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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ROMANIA**

**LAW**  
**ON THE JUDICIAL ORGANIZATION**

## **Law on the Judicial organization**

**The Senat adopts this bill.**

### **Title I General Provisions**

#### **Chapter I The principles of the judicial organization**

Art. 1 - (1) The judicial organization represents the set of principles and rules that guide the functioning of courts and prosecutors' offices in the judicial activity in order to ensure the respect for the Romanian Constitution, republished, and the accomplishment of person's fundamental rights and freedoms by performing justice as a public service.

(2) The justice is carried out by the High Court of Cassation and Justice and by the other courts established by the law.

(3) The Superior Council of Magistracy is the guarantor of the independence of justice and contributes to the proper organisation and administration of justice through its tasks and powers.

(4) The Public Ministry represents in judicial activity the general interests of society and defends the rule of law and the rights and freedoms of citizens, exercising its powers through prosecutors organized in prosecutor's offices, according to the law.

Art. 2 - (1) Justice is carried out by judges in the name of the law, is unique, impartial and equal for all.

(2) Justice is carried out through the following courts:

- a) The High Court of Cassation and Justice;
- b) Courts of appeal;
- c) Tribunals;
- d) Specialized tribunals;
- e) Military courts;
- f) Courts of first instance.

Art. 3 - The prosecutor's offices function attached to the courts, lead and supervise the criminal investigation activity performed by the judiciary police, according to the law.

Art. 4 - The jurisdiction of the judicial bodies and the judicial procedure are established by the law.

Art. 5 - (1) The Ministry of Justice contributes to the proper organization and administration of justice as public service and exercises the attributions of central authority in the field of international judicial cooperation, within the limits of the powers conferred on it by law..

(2) The minister of justice exercises the constitutional authority under which the prosecutors are carrying out their activity, in the limits of the competences set by the law.

(3) The Ministry of Justice and the Superior Council of Magistracy cooperate in a loyal manner in exercising their own competences concerning the proper organization and administration of justice as public service.

Art. 6 - (1) The institutional cooperation between courts and prosecutors' offices, on one side, as well as between courts and prosecutors' offices and any other public authority, on the other side, as well as the extrajudicial administrative acts that represent these forms of cooperation or are issued unilaterally and concern or could affect the judicial procedures, are carried out, respectively are issued and are concluded with the observance of procedural guarantees concerning the fundamental rights and freedoms of the parties in the judicial procedures.

Art. 7 - The existence and the content of the acts provided in Art. 6 are information of public interest to which the free access is guaranteed, by derogation to the provisions of art. 12 of Law no. 544/2001 on the free access to information of public interest, as subsequently amended and supplemented.

## **Chapter II**

### **Access to justice**

Art. 8 - (1) Any person may address to justice for protecting their rights, freedoms and legitimate interests, exercising their right to a fair trial.

(2) The access to justice cannot be restricted.

Art. 9 - (1) All persons are equal before the law, without privileges and discriminations.

(2) Justice is carried out equally for all, with no distinction on race, nationality, ethnic origin, language, religion, sex, sexual orientation, opinion, political affiliation, fortune, social origin, health or social status or any other such discriminating criteria.

Art. 10 - The layout of the courtroom must reflect the principle of equality of arms in terms of seating of the judge, prosecutors and lawyers.

Art. 11 - The international judicial assistance shall be requested or granted according to the law, to the international treaties to which Romania is a part of, or, the case being, based on reciprocity.

## **Chapter III**

### **General provisions on the judicial procedure**

Art. 12 - (1) All persons are entitled to a fair trial and to the trying of their cases within a reasonable time, by an impartial and independent court, set-up according to the law.

(2) During the state of siege or the state of emergency, according to article 93 of the Constitution of Romania, republished, the judicial activity is carried out according to the conditions of the normative acts that institutes and govern them.

Art. 13 - The judicial activity shall take place with the observance of the principles of random distribution of cases and of continuity, unless the judge is unable, for objective reasons, to participate in a trial.

Art. 14 - The court sessions shall be public, except as provided by law. The judgments shall always be delivered on public session, except for the cases provided by the law.

(2) In the cases and in the conditions provided by the law, the procedures carried out through technical means of distance communication are considered public.

Art. 15 - (1) The court sessions shall be recorded by the court by video or audio technical means.

(2) During the court sessions, the clerk takes notes regarding the course of the trial. The parties may request to read the notes and their endorsement by the president.

(3) Upon request, after the end of a court session, the participants receive a copy of the clerk's notes.

(4) The transcript of the verbal statements made during the trial, carried out automatically by information technology, where such technology has been implemented at court level, shall be handed to the parties, upon request, by the court registry, according to the Rules for internal order of the courts.

(5) The files of cases pending before the courts shall be drawn up and archived on paper.

(6) Without prejudice to the provisions of paragraph. (5), the National Electronic Case File shall be implemented at the level of the courts, under the conditions laid down by regulation adopted by joint order of the Minister of Justice and the President of the High Court of Cassation and Justice, with the opinion of the Superior Council of the Magistracy, in such a way as to allow, in compliance with the law, access by the parties to the case file via the Internet, the electronic communication of procedural documents, as well as the possibility of submitting, in the same way, certain documents to the case file.

Art. 16 - (1) The judicial procedure shall be conducted in Romanian language.

(2) The Romanian citizens belonging to national minorities have the right to express themselves in their native language before the courts, according to the present law.

(3) If one or several parties demand to express themselves in their native language, the court must ensure, free of charge, the use of an authorized interpreter or translator.

(4) If all the parties demand or agree to express themselves in their native language, the court has to ensure the exercise of that right, as well as the proper administration of justice with the respect of the principles of contradictory, orality and publicity of the proceedings.

(5) The requests and the procedural acts shall be drafted only in Romanian language.

(6) The debates between parties in their native language shall be recorded and written down in Romanian, under the terms of Article 15 para. (2). Objections made by those concerned regarding the translations and their recording shall be solved by the court until completion of the main hearings for that case, and recorded in the court session conclusion.

(7) The interpreter or the translator shall sign for conformity all the acts, when these were drafted or recorded on the basis of his/her translation.

Art. 17 - The right to defence is guaranteed. Throughout the trial, the parties shall have the right to be represented or, as the case may be, assisted by a defender, chosen or appointed *ex officio*, according to the law.

Art. 18 - (1) The court decisions must be observed and enforced, according to the law.

(2) The court decisions may be cancelled or amended only by the means of appeal provided in the law and exercised according to the legal provisions.

(3) Court judgments may also be signed with a qualified electronic signature.

Art. 19 - (1) In the case of the panels comprising two judges, if they do not reach an agreement on the judgement to be rendered, the trial will be re-tried in a divergence panel, according to the law. The divergence panel is set up by including in the panel the judge ensuring the permanence of the court, according to the schedule.

(2) The judge ensuring the permanence of the court ensures the composition of the panel in cases of absence of the member.

(3) In cases of procedural incidents relating to some members of the panel, their settlement shall be rendered by a panel constituted by including the judge or judges indicated by the plan of permanence.

## **Title II**

### **The courts**

#### **Chapter I**

#### **The High Court of Cassation and Justice**

##### **Section 1**

##### **Organization of the High Court of Cassation and Justice**

Art. 20 - (1) In Romania, there is only one Supreme Court, the High Court of Cassation and Justice, with legal capacity and headquarters in the capital city.

(2) The High Court of Cassation and Justice ensures the unitary interpretation and enforcement of the law by the other courts, according to its competence.

(3) The president of the High Court of Cassation and Justice act as main credit chief accountant and may delegate this function to one of the Vice-Presidents.

(4) The expenses required for functioning of the High Court of Cassation and Justice shall be financed from the state budget.

(5) The High Court of Cassation and Justice has in its structure the Chancellor's Office, departments, services and offices, with the personnel established by the schemes of personnel.

(6) The hearings of the Panel competent for trying the appeal in the interest of the law, of the Panel competent to resolve law issues and of the United Sections may be held, exceptionally, also through the videoconferencing system.

Art. 21 - (1) The High Court of Cassation and Justice is composed of one president, two vice-presidents, 4 section presidents and judges.

(2) The High Court of Cassation and Justice is organised in 4 sections - First Civil Section, Second Civil Section, the Criminal Section, the Administrative and Fiscal Litigation Section and the Joint Sections, each having its own competence.

(3) The Panel competent for trying the appeal in the interest of the law, the Panel competent to resolve law issues, as well as the panels of five judges are functioning within the High Court of Cassation of Justice.

(4) At the beginning of each year, the Leading Board of the High Court of Cassation and Justice, at the proposal of its president or, in his/her absence, of one of the vice-presidents, may approve or, in the cases provided for by law, approves the establishment of specialized panels within the High Court of Cassation and Justice sections, according to the number and nature of the cases as well as the volume of activity of each section.

(5) The establishment and the dissolution of the panels within the High Court of Cassation and Justice, other than provided in paragraph (4), shall be approved by the Leading Board of the High Court of Cassation and Justice, under the provisions of the law.

(6) Exceptionally, in the event of a high workload at the level of a section which judges cases in other matters than the criminal matters, in order to solve them in an optimum and predictable deadline, the Leading Board of the High Court of Cassation and Justice, at the proposal of the president of the High Court of Cassation and Justice, could decide the temporary allocation within that section, for one year, of judges from sections other than the criminal section, designated with their agreement, and in the absence of agreement, by drawing lots.

(7) The presidents of sections convene the judges of the section and submit to their debate the jurisprudence of the High Court of Cassation and Justice and other issues of general interest, in order to take the necessary measures for the unification of the jurisprudence and for the proper conduct of the activity of the section, without prejudice to the principles of the independence of judges and their submission solely to the law.

Art. 22 - (1) Assistant-magistrates, established by the schemes of personnel, are carrying out their activity within the High Court of Cassation and Justice.

(2) The assistant-magistrates take part in the court sessions of the Joint Sections, of the Panel competent for trying the appeal in the interest of the law, of the Panel competent to resolve law issues, of the panels of five judges as well as of the panels within sections.

(3) The assistant-magistrates that take part in the court sessions of the High Court of Cassation and Justice, take part with a consultative vote in the deliberations, sign the minutes and draft decisions, according to the distribution carried out by the president for all members of the panel.

(4) The First assistant-magistrate, chief assistant-magistrates and assistant-magistrates also carry out other attributions established by the Regulation for the administrative organisation and functioning of the High Court of Cassation and Justice

## **Section 2**

### **The competence of the High Court of Cassation and Justice**

Art. 23 - (1) The First Civil Section, The Second Civil Section and the Administrative and Fiscal Litigation section of the High Court of Cassation and Justice shall try the second appeals against the decisions delivered by the courts of appeal and against other decisions, according to the law, as well as second appeals against decisions which are not final or on judicial documents, of any nature, which cannot be contested on any other way, and the course of the trial has been interrupted before the courts of appeal.

(2) The decision to reject the request to address to the Constitutional Court for the solution of an unconstitutionality exception, rendered in last instance, is subject to the judicial remedy of second appeal.

(3) The First Civil Section, The Second Civil Section and the Administrative and Fiscal Litigation Section of the High Court of Cassation and Justice shall try in a different panel

the second appeal against the decisions rendered by these sections, by which the request to address to the Constitutional Court for the solution of an unconstitutionality exception was rejected.

Art. 24 - The Criminal Section of the High Court of Cassation and Justice shall try:

a) in first instance, the lawsuits and requests assigned by law within the competence of the High Court of Cassation and Justice, as first instance court;

b) the appeals against criminal decisions rendered in first instance by the courts of appeal and by the Military Court of Appeal;

c) the complaints against the criminal decisions rendered in first instance by the courts of appeal, the Military Court of Appeal and the Criminal Section of the High Court of Cassation and Justice;

d) the appeals against the non-definitive decisions or the judicial documents of any nature, which cannot be contested on any other way, and the course of the trial has been interrupted before the courts of appeal;

e) the appeals on points of law (second appeals) against final decisions, under the law;

f) the second appeals against decisions rejecting the request to refer to the Constitutional Court with the resolution of the exception of unconstitutionality pronounced by the courts of appeal;

g) the requests for issuing a preliminary ruling on solving a matter of law.

(2) The Criminal Section of the High Court of Cassation and Justice, when it is the court of last instance, hears by a different panel the second appeal lodged against the judgments delivered by that section, rejecting the application for referral to the Constitutional Court of the question of unconstitutionality.

Art. 25 - (1) The Sections of the High Court of Cassation and Justice, according to their competence, shall try:

a) the requests for displacement of the case from a court to another, for the reasons provided in the procedural codes;

b) the conflicts of competence, in the cases provided by the law;

c) any other cases provided by the law.

Art. 26 - (1) The Five Judges Panel shall solve the appeals against the decisions rendered in first instance by the Criminal section of the High Court of Cassation and Justice, the appeals on points of law against the decisions rendered in appeal by the Five Judges Panels after the admissibility in principle, the complaints against the rulings issued during the trial, in first instance, by the Criminal Section of the High Court of Cassation and Justice, the cases on disciplinary matters, according to the law, as well as other cases ascribed to its competence by law.

(2) The Five Judges Panel shall also hear the second appeals against the decisions of rejection of the requests to address to the Constitutional Court, rendered by the Criminal Section, when it is the court of last instance, or by another Panel of Five Judges.

Art. 27 - The High Court of Cassation and Justice shall sit in Joint Sections for:

a) solving, according to the present law, the requests on changing the case law of the High Court of Cassation and Justice;

b) notifying the Constitutional Court in view of examining the constitutionality of laws before their promulgation.

Art. 28 - Should a section of the High Court of Cassation and Justice or a panel of 5 judges consider necessary to review its own jurisprudence, shall interrupt the trial and shall notify the Joint Sections of the High Court of Cassation and Justice, which shall judge, summoning the parties of the case. After the Joint Sections decided upon the notification on changing the jurisprudence, the trial shall be resumed.

Art. 29 - (1) At the end of each year or whenever necessary, the High Court of Cassation and Justice, sitting in Joint Sections, shall determine where better regulation is needed and notifies the minister of justice and the two Chambers of the Parliament.

(2) The president of the High Court of Cassation and Justice may allow judges to inform themselves at the courts' headquarters about the aspects concerning the correct and unitary enforcement of the law, making known the jurisprudence of the High Court of Cassation and Justice and establishing the situations which justify proposals for improving the legislation.

### Section 3

#### **The leadership of the High Court of Cassation and Justice**

Art. 30 - (1) The leadership of the High Court of Cassation and Justice shall be exercised by a president, 2 vice-presidents and the Leading Board. The Leading Board shall decide on the general management matters of the court established by law within its competence.

(2) The president represents the High Court of Cassation and Justice in internal and international relations.

(3) The president, the vice-presidents, the presidents of the sections and 4 judges, one from each section, elected for a period of 3 years in the general assembly of judges, shall compose the Leading Board of the High Court of Cassation and Justice. When debating upon economic-financial and administrative issues, the economic manager of the High Court of Cassation and Justice shall participate also at the meetings of the Leading Board, being entitled to a consultative vote.

(4) In cases of vacancy of a seat of an elected member of the Leading Board, elections for a new member shall be organised within 30 days since the vacancy.

