation and Justice, we find the legal provisions concerning assistant magistrates, the grades of assistant magistrates, the competition for appointment to the position of assistant magistrate grade III, first assistant magistrate, chief assistant magistrate at the High Court of Cassation and Justice of Romania.

Title V - Liability of judges and prosecutors contains provisions on the types of legal liability of magistrates (civil, disciplinary, misdemeanor, criminal), the procedures for reporting unlawful acts committed by magistrates, search, arrest and detention, the application of judicial supervision and judicial supervision on bail only with the approval of the section for judges or prosecutors of the Superior Council of the Magistracy, with the exception of flagrant offences, the recourse action for financial damages caused by judicial errors, the acts considered as disciplinary offences and disciplinary sanctions, the solutions that may be ordered by the disciplinary committee.

The State is liable for damages caused by judicial errors, but this liability does not remove the liability of magistrates who have exercised their functions in bad faith or with gross negligence, even if they are no longer in office. Judges are not liable for decisions rendered in the absence of bad faith or gross negligence.

According to art. 268 para. (4) of Law no. 303/2022, a miscarriage of justice exists when: (a) procedural acts have been ordered in the course of the proceedings in clear violation of the legal provisions of substantive and procedural law, which have seriously infringed the rights, freedoms and legitimate interests of the person, causing an injury that could not be remedied by an ordinary or extraordinary remedy, and (b) a final judgment has been given which is manifestly contrary to the law or to the facts as shown by the evidence adduced in the case and by which the rights, freedoms and legitimate interests of the person concerned have been seriously prejudiced and which could not be remedied by ordinary or extraordinary legal remedies.

At the same time, the Criminal Procedure Code may regulate specific hypotheses and procedures that may engage the liability of the State and its regression, *i.e.*, the provisions of art. 538-542 CPP regulate the procedure for compensation of material damage or moral damage in case of miscarriage of justice or in case of unlawful deprivation of liberty or in other cases.

With regard to disciplinary liability, judges, prosecutors, assistant judges and their related specialist staff are liable for the culpable commission of disciplinary offences.

According to art. 270 of Law 303/2022, disciplinary offences are: (a) violation of legal provisions on incompatibilities and prohibitions; (b) undignified attitudes in the course of duty towards colleagues, other staff of the court or prosecutor's office in which they work, judicial inspectors, lawyers, experts, witnesses, litigants or representatives of other institutions; (c) engaging in activities of a political nature or expressing political beliefs in public or while on duty; (d) unjustified refusal to receive into the record applications, submissions, pleadings or documents filed by parties to the proceedings; (e) unjustified refusal to perform a duty; (f) failure by the prosecutor to comply with the instructions of the senior prosecutor given in writing and in accordance with the law; (g) repeated and attributable failure to comply with the legal provisions concerning the expeditious disposal of cases or repeated and attributable delay in the performance of work; (h) failure to comply with the duty to abstain when the judge or prosecutor knows that one of the grounds provided for by law for abstaining exists, as well as repeated and unjustified requests for abstention; (i) failure to observe the secrecy of deliberations or the confidentiality of work of this nature, as well as other information of the same nature which has come to his knowledge in the performance of his duties, with the exception of information of public interest, in accordance with the law; (j) repeated unjustified absences from duty or which directly affect the work of the court or the public prosecutor's office; (k) interference in the work of another judge or prosecutor; (l) unjustified failure to comply with provisions or decisions of an administrative nature ordered in accordance with the law by the head of the court or public prosecutor's office or other obligations of an administrative nature laid down by law or regulations; (m) using one's office to obtain favorable treatment from the authorities or intervening in the settlement of requests, claiming or accepting the settlement of personal interests or those of family members or other persons, other than within the legal framework regulated for all citizens; (n) failure to comply with the provisions on the random distribution of cases; (o) obstructing the work of judicial inspectors by any means; (p) participating directly or through intermediaries in pyramid games, gambling or investment schemes for which the transparency of funds is not ensured; (q) failure to draft or sign court decisions or judicial acts of the public prosecutor, for attributable reasons, within the time limits laid down by law; (r) the use of inappropriate expressions in the judgments or judicial acts of the prosecutor, the total lack of reasoning or reasoning manifestly

contrary to legal reasoning, such as to affect the prestige of justice or the dignity of the office of judge or prosecutor; and (s) the exercise of the function in bad faith or gross negligence.

The exercise of office in bad faith refers to the situation where the magistrate knowingly violates the rules of substantive or procedural law, seeking or accepting harm to a person, and the exercise of office with gross negligence refers to the situation where the magistrate culpably, seriously, unquestionably and unquestionably disregards the rules of substantive or procedural law.

In proportion to the seriousness of the misconduct, the disciplinary sanctions that may be applied are: (a) warning, (b) reduction of the gross monthly salary by up to 25% for a period of up to one year, (c) disciplinary transfer for an effective period of one to three years to another court or to another public prosecutor's office, even of the next lower grade, (d) demotion in professional grade, (e) suspension from office for a period of up to 6 months and (f) exclusion from the judiciary.