(5) If the Leading Board cannot be constituted with the legal number of members elected for objective reasons, until the establishment of the Leading Board according to para. (3) or (4), its activity shall be carried out by participating in its sittings, with the right to vote, of the judge with the highest seniority in the position of judge of the section.

Art. 31 - (1) The Leading Board of the High Court of Cassation and Justice shall have the following powers:

a) approves the Regulation on the organization and administrative operation of the High Court of Cassation and Justice, as well as the charts of functions and personnel of the High Court of Cassation and Justice;

b) approves the establishment of panels, their composition and the corresponding permanent lists, as follows: on a proposal from the President or, in its absence, of one of the Vice-Presidents, for panels of five judges; on a proposal from the President or, in its absence, of one of the Vice-Presidents, for specialised panels; on a proposal from the Presidents of Chambers, for the other panels within the Chambers;

c) organizes and supervises the solving of petitions, according to the law;

d) proposes the draft budget of the High Court of Cassation and Justice;

e) exercises any other prerogatives provided by law or in the Regulation on the organisation and administrative operation of the High Court of Cassation and Justice.



(2) The Leading Board of the High Court of Cassation and Justice shall be chaired by the president and, in his/her absence, by a vice-president, designated by the President of the High Court of Cassation and Justice.

(3) The Leading Board of the High Court of Cassation and Justice shall meet quarterly or whenever necessary, at the request of the president of the High Court of Cassation and Justice and in its absence, at the request of one of the vice-presidents or upon request from at least three of its members.

(4) The meetings of the Leading Board of the High Court of Cassation and Justice shall be held in the presence of at least 7 of its members. The decisions of the Leading Board shall be adopted by a majority of its members. The vote of the President of the High Court of Cassation and Justice is decisive in the event of a tie.

(5) The meetings of the Management Board of the High Court of Cassation and Justice may be held in a videoconference system, by electronic means of direct distance communication, or, as the case may be, in a mixed format, with physical participation and by videoconference.

(6) The elected members of the Leading Board may be revoked by the general assembly in case of improper performance of the attributions provided by the law.

Art. 32 - (1) The General Assembly of the Judges of the High Court of Cassation and Justice is composed of all the judges in office of the High Court of Cassation and Justice.

(2) The general assembly of judges within the High Court of Cassation and Justice shall meet for:

- a) approving the annual activity report, which shall be made public;
- b) approving the budget of the High Court of Cassation and Justice, with the consultative endorsement of the Ministry of Public Finance;
- c) electing and revoking the elected members of the Leading Board of the High Court of Cassation and Justice;
- d) electing the members of the Superior Council of Magistracy, according to the law;
- e) consulting the judges on the measures necessary for the proper conduct of the activity of the High Court of Cassation and Justice;
- f) carrying out other duties provided by law or regulations.

Art. 33 - (1) The general assembly of judges of the High Court of Cassation and Justice is legally constituted in the presence of the majority of the judges in office.

(2) The decisions of the general assembly are adopted with the vote of the majority of the members participating.

#### **Section 4** **The panel of judges**

Art. 34 - (1) The distribution of cases on panels is done randomly, in a computerized system.

(2) In the case of the disbanding of a court panel for objective reasons, the distribution of cases is made randomly to the competent panels, in the order of their numbering.

(3) The change of the members of the court panels shall be made only exceptionally, based on objective reasons established by the Regulation on the organisation and administrative operation of the High Court of Cassation and Justice, which will exclude their arbitrary replacement.

(4) In criminal matters, the panels of judges shall be composed as follows:

a) in cases assigned, according to the law, in the first instance competence of the High Court of Cassation and Justice, the panel is composed of 3 judges;

b) for the complaints against the decisions rendered by the judges for rights and liberties and by the preliminary chamber judges from the courts of appeal and the Military Court of Appeal, the panel is composed of two judges;

c) for the appeals against the decisions rendered in first instance by the courts of appeal and the Military Court of Appeal, the panel is composed of 3 judges;

d) for the complaints against the decisions rendered by the judges for rights and liberties and the preliminary chamber judges from the High Court of Cassation and Justice, the panel is composed of 2 judges;

e) for the complaints against the solutions rendered during the trial in first instance by the courts of appeal and the Military Court of Appeal, the panel is composed of 3 judges;

f) for the complaints provided for in art. 250<sup>1</sup> para. (1) from the Law nr. 135/2020 on the Criminal Procedure Code, as subsequently amended and supplemented, against the solutions rendered during the trial on appeal by the courts of appeal or the Military Court of Appeal, as well as for complaints provided by art. 250<sup>1</sup> para. (4) from the the Law nr. 135/2020 on the Criminal Procedure Code, as subsequently amended and supplemented, against decisiosn rendered in appeal by the courts of appeal or the Military Court of Appeal, the panel is composed of 3 judges;

g) for the appeals on points of law against the decisions rendered on appeal by the courts of appeal and the Criminal Section of the High Court of Cassation and Justice, after the admission in principle, the panel is composed of 3 judges;

h) for the second appeals against the solutions by which the courts of appeal and the Military Court of Appel reject the request to address to the Constitutional Court, the panel is composed of 3 judges.

(5) In all other matters, the panels shall be composed of 3 judges from the same section, if the law does not provide otherwise.

(6) If the number of judges required to compose the panel of judges cannot be ensured, it shall be composed of judges from other Sections, designated by the president or by one of the two vice-presidents of the High Court of Cassation and Justice, designated by the President of the High Court of Cassation and Justice, by drawing lots.

Art. 35 - The procedure in the preliminary chamber is carried out by a judge from the panel provided for in art. 34 para. (4) letter a).

Art. 36 - (1) For each year, at the proposal of the president of the High Court of Cassation of Justice or, in his absence, of one of the vice-presidents, the Leading Board approves the number and the composition of the panels of five judges as well as the permanent list for each panel.

(2) In criminal matter, the panels composed of five judges are composed of judges from the Criminal Section of the High Court of Cassation.

(3) In other matters than the criminal matters, the panels composed of five judges are composed of judges. within the First Civil Section, the Second Civil Section and the Administrative and Fiscal Litigation Section, according to the representativeness established annually by the Management Board, based on the objective criteria, set out in the Regulation on the organization and administrative functioning of the High Court of Cassation and Justice, which exclude arbitrary appointment.

(4) The judges who sit on the panels composed of five judges are designated by lot, in a public sitting, by the President or, in his absence, by one of the two Vice-Presidents of the High Court of Cassation and Justice, designated by the President of the High Court of Cassation and Justice.

(5) The members of the five-judge panels are changed and replaced by judges from the permanent list in exceptional cases, where the judge is incompatible or absent.

(6) In the event of the removal from office of a judge who is a member of the five-judge panel, as well as in the event of impossibility to perform the function for a period exceeding three months, the President or, in his absence, one of the Vice-Presidents of the High Court of Cassation and Justice shall designate, by drawing lots at a public sitting, a judge from the permanent list to become a full member of the panel.

(7) A permanent list is set up for each panel of 5 judges. The order in which the Judges are to be placed on the permanent list for each panel shall be determined by drawing lots at the public sitting provided for in paragraph (4).

(8) The drawing of lots shall be carried out in accordance with the conditions laid down in the Rules governing the organisation and administrative functioning of the High Court of Cassation and Justice.

(9) The panel composed of five judges is chaired by the president of the High Court of Cassation and Justice, by one of the two vice-presidents or by the presidents of section when they are part of the panel, designated according to paragraph (4). If none of them is designated to take part in the panels composed of five judges, the panel is chaired, in rotation, by each judge, in order of their seniority in magistracy.

(10) The cases within the competence of the five judges panels will be randomly assigned in computerized system.

(11) The panels of 5 judges are assigned all the cases registered with these formations of the court during the year for which they were appointed.

(12) The cases distributed to the panels of five judges and unsolved until the date of designation, according to the provisions of the present article, of the new panels, remain to be judged by the panels initially invested.

Art. 37 - (1) The president of the High Court of Cassation and Justice or, in his absence, one of the vice-presidents, shall chair the Joint Sections, the Panel for solving the appeals in the interest of the law, the Panel for solving law matters, the Five Judges Panel and any other panel when he/she participates in the trial.

(2) The section presidents can chair any panel within their section, and the other judges can chair by turns.

Art. 38 - If the High Court of Cassation and Justice is sitting in Joint Sections, at least two thirds of the sitting judges are required to participate at the trial. The decision can be passed only with the majority of votes of those present.

## **Chapter II**

### **Courts of appeal, tribunals, specialized tribunals and first instance courts**

#### **Section 1**

#### **The organization of the courts of appeal, tribunals, specialized tribunals and first instance courts**

Art. 39 - (1) The courts of appeal are courts with legal capacity, having within their jurisdiction several tribunals and specialized tribunals, according to the annex no. 1.

(2) Within the courts of appeal shall function, according to the complexity and the number of cases, sections or, the case being, specialized panels for civil cases, criminal cases, cases on minors and family issues, cases of administrative and fiscal litigation, cases regarding labor conflicts and social insurance, civil cases arising from the operation of an enterprise, insolvency, unfair competition or for other matters, as well as panels specialized for maritime and fluvial cases.

Art. 40 - (1) The Tribunals are courts with legal capacity, organised at the level of each county and in Bucharest, according to the annex no. 1 and, as a rule, have their premises in the city-residence of the county.

(2) Each tribunal has within its jurisdiction all the first instance courts within the county or, as the case may be, in the city of Bucharest.

(3) Within the Tribunals shall function, according to the complexity and the number of cases, sections or, the case being, specialised panels for civil cases, criminal cases, cases on minors and family issues, cases of administrative and fiscal litigation, cases regarding labor conflicts and social insurance, civil cases arising from the operation of an enterprise, insolvency, unfair competition or for other matters, as well as specialized panels for maritime and fluvial cases.

Art. 41 - (1) Specialized tribunals may be set up within the fields of law provided in art. 40 paragraph (3) when the general interest of the society and the workload of specialized cases justify it.

(2) The specialized tribunals are courts without legal capacity, which may function at the level of a county and of the city of Bucharest, and are usually seated in the city-residence of the county.

(3) The specialized tribunals take over the cases that fall in the competence of tribunals, within the fields of law for which they are set up.

(4) The cases pending at the date of the beginning of the activity of the specialized tribunals, according to art. 154, will be sent, on administrative manner, *ex officio*, to be solved by the specialized tribunals. The specialized tribunal is also competent to solve in the case of the submission for retrial.

Art. 42 - (1) The first instance courts are courts without legal capacity, established in counties and in the sectors of the city of Bucharest, according to the annex no. 1.

(2) The territorial jurisdictions of the first instance courts in each county shall be established by Government decision, on the proposal of the Minister of Justice, with the endorsement of the Superior Council of the Magistracy.

Art. 43 - (1) According to the nature and number of cases, specialized sections or panels may be set up at the first instance courts.

(2) Specialized sections or panels for minors and family issues shall be set up within the first instance courts.

Art. 44 - (1) Specialized panels and sections for minors and family issues, as well as specialized tribunals for minors and family issues shall try both offences committed by minors, as well as offences committed against minors.

(2) When in the same case there are more than one defendant, some being minors and others adults, and the disjunction is not possible, the competence shall belong to the specialized tribunal for minors and family issues.

(3) The provisions of the Law nr. 135/2010, as subsequently amended and supplemented, shall apply accordingly.

Art. 45 - (1) The sections within the courts of appeal and within the courts within their jurisdiction shall be set up at the proposal of the President, with the endorsement of the leading board of each court, by decision of the Section for Judges within the Superior Council of the Magistracy. The specialized panels and the other panels of the sections of the courts of appeal and of the courts within their jurisdiction shall be set up by the president of the court, at the proposal of the leading board of each court.

(2) At the courts of appeal and tribunals, where the special law provides for the obligation to set up specialized panels, they shall be established by decision of the Section for Judges of the Superior Council of Magistracy, at the proposal of the president of the court.

(3) The composition of the specialized sections and panels is established by the president of the court, with the endorsement of the management board, in relation to the workload, taking into account the needs of the court and the specialization of judges. In the panels referred to in para. (2) not all judges of the court or, as the case may be, of the section may be appointed, unless their establishment is not possible due to the insufficient number of judges.

(4) Exceptionally, if a panel cannot be set up in a certain section, the President of the court, with the endorsement of the leading board may decide the participation of judges from other sections.

(5) The provisions of art. 21 paragraph (6) shall apply accordingly.

(6) In the absence of the President, the task referred to in paragraph (1) shall be carried out by the Vice-President of the Court or, where appropriate, by one of the Vice-Presidents of the Court designated by the President to replace him/her, on the basis of an express delegation by the President to that effect.

Art. 46 - According to the workload, to the nature and complexity of cases brought to justice, permanent secondary seats can be established for courts of appeal, tribunals and first instance courts, in other localities in the county or in the city of Bucharest.

Art. 47 - In maritime and fluvial cases, the jurisdiction of the Tribunals of Constanta and Galati are the following:

a) Constanta Tribunal: the counties of Constanta and Tulcea, the territorial sea, the Danube, until the maritime mile no. 64, inclusive;

b) Galati Tribunal: the other counties, the Danube, from the maritime mile no.64, upstream until KM 1075.

## **Section 2**

### **The leadership of law courts**

Art. 48 - (1) Each court shall be run by a president who exercises the management duties necessary for the effective organisation of the court's activity.

(2) The presidents of the courts of appeal and tribunals shall exercise also tasks of coordination and control on the administration of the court where they exercise their office, as well as of the courts in their jurisdiction.

(3) The presidents of the first instance courts and specialized tribunals shall also exercise attributions of court administration.

Art. 49 - (1) The presidents of the courts of appeal are secondary credit chief accountants, and the tribunal presidents are tertiary credit chief accountants.

(2) For the military courts, the Directorate for military courts within the Ministry of National Defence is the tertiary credit chief accountant.

Art. 50 - (1) According to the workload and the complexity of the cases, at the courts of appeal, tribunals and specialized tribunals, first instance courts that are seated in county jurisdiction, as well as at the courts of first instance from the city of Bucharest, the president can be assisted by 1-2 vice-presidents; at the other first instance courts, the president can be assisted by one vice-president.

(2) At the Bucharest Court of Appeal and Bucharest Tribunal, the president can be assisted by 1-3 vice-presidents.

Art. 51 - (1) The court presidents and vice-presidents shall take measures for the organisation and proper functioning of the courts they have charge of and, as the case may be, of the courts within their jurisdiction, ensure and verify the observance of the law and regulations by the judges and the auxiliary specialized personnel.

(2) Verifications performed personally by presidents or vice-presidents or those performed through judges expressly designated must observe the principles of the independence of judges and of their subjection only to the law, as well as the authority of *res judicata*.

(3) The duties provided by the law or regulation for the court's presidents or vice-presidents cannot be delegated to the courts' Leading Boards.

(4) The Vice-President of the Court or, where appropriate, one of the Vice-Presidents of the Court designated by the President to replace him, shall, in the absence of the President, perform the duties laid down by law and regulations for the President.

Art. 52 - The presidents of courts shall designate the judges who are to perform, according to the law, other attributions than those related to the judging activity.

Art. 53 -The courts' sections shall be headed by a section president.

Art. 54 - (1) Within each court shall function a leading board, which shall decide upon the general issues relating to running the court and fulfill the tasks provided in article 45.

(2) The leading boards are composed as follows:

a) at the courts of appeal and tribunals: the president, the vice-president or the vice-presidents, as the case may be, the presidents of the sections and 2 judges, elected for a term of three years in the general assembly of judges;

b) in specialized tribunals and first instance courts: the president, the vice-president or the vice-presidents, as the case may be, the presidents of the sections, if applicable, and 2 judges, elected for a term of three years in the general assembly of judges;

(3) In case the number of judges from the first instance courts and the specialized tribunals is 5 or smaller then 5, the tasks of the leading board shall be exercised by the president.

(4) The provisions of paragraph (3) shall apply accordingly in the situations in which, due to objective reasons, the leading board cannot be constituted with the legal number of members.

(5) The decisions of the leading board shall be adopted with the vote of the majority of its members. The vote of the president of the court is decisive in the event of a tie.

(6) The leading boards shall convene quarterly or whenever necessary, when convened by the president of the court or by at least one third of its members.

(7) At the courts of appeal and tribunals, when the leading board is debating upon economic-financial or administrative issues, its sessions shall also be attended by the court's economic manager, who shall be entitled to a consultative vote.

(8) Depending on the issues on debate, to the sessions of the leading boards of courts of appeal, of tribunals and of specialized tribunals, judges from other courts may also be invited, who shall not vote.

(9) The elected members of the leading boards may be revoked by the general assemblies in case of inappropriate exercise of the duties provided in the law.

(10) In case of vacancy of an elected member of the board, elections shall be organised for the appointment of a new member, within 30 days from the vacancy.

Art. 55 - (1) The general assemblies of judges within each court shall be organised annually or at any time necessary.

(2) General assemblies of judges shall be convoked, as follows:

a) the general assembly of the court of appeal and the general assembly of judges within its jurisdiction - by the president of the court of appeal;

b) the general assembly of the tribunal and the general assembly of judges within its jurisdiction - by the president of the tribunal;

c) the general assembly of the specialized tribunal - by the president of that court;

d) the general assembly of judges - by the first instance court president;

(3) The general assemblies of judges shall be convoked also at the request of one third of their members.

(4) The general assemblies of judges may be convoked also by the Plenum of the Superior Council of the Magistracy, by the Section for judges of the Superior Council of Magistracy or by the leading board of the court.

Art. 56 - The general assemblies of judges provided in art. 55 paragraph (1), shall have the following attributions:

a) debate the annual court activity;

b) elect, according to the law, the members of the Superior Council of the Magistracy;

c) debate law issues;

d) analyze the draft normative acts, upon request from the minister of justice or the Superior Council of the Magistracy;

e) express points of view upon request from the Plenum of the Superior Council of the Magistracy or the case may be, from the sections of the Superior Council of Magistracy;

f) elect and revoke members of leading boards;

g) carry out other attributions provided by the law or regulations.

(2) The general assembly of judges is legally constituted in the presence of the majority of judges in office.

(3) The decisions of the general assembly of judges are adopted with the vote of the majority of the members present.

### **Section 3** **The panels of judges**

Art. 57 - (1) The leading boards shall establish the composition of panels at the beginning of the year, with a view of ensuring the continuity of the panel. The judges composing the panels may be changed only exceptionally, in accordance with the objective criteria set up by the Regulation on the interior order of courts, which will exclude their arbitrary replacement.

(2) A panel shall be chaired, by rotation, by one of its members.

Art. 58 - (1) The cases distribution to panels of judges shall be carried out randomly, in computerized system.

(2) The cases distributed to a panel cannot be transferred to another panel, except under the conditions laid down in the law.

(3) In cases of abolition of a panel based on objective reasons, the distribution of cases on court panels is made randomly to the competent court panels, in the order of their numbering.

(4) The system for random distribution of cases to panel of judges is subject to an external audit every 2 years.

(5) The external audit is carried out in order to identify and remedy the vulnerabilities of the system in what concerns the vitiating or the manipulation of the random distribution.

(6) The external audit is organized and led by the the Ministry of Justice, with the involvement of the civil society and of magistrates' professional associations, on the basis of an order issued by the minister of justice. The audit shall be finalized in a report of the auditor, whose conclusions shall be published on the website of the Ministry of Justice. The audit report shall be communicated to the Superior Council of Magistracy with a view to the adoption of the necessary measures to correct the irregularities found, in accordance with its powers.

Art. 59 - (1) The cases ascribed by the law to the first instance competence of the first instance courts, tribunals and courts of appeal, shall be tried by panels of one judge, except for cases relating to labor conflicts and social insurance.

(2) The complaints against decisions rendered in criminal matters by first instance courts and by the tribunals in first instance, by the judges for rights and liberties and the preliminary chamber judges from these courts, shall be tried by two judges' panels.

(3) Appeals shall be tried by panels of 2 judges, and second appeals by panels of 3 judges, unless the law provides otherwise.

(4) The trainee judges may participate, with an advisory vote, in the panels of the court composed of a final judge.

Art. 60 - (1) The panels for solving in first instance the cases concerning labor and social insurance conflicts shall be composed of one judge and two judiciary assistants. The provisions of art. 13 and art. 57 para (1) shall apply accordingly.

(2) The judiciary assistants shall participate to deliberations with a consultative vote and shall sign the decisions. Their opinion shall be recorded in the decision and the separate opinion shall be reasoned.



Art. 61 - (1) The military courts are:

- a) military tribunals;
- b) the Bucharest Military Court of Appeal.

(2) The jurisdictions of the military courts are provided in Annex no. 2.

(3) Each military court shall have the statute of a military unit, with its own registration number.

Art. 62 - (1) The military courts shall try at their premises. For serious reasons, the court may decide that the trial should take place somewhere else.

(2) The military courts may try also on the territory of other States, the Romanian troops who are members of a multinational force, if, according to an international convention, the receiving State allows the exercise of Romanian jurisdiction.

Art. 63 - (1) At court sessions, the military judges and prosecutors shall wear the military uniform.

Art. 64 - (1) The military tribunals are functioning within the cities of Bucharest, Cluj-Napoca, Iași and Timișoara.

(2) Military tribunals judge lawsuits and claims that are by law under their jurisdiction.

(3) The military tribunal is headed by a president assisted by a vice-president. The provisions of art. 54-56 shall apply accordingly, the leading boards being composed of the president and 2 judges elected for a period of 3 years in the general assembly of judges.

Art. 65 - The Military Court of Appeal shall operate in the city of Bucharest, as a single court, with legal capacity, being led by a president assisted by one vice-president. The provisions of art. 54-56 shall apply accordingly, the leading board being composed of the president and 2 judges elected for a period of 3 years in the general assembly of judges.

### **Title III Public Ministry**

#### **Chapter I Attributions of the Public Ministry**

Art. 66 - (1) The Public Ministry shall exercise its attributions according to the law and shall be led by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(2) Prosecutors shall carry out their activity according to the principles of legality, impartiality and hierarchical control, under the authority of the Minister of Justice, according to the law.

(3) Prosecutors shall respect and defend the fundamental rights and freedoms of individuals, respect the presumption of innocence, the right to a fair trial, the principle of equality of arms, the independence of the courts and the enforceability of final judgments. In the public communication, the prosecutor's offices shall respect the presumption of innocence, the non-public character of the criminal investigation and the non-discriminatory right to information.

(4) The prosecutor's offices are independent in their relations with the courts, as well as with other public authorities.

Art. 67 - The Public Ministry shall exercise, through prosecutors, the following attributions:

- a) carries out the criminal investigation in the cases and under the conditions provided by law and participates, according to the law, in settling of conflicts by alternative methods;
- b) conducts and oversees the criminal investigation activity of the judicial police, conducts and controls the activity of other criminal investigation bodies;
- c) refer the matters to courts for judging criminal cases, according to the law;
- d) lodges the civil action, in the cases provided by law;
- e) participates, in accordance with the law, in court hearings;
- f) lodges the appeals against the court decisions, under the conditions provided by law;
- g) defends the legitimate rights and interests of minors, of persons receiving legal advice or special guardianship, of missing persons and of other persons, in accordance with the law;
- h) acts to prevent and fight against criminality, under the coordination of the Minister of Justice, for the unitary implementation of the state criminal policy;
- i) studies the causes that generate or favor criminality, elaborates and presents to the Minister of Justice proposals in order to eliminate them, as well as to improve the legislation in the field;
- j) verifies the observance of the law at the places of preventive detention;
- k) exercises the attributions provided by the Law of administrative contentious no. 554/2004, with subsequent amendments and completions;
- l) exercises any other attributions provided by law.

Art. 68 - (1) The orders of the hierarchically superior prosecutor, given in writing and in accordance with the law, shall be binding for the subordinate prosecutors.

(2) In carrying out and supervising the criminal investigation, as well as in the solutions, the prosecutor is independent, under the conditions provided by law. The prosecutor may notify to the Prosecutors' Section of the Superior Council of Magistracy, within the procedure of defending the independence and impartiality of prosecutors, the intervention of the hierarchically superior prosecutor, in any form, in conducting and supervising the criminal investigation or in adopting the solution.

(3) The measures and the solutions adopted by the prosecutor can be refuted by written and reasoned decision by the hierarchically superior prosecutor or by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, when he/she finds that they are unlawful or unfounded.

(4) The measures and solutions adopted by the prosecutors within the National Anticorruption Directorate and the Directorate for Investigating Organized Crime and Terrorism can be refuted by written and reasoned decision only by the hierarchically superior prosecutor or by the chief prosecutor of the Directorate, when he/she finds that they are unlawful or unfounded.

(5) The works assigned to a prosecutor may be transferred to another prosecutor in the following situations:

- a) suspension or termination of the quality of prosecutor, according to the law;
- b) in its absence, if there are objective causes that justify the urgency, as well as objective causes preventing its recall;
- c) in case of leaving aside the case, unjustifiably for more than 30 days.

(6) The prosecutor may notify to the Prosecutors' Section of the Superior Council of Magistracy, within the procedure of defending the independence and impartiality of the

prosecutors, the measure ordered according to para. (5) by the hierarchically superior prosecutor.

Art. 69 - (1) The prosecutors from each prosecutor's office are subordinated to the head of that prosecutor's office.

(2) The head of a prosecutor's office is subordinated to the head of the hierarchically superior prosecutor's office from the same jurisdiction.

(3) The control carried out by the the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, by the Chief Prosecutor of the National Anticorruption Directorate, by the Chief Prosecutor of the Directorate for Investigation of Organized Crime and Terrorism or by the General Prosecutor of the Prosecutor's Office attached to the Court of Appeal on the subordinate prosecutors may be exercised either directly or through expressly designated prosecutors.

Art. 70 - (1) The Public Ministry is authorized to possess and use adequate means for obtaining, verifying, processing, storing and discovering of information on offences under the competence of the prosecutor's offices, according to the law.

(2) The judicial police bodies carry out the activity of criminal investigation directly under the command and supervision of the prosecutor, being obliged to accomplish his/her orders.

(3) The services and bodies specialized in gathering, processing and storing information have the obligation of presenting, immediately, to the competent prosecutor's office, at its headquarters, all the data and all the information, unprocessed, held in relation to a perpetrated offence.

(4) Failure to meet the obligations provided under para. (2) and (3) shall involve legal liability according to the law.

(5) The organisation and operation of the judicial police shall be established by special law.

Art. 71 - (1) The prosecutor participates in court sessions, according to the law, and has an active role in finding out the truth.

(2) The prosecutor shall be free to present before court the conclusions that he/her considers well-founded, according to the law, while considering the evidence provided in the case. The prosecutor may notify to the Prosecutors' Section of the Superior Council of Magistracy, within the procedure of defending the independence and impartiality of the prosecutors, the intervention of the hierarchically superior prosecutor, in order to influence in any way the conclusions.

Art. 72 - In criminal trials, the prosecutor who conducted or supervised the prosecution or another prosecutor designated by the head of the prosecutor's office attends the hearing.

Art. 73 - According to the law, the prosecutor may lodge appeals against the cort decisions considered as unfounded and unlawful.

Art. 74 - (1) The Minister of Justice, when he/she deems necessary, shall exercise the control over prosecutors, through prosecutors expressly appointed by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, by the Chief Prosecutor of the National Anticorruption Directorate, by the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism or by the Minister of Justice.

(2) The control shall consist in verifying the managerial efficiency, the manner in which the prosecutors fulfill their office duties and the working relations with the litigants and other persons involved in the works of prosecutor's offices. The control may not concern the measures decided by the prosecutor during the criminal investigation and the adopted solutions.

(3) The conclusions of the control shall be presented by the Minister of Justice to the Section for Prosecutors of the Superior Council of Magistracy and to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(4) The Minister of Justice may request to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, to the Chief Prosecutor of the National Anticorruption Directorate or the Chief Prosecutor of the Organized Crime and Terrorism Investigation Directorate information on the activity of the prosecutor's offices and may give written guidance on the measures to be taken for the effective prevention and fight against criminality.

## **Chapter II**

### **The Organisation of the Public Ministry**

#### **Section 1**

#### **The Prosecutor's Office attached to the High Court of Cassation and Justice**

Art. 75 - (1) The Prosecutor's Office attached to the High Court of Cassation and Justice coordinates the activity of the subordinated prosecutor's offices, carry out the attributions provided by the law, has legal capacity and manages the budget of the Public Ministry.

(2) The Prosecutor's Office attached to the High Court of Cassation and Justice shall be led by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, assisted by one First-Deputy and one Deputy.

(3) Within his/her activity, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice is assisted by 3 counselors.

(4) The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice is the main credit accountant.

(5) During the absence or the impossibility of the General Prosecutor to exercise the function, regardless of its cause, the First-Deputy of the General Prosecutor shall replace him/her, de jure, in the exercise of his/her attributions in this capacity, and in the event of the absence or the impossibility of the First-Deputy of the General Prosecutor to exercise the function, regardless of its cause, the attributions are exercised, de jure, by the Deputy of the General Prosecutor.

(6) In case of vacancy of the office of General Prosecutor, regardless of its cause, until the appointment of another prosecutor in this position, his/her duties in this capacity are exercised de jure by the First-Deputy General Prosecutor. In case of vacancy of the office of General Prosecutor and of the First-Deputy of the General Prosecutor, regardless of its cause, until the appointment of a prosecutor to the position of General Prosecutor or, as the case may be, until the delegation of a prosecutor to the position of First-Deputy of the General Prosecutor, the duties are exercised de jure by the Deputy of the General Prosecutor.

Art. 76 -The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice represents the Public Ministry in relations with other public authorities and with any legal or natural persons, from the country or from abroad.

Art. 77 -The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall exercise, either directly or through expressly designated prosecutors, the control over all the prosecutor's offices.

Art.78 -(1) The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall participate at the sessions of the High Court of Cassation and Justice in Joint Sections, as well of any of its panels, when he/she deems necessary.

(2) In case of impossibility to participate, the General Prosecutor delegates the First-Deputy or the Deputy or another prosecutor in order to participate, in his/her place, in the sessions of the High Court of Cassation and Justice provided by para. (1).

Art. 79 - The Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice shall designate, among the prosecutors within this prosecutor's office, the prosecutors who shall participate at the sessions of the Constitutional Court, in the cases provided by law.