Compared to the previous regulation represented by Law no. 303/2004, the acts that may constitute disciplinary offences no longer include manifestations that are prejudicial to professional honor or probity or to the prestige of justice, committed in the exercise or outside the exercise of official duties, *i.e.*, failure to comply with the decisions of the Constitutional Court or the decisions rendered by the High Court of Cassation and Justice in the resolution of appeals in the interest of the law.

Title VI - Transitional and final provisions provides for the assessment as fulfilled of the conditions laid down in the new law by the magistrates and legal staff assimilated to them in office at the time of the entry into force of the new law, the number of mandates for the leading positions in courts and prosecutor's offices exercised until the entry into force of the new law, the duration of 2 years of the professional training courses for the auditors of justice admitted to the National Institute of Magistracy in the years 2022-2024, the repeal of Law no. 303/2004 on the status of judges and prosecutors<sup>2</sup>, art. 27 para. (21) of GEO no. 27/2006 on the salaries and other rights of judges, prosecutors and other categories of personnel in the justice system<sup>3</sup>, and any other legal provisions to the contrary.

Annexes no. 1 and 2 are an integral part of the Law no. 303/2022 on the status of judges and prosecutors, which provide: (i) criteria and indicators for the evaluation of professional performance for judges and prosecutors by reference to the efficiency of work, quality of work, integrity and the obligation of continuous professional training and completion of specialization courses, (ii) performance evaluation indicators for judges and prosecutors in managerial positions, and (iii) criteria and indicators for evaluating the professional activity of legal staff assimilated to judges and prosecutors by reference to the efficiency of professional activity, the quality of activity, integrity, the obligation of continuous professional training and the completion of specialization courses, the manner in which managerial duties are carried out (for managerial positions).

Law no. 304/2022 on the judicial organization comprises nine titles, *i.e.*, 168 articles, plus Annexes 1 and 2, which form an integral part of the law.

Title I - General Provisions provides (a) the principles of judicial organization, (b) ensures access to justice, (c) contains general provisions on judicial procedure.

Judicial organization is the set of principles and rules governing the functioning of the courts in judicial activity, in order to guarantee the respect of the Romanian Constitution and the realization of the fundamental rights and freedoms of the individual by providing justice as a public service.

Justice shall be done equally to all without distinction as to race, nationality, ethnic origin, language, religion, sex, sexual orientation, opinion, political affiliation, property, origin, health or social condition or any other discriminatory criteria.

The trial shall be conducted in accordance with the principles of random allocation of cases and continuity, except where the judge is unable to attend the trial for objective reasons.

The layout of the courtroom must reflect the principle of equality of arms in terms of seating of the judge, prosecutors and lawyers.

In Title II - Courts we find the legal provisions relating to the organization, jurisdiction, management and panels of the High Court of Cassation and Justice, the status of assistant magistrates, respectively the organization, jurisdiction, management and panels of courts of appeal, tribunals, specialized tribunals and courts, as well as military courts, organization, etc.

<sup>2</sup> Republished in the Official Gazette of Romania, Part I, no. 826/13.09.2005, with subsequent amendments and additions.

<sup>3</sup> Approved with amendments and additions by Law no. 45/2007, with subsequent amendments and additions.

The files of disputes pending before the courts are drawn up and filed in paper format. At the same time, the national electronic case file is being implemented at court level, which will allow the parties, in compliance with the law, to have access to the case file via the Internet, to communicate procedural documents electronically and to submit documents to the case file in the same way. Judgments may also be signed by qualified electronic signature.

The Ministry of Justice contributes to the proper organization and administration of justice as a public service and exercises the powers of a central authority in the field of international cooperation, within the limits of the competences provided for by law.

The High Court of Cassation and Justice is the only supreme court in Romania, with its own legal personality, based in Bucharest, whose main role is to ensure the uniform interpretation and application of the law by the other courts. The courts of appeal and tribunals are also courts with their own legal personality, while specialized courts and magistrates' courts do not have legal personality.

The President of the High Court of Cassation and Justice may authorise the judges to inquire at the courts' premises on matters relating to the correct and uniform application of the law, making known the case law of the High Court of Cassation and Justice, and to ascertain situations justifying proposals for improving the law.

Title III - Public Ministry regulates the powers and organization of the Public Ministry, with reference to the Prosecutor's Office of the High Court of Cassation and Justice, the Directorate for the Investigation of Organized Crime and Terrorism, the National Anti-Corruption Directorate, the prosecutor's offices of the courts of appeal, courts, juvenile and family courts and judges, and the organization of military prosecutors' offices.

The public prosecutor attends court hearings, in accordance with the law, and has an active role in establishing the truth, and is free to present to the court the conclusions that he or she considers to be justified, taking into account the evidence in the case.

The Directorate for the Investigation of Organized Crime and Terrorism and the National Anti-Corruption Directorate operate within the Prosecutor's Office of the High Court of Cassation and Justice as autonomous structures with their own legal personality.