Art. 80 - (1) The Prosecutor's Office attached to the High Court of Cassation and Justice is structured into sections led by chief prosecutors, who may be assisted by deputies. Within the sections or in the direct coordination of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, services and offices led by chief prosecutors may function.

(2) Within the Prosecutor's Office of the High Court of Cassation and Justice, the Directorate for the Investigation of Organized Crime and Terrorism and the National Anticorruption Directorate operate, under the law, as structures with legal personality.

Art. 81 - While exercising of his/her duties, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall issue internal orders.

Art. 82 - (1) A leading board shall function within the Prosecutor's Office attached to the High Court of Cassation and Justice, which decides on the general management issues of the Public Ministry.

(2) The leading board of the Prosecutor's Office attached to the High Court of Cassation and Justice consists of the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, the First-Deputy and the Deputy, chief section prosecutors and 2 prosecutors elected for a period of 3 years in the general assembly of prosecutors.

(3) The provisions of art. 54 para. (4) - (10) shall apply accordingly. The vote of the Prosecutor General of the Public Prosecutor's Office of the High Court of Cassation and Justice is decisive in case of a tie.

Art. 83 -(1) The general assembly of the prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice shall be convened by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, annually or whenever necessary.

(2) The provisions of art. 56 shall apply accordingly.

Art. 84 - The Prosecutor's Office attached to the High Court of Cassation and Justice shall elaborate an annual activity report, which it shall be presented to the Prosecutors' Section

of the Superior Council of Magistracy and to the Minister of Justice, until February 1<sup>st</sup> of the following year. The Minister of Justice will forward to Parliament his conclusions on the activity report of the Prosecutor's Office attached to the High Court of Cassation and Justice.

## **Section 2**

### **Directorate for the Investigation of Offences of Organized Crime and Terrorism**

Art. 85 - (1) The Directorate for the Investigation of Offences of Organized Crime and Terrorism Crimes is organised within the Prosecutor's Office attached to the High Court of Cassation and Justice as an autonomous structure, with legal personality, specialized in fighting organized crime and terrorism. The Directorate for the Investigation of Offences of Organized Crime and Terrorism Crimes enjoys operational and functional independence and exercises its duties on the entire territory of Romania. The Directorate for Investigating Organized Crime and Terrorism has its headquarters in Bucharest. The attributions, competence, structure, organization and functioning of the Directorate for Investigating Organized Crime and Terrorism are established by special law.

(2) The Directorate for the Investigation of Offences of Organized Crime and Terrorism Crimes is led by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, through the Chief Prosecutor of this Directorate. The Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism is assimilated to the First-Deputy of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. While exercising his/her duties, the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism shall issue internal orders.

(3) The Chief Prosecutor of the Directorate for Investigating Organized Crime and Terrorism is a secondary authorising officer. The financing of the current and capital expenditures of the Directorate for Investigating Organized Crime and Terrorism is ensured from the state budget, the funds destined to the Directorate for Investigating Organized Crime and Terrorism being distinctly highlighted in the budget of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(4) The Directorate for Investigating Organized Crime and Terrorism carries out its activity according to the principles of legality, impartiality and hierarchical control.

(5) The Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism shall be assisted by 2 Deputy Chief Prosecutors, assimilated to the Deputy of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, as well as by 2 counselors, assimilated to the counsellors of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(6) During the absence of the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism or his/her impossibility of exercising the function, regardless of its cause, one of the Deputy Chief Prosecutors shall replace him/her by de jure in the exercise of his/her attributions in this capacity, according to the appointment made by the chief prosecutor of the directorate.

(7) The provisions of para. (6) are also applicable in case of vacancy of the position of Chief Prosecutor of the Directorate for the Investigation of offences of Organized Crime and Terrorism, regardless of its cause, until the appointment of another prosecutor in this position.

(8) If the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism is objectively unable to appoint a replacement, the appointment shall be made

ex officio by the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice.

Art. 86 -(1) The Directorate for the Investigation of Offences of Organized Crime and Terrorism shall be provided with prosecutors appointed by order of its Chief Prosecutor, with the endorsement of the Section for prosecutors within the Superior Council of Magistracy, within the limits of number of positions approved by law.

(2) In order to be appointed within the Directorate for the Investigation of Offences of Organized Crime and Terrorism, the prosecutors must not have been disciplinary sanctioned in the last 3 years, unless the disciplinary penalty has been removed, must have a good professional training, an impeccable moral conduct, a seniority of at least 10 years as prosecutor or judge and to have been declared admitted following a competition. The competition shall be organized according to the provisions of this law and the regulation approved by decision of the Section for Prosecutors of the Superior Council of Magistracy. When calculating the minimum seniority condition to participate in the competition, the period in which the prosecutor had the quality of justice auditor is not taken into account.

(3) The competition provided by para. (2) is organized by the Directorate for the Investigation of Offences of Organized Crime and Terrorism and consists of an interview. The organization of the competition is announced at least 30 days before the date set for the interview, by publishing on the website of the Directorate for the Investigation of Offences of Organized Crime and Terrorism.

(4) In order to organize and conduct the competition, by order of the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism, are set up the commission for organising the competition, the commission for solving the appeals against the results of verification of the conditions established by law for participation in the competition, the commission for the interview and the commission for solving the appeals at the interview test. Substitutes shall also be appointed for each competition commission by order of the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism. Persons who are spouses, relatives or relatives in law up to the IV<sup>th</sup> degree including of any of the candidates or of another member of the competition commissions, may not be appointed to the competition commissions. The same person may be part of a single competition commission.

(5) The commission for organizing the competition shall carry out all the activities necessary for the good organization and conduct of the competition, except for those that are in the competence of the other commissions. The members of the commission for organizing the competition are appointed from among the prosecutors, the legal staff assimilated to judges and prosecutors, with management and execution positions, civil servants and the contractual staff within the directorate. The commission for solving the appeals against the results of the verification of the conditions established by law for participation in the competition has the composition provided by the law for the commission for organising the competition.

(6) The commission for interview is composed of the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism or, as the case may be, one of its deputies and 2 prosecutors from the directorate. The commission also includes, with a consultative role, a psychologist appointed by the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism from among the psychologists registered in the Single Register of psychologists with the right of free practice in Romania; the psychologist will be able to ask questions to the candidates in order to assess their motivation and human and social skills.

(7) The commission for solving the appeals at the interview test consists of 3 prosecutors from the Directorate for the Investigation of Organized Crime and Terrorism.

(8) The prosecutors shall submit their candidacies to the Directorate for the Investigation of Offences of Organized Crime and Terrorism, within 10 days from the date of announcing the competition.

(9) Within 5 days from the expiration of the deadline for submission of applications, the commission for organizing the competition shall verify the fulfillment by the candidates of the conditions established by law for participation in the competition and draws up the list of candidates who meet these conditions, which is published on the website of the Directorate for the Investigation of Offences of Organized Crime and Terrorism.

(10) The rejected candidates may lodge appeals within 24 hours from the publication of the list provided by para. (9). The appeals shall be solved by the commission for solving the appeals against the results of the verification of the conditions established by law for participation in the competition. After solving the appeals, the final list of the candidates who meet the conditions for participation in the competition is drawn up and is published under the conditions of para. (9).

(11) The candidates who meet the conditions for participation in the competition shall hold an interview before the commission for the interview.

(12) The interview must be recorded by audio-video means, the recordings being kept for a period of one year from the date of the interview.

(13) During the interview are evaluated the candidates' skills, abilities and motivation. The interview will follow:

- a) verification of the professional capacity;
- b) verification of the capacity to make decisions and to assume responsibility;
- c) verification of the resilience to stress;
- d) the existence of an impeccable moral conduct, as well as of other specific qualities, respectively: the complexity and diversity of the activities, the candidate's motivation, initiative and creativity;
- e) the activity carried out by the candidates, the knowledge of a foreign language and the knowledge of computer operation.

(14) The members of the commission for interview shall mark each candidate by completing a nominal grade sheet, which shall also include the name and surname of the member of the commission who carried out the grading and his/her signature. The maximum total score that can be given at the interview test is 100 points. For each of the criteria provided by para. (13) the maximum score that can be awarded is 20 points. The score obtained by each candidate is the arithmetic average of the scores given by each of the members of the interview commission.

(15) Candidates may contest the mark given at the interview within 3 days from the date of publication of the results on the website of the Directorate for the Investigation of Offences of Organized Crime and Terrorism.

(16) The appeals shall be resolved within 10 days from the expiration of the term provided by para. (15).

(17) The resolution of the appeal at the interview is performed by re-evaluating the interview, based on the audio-video recording, by the commission for solving the appeals at the interview. The final results of the competition are displayed on the website of the Directorate for the Investigation of Offences of Organized Crime and Terrorism.

Art. 87 -The candidates who obtained at least 70 points, in descending order of the marks obtained and within the number of places put up for competition, are declared admitted to



the competition provided by art. 86. In case of equal scores, they have priority in the following order: candidates who have more seniority at the Prosecutor's Office attached to the High Court of Cassation and Justice, at the prosecutor's office attached to the court of appeal, at the prosecutor's office attached to the first court or, as the case may be, seniority in the position of prosecutor or judge, candidates who previously held management positions, candidates with a PhD law degree.

Art. 88 - (1) Prosecutors appointed to the Directorate for the Investigation of Organized Crime and Terrorism may be dismissed by order of the Chief Prosecutor of the Directorate, with the opinion of the Section for Prosecutors of the Superior Council of Magistracy, in case of improper performance of their specific duties or in case of application of one of the disciplinary sanctions provided for by law, with the exception of the disciplinary sanction of a warning.

(2) The improper exercise of the specific attributions of the position shall mean: inefficiency or inadequate quality of the criminal investigation activity, of the activity regarding the participation in court sessions or of the activity carried out in other sectors, the inappropriate behavior in relation to prosecutors and judges, auxiliary staff, litigants and other persons involved in criminal proceedings, with other institutions or persons.

(3) The efficiency of the activity shall be established according to: the manner of performing and coordinating the criminal investigation activity, the operativeness of the motivation of the lodged appeals, the legal and administrative terms in which the distributed works are solved.

(4) The quality of the activity shall be established according to: the measures and solutions imputable for reasons of illegality existing at the moment of their disposal; appeals admitted to the parties for reasons of illegality in cases in which the prosecutor did not exercise the appeal; the situations in which the prosecutor did not lodge, for imputable reasons, the appeal or the appeal was withdrawn for imputable reasons or was rejected for the same reasons; the quality of drafting and motivating the documents; capacity to interpret evidence; quality of expression, accuracy of reasoning and capacity for synthesis; the manifestation of the active role and the quality of the conclusions sustained in the court sessions.

(5) Whenever there are data or indications of improper exercise of the duties specific to the position, the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism shall order a control by a commission composed of designated prosecutors, of which at least one with a leadership position.

(6) The duration of the control may not exceed 60 days from the date on which it was ordered. The issues found will be recorded in a report that will be communicated to the prosecutor concerned.

(7) The prosecutor has the right to consult the report provided for in para. (6), within 5 days from its communication.

(8) After the expiration of the term provided by para. (7), the commission shall hear the prosecutor concerned. Refusal to make statements or to appear at the hearing shall be recorded in the minutes.

(9) On the occasion of his/her hearing or by a separate request, made no later than 10 days after the date of communication of the report, the prosecutor may propose evidence and object to the findings and conclusions of the report. The Commission shall give reasons for the decision made on the prosecutor's requests or objections and, where appropriate, complete the checks within a maximum of 15 days.

(10) The report of the commission shall be submitted to the Chief Prosecutor of the

Directorate for the Investigation of Offences of Organized Crime and Terrorism. The Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism may order, in a reasoned way, once only, the completion of the verifications. Completion shall be made by the commission within a maximum of 10 days from the date when it was ordered.

(11) Based on the report and the evidence, the Chief Prosecutor of the Directorate for the Investigation of Offences of Organized Crime and Terrorism shall request to the Section for prosecutors within the Superior Council of magistracy to issue the opinion on the revocation of the prosecutor. In order to issue the opinion, the members of the Section examine all the material resulting from the control, including the objections or the point of view of the prosecutor. With a view to issuing the opinion, the Section will hear the prosecutor concerned. Failure to issue the opinion within 30 days from the date of the request shall not prevent the revocation procedure from continuing.

(12) The revocation order issued by the Chief Prosecutor of the Directorate for the Investigation of Organized Crime and Terrorism may be challenged by the prosecutor concerned at the Administrative and Fiscal Litigation Section of the High Court of Cassation and Justice, according to the law, within 30 days from the communication, without going through the prior complaint procedure provided by law. The judgment is final.

(13) The revocation from the Directorate for the Investigation of Offences of Organized Crime and Terrorism does not constitute a disciplinary sanction.

Art. 89 -(1) On the date of cessation of activity within the Directorate for the Investigation of Organized Crime and Terrorism, the prosecutors return to the prosecutor's office where they come from or continue their activity at a prosecutor's office where they have the right to operate, according to the law.

(2) From the date provided in par. (1), the prosecutors who have worked within the directorate regain their professional degree of execution and the corresponding salary they had previously or those acquired as a result of the promotion, in accordance with the law, during the activity within this directorate.

Art. 90 - (1) Within the Directorate for the Investigation of Offences of Organized Crime and Terrorism, shall operate the leading board, which decides on the general management issues of this directorate.

(2) The leading board of the Directorate for the Investigation of Organized Crime and Terrorism consists of the chief prosecutor, the Deputies, the chief prosecutors of the sections and 2 prosecutors elected for a period of 3 years in the general assembly of prosecutors.

(3) The provisions of art. 54 para. (4) - (10) shall apply accordingly. The Chief Prosecutor's vote is decisive in the event of a tie.

Art. 91 - (1) The general assembly of the prosecutors of the Directorate for the Investigation of Offences of Organized Crime and Terrorism shall be convened by the chief prosecutor of this directorate, annually or whenever necessary.

(2) The provisions of art. 56 shall apply accordingly.

Art. 92 - The annual report on the work of the Directorate for the Investigation of Organized Crime and Terrorism, approved by the General Assembly of Prosecutors pursuant to Art. 56 para. (1) letter a) and para. (3), shall be submitted to the Prosecutor General of the Public Prosecutor's Office of the High Court of Cassation and Justice by 1 February of

the year following the reference year, with a view to examining the degree of implementation of the criminal policy priorities pursued. The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall submit the report together with his/her conclusions to the Minister of Justice within 30 days of receiving it from the Directorate for the Investigation of Organized Crime and Terrorism. The Minister of Justice will forward his conclusions on the report to Parliament within 30 days from the date of its receipt from the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

### **Sections 3 National Anticorruption Directorate**

Art.93 -(1) Within the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate functions as an autonomous structure, with legal capacity, specialized in combating corruption offenses. The National Anticorruption Directorate enjoys operational and functional independence and exercises its duties on the entire territory of Romania. The National Anticorruption Directorate has its headquarters in Bucharest. The attributions, competence, structure, organization and functioning of the National Anticorruption Directorate are established by a special law.

(2) The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice leads the National Anticorruption Directorate through the Chief Prosecutor of this Directorate. The Chief Prosecutor of the National Anticorruption Directorate is assimilated to the First-Deputy of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. In the exercise of his/her attributions, the chief prosecutor of the National Anticorruption Directorate shall issue internal orders.

(3) The Chief Prosecutor of the National Anticorruption Directorate is a secondary credit officer. The financing of the current and capital expenditures of the National Anticorruption Directorate is ensured from the state budget, the funds destined for the National Anticorruption Directorate being distinctly highlighted in the budget of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(4) The National Anticorruption Directorate carries out its activity according to the principles of legality, impartiality and hierarchical control.

(5) The provisions of art. 85 para. (5) - (8) shall apply accordingly.

Art.94 -(1) The National Anticorruption Directorate is staffed by prosecutors appointed by order of the Chief Prosecutor of the Directorate, with the opinion of the Prosecutors' Section of the Superior Council of Magistracy, within the limit of the posts provided for in the list of functions, approved by law.

(2) The provisions of art. 86 para. (2) - (17) and art. 87 shall apply accordingly.

Art. 95 -(1) The prosecutors appointed within the National Anticorruption Directorate may be revoked by order of the Chief Prosecutor of the directorate, with the opinion of the Prosecutors' Section of the Superior Council of Magistracy, in case of improper exercise of duties or application one of the disciplinary sanctions provided by law, except for the disciplinary sanction of the warning.

(2) The provisions of art. 88 para. (2) - (13) shall apply accordingly.

Art. 96 -(1) On the date of cessation of the activity within the National Anticorruption Directorate, the prosecutors shall return to the prosecutor's office where they come from or they continue their activity at a prosecutor's office where they have the right to function, according to the law.

(2) From the date provided in para. (1), the prosecutors who have worked within the directorate regain their professional degree of execution and the corresponding salary they had previously or those acquired as a result of the promotion, in accordance with the law, during the activity within this directorate.

Art. 97 - (1) The leading board shall function within the National Anticorruption Directorate, which decides on the general management issues of this directorate.

(2) The leading board of the National Anticorruption Directorate consists of the Chief Prosecutor, the Deputies, the chief prosecutors of the sections and 2 prosecutors elected for a period of 3 years in the general assembly of prosecutors.

(3) The provisions of art. 54 para. (4) - (10) shall apply accordingly. The vote of the chief prosecutor of the directorate is decisive in case of parity of votes.

Art. 98 - (1) The general assembly of the prosecutors of the National Anticorruption Directorate shall be convened by the directorate's chief prosecutor, annually or whenever necessary.

(2) The provisions of art. 56 shall apply accordingly.

Art. 99 - The annual report on the work of the National Anticorruption Directorate, approved by the general assembly of prosecutors pursuant to Art. 56 para. (1) (a) and para. (3), shall be submitted to the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice by 1 February of the year following the reference year, in order to examine the degree of implementation of the criminal policy priorities pursued. The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall submit the report together with his/her conclusions to the Minister of Justice within 30 days of receiving it from the National Anticorruption Directorate. The Minister of Justice will forward his conclusions on the report to Parliament within 30 days from the date of its receipt from the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

#### **Section 4**

##### **Prosecutor's offices attached to the courts of appeal, tribunals, juveniles and family tribunals and first instance courts**

Art.100 -(1) A prosecutor's office shall operate attached to each court of appeal, tribunal, juvenile and family tribunal and first instance court.

(2) The prosecutor's offices have their headquarters in the same localities as the courts to which they are attached and have the same jurisdiction as those courts, according to Annex 1.

(3) The prosecutor's offices attached to the courts of appeal and the prosecutor's offices attached to the tribunals have legal capacity. The prosecutor's offices attached to the juvenile and family tribunals and the prosecutor's offices attached to the first instance courts do not have legal capacity.

Art. 101 - (1) The prosecutor's offices attached to the courts of appeal and to the tribunals shall have in their structure sections, within which services and bureaus can function.

(2) In relation to the nature and number of cases, specialized sections may function within the prosecutor's offices attached to the first instance courts.

(3) The bureaus, services or other specialized units within the prosecutor's offices shall be established by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, upon the opinion of the Minister of Justice.

Art. 102 - In the localities where the secondary seats of tribunals and first instance courts are operating, secondary seats of the prosecutor's offices shall be established, with permanent activity and same jurisdiction as the secondary seats of courts they are attached to.

Art. 103 - (1) The prosecutor's offices attached to the courts of appeal are led by general prosecutors.

(2) The prosecutor's offices attached to tribunals, to juvenile and family tribunals and to first instance courts are led by prime-prosecutors.

(3) The general prosecutors of the prosecutor's offices attached to the courts of appeal and the prime-prosecutors of the prosecutor's offices attached to the tribunals shall also exercise attributions of coordination and control of the administration of the prosecutor's office where they operate, as well as of the prosecutor's offices within their jurisdiction.

(4) The Prime-prosecutors of the prosecutor's offices attached to the juvenile and family tribunals and the prime-prosecutors of the prosecutor's offices attached to the first instance courts shall also exercise the attributions of administration of the prosecutor's office.

Art. 104 - The general prosecutors of the prosecutor's offices attached to the courts of appeal shall be secondary credit chief accountants and the prime-prosecutors of the prosecutor's offices attached to the tribunals shall be tertiary credit chief accountants.

Art. 105 - (1) Depending on the workload, in the prosecutor's offices attached to the courts of appeal, to the tribunals, to the first instance courts located in the county residences as well as to the first instance courts in Bucharest, the general prosecutor or, as the case may be, the prime-prosecutor can be assisted by 1-2 deputies, and in the prosecutor's offices attached to the juvenile and family tribunals and to the other first instance courts, the chief prosecutor can be assisted by a deputy.

(2) In the Prosecutor's Office attached to the Bucharest Court of Appeal and in the Prosecutor's Office attached to the Bucharest Tribunal, the General Prosecutor or, as the case may be, the Prime-Prosecutor may be assisted by 1-3 deputies.

(3) At the prosecutor's offices attached to the courts of appeal where there is only one deputy prosecutor general, during the absence of the prosecutor general or the impossibility of exercising his/her office, regardless of its cause, the deputy prosecutor general replaces him/her de jure in the exercise of his duties in this capacity. In case of vacancy of the office of prosecutor general, regardless of its cause, the deputy prosecutor general replaces him/her de jure in the exercise of his duties in this capacity, until the delegation of a prosecutor to the position of prosecutor general. If there are 2 or 3 deputy prosecutors general, the prosecutor general shall establish by order the order in which the management of the prosecutor's office attached to the court of appeal is exercised.

(4) The provisions of para. (3) are also applicable to the prosecutor's offices attached to the tribunals, juvenile and family tribunals and first instance courts.

Art. 106 - (1) The sections, services and bureaus within the prosecutor's offices attached to courts are led by chief prosecutors.

(2) The head of each prosecutor's office shall assign the prosecutors to sections, services and bureaus, according to their training, specialization and aptitudes.

(3) The head of each prosecutor's office shall assign the cases to the prosecutors, considering their specialization.

Art. 107 - (1) Leading boards shall operate within prosecutor's offices, endorsing the general leading issues of the prosecutor's offices.

(2) The leading boards of the prosecutor's offices of the courts of appeal shall consist of the general prosecutor, the deputy or, where appropriate, the deputies, the chief prosecutors of the sections and 2 prosecutors elected for a period of 3 years by the general assembly of prosecutors. The prosecutor general's vote is decisive in the event of a tie.

(3) The leading boards of the prosecutor's offices of the tribunals, juvenile and family tribunals and courts of first instance shall consist of the prime-prosecutor of the prosecutor's office, the deputy or, where appropriate, the deputies, the chief prosecutors of the sections, where appropriate, and 2 prosecutors elected for a term of 3 years in the general assembly of prosecutors. The vote of the first prosecutor shall be decisive in the event of a tie.

(4) The provisions of art. 54 par. (3) - (10) shall apply accordingly.

Art. 108 - The provisions of art. 55 and art. 56 shall apply accordingly also for the organization and proceedings of general assemblies of prosecutors.

## **Section 5**

### **Organisation of military prosecutor's offices**

Art. 109 - (1) One military prosecutor's office shall operate attached to each military court.

The Military Prosecutor's Office of the Military Court of Appeal of Bucharest operates next to the Military Court of Appeal of Bucharest, and the military prosecutors' offices operate next to the military tribunals.

(2) The jurisdictions of the military prosecutor's offices are provided in annex no. 2.

(3) The military prosecutor's offices provided by para. (1) shall each have the statute of a military unit, with its own registration number.

Art. 110 - (1) The military prosecutor's offices attached to the military tribunals are led by a military prime-prosecutor assisted by a deputy to the military prime-prosecutor.

(2) The Military Prosecutor's Office attached to the Bucharest Military Court of Appeal is led by a military general prosecutor, assisted by a deputy to the military general prosecutor.

(3) The provisions of art. 105 para. (3) and (4) shall apply accordingly.

(4) The military prosecutor chief of section or, as the case may be, chief of service within the Prosecutor's Office attached to the High Court of Cassation and Justice shall be a tertiary credit officer for the military prosecutor's offices.

Art. 111 - (1) The military prosecutor's offices shall exercise through the military prosecutors the attributions provided by art. 67, which shall apply accordingly.

(2) The military prosecutor's offices shall carry out the criminal investigation in cases regarding criminal offences committed by Romanian armed forces deployed on the territory of other states, within multinational forces, provided that, according to an international convention, Romanian jurisdiction can be exercised on the territory of the receiving state. The military prosecutors shall participate at the court sessions that take place according to art. 62.

(3) The military prosecutor's offices shall have within their service specialised investigation units with regard to which they shall exercise the prerogatives provided by art. 67 lit. b).

(4) The provisions of art. 107 and art. 108 shall apply accordingly.

Art. 112 - When the investigated person is an active member of armed forces, the criminal investigation is carried out by the military prosecutor, regardless of the military rank of the investigated person.

Art. 113 - (1) Within the Prosecutor's Offices attached to the High Court of Cassation and Justice and to the National Anticorruption Directorate, sections or services for combating crimes committed by the military shall operate, each of which with the statute of a military unit, with its own registration number.

(2) In order to prevent and fight against crime, as well as to establish the causes that generate or favor crime among the members of the military and their civilian employees, the military prosecutor's offices and the section or service provided in par. (1) shall organize and run, according to their competence, joint activities of military prosecutors with bodies within the Ministry of National Defense, the Ministry of Internal Affairs, as well as within other military structures, based on protocols.

#### **Title IV**

#### **The organization and functioning of the National Institute of Magistracy**

Art.114 -(1) The National Institute of Magistracy is the public institution with legal capacity, coordinated by the Superior Council of Magistracy, which shall carry out the initial training of judges and prosecutors, the continuous professional training of active judges and prosecutors, the training of trainers, according to the law, as well as the organisation and conduct of examinations or competitions, in accordance with the law.

(2) The National Institute of Magistracy may carry out cooperation activities with professional training bodies for judges and prosecutors from other states, with the prior approval of the Superior Council of Magistracy. According to the conditions established by a Government decision, the National Institute of Magistracy may bear from its own budget or, as the case may be, from external funds, the expenses incurred for the participation of representatives of institutions from other states in cooperation activities carried out in Romania.

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

(4) The National Institute of Magistracy shall be located in Bucharest.

Art. 115 - (1) The National Institute of Magistracy is led by a Director, assisted by 2 Deputy Directors, appointed and dismissed by the Plenum of the Superior Council of Magistracy.

(2) The appointment of the Director of the National Institute of Magistracy and his two deputies shall be made from among the legal training staff of the Institute, judges and prosecutors or legal higher education teachers accredited according to the law.

(3) The Director shall be accountable to the Plenum of the Superior Council of Magistracy for the entire activity of the National Institute of Magistracy.

(4) Within the National Institute of Magistracy shall function, in an advisory capacity, the Scientific Council consisting of 13 members: one judge of the High Court of Cassation and Justice, one prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice, one judge from the Bucharest Court of Appeal, one prosecutor from the Prosecutor's Office attached to the Bucharest Court of Appeal, designated by the Superior Council of Magistracy, 3 university professors recommended by the Faculty of Law of the University of Bucharest, the Faculty of Law of the "Alexandru Ioan Cuza" University of Iași and the Faculty of Law of the "Babeș-Bolyai" University of Cluj-Napoca, 3 elected representatives of the training staff within the Institute, a representative of the justice auditors, a representative of the legally constituted professional associations of judges and prosecutors and the director of the National Institute of Magistracy, who is *de jure* member of the scientific council and chairs it.

(5) The appointment of judges and prosecutors in the Scientific Council is made from a list of 3 proposals, submitted to the Superior Council of Magistracy by the leading boards of the courts and prosecutor's offices provided in para. (4).

(6) The university professors from the Faculty of Law of the University of Bucharest, the Faculty of Law of the "Alexandru Ioan Cuza" University of Iași and the Faculty of Law of the "Babeș-Bolyai" University of Cluj-Napoca will be recommended by the deaneries of the 3 faculties, at the request of the Institute, sent 3 months before the expiration of the mandates.

(7) The representatives of the training staff within the Institute are elected by secret vote, in its general assembly, convened and chaired by the director of the Institute.

(8) The representative of the justice auditors is elected by secret vote, in the general assembly of justice auditors, convened and chaired by the director of the National Institute of Magistracy. The election takes place within 30 days from the beginning of the school year. The representative of the justice auditors participates with the right to vote in the meetings of the Scientific Council of the Institute in which issues regarding the admission to the National Institute of Magistracy, the graduation exam of the National Institute of Magistracy or any other issues regarding the justice auditors are debated.

(9) The representative of the legally constituted professional associations of judges and prosecutors is appointed by the Superior Council of Magistracy from among the proposals made by these associations. The selection criteria shall be established by decision of the Superior Council of the Magistracy, after consultation of all legally constituted professional associations of judges and prosecutors.

(10) The Scientific Council shall carry out its activity in the presence of two thirds of its members and adopt decisions with the vote of the majority of the members that are present. Meetings of the Scientific Council are ordinary or extraordinary, and shall be convened by the Director of the National Institute of Magistracy. The Scientific Council shall meet monthly in ordinary session.

(11) The term of office of the members of the Scientific Council shall be 3 years and may be renewed, except for the representative of the auditors of justice, who shall be elected for one year.

(12) The quality of member of the Scientific Council of the National Institute of Magistracy is incompatible with the quality of member of a political party.



(13) The transport expenses of the members of the Scientific Council of the National Institute of Magistracy who are not domiciled in Bucharest shall be borne from the budget of the National Institute of Magistracy.

Art. 116 - (1) The director of the National Institute of Magistracy and the deputy directors are appointed by the Superior Council of Magistracy, for a term of 3 years, with the possibility of reinvestment under the conditions of this article.

(2) The vacant positions of director or deputy director shall be published on the websites of the Superior Council of Magistracy and the National Institute of Magistracy.

(3) The candidacies for the occupation of the management positions provided in par. (1) shall be submitted to Superior Council of Magistracy, within 30 days from the date of posting the announcement according to para. (2), accompanied by a curriculum vitae, a management plan regarding the exercise of duties specific to the position, as well as any other documents considered relevant by the candidate.