The head of each prosecutor's office assigns prosecutors to sections, services and offices according to their training, specialization and skills, and assigns prosecutors' files according to their specialization.

The general prosecutors of the prosecutor's offices of the courts of appeal and through the prosecutors of the prosecutor's offices of the courts also exercise management and control functions over the administration of the prosecutor's office where they work, as well as over the prosecutor's offices in their district. The first prosecutors of the prosecutor's offices attached to the juvenile courts and the first prosecutors of the prosecutor's offices attached to the courts shall also exercise the powers of administration of the prosecutor's office.

The military prosecutor's offices operate alongside the military courts and carry out criminal prosecution in cases concerning criminal acts committed by Romanian military personnel deployed on the territory of other states, within the framework of international forces, under the conditions that, according to an international convention, Romanian jurisdiction may be exercised on the territory of the receiving state. Criminal prosecution is carried out by the military prosecutor when the person under investigation is an active military person, regardless of the military rank of the person under investigation.

Title IV - Organization and functioning of the National Institute of Magistracy contains the legal provisions of the public institution with legal personality, under the coordination of the Superior Council of Magistracy, which carries out the initial training of magistrates, continuous training of magistrates in office, training of trainers, in accordance with the law, and the organization and conduct of examinations or competitions, in accordance with the law, etc.

The National Institute of Magistracy is not part of the national education and training system and is not subject to the legal provisions in force concerning the accreditation of higher education institutions and the recognition of diplomas.

In Title V - Judicial assistants we find provisions relating to judicial assistants who are appointed by the Minister of Justice, at the proposal of the Economic and Social Council, for a term of five years, from among persons with at least five years' seniority in legal functions and who meet the conditions laid down by law, namely the stability they enjoy during their term of office, their delegation which may be ordered by the president of the court to which they have been appointed, their duties, offences and disciplinary sanctions applicable as in the case of magistrates, their evaluation every two years, etc.

Title VI - Specialist ancillary departments of the courts and public prosecutor's offices lays down rules on registrars, court registries, archives, information and public relations offices, court libraries, legal documentation and information departments of the High Court of Cassation and Justice, the courts of appeal, the public prosecutors' offices, the National Anti-Corruption Directorate and the Directorate for the Investigation of Organized Crime and Terrorism, the classified documents departments of the courts and military prosecutors' offices, etc.

Title VII - Security of Courts and Public Prosecutor's Offices, regulates the security and protection of magistrates, the security of the premises of courts and public prosecutor's offices, their property and valuables, the surveillance of access and the maintenance of the internal order necessary for the normal conduct of business in their premises, being provided free of charge by the Romanian Gendarmerie, respectively by the military police in the case of military courts and public prosecutor's offices.

In Title VIII - Economic-financial and administrative management of courts and public prosecutor's offices, we find the legal provisions concerning the organization of the economic-financial and administrative department, namely the budgets of courts and public prosecutor's offices. The activity of the courts and prosecutors' offices is fully financed from the state budget.

Title IX - Transitional and final provisions concerning the trade register offices and other structures that may operate in addition to the courts, judges' assistants, the Rules of Procedure of the courts, etc.

Law no. 305/2022 on the Superior Council of Magistracy entered into force in December 2022, consisting of four Titles, *i.e.*, 96 articles, plus the Annex on the indicators and procedure for evaluating the professional activity of judicial inspectors.

Title I - General Provisions refers to the role of the Superior Council of Magistracy, which has its own legal personality and is subject only to the law in its work, as guarantor of the independence of justice.

In Title II - Organization, functioning and powers of the Superior Council of Magistracy we find provisions concerning the structure of the Superior Council of Magistracy, *i.e.*, the 19 members and the two sections (for judges and for prosecutors), the election of members of the Superior Council of Magistracy, the functioning of the Superior Council of Magistracy, the powers of the Plenary of the Superior Council of Magistracy, the powers of the sections of the Superior Council of Magistracy, the common powers of the sections of the Superior Council of Magistracy concerning the career of judges and prosecutors, the powers of each section, the powers of the Superior Council of Magistracy in the field of disciplinary liability of judges and prosecutors, the statute of the members of the Superior Council of Magistracy, the apparatus of the Superior Council of Magistracy.

The members of the Superior Council of Magistracy are elected from among judges and prosecutors appointed by the President of Romania, with at least 7 years of seniority in the position of judge or prosecutor and who have not been disciplined in the last 3 years, unless the sanction has been cancelled.

From the High Court of Cassation and Justice are elected as members of the Superior Council of Magistracy 2 judges, respectively a prosecutor from the Prosecutor's Office of the High Court of Cassation and Justice or from the National Anticorruption Directorate or from the Directorate for the Investigation of Organized Crime and Terrorism, who have obtained the highest number of votes in the general assemblies. If two or more candidates have obtained an equal number of votes, the magistrate with the longest effective seniority as judge or prosecutor is declared elected. Under the previous rules, if no candidate obtained a majority of votes, the second round of elections was held in which the judges and prosecutors who came first and second were elected, with the candidate who obtained the highest number of votes being elected in the second round of elections.