(4) Within 10 days from the expiration of the term for submitting the candidacies, the human resources department within the Superior Council of Magistracy draws up a report on the fulfillment of the condition of art. 115 par. (2), which it shall immediately submit to the Plenum of the Superior Council of Magistracy, together with the candidates' files. Based on the report, the Plenum validates the list of candidates. Within 3 days from the validation of the list of candidates, the Superior Council of Magistracy publishes on its website the list of candidates who meet the conditions laid down by law for appointment to office and the managerial plans regarding the exercise of the specific attributions of the position submitted by the candidates.

(5) In order to be appointed, the candidates shall hold an interview before the Plenum of the Superior Council of Magistracy. The purpose of the interview is to verify the managerial skills of the candidates.

(6) The interview consists of:

a) presenting the managerial plan under the following aspects: synthetic presentation of the attributions and organizational structure of the Institute; identification of possible dysfunctions and vulnerabilities, as well as of the proposed solutions for their prevention and elimination; proposals for improving the managerial activity of the Institute; the compatibility of the managerial plan drawn up by the candidate with that of the director of the National Institute of Magistracy, if applicable.

b) verification of managerial and communication skills, aiming essentially at organizational capacity, quick decision-making capacity, stress resistance, self-improvement, capacity for analysis, synthesis, forecasting, strategy and short, medium- and long-term planning, initiative and capacity for rapid adaptation;

c) verification of the knowledge specific to the position for which the candidacy was submitted.

(7) The members of the Plenum of the Superior Council of Magistracy shall ask the candidate questions regarding the circumstances resulting from the presentation of the management plan.

(8) The interview may also be attended by a psychologist from the Superior Council of Magistracy, who may ask questions to the candidates in order to assess their motivation and human and social skills.

(9) The candidate declared admitted to the interview will be appointed to the management position by decision of the Plenum of the Superior Council of Magistracy. In case several candidacies have been submitted for the same position, the Plenum selects one of the candidacies, motivating its choice; the decision of the Plenum of the Superior Council

of Magistracy also includes a detailed analysis of all applications submitted, justifying the rejection of other applications.

(10) The Plenum of the Superior Council of Magistracy may order the delegation of the persons listed in art. 115 para. (2), with their consent, in the positions of director, respectively deputy director, for a fixed period, until the occupation of the positions under the conditions of the present article. The provisions of par. (5) and (6) shall apply accordingly.

(11) The judges and prosecutors appointed or delegated in the management positions provided in par. (1) shall be seconded to the National Institute of Magistracy, in accordance with the law.

(12) The director of the National Institute of Magistracy and his/her deputies may be revoked by the Plenum of the Superior Council of Magistracy, in accordance with the legal criteria of revocation from management positions to courts and prosecutor's offices of judges and prosecutors, which are applicable accordingly.

Art. 117 - (1) The Scientific Council of the National Institute of Magistracy shall propose the draft budget and has a consultative role on the issues regarding the organization and functioning of the Institute,

(3) The National Institute of Magistracy shall be financed from the state budget, through the budget of the Superior Council of Magistracy, in accordance with the law.

(4) The director of the National Institute of Magistracy is a tertiary credit chief accountant.

Art. 118 - (1) The maximum number of positions for the National Institute of Magistracy shall be established by Government decision.

(2) The organizational structure and the list of functions and personnel of the National Institute of Magistracy shall be approved by the Superior Council of Magistracy.

Art. 119 - (1) The training staff of the National Institute of Magistracy shall be provided usually among the active judges and prosecutors, who may be seconded according to the law, with their consent, to the Institute., on the proposal of the Director of the National Institute of Magistracy. The statute of the training staff is adopted by the director of the National Institute of Magistracy, in consultation with the Scientific Council.

(2) The National Institute of Magistracy may use also, according to the law, professors from higher legal education institutions, accredited according to the law, other Romanian and foreign specialists, as well as judicial specialized personnel assimilated to magistrates to carry out the professional training.

(3) The training staff of the National Institute of Magistracy shall be professionally evaluated every 3 years by the Scientific Council and, depending on the results of the evaluation, may be maintained in this capacity within the Institute. The evaluation criteria and procedure shall be laid down in the statutes referred to in paragraph (1).

Art. 120 - The remuneration of the training staff of the National Institute of Magistracy, on an hourly basis, is made according to the activities carried out and the maximum gross monthly allowance of a judge with a position of execution at the High Court of Cassation and Justice, with the highest length-of-service and in function, as follows:

a) in the case of teaching activities course or conference type, the hours performed are multiplied by a coefficient of 2.5;

b) in the case of seminar activities, as well as of other didactic activities and/or related to the initial and continuous training, the hours performed are multiplied by a coefficient of 1.5;

c) the other activities specific to the initial and continuous training will be quantified on the basis of a methodology approved by decision of the Scientific Council of the Institute.

## TITLE V Judicial assistants

Art.121 - The judicial assistants are appointed by the Minister of Justice, at the proposal of the Economic and Social Council, for a period of 5 years, from the persons with a seniority in legal positions of at least 5 years and who cumulatively meet the following conditions:

- a) have Romanian citizenship, domicile in Romania and full exercise capacity;
- b) are licensed in law and show adequate theoretical knowledge;
- c) have no criminal record, no tax record and are of good repute;
- d) have knowledge of the Romanian language;
- e) are medically and psychologically fit for the performance of their duties.

Art. 122 - (1) Judicial assistants enjoy stability during their term of office and are subject only to the law.

(2) The legal provisions concerning the obligations, prohibitions and incompatibilities of judges and prosecutors shall also apply to judicial assistants.

(3) The provisions on rest leave, free medical assistance and free transportation, laid down by law for judges and prosecutors, shall also apply to legal assistants.

(4) Judicial assistants shall take the oath under the conditions laid down by law for judges and prosecutors.

(5) The total number of judicial assistants' positions and the allocation of positions in courts, in relation to the workload, shall be determined by order of the Minister of Justice.

(6) Where a court or a specialised court which, by law, tries at first instance cases concerning labour disputes and social security disputes cannot function normally because of the temporary absence of judicial assistants, of the existence of vacancies or of other such situations, judicial assistants from other courts may be delegated on the proposal of the president of that court.

(7) Delegation of judicial assistants shall be ordered by the president of the court to which they are assigned for a period not exceeding 60 days which may be extended, with the agreement of the judicial assistant, by not more than 60 days in any one year.

(8) Judicial assistants are included in the continuous professional training programmes of the National Institute of Magistracy, according to the specifics of their activity.

Art. 123 - Judicial assistants shall exercise the powers provided for in article 60 para. (2) and other powers provided for in the rules of procedure of the courts.

Art. 124 - (1) The legal provisions on disciplinary misconduct and sanctions, as well as the legal grounds for dismissal of judges and prosecutors, shall apply to the judicial assistants.

(2) Disciplinary sanctions shall be applied by the Minister of Justice after the preliminary disciplinary investigation of the deed. The preliminary disciplinary proceedings shall be

conducted, at the request of the Minister of Justice, by the President of the Tribunal in which the assistant's legal representative operates, or by a judge designated by him.

(3) The preliminary disciplinary investigation shall establish the facts and their consequences, the circumstances in which they were committed as well as any other conclusive data from which to assess the existence or non-existence of guilt. Hearing of the person in question and checking his/her defenses are mandatory. The refusal of the judicial assistant to make statements or to appear at the investigations shall be recorded in the minutes and shall not prevent the conclusion of the investigation.

(4) The preliminary disciplinary investigation shall be carried out within 60 days from the date of its disposition by the Minister of Justice. The investigation may be extended by a maximum of 30 days, if there are good reasons to justify such action.

(5) At the end of the investigation procedure, the person who carried out the preliminary disciplinary investigation shall draw up a report in which the results of the activity carried out shall be recorded. The report shall be submitted to the Minister of Justice within a maximum of 30 days from the date of completion of the investigation.

(6) On the basis of the report provided for in paragraph (5), the Minister of Justice may order the application of one of the disciplinary sanctions provided for by law, or the classification of the referral. The disciplinary sanction shall be imposed within 30 days from the date of receipt of the report, but no later than 2 years from the date on which the offense was committed.

(7) Within 30 days of the notification of the sanction, an appeal may be lodged against the sanctions imposed in accordance with paragraph (6) to the competent administrative and fiscal court according to the law, without going through the prior procedure.

(8) The judicial assistants may be released from office also as a result of the reduction of the number of positions, in relation to the workload of the court.

(9) The sanctions applied to judicial assistants and their dismissal shall be communicated to the Economic and Social Council by the Minister of Justice.

Art. 125 - (1) The judicial assistants are subject to evaluations regarding the quality of the activity every 2 years. The first evaluation is made one year after the appointment.

(2) The evaluation provided in par. (1) shall be carried out by the president of the tribunal within which the judicial assistant carries out his activity. The procedure, criteria and qualifications for evaluating the professional activity of judges provided by law shall apply accordingly to judicial assistants, in relation to the attributions exercised by them according to the law.

(3) The judicial assistants dissatisfied with the grade awarded may submit an appeal to the Minister of Justice, within 30 days from the communication. In resolving the appeal, the Minister of Justice may request from the head of the tribunal any information he deems necessary and shall proceed to the hearing of the judicial assistant. In deciding the appeal, the Minister of Justice may:

- a) dismiss the appeal as unfounded, untimely or inadmissible;
- b) allow the appeal.

(4) If the appeal is upheld in accordance with para. (3)(b), the Minister of Justice may:

- (a) amend the evaluation report by awarding a different rating;
- (b) cancel the evaluation report and order the evaluation to be repeated if he/she finds violations of the evaluation procedure that are likely to influence the rating awarded.

(5) The judicial assistant who receives following his assessment the "unsatisfactory" grade is released from office for professional incapacity by the Minister of Justice.

(6) The result of the evaluation of the judicial assistants shall be analysed within the social dialogue commission established by law at the level of the Ministry of Justice.

Art. 126 - By decision of the Government, upon proposal of the Economic and Social Council and of the Ministry of Justice, the following shall be established:

- a) the conditions, procedure for the selection and proposal by the Economic and Social Council of candidates for appointment as judicial assistants by the Minister of Justice;
- b) the conditions for the secondment and transfer of judicial assistants.

## Title VI

### Specialized auxiliary departments within courts and prosecutor's offices

Art. 127 - (1) All courts and all prosecutor's offices have in their structure the following specialized auxiliary departments:

- a) record keeping department;
- b) registry;
- c) archive;
- d) information and public relations office;
- e) library.

(2) The courts and the prosecutor's offices may have other departments established by the regulations provided in art. 152 para. (1) and art. 153 para. (1).

(3) The courts of appeal and the prosecution offices attached to those courts, the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anti-corruption Directorate and the Directorate for Investigating Organized Crime and Terrorism also have within the structure a documentation unit and a judicial IT unit. Judicial IT units may also be organized in the structure of tribunals, specialized tribunals, first instance courts and prosecution offices attached to them.

(4) The military courts and military prosecutor's offices shall have within the structure a department of classified documents.

(5) Within the prosecutor's offices there may be appointed, through order of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, specialists in the field of economy, finance, banking, customs, IT, as well as in other fields, for clarifying technical aspects in the criminal investigation activity.

(6) The specialists provided for in para. (5) have the statute of public servant.

(7) The position of specialist within the prosecutor's offices is incompatible with any other public or private position, except for the teaching positions from the superior education system.

(8) The leading position of specialist head of department within the public prosecutors' offices is equivalent to the general public position of head of department, and the position of head of office specialist is equivalent to the general public position of head of office. The executive post of specialist is equivalent to the executive posts of class I, senior professional grade, as provided for in Article 392(1) of Government Emergency Ordinance No. 57/2019 on the Administrative Code, as subsequently amended.

(9) The length of service required for the posts of specialist head of department, specialist head of office and specialist is that laid down in Article 468 (1) lett. c) of Government Emergency Ordinance No 57/2019, as amended.

(10) The level of education required for the performance of the duties referred to in paragraph (8) shall be determined as follows:

a) class I, bachelor's degree with a bachelor's degree or equivalent and master's degree with a diploma in the field of public administration, management or in the field of studies required for the public office or with an equivalent diploma, as provided for in Article 153 (2) of the National Education Law no. 1/2011, as amended, in the case of specialist head of department and specialist head of office in the prosecutor's office;

b) class I, university degree with a bachelor's degree or equivalent, in the case of the position of specialist.

Art. 128 - (1) The information and public relations office shall ensure the contacts of the court or the prosecutor's office with the public and the mass-media, in order to ensure transparency of the judicial activity, according to the law.

(2) The head of the office, who also acts as spokesperson, may be a judge or prosecutor appointed by the president of the court or, where appropriate, the head of the public prosecutor's office, or a graduate of a faculty of journalism or a communications specialist appointed by competition or examination.

Art. 129 - (1) The specialized auxiliary personnel shall be hierarchically subordinated to the heads of the courts and prosecutor's offices where they work.

(2) The court president or the general prosecutor or, as the case may be, the prime prosecutor of the prosecutor's office shall handle the assignment of the personnel within the specialized auxiliary units.

(3) Within the High Court of Cassation and Justice, the courts of appeal, the tribunals, the specialized tribunals and the prosecutor's offices attached to these, the units for the auxiliary personnel departments shall be run by prime-clerks, and within the sections of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the National Anticorruption Department, of the Directorate for Investigating Organised Crime and Terrorism, within the first instance courts and the prosecutor's offices attached to these, by chief clerks.

(4) The IT personnel within the courts of appeal, tribunals and specialized tribunals shall be administratively subordinated to the president of the court, and professionally to the IT Directorate within the Ministry of Justice.

(5) The auxiliary personnel within the military courts and the military prosecutor's offices and within the sections of the Prosecutor's Office attached to the High Court of Cassation and Justice and of the National Anti-Corruption Department may be hired also from among the active members of the armed forces.

Art. 130 - (1) The court clerks who participate in court sessions or to criminal investigation shall make all the records regarding the course of these proceedings and to fulfill any other tasks ordered by and under the control of the president of the panel or, as the case may be, of the prosecutor.

(2) In court sessions, the court clerks shall be obliged to wear the clothing that is appropriate for the court where they perform their function. The clothing shall be established by Government decision and provided free of charge.

(3) In court sessions, the military court clerks shall wear the military uniform.

Art. 131 - (1) In view of digitalizing the activity of courts and prosecutor's offices, the President of the High Court of Cassation and Justice, the Minister of Justice, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, the chief prosecutor of the National Anti-Corruption Department or of

the Directorate for Investigating Organised Crime and Terrorism shall take the necessary measures for the proper technical endowment of these institutions.

(2) The number of the IT experts shall be established by the court president or, as the case may be, by the head of the prosecutor's office, with the endorsement of the IT Department within the Ministry of Justice, and respectively of the IT Department within the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) For the High Court of Cassation and Justice, the National Anti-Corruption Department and the Directorate for Investigating Organised Crime and Terrorism, the endorsement provided for in paragraph (2) is not necessary.

(4) In view of creating a unitary and functional IT system, the institutions within the judiciary are obliged to carry out the measures provided in the strategy for digitalization of the Judiciary, which shall be approved by Government decision, on proposal of the Ministry of Justice.

(5) The Ministry of Justice, through the IT department, in consultation with the Superior Council of Magistracy, through its IT specialty compartment, lays down the rules for the technical and IT security approval and authorisation of IT solutions developed by IT specialists in the courts.