The Superior Council of Magistracy verifies the legality of the appointment and election procedures, *ex officio* or at the request of any judge or prosecutor.

Appeals concerning the legality of the appointment and election procedures may be lodged with the Plenary of the Superior Council of Magistracy within 15 days from the date on which the result of the vote was established, *i.e.*, they shall no longer be lodged with the corresponding section of the Superior Council of Magistracy, as provided for in Law no. 317/2004.

Representatives of civil society may be elected as members of the Superior Council of Magistracy if they meet the following conditions: a) they are specialists in the field of law, with at least 10 years of experience in a legal profession or in higher legal education; b) they enjoy a high professional and moral reputation; c) they have not been part of the intelligence services before or after 1990, have not collaborated in any way with them and do not have a personal interest that influences or could influence the performance of the duties provided for by law with objectivity and impartiality. They shall make a sworn statement to the effect that they have not been



operational workers and have not collaborated in any way with any intelligence service before or after 1990; d) they are not and have not been a member of a political party for the past 6 years and have not held public office for the past 6 years.

With regard to the last condition to be met, we note the change from the previous regulation where the candidate from civil society had to not be a member of a political party and not have held a position of public dignity in the last 5 years.

If it is objectively impossible for some members to attend meetings of the Plenary or of the sections of the Superior Council of the Magistracy, meetings may be held by videoconference, by electronic means of direct remote communication, or, where appropriate, in mixed format, with physical participation and by videoconference, while respecting the secret nature of the vote.

The relevant sections of the Superior Council of Magistracy have the right and the correlative obligation to take action, *ex officio*, to protect judges and prosecutors against any act of interference in their professional activity or in connection therewith which might affect their independence or impartiality, as well as against any act which might create suspicions concerning them. The sections of the Superior Council of Magistracy also protect the professional reputation of judges and prosecutors. Complaints concerning the defense of the independence of the judicial authority as a whole are dealt with by the Plenary of the Superior Council of Magistracy, either on request or *ex officio*.

The Plenary of the Superior Council of Magistracy, the sections, the President and the Vice-President of the Superior Council of Magistracy, upon the request of a judge or prosecutor who considers that his or her independence, impartiality or professional reputation is affected in any way or *ex officio*, shall refer the matter to the Judicial Inspectorate for verification, in order to protect the independence, impartiality and professional reputation of judges and prosecutors.

In cases where the independence, impartiality or professional reputation of a judge or prosecutor is affected, the appropriate section of the Superior Council of Magistracy shall order the necessary measures and ensure their publication on the website of the Superior Council of Magistracy, may refer the matter to the body competent to decide on the necessary measures or may order any other appropriate measure, in accordance with the law.

The Superior Council of Magistracy ensures compliance with the law and the criteria of professional competence and ethics in the professional career of judges and prosecutors.

The Superior Council of Magistracy draws up and keeps the professional files of judges and prosecutors.

The Superior Council of Magistracy is the competent authority for supervising the processing of personal data by the courts in the exercise of their judicial functions, within the meaning of art. 55 para. (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27<sup>th</sup>, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

The Superior Council of Magistracy may carry out cooperation actions with institutions of the judicial systems of other countries.

As regards the powers of the Plenary of the Superior Council of Magistracy, we indicate powers relating to the career of judges and prosecutors, powers relating to admission to the judiciary, training and examinations of judges and prosecutors, powers relating to the organisation and functioning of courts and prosecutors' offices, adopts the Code of Ethics of Judges and Prosecutors, the Regulation on the organization and functioning of the Superior Council of Magistracy, the Regulation on the procedure for the election of members of the Superior Council of Magistracy, as well as other regulations and decisions provided by law, it shall approve draft normative acts concerning the activity of the judicial authority, it shall approve draft regulations and orders to be approved by the Minister of Justice, in the cases provided for by law, it may refer to the Minister of Justice the need to initiate or amend normative acts in the field of justice, it shall draw up annually a report on the state of justice and a report on its own activity, which it shall submit to the Chambers of the Romanian Parliament by February 15<sup>th</sup> of the following year, and shall publish them in the Official Gazette of Romania, Part III, and on the website of the Superior Council of Magistracy.

The sections of the Superior Council of Magistracy shall have the following powers regarding the career of judges and prosecutors: a) propose to the President of Romania the appointment and dismissal of judges and prosecutors; b) appoint trainee judges and prosecutors on the basis of the results obtained in the National Institute of Magistracy graduation examination; c) dismiss probationary judges and prosecutors; d) appoint

judges and prosecutors to managerial positions, in accordance with the law; e) order the promotion of judges and prosecutors, in accordance with the law; f) order, in accordance with the law, the delegation and secondment of judges and prosecutors; g) settle appeals against the qualifications awarded by the committees for the evaluation of the professional activity of judges and prosecutors, set up in accordance with the law; h) take measures to deal with complaints received from litigants or other persons concerning the misconduct of judges and prosecutors; i) order the suspension from office of judges and prosecutors; j) approve, in accordance with the law, the transfer of judges and prosecutors; k) perform any other duties established by law or by the Rules of Organization and Functioning of the Superior Council of Magistracy.