(6) The technical endowment required for the digitalization of military courts, of the military section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice, or the case may be, within the National Anti-Corruption Department, as well as of military prosecutor's offices, shall be ensured by the Ministry of National Defence.

(7) The IT specialists within courts and prosecutor's offices, within the Superior Council of Magistracy and the institutions under its coordination, within the Ministry of Justice and the Judicial Inspection shall enjoy the same remuneration rights as specialists within the Prosecutor's Office under the High Court of Cassation and Justice, established according to the Law on remuneration of staff paid from public funds.

## **Title VII**

### **Security of courts and prosecutors' offices and protection of magistrates**

Art. 132 -(1) The security of the headquarters of the courts and of the prosecutor's offices, of the goods and values belonging to them, the supervision of the access and the maintenance of the internal order necessary for the normal development of the activity in these premises is ensured, free of charge, by the Romanian Gendarmerie, through its specialized structures.

(2) The number of the Romanian Gendarmerie staff necessary for the application of the provisions of par. (1) shall be established by a decision of the Government, at the proposal of the Minister of Justice and the Minister of Internal Affairs, as well as of the President of the High Court of Cassation and Justice.

(3) The activity of the staff provided in par. (2) is coordinated by the president of the court or by the head of the prosecutor's office.

Art.133 -(1) Military courts and prosecutor's offices have the military police put in their service by the Ministry of National Defense, free of charge. The need for military police staff will be established by a decision of the Government, at the proposal of the Ministry of Justice and the Ministry of National Defense.

(2) Military police placed in the service of military courts and prosecutor's offices are subordinated to their presidents or chief prosecutors.

(3) The security of the military courts and prosecutor's offices, of the other spaces used by them, of the goods and values that belong to them, the surveillance of the access and the maintenance of the internal order necessary for the normal development of the activity are ensured, free of charge, by the Military Police.

(4) The number of staff required for each court or prosecutor's office will be determined by the Minister of Justice, at the proposal of the President of the Military Court of Appeal and of the section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice.

Art.134 - The Romanian Police and the Romanian Gendarmerie shall provide the necessary support, according to their legal attributions, to the military courts and prosecutor's offices, to the section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice and within the National Anticorruption Directorate, for the proper conduct of the criminal trial, at their request.

Art. 135 -The handling of the Romanian Gendarmerie staff to ensure the security of courts and prosecutor's offices, assets and values belonging to them, surveillance of access and maintaining internal order are established by protocol between the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate, the Directorate for the Investigation of Organized Crime and Terrorism or, and the Ministry of Internal Affairs.

## **Title VIII**

### **The economic-financial and administrative management of courts and prosecutor's offices**

#### **Chapter I**

#### **The organization of the economic-financial and administrative department**

Art.136 -(1) High Court of Cassation and Justice, Prosecutor's Office attached to the High Court of Cassation and Justice, National Anticorruption Directorate, Directorate for the Investigation of Organized Crime and Terrorism, courts of appeal, prosecutor's offices attached to courts of appeal, tribunals and prosecutor's offices attached to the tribunals have in their structure an economic-financial and administrative department, led by an economic manager.

(2) The economic manager is subordinated to the president of the court or, as the case may be, to the head of the prosecutor's office.

(3) The economic-financial and administrative departments within the tribunals and prosecutor's offices attached to them ensure the economic, financial and administrative activity also for the specialized tribunals and courts of first instance or, as the case may be, for the prosecutor's offices in their jurisdiction.

(4) The provisions of par. (1) and (2) shall also apply to the chief accountants for military courts and prosecutor's offices.

Art.137 -(1) The person who meets at least the conditions provided by law for occupying the general public office of management of the director and for occupying the position of head of the financial-accounting department and was admitted to the contest organized, according to the law, by the:

- a) High Court of Cassation and Justice, for its economic manager;



- b) courts of appeal, for the economic managers of the courts of appeal and tribunals;
- c) Prosecutor's Office attached to the High Court of Cassation and Justice, for its economic manager and for the economic managers of prosecutor's offices attached to the courts of appeal and the tribunals;
- d) National Anticorruption Directorate, for the economic manager of this directorate;
- e) Directorate for the Investigation of Organized Crime and Terrorism, for the economic manager of this directorate;

(2) The appointment in the position of economic manager of the persons declared admitted to the competition provided for in para. (1) shall be made by order of the head of the court or, as the case may be, of the head of the prosecutor's office organizing the competition.

(3) The personnel of the economic-financial and administrative department is staffed, through competition, by the President of the High Court of Cassation and Justice, the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, the Chief Prosecutor of the National Anticorruption Directorate, the Chief Prosecutor of the Investigation Directorate of Organized Crime and Terrorism, the president of the court of appeal or, as the case may be, the general prosecutor of the prosecutor's office attached to the court of appeal.

(4) The position of economic manager is equivalent to the public position of director within the public authorities and institutions provided in art. 385 para. (1) of the Government Emergency Ordinance no. 57/2019, with subsequent amendments and completions. The legal provisions regarding the recruitment, career and wages of directors within the public authorities and institutions provided in art. 385 para. (1) of the Government Emergency Ordinance no. 57/2019, with subsequent amendments and completions, shall apply accordingly to the economic manager.

Art.138 - The economic manager has the following main attributions:

- a) leads the economic-financial and administrative department of the court or prosecutor's office within which it operates;
- b) is responsible for the economic-financial management of the courts or prosecutor's offices without legal capacity in the jurisdiction of the court or prosecutor's office within which it operates;
- c) fulfills, on the basis of the delegation received from the credit chiefs accountants, all their attributions provided by law;
- d) organizes the elaboration, the substantiation and the presentation to the competent bodies of the annual budget projects, at the terms and under the conditions provided by Law no. 500/2002 on public finances, with subsequent amendments and completions;
- e) coordinates the management of the headquarters of the courts and prosecutor's offices in whose jurisdiction it operates, establishing measures for ensuring the material conditions in order to carry out their activity properly; takes measures to ensure the order, cleanliness and security of property in the premises of courts and prosecutor's offices, including measures to prevent and extinguish fires;
- f) takes measures for the elaboration and the substantiation of the design themes for the current and capital repair works of the premises and the investment objectives, monitors and is responsible for their accomplishment;
- g) organizes the keeping of records of all the buildings owned or administrated by the courts or, as the case may be, by the prosecutor's offices, as well as of the other assets belonging to them;

h) monitors and is responsible for the efficient use of the funds received from the state budget, the state social insurance budget or the budgets of the special funds, as well as those constituted from own revenues, according to the law;

i) organizes the bookkeeping of the court and the prosecutor's office in the constituency where it operates and controls the correct performance of all financial-accounting operations in specific documents, as well as the preparation and presentation on time of financial statements on assets under management, according to the Accounting Law no. 82/1991, republished, as subsequently amended and supplemented.

Art.139 - The economic managers and the specialized staff from the financial-accounting activity and from the local offices for technical and accounting judicial are civil servants, having the rights and obligations provided by the Government Emergency Ordinance no. 57/2019, with subsequent amendments and completions.

Art.140 - By way of derogation from the provisions of the legislation in the field of public finances, the presidents of the courts and the heads of the prosecutor's offices may delegate the quality of chief accountant to the economic managers.

Art.141 -(1) The military courts that are not based in Bucharest and the prosecutor's offices attached to them have an economic-administrative department in their structure.

(2) The auxiliary staff from the economic-administrative department has the following main attributions:

a) draw up the documentation for the public procurements, services and works necessary for the courts;

b) ensure the supply of maintenance materials and household use, fixed assets and inventory items or other goods necessary for the activity of the courts;

c) ensure the maintenance and operation of the buildings, the heating installations, of the other fixed means and inventory objects from the endowment;

d) ensure the order, cleanliness and guarding of property in court premises;

e) take measures to prevent and extinguish fires, as well as to remove the consequences of disasters.

## **Chapter II**

### **Court and prosecutor's office budgets**

Art.142 -(1) The activity of courts and prosecutor's offices is financed from the state budget.

(2) The budget of the courts of appeal, tribunals, specialized tribunals and courts of first instance approved for the personnel costs of these courts, as well as the one approved for other categories of costs intrinsically related to personnel costs, is included in the budget of the High Court of Cassation and Justice and is managed by it, the President of the High Court of Cassation and Justice having the capacity of principal chief authorising officer for the courts in respect of these categories of expenses.

(3) The budget of courts of appeal, tribunals, specialised courts and courts approved for costs other than those referred to in para. (2) is managed by the Ministry of Justice, the Minister of Justice having the capacity of chief authorising officer for these categories of costs.

(4) The provisions of para. (2) are also applicable in respect of activities financed entirely from own revenues, according to Articles 67 and 68 of Law no. 500/2002, with subsequent amendments and completions, established in the courts.

(5) Salary rights or other rights of a salary nature of the judges of the courts referred to in para. (2), including interest and other intrinsic rights related to salary rights, shall be ensured by the High Court of Cassation and Justice, and the documents on remuneration and other salary rights of the judges of these courts shall be issued by the President of the High Court of Cassation and Justice.

(6) The High Court of Cassation and Justice shall be subrogated de jure in all the rights and obligations of the Ministry of Justice arising from the application of the provisions of para. (2), including those of a procedural nature and those arising from judgments and other enforceable titles.

(7) For the application of this Article, the Ministry of Justice and the Ministry of Finance shall be empowered to introduce appropriate changes in the structure of posts and staff expenditures, as well as in the volume and structure of the budgets of authorising officers.

(8) The provisions of this article shall be applied starting with the date of entry into force of the State Budget Law for 2023. To this end, the draft budget of the High Court of Cassation and Justice and that of the Ministry of Justice for 2023 shall include the amendments provided for in this law.

(9) The obligations established by Law no. 500/2002 , as subsequently amended and supplemented, and by other special laws in charge of chief authorising officers shall be implemented in accordance with the powers to manage the budget laid down in this article.

(10) In application of the provisions of this Article on the management of the budget by the High Court of Cassation and Justice, the logistical support, human and material resources shall be provided by the Ministry of Justice for a period of up to 6 months, from the moment of application of this Article. Other technical or administrative aspects resulting from the application of the provisions of para. (2) shall be regulated by a joint order of the Minister of Justice and the President of the High Court of Cassation and Justice.

Art.143 (1) The activity of the prosecutor's offices shall be fully financed from the state budget.

(2) The budget for the prosecutor's offices attached to the courts of appeal, tribunals, specialized tribunals and courts of first instance shall be managed by the Prosecutor's Office attached to the High Court of Cassation and Justice, the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice having the capacity of principal authorising officer.

(3) The budgets of military courts and prosecutor's offices shall be managed by the Ministry of National Defence, the Minister of National Defence having the capacity of principal authorising officer.

Art. 144-(1) The courts of appeal and the prosecutor's offices attached to the courts of appeal shall draw up the draft annual budgets for the courts or, as the case may be, the prosecutor's offices in their jurisdiction.

(2) The draft budgets elaborated according to par. (1) shall be sent to the Ministry of Justice or, as the case may be, to the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate and the Directorate for the Investigation of Organized Crime and Terrorism shall draw up their own draft annual budget. The budget of the

Prosecutor's Office attached to the High Court of Cassation and Justice also includes the budgets of the prosecutor's offices attached to the other courts.

(4) The draft budgets elaborated according to par. (1) and (3) are subject to the approval of the Superior Council of Magistracy.

(5) The budget of the High Court of Cassation and Justice is approved by the general assembly of the judges of this court, with the consultative opinion of the Ministry of Public Finance.

(6) The draft annual budgets of the military courts are drawn up by the Military Court of Appeal, and those of the military prosecutor's offices, by the section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice, after consulting the military courts and military prosecutor's offices, and shall be submitted to the main credit chief accountant.

(7) The operating expenses of the military courts and prosecutor's offices are supported from the state budget, through the budget of the Ministry of National Defense.

Art.145 -(1) Each court and each prosecutor's office are staffed with the appropriate number of judges/prosecutors, as well as with the appropriate number of specialized auxiliary staff and staff within the economic-financial and administrative department.

(2) The President of the High Court of Cassation and Justice and the presidents of the courts of appeal, together with the Minister of Justice, the General Prosecutor of the High Court of Cassation and Justice or, as the case may be, the Chief Prosecutor of the National Anticorruption Directorate or the Chief Prosecutor of the Directorate Investigation of Organized Crime and Terrorism annually analyzes the workload of courts and prosecutor's offices and, depending on the results of the analysis, take measures to supplement or reduce the number of positions, with the consent of the Section for Judges or the Section for Prosecutors of the Superior Council of Magistracy, as the case may be.

Art.146 -(1) The maximum number of positions for courts and prosecutor's offices is established by Government decision, at the proposal of the Minister of Justice, with the approval of the Superior Council of Magistracy.

(2) For the High Court of Cassation and Justice, the maximum number of positions is established by Government decision, at the proposal of the Minister of Justice and of the President of the High Court of Cassation and Justice, with the consultative opinion of the Judges' Section of the Superior Council of Magistracy.

(3) For military courts and prosecutor's offices, the maximum number of positions is approved, according to para. (1), with the consultative opinion of the Minister of National Defense.

Art.147 -(1) If the proper functioning of the courts or prosecutor's offices is severely affected due to the temporary vacancies, the vacant positions may be occupied for an indefinite period, according to the law, if the vacancy was made following:

- a) the appointment to management positions;
- b) the appointment as a prosecutor in the Directorate for the Investigation of Organized Crime and Terrorism or in the National Anticorruption Directorate;
- c) the secondment;
- d) the election as a member of the Superior Council of Magistracy;
- e) the suspension from office, in accordance with the law;
- f) any other reasons, for a period longer than one year.

(2) The number of temporary vacancies that can be occupied in the cases provided for in para. (1) shall be approved for each court or, as the case may be, the prosecutor's office, by the corresponding section of the Superior Council of Magistracy, at the proposal of the credit chief accountants.

(3) After the cessation of the situations provided in para. (1), in case the judge or prosecutor return to the court or prosecutor's office where he/she previously worked, the main credit chief accountant shall finance the position from the reserve fund provided in par. (4) and (5), if there are no more vacancies at that court or prosecutor's office.

(4) In order to ensure the financing of the necessary positions of judge or prosecutor at the end of the situations provided in para. (1), a reserve pool of 150 judge positions and 50 prosecutor positions shall be established through the state budget. The number of positions in the reserve pool may be updated annually by Government decision.

(5) The positions provided in para. (4) shall be distributed to the courts and prosecutor's offices by order of the Minister of Justice, in case there are no vacancies in the courts or prosecutor's offices where the judge or prosecutor requested to return to office.

(6) In the case of the subsequent vacancy of some positions at the respective court or prosecutor's office, temporarily or definitively, the positions distributed under the conditions of para. (5) shall be re-included de jure, from the date of the vacancy, in the reserve pool, and the judge or prosecutor who has occupied such a position shall be considered employed in the position which became vacant. The inclusion of the vacant position in the reserve pool is ascertained by order of the Minister of Justice, at the proposal of the Superior Council of Magistracy, within 15 days from the vacancy.

Art.148 -(1) The positions and staff scheme of the courts of appeal, tribunals, specialized tribunals and courts of first instance shall be approved by order of the President of the High Court of Cassation and Justice.