The Section for Judges of the Superior Council of Magistracy appoints and removes from office the President, Vice-Presidents and Presidents of Chambers of the High Court of Cassation and Justice.

The Section for Prosecutors of the Superior Council of Magistracy shall, in accordance with the law, approve the proposal of the Minister of Justice for the appointment and dismissal of the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice, his first deputy and his deputy, the Chief Prosecutor of the National Anticorruption Directorate and of the Directorate for the Investigation of Organized Crime and Terrorism, their deputies, the Chief Prosecutors of the Prosecutor's Office of the High Court of Cassation and Justice, of the National Anticorruption Directorate and of the Directorate for the Investigation of Organized Crime and Terrorism.

The Judges' Section and the Prosecutors' Section of the Superior Council of Magistracy shall authorize the search, detention, preventive arrest and house arrest of judges and prosecutors respectively. The Section for Judges and Prosecutors of the Superior Council of Magistracy shall approve the measure of judicial supervision and judicial supervision on bail if the obligation not to exercise the function of judge or prosecutor is to be ordered. These provisions on search and detention do not apply in the case of a flagrante delicto offence.

The Superior Council of Magistracy, through its sections, acts as a court of law in the field of disciplinary liability of judges and prosecutors for acts provided by law as disciplinary offences.

Disciplinary action in the case of misconduct committed by judges and prosecutors is exercised by the Judicial Inspectorate, through the judicial inspector.

In the disciplinary procedure before the sections of the Superior Council of Magistracy, the judge or prosecutor against whom disciplinary action is taken and the Judicial Inspectorate must be summoned. The judge or prosecutor may be represented by another judge or prosecutor or may be assisted or represented by a lawyer. The non-appearance of the judge or prosecutor under investigation at the trial of the action shall not prevent the further conduct of the trial.

The Disciplinary Division is obliged to submit to the parties all requests, exceptions, factual circumstances or legal grounds put forward by them in accordance with the law or raised of its own motion. The Disciplinary Tribunal shall first rule on defenses which make it unnecessary to adjudicate on the merits of the disciplinary action.

In the disciplinary proceedings before the divisions of the Superior Council of Magistracy, it is not admissible to submit requests for ancillary intervention, but it is admissible to submit requests for recusal if the disciplinary action concerns them, their spouse or their relatives up to and including the fourth degree, respectively whenever, in view of the quality of the person concerned by the disciplinary action, their impartiality could be affected, as well as in case of conflict of interest.

Until the date of communication of the decision to the judge or prosecutor concerned, the decisions of the sections of the Superior Council of the Magistracy which have settled the disciplinary action shall have no effect on the career and rights of the magistrate.

An appeal may be lodged against the decisions of the sections of the Superior Council of Magistracy which have resolved the disciplinary action within 15 days from the communication by the sanctioned judge or prosecutor or, as the case may be, by the Judicial Inspection.

The competence to decide on the appeal lies with the 5-judge panel of the High Court of Cassation and Justice. The five-judge panel may not include voting members of the High Council of the Judiciary or the judge who has been disciplined.

In this situation, the appeal is a devolutive appeal and suspends the execution of the decision of the section of the Superior Council of Magistracy applying the disciplinary sanction.

The disciplinary liability of judges and prosecutors is prescribed within 4 years from the date of the disciplinary offence. The limitation period for disciplinary liability shall be suspended for the duration of the

suspension of the disciplinary proceedings. Disciplinary liability shall be time-barred however many suspensions occur, if the 4-year period is exceeded by a further year.

Title III - Judicial Inspectorate contains general provisions on the Judicial Inspectorate concerning its own legal personality, the security of its premises, its management, the number of posts within its own apparatus, the organization of the Judicial Inspectorate and the status of judicial inspectors (chief inspector, deputy chief inspector, management college of the Judicial Inspectorate, general assembly of judicial inspectors, judicial inspectors and their duties, organization of competitions to fill posts, evaluation of work, etc.).

Judicial inspectors have the following main tasks: (a) in disciplinary matters, order and carry out the preliminary disciplinary investigation with a view to disciplinary action against judges, prosecutors, including those who are members of the Superior Council of Magistracy, under the terms of this law; (b) checks the courts' compliance with the procedural rules on the receipt of applications, the random allocation of cases, the setting of time limits, the continuity of the panel, the delivery, drafting and communication of judgments, the forwarding of cases to the competent courts, the enforcement of criminal and civil judgments, and informs the Section for Judges of the Superior Council of Magistracy, making appropriate proposals; (c) checks the prosecutor's offices for compliance with procedural rules on the receipt and registration of cases, the allocation of cases on the basis of objective criteria, continuity in the work allocated and the independence of prosecutors, compliance with deadlines, the drafting and communication of procedural documents and informs the Section for Prosecutors of the Superior Council of Magistracy, making appropriate proposals; (d) checks the managerial efficiency and the way in which the duties arising from laws and regulations are carried out in order to ensure the proper functioning of the court and the Public Prosecutor's Office and the appropriate quality of the service, points out the shortcomings observed and formulates appropriate proposals for their removal, which are submitted to the appropriate section; (e) verifies the complaints submitted to the Judicial Inspection or makes ex officio referrals concerning the activity or misconduct of judges, prosecutors, including those who are members of the Superior Council of Magistracy, or concerning the violation of their professional obligations; (f) carry out the checks for the settlement of applications concerning the defense of the independence, impartiality and professional reputation of judges and prosecutors and submit to the appropriate section of the Superior Council of Magistracy the report containing the outcome of the checks; and (g) carry out any other checks or controls ordered by the Plenum of the Superior Council of the Magistracy, the sections of the Superior Council of the Magistracy or the Chief Inspector of the Judicial Inspection, in accordance with the law.

Title IV - Transitional and final provisions deals with the number of posts in the Superior Council of Magistracy, its premises and security, the protection offered to the members of the Council and the repeal of the provisions of Law 317/2004.

The Annex on the indicators and procedure for the evaluation of the professional activity of judicial inspectors is an integral part of the Law and includes: (i) indicators for evaluating the professional performance of judicial inspectors with executive function - efficiency of work, quality of work, integrity, communication, participation in other activities in the area of competence, (ii) indicators for evaluating the managerial work of directors of inspection directorates - leadership and organizational capacity, control capacity, coordination capacity, decision-making capacity and assumption of responsibility, behavior and communication, integrity, evaluation committees and evaluation procedure.

### **3. Conclusions**

Among the novelties of Law no. 303/2022 on the status of judges and prosecutors we note that: (a) the duration of training courses for judicial auditors is now three years, instead of two years as provided for in the previous regulation, (b) the duration of the traineeship of trainee judges and prosecutors is now one year, instead of two years, (c) the reduction of litigation given to trainee judges, (d) acts of non-compliance with the decisions of the Constitutional Court or decisions handed down by the High Court of Cassation and Justice in the settlement of appeals in the interest of the law, as well as manifestations prejudicial to professional honor or probity or to the prestige of justice, committed in the exercise or outside the exercise of official duties, are no longer considered disciplinary offences.

Among the novelties of Law no. 304/2022 on the judicial organization we note: (a) the implementation of the electronic file, although the rule remains that files are prepared and archived in paper format, (b) court decisions can be validly signed by means of a qualified electronic signature, (c) the reasoned notification of the

measures and solutions adopted by the prosecutor by the hierarchical superior prosecutor or by the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice, when they are deemed to be unlawful or unreasonable, and the reasoned reversal of measures and decisions taken by prosecutors of the National Anticorruption Directorate and the Directorate for the Investigation of Organized Crime and Terrorism only by the senior prosecutor or by the chief prosecutor of the directorate when they are deemed to be unlawful or unreasonable.

Among the novelties of Law no. 305/2022 on the Superior Council of Magistracy we note: (a) the organization of the meetings of the Sections and/or the Plenary of the Superior Council of Magistracy by videoconference or mixed system, under the conditions provided for by law, (b) the persons who wish to be members of the Superior Council of Magistracy as representatives of civil society, specialists in the field of law, must have at least 10 years of experience in a legal profession or in higher legal education, (c) the candidates for the positions of members of the Superior Council of Magistracy as representatives of the civil society must not be and must not have been a member of a political party in the last six years and must not have held public office in the last six years, instead of five years as provided in the previous regulation.

In the light of the new laws, given the new provisions as well as the amendments, it remains to be seen whether they will add value to the judicial system and the substantive administration of justice.

## References

### Treaties, courses

- N. Popa (coord.), E. Anghel, C. Ene-Dinu, L.-C. Spătaru-Negură, *General Theory of Law. Seminar booklet*, 3<sup>rd</sup> ed., C.H. Beck Publishing House, Bucharest, 2017;

### Legislation

- CCR dec. no. 121/2020 on the exception of unconstitutionality of the provisions of art. 106 letters a) and d) of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 487/09.06.2020;
- CCR dec. no. 176/2014 on the admission of the exception of unconstitutionality of the provisions of art. 50 para. (2) of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 351/13.05.2014;
- CCR dec. no. 196/2013 on the admission of the exception of unconstitutionality of the provisions of art. 55 para. (4) and (9) of Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Gazette of Romania, Part I, no. 231/22.04.2013;
- CCR dec. no. 547/2020 on the exception of unconstitutionality of the provisions of art. 881-889 of Law no. 304/2004 on the judicial organization, as well as of GEO no. 90/2018 on some measures for the operationalization of the Section for the Investigation of Justice Offences, published in the Official Gazette of Romania, Part I, no. 753/19.08.2020;
- CCR dec. no. 55/2022 on the admission of the objection of unconstitutionality of the provisions of the Law approving the GEO no. 6/2016 on some measures for the implementation of technical surveillance warrants ordered in criminal proceedings, as well as the provisions of art. I, para. 1, second sentence, art. II, para. 1, art. IV, para. 1, third sentence, and art. IV, para. 2, second sentence, of GEO no. 6/2016 on certain measures for the execution of technical surveillance warrants ordered in criminal proceedings, published in the Official Gazette of Romania, Part I, no. 358/11.04.2022;
- CCR dec. no. 785/2009 on the admission of the exception of unconstitutionality of the provisions of art. 44 para. (2) of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 404/15.06.2009;
- CCR dec. no. 82/2009 on the admission of the exception of unconstitutionality of the provisions of GEO no. 230/2008 for the amendment of some normative acts in the field of public pensions, state pensions and service pensions, published in the Official Gazette of Romania, Part I, no. 33/16.01.2009;
- GEO no. 46/2008 amending art. 33 of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 323/24.04.2008;
- GEO no. 56/2009 supplementing Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 381/04.06.2009;
- GEO no. 1/2016 for the amendment of Law no. 134/2010 on the Civil Procedure Code and related legislation, published in the Official Gazette of Romania, Part I, no. 85/04.02.2016;
- GEO no. 100/2007 for amending and supplementing certain normative acts in the field of justice, published in the Official Gazette of Romania, Part I, no. 684/08.10.2007;

- GEO no. 12/2019 amending and supplementing certain legal acts in the field of justice, published in the Official Gazette of Romania, Part I, no. 185/07.03.2019;
- GEO no. 134/2005 amending and supplementing GEO no. 43/2002 on the National Anticorruption Prosecutor's Office, published in the Official Gazette of Romania, Part I, no. 899/07.10.2005;
- GEO no. 137/2008 for the extension of certain deadlines, published in the Official Gazette of Romania, Part I, no. 745 /04.11.2008;
- GEO no. 148/2005 on family support for child rearing, published in the Official Gazette of Romania, Part I, no. 1008/14.11.2005;
- GEO no. 18/2016 on amending and supplementing Law no. 286/2009 on the Criminal Code, Law no. 135/2010 on the Criminal Procedure Code, as well as supplementing art. 31 para. (1) of the Law no. 304/2004 on judicial organization, published in the Official Gazette of Romania, Part I, no. 389/23.05.2016;
- GEO no. 195/2008 for amending and supplementing certain normative acts in the field of justice, published in the Official Gazette of Romania, Part I, no. 825/08.12.2008;
- GEO no. 215/2020 on the adoption of certain measures concerning the composition of appeal court panels, published in the Official Gazette of Romania, Part I, no. 1316/30.12.2020;
- GEO no. 23/2012 amending and supplementing Law no. 303/2004 on the status of judges and prosecutors, amending art. 54 of Law no. 317/2004 on the Superior Council of the Magistracy, and extending the period provided for in art. III of Title XVI of Law no. 247/2005 on reform in the area of property and justice, as well as some related measures, published in the Official Gazette of Romania, Part I, no. 383/07.06.2012;
- GEO no. 3/2014 for the adoption of certain implementing measures necessary for the application of Law no. 135/2010 on the Criminal Procedure Code and for the implementation of other normative acts, published in the Official Gazette of Romania, Part I, no. 98/07.02.2014;
- GEO no. 4/2013 on the amendment of Law no. 76/2012 on the implementation of Law no. 134/2010 on the Civil Procedure Code, as well as on the amendment and completion of some related normative acts, published in the Official Gazette of Romania, Part I, no. 68/31.01.2013;
- GEO no. 48/2013 supplementing art. 53 of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 303/28.05.2013;
- GEO no. 50/2006 on measures to ensure the proper functioning of the courts and public prosecutor's offices and to extend certain time limits, published in the Official Gazette of Romania, Part I, no. 566/30.06.2006;
- GEO no. 59/2009 amending Law no. 303/2004 on the status of judges and prosecutors and amending and supplementing Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Gazette of Romania, Part I, no. 439/26.06.2009;
- GEO no. 6/2016 on some measures for the implementation of technical surveillance warrants ordered in criminal proceedings, published in the Official Gazette of Romania, Part I, no. 190/14.03.2016;
- GEO no. 60/2006 for amending and supplementing the Criminal Procedure Code and amending other laws, published in the Official Gazette of Romania, Part I, no. 764 /07.09.2006;
- GEO no. 7/2019 on some temporary measures concerning the entrance examination to the National Institute of Magistracy, the initial professional training of judges and prosecutors, the graduation examination of the National Institute of Magistracy, the probationary period and the capacity examination of probationary judges and prosecutors, as well as for the amendment and completion of Law no. 303/2004 on the status of judges and prosecutors, Law no. 304/2004 on the judicial organization and Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Gazette of Romania, Part I, no. 137/20.02.2019;
- GEO no. 77/2018 supplementing art. 67 of Law no. 317/2004 on the Superior Council of the Magistracy, published in the Official Gazette of Romania, Part I, no. 767/05.09.2018;
- GEO no. 80/2010 supplementing art. 11 of GEO no. 37/2008 on the regulation of certain financial measures in the budgetary field, published in the Official Gazette of Romania, Part I, no. 636/10.09.2010;
- GEO no. 81/2012 amending Law no. 303/2004 on the status of judges and prosecutors and amending art. 136 of Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 837/12.12.2012;
- GEO no. 90/2018 on some measures for the operationalization of the Section for the Investigation of Offences in the Judiciary, published in the Official Gazette of Romania, Part I, no. 862/10.10.2018;
- GD no. 328/2016 amending and supplementing GD no. 652/2009 on the organization and functioning of the Ministry of Justice, and amending certain regulatory acts, published in the Official Gazette of Romania, Part I, no. 361/11.05.2016;
- Law no. 118/2014 on the completion of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 549/24.07.2014;
- Law no. 120/2020 on the completion of Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 608 /10.07.2020;

- Law no. 138/2014 amending and supplementing Law no. 134/2010 on the Civil Procedure Code and amending and supplementing related legislation, published in the Official Gazette of Romania, Part I, no. 753/16.10.2014;
- Law no. 148/2011 on the dissolution of certain courts and public prosecutor's offices, published in the Official Gazette of Romania, Part I, no. 510/19.07.2011;
- Law no. 198/2021 amending and supplementing art. 54 of Law no. 304/2004 on judicial organization, published in the Official Gazette of Romania, Part I, no. 712/19.12.2021;
- Law no. 202/2010 on some measures to speed up the resolution of trials, published in the Official Gazette of Romania, Part I, no. 714/26.10.2010;
- Law no. 207/2018 amending and supplementing Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 636/ 20.07.2018;
- Law no. 24/2012 on the amendment and completion of Law no. 303/2004 on the status of judges and prosecutors and Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Gazette of Romania, Part I, no. 51/23.01.2012;
- Law no. 242/2018 for the amendment and completion of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 868/15.10.2018;
- Law no. 255/2013 for the implementation of Law no. 135/2010 on the Criminal Procedure Code and for the amendment and completion of some normative acts containing criminal procedural provisions, published in the Official Gazette of Romania, Part I, no. 515/14.08.2013;
- Law no. 29/2006 supplementing Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 198/02.03.2006;
- Law no. 296/2013 amending and supplementing Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 699/14.11.2013;
- Law no. 300/2011 amending and supplementing Law no. 303/2004 on the status of judges and prosecutors and amending art. 29 para. (1) letter b) of Law no. 304/2004 on the judicial organization, published in the Official Gazette of Romania, Part I, no. 925/27.12.2011;
- Law no. 303/2004 on the status of judges and prosecutors, republished in the Official Gazette of Romania, Part I, no. 826/13.09.2005;
- Law no. 303/2022 on the status of judges and prosecutors, republished in the Official Gazette of Romania, Part I, no. 1102/16.11.2022;
- Law no. 304/2004 on judicial organization, published in the Official Gazette of Romania, Part I, no. 827/13.09.2005;
- Law no. 304/2022 on judicial organization, published in the Official Gazette of Romania, Part I, no. 1104/16.11.2022;
- Law no. 305/2022 on the Superior Council of Magistracy, published in the Official Gazette of Romania, Part I, no. 1105/16.11.2022;
- Law no. 313/2021 on the amendment and completion of Law no. 303/2004 on the status of judges and prosecutors, published in the Official Gazette of Romania, Part I, no. 1232/28.12.2021;
- Law no. 317/2004 on the Superior Council of Magistracy, republished in the Official Gazette of Romania, Part I, no. 628/01.09.2012
- Law no. 356/2006 amending and supplementing the Criminal Procedure Code and amending other laws, published in the Official Gazette of Romania, Part I, no. 677/07.08.2006;
- Law no. 49/2022 on the abolition of the Section for the Investigation of Criminal Offences and on the amendment of Law no. 135/2010 on the Criminal Procedure Code, published in the Official Gazette of Romania, Part I, no. 244/11.03.2022;
- Law no. 71/2011 on the implementation of Law no. 287/2009 on the Civil Code, published in the Official Gazette of Romania, Part I, no. 409/10.06.2011;
- Law no. 77/2009 approving GEO no. 50/2006 on certain measures to ensure the proper functioning of the courts and public prosecutor's offices and for the extension of certain time limits, published in the Official Gazette of Romania, Part I, no. 227/07.04.2009;
- Law no. 97/2008 approving GEO no. 100/2007 amending and supplementing certain normative acts in the field of justice, published in the Official Gazette of Romania, Part I, no. 294/15.04.2008;
- Romanian Constitution, republished in the Official Gazette of Romania, Part I, no. 767/31.10.2003.