(2) The increase or reduction of the personnel schemes for the courts of appeal, tribunals, specialized tribunals, courts of first instance shall be approved with the assent of the Section for Judges of the Superior Council of Magistracy, by order of the President of the High Court of Cassation and Justice.

(3) The positions and staff scheme of the prosecutors' offices shall be approved by order of the Minister of Justice.

(4) The increase or reduction of the personnel schemes for the prosecutors' offices shall be approved with the assent of the Section for Prosecutors of the Superior Council of Magistracy, by order of the Minister of Justice.

## **Title IX**

### **Transitional and final provisions**

Art.149 - In addition to the courts of law, the following structures shall operate, in accordance with the law:

- a) trade register offices;
- b) other structures established by special law.

Art.150 - (1) Within the courts of appeal, the tribunals, the specialized tribunals and the courts of first instance, judges' assistants, whose status and duties are regulated by a special law, may be appointed.

(2) The role of the judge's assistant is to support the judge in fulfilling his judicial duties by him/ her, carrying out his/her activity under the guidance and supervision of the judge.

Art. 151 - (1) The state shall provide the headquarters and the other material and financial means necessary for the proper functioning of the courts and prosecutor's offices.

(2) The Government, the General Council of the City of Bucharest, the county and the local councils shall, with the support of prefectures, make available to the High Court of Cassation and Justice, to the Ministry of Justice, to the Prosecutor's Office attached to the High Court of Cassation and Justice, to the National Anticorruption Directorate and to the Directorate for the Investigation of Organised Crime and Terrorism the headquarters necessary for the proper functioning of the courts and prosecutor's offices.

(3) The material and pecuniary rights of the personnel of military courts and prosecutor's offices and the material resources, including the vehicles, necessary for the functioning of military courts and military prosecutor's offices, of military section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice and of military section or service within the National Anticorruption Directorate are provided by the Ministry of National Defense.

Art.152 - (1) The Rules for internal order of the courts shall establish:

a) the administrative organization of courts of appeal, tribunals, specialized tribunals and courts of first instance;

b) the manner and criteria of distribution cases to panels, in order to ensure compliance with the principles of random distribution and continuity;

c) the attributions of presidents and vice-presidents of the courts, of presidents of the sections, of judges and other categories of staff;

d) the organization and conduct of the activity of the Leading Boards of the courts and of the general assemblies of judges;

e) judicial break;

f) the organization, functioning and attributions of the specialized auxiliary compartments;

g) the organization, functioning and attributions of the economic-financial and administrative department within courts.

(2) The Rules for internal order of the courts shall be drafted by the Superior Council of Magistracy and by the Ministry of Justice and shall be approved by decision of the Section for Judges of the Superior Council of Magistracy, which shall be published in the Official Gazette of Romania, Part I.

Art.153 - (1) The Rules for internal order of the prosecutor's offices and of the specialized departments shall establish:

a) the administrative organization of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the National Anticorruption Directorate, of the Directorate for the Investigation of Organized Crime and Terrorism, of the prosecutor's offices attached to the courts of appeal, tribunals, juvenile and family tribunals and courts of first instance, as well as military tribunals;

b) the attributions of general prosecutors, of prime prosecutors and their deputies, of the chief prosecutors and of prosecutors, as well as of other categories of staff;

c) the organization and conduct of the activity of the Leading Boards of the prosecutor's offices and of the general assemblies of prosecutors;

d) the hierarchy of administrative positions within the Public Ministry;

e) the organization, functioning and attributions of the specialized auxiliary compartments of the prosecutor's offices;

f) the organization, functioning and attributions of the economic-financial and administrative department within the prosecutor's offices.

(2) The Rules for internal order provided in para. (1) shall be approved, at the proposal of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, of the Chief Prosecutor of the National Anticorruption Directorate or of the Chief Prosecutor of the Crime Investigation Directorate of Organized Crime and Terrorism, with the assent of the Minister of Justice, by decision of the Section of Prosecutors of the Superior Council of Magistracy, which shall be published in the Official Gazette of Romania, Part I.

Art.154 - The dates on which and the localities in which the specialized tribunals will start operating, their names and jurisdictions shall be set in a gradual manner by order of the Ministry of Justice, with the assent of the Superior Council of Magistracy.

Art.155 - The specialised courts operating on the date of entry into force of this Law shall continue to operate, solving cases within their jurisdiction, according to the law.

Art.156.- The prosecutors in office within the Directorate for the Investigation of Organized Crime and Terrorism and the National Anti-Corruption Directorate, on the date of entry into force of this law, are considered to fulfill the legal conditions for occupying the positions in which they are appointed.

Art. 157 - (1) Until the date of entry into force of the law on the organisation and functioning of the judicial police provided for in Article 70 para. (5), the officers and agents of the judicial police provided for in Article 11 para. (1) of the Law no. 49/2022 on the abolition of the Section for the investigation of offences within the judiciary, as well as for the amendment of the Law no.135/2010 on the Criminal Procedure Code shall be subject to the provisions of Art. 10 para. (2) - (5), (6<sup>1</sup>) - (8) and Article 12 of Government Emergency Ordinance No 43/2002 on the National Anticorruption Directorate, approved with amendments by Law No 503/2002, with subsequent amendments and additions. The Prosecutor General of the Public Prosecutor's Office of the High Court of Cassation and Justice shall exercise the competences established for the Chief Prosecutor of the National Anticorruption Directorate.

(2) The officers and agents of the judicial police referred to in paragraph (1) shall be seconded to prosecutor's offices, on the nominal proposal of the Prosecutor General of the Public Prosecutor's Office of the High Court of Cassation and Justice, by the Minister of Internal Affairs, for a period of up to 3 years, with the possibility of extension once for a period of 3 years, with their consent.

(3) The number of officers and agents of the judicial police within the prosecutor's offices referred to in Article 11 of Law no. 49/2022 shall be established by Government decision, and their assignment shall be made by order of the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice.

Art. 158.- For the judicial police officers and agents seconded within the Directorate for Investigating Organized Crime and Terrorism and the National Anticorruption Directorate, including within the Support Structure of the European Prosecutors delegated to Romania within the National Anticorruption Directorate, the provisions provided in the special laws applicable to them remain applicable.

Art. 159 - (1) Within 90 days from the date of entry into force of this Law, by joint order of the Prosecutor General of the Prosecutor's Office of the High Court of Cassation and Justice and of the Minister of Internal Affairs, the cooperation measures for the appointment of officers and agents of the judicial police to carry out the activities referred to in Article 142 paragraph (1) of the Code of Criminal Procedure within the Public Prosecutor's Office shall be regulated.

(2) Until the entry into force of the joint order, police officers and agents shall continue their work within the Public Prosecutor's Office, in accordance with the provisions of Article 66<sup>1</sup> of Law no. 304/2004 on the judicial organisation, republished, with subsequent amendments and additions.

Art. 160 - Economic managers of courts and public prosecutors' offices, as well as specialists of public prosecutors' offices in office on the date of entry into force of this law, following the competition organized for this purpose, shall be deemed to meet the legal conditions of education and seniority for the positions to which they are appointed.

Art. 161- (1) Within 60 days from the date of entry into force of this Law, elections shall be organized for the leading boards of courts and prosecutor's offices.

(2) All decisions adopted by the leading boards of the courts and prosecutor's offices up to the date of entry into force of the present Law relating to general matters of court or public prosecutor's office management, including the decisions of the leading boards of the courts relating to the composition of court panels for the current year, shall remain applicable.

Art. 162 - Until the date of application of Article 142:

a) the budget of courts of appeal, tribunals, specialised tribunals and courts of first instance shall be administered by the Ministry of Justice, with the Minister of Justice acting as chief authorising officer for the courts in respect of those categories of expenditure;

b) the acts concerning the salaries and other rights of a salary nature of the judges of the courts referred to in point (a) shall be issued by the Minister of Justice;

c) the function and staff lists for courts of appeal, tribunals, specialised tribunals and courts of first instance shall be approved by order of the Minister of Justice.

Art. 163 - The tasks of the Ministry of Justice relating to the management of the budget of courts of appeal, tribunals, specialised tribunals and courts of first instance for the categories of expenditure referred to in Article 142 (3) shall be taken over by the High Court of Cassation and Justice on the date and under the conditions laid down by special law.

Art. 164 - (1) The provisions of this Law on the implementation of the National Electronic Case File at court level shall apply from 1 January 2024.

(2) By the date laid down in paragraph (1):

a) without prejudice to the provisions of Article 15(5), the Regulation on the organisation and administrative functioning of the High Court of Cassation and Justice and the Rules of Procedure of the Courts may provide appropriate rules on the implementation, at the level of the courts, of IT applications allowing, in compliance with the law, access by the parties, via the Internet, to the case file, the electronic communication of procedural documents, as well as the possibility of submitting, in the same way, documents to the case file;

b) the Regulation referred to in Article 15(6) shall be adopted.



Art. 165.- The equivalence of the specific public functions of the specialists within the prosecutor's offices with the general public functions, according to the provisions of this law, does not affect the salary rights held at the date of entry into force of this Law.

Art. 166 - Opinions in proceedings governed by this Law which do not provide for their conformity are advisory.

Art. 167 - Annexes 1 and 2 are an integral part of this Law.

Art. 168 - (1) The present Law shall enter into force 30 days after its publication in the Official Gazette of Romania, Part I.

(2) By way of exception to paragraph (1), the provisions of this law on the calculation of seniorities without taking into account the period when the prosecutor had the capacity of auditor of justice shall enter into force on 1 January 2026. Until this date, the calculation of the seniority provided by this law shall take into account the period when the prosecutor had the capacity of auditor of justice.

(3) Within 90 days from the date of entry into force of this Law, subsequent regulatory acts that are not in accordance with this Law shall be adopted or, where appropriate, amended or supplemented.

(4) Until the adoption of the acts referred to in paragraph (3), subsequent regulatory acts shall remain in force insofar as they do not contravene this Law.

(5) On the date of entry into force of this Law, Law no. 304/2004 on judicial organisation, republished in the Official Gazette of Romania, Part I, no. 827 of 13 September 2005, with subsequent amendments and additions, shall be repealed, with the exception of Article 66<sup>1</sup>, which shall be repealed 90 days after the entry into force of the current law.

This draft law was adopted by the Senate at its sitting of 17 October 2022, in compliance with the provisions of Article 76 para. (1) of the Constitution of Romania, republished.

p. PRESIDENT OF THE SENATE,

**Alina-Ştefania Gorghiu**

**ANNEX No. 1**

**A.COURTS OF FIRST INSTANCE, PROSECUTOR S OFFICES AND LOCALITIES OF RESIDENCE**

County	Court of first instance	Locality
Alba	Alba Iulia	Alba Iulia Municipality
	Câmpeni	Câmpeni City

	Aiud	Aiud Municipality
	Blaj	Blaj Municipality
	Sebeş	Sebeş Municipality
Arad	Arad	Arad Municipality
	Ineu	Ineu City
	Lipova	Lipova City
	Gurahonţ	Gurahonţ Commune
	Chişineu-Criş	Chişineu-Criş City
Argeş	Piteşti	Piteşti Municipality
	Câmpulung	Câmpulung Municipality
	Curtea de Argeş	Curtea de Argeş Municipality
	Costeşti	Costeşti City
	Topoloveni	Topoloveni City
Bacău	Bacău	Bacău Municipality
	Oneşti	Oneşti Municipality
	Moineşti	Moineşti Municipality
	Podu Turcului	Podu Turcului Commune
	Buhuşi	Buhuşi City
Bihor	Oradea	Oradea Municipality
	Beiuş	Beiuş Municipality
	Marghita	Marghita Municipality
	Aleşd	Aleşd City
	Salonta	Salonta Municipality
Bistriţa-Năsăud	Bistriţa	Bistriţa Municipality
	Năsăud	Năsăud City
	Beclean	Beclean City
Botoşani	Botoşani	Botoşani Municipality
	Dorohoi	Dorohoi Municipality
	Săveni	Săveni City
	Darabani	Darabani City
Braşov	Braşov	Braşov Municipality

	Făgăraș	Făgăraș Municipality
	Rupea	Rupea City
	Zărnești	Zărnești City
Brăila	Brăila	Brăila Municipality
	Făurei	Făurei City
	Însurăței	Însurăței City
Buzău	Buzău	Buzău Municipality
	Râmnicu Sărat	Râmnicu Sărat Municipality
	Pătârlagele	Pătârlagele City
	Pogoanele	Pogoanele City
Caraș-Severin	Reșița	Reșița Municipality
	Caransebeș	Caransebeș Municipality
	Oravița	Oravița City
	Moldova Nouă	Moldova Nouă City
Călărași	Călărași	Călărași Municipality
	Oltenița	Oltenița Municipality
	Lehliu-Gară	Lehliu-Gară City
Cluj	Cluj-Napoca	Cluj-Napoca Municipality
	Turda	Turda Municipality
	Dej	Dej Municipality
	Huedin	Huedin City
	Gherla	Gherla Municipality
Constanța	Constanța	Constanța Municipality
	Medgidia	Medgidia Municipality
	Hârșova	Hârșova City
	Mangalia	Mangalia Municipality
Covasna	Sfântu Gheorghe	Sfântu Gheorghe Municipality
	Târgu Secuiesc	Târgu Secuiesc Municipality
	Întorsura Buzăului	Întorsura Buzăului City
Dâmbovița	Târgoviște	Târgoviște Municipality
	Găești	Găești City

	Pucioasa	Pucioasa City
	Răcari	Răcari City
	Moreni	Moreni Municipality
Dolj	Craiova	Craiova Municipality
	Băilești	Băilești Municipality
	Filiași	Filiași City
	Șegarcea	Șegarcea City
	Calafat	Calafat Municipality
Galați	Galați	Galați Municipality
	Tecuci	Tecuci Municipality
	Târgu Bujor	Târgu Bujor City
	Liești	Liești Commune
Giurgiu	Giurgiu	Giurgiu Municipality
	Bolintin-Vale	Bolintin-Vale City
Gorj	Târgu Jiu	Târgu Jiu Municipality
	Târgu Cărbunești	Târgu Cărbunești City
	Novaci	Novaci City
	Motru	Motru City
Harghita	Miercurea-Ciuc	Miercurea-Ciuc Municipality
	Odorheiu Secuiesc	Odorheiu Secuiesc Municipality
	Toplița	Toplița Municipality
	Gheorgheni	Gheorgheni Municipality
Hunedoara	Deva	Deva Municipality
	Hunedoara	Hunedoara Municipality
	Petroșani	Petroșani Municipality
	Orăștie	Orăștie Municipality
	Brad	Brad Municipality
	Hațeg	Hațeg City
Ialomița	Slobozia	Slobozia Municipality
	Urziceni	Urziceni Municipality
	Fetești	Fetești Municipality

Iași	Iași	Iași Municipality
	Pașcani	Pașcani Municipality
	Hârlău	Hârlău City
	Răducăneni	Răducăneni Commune
Ilfov	Buftea	Buftea City
	Cornetu	Cornetu Commune
Maramureș	Baia Mare	Baia Mare Municipality
	Sighetu Marmației	Sighetu Marmației Municipality
	Vișeu de Sus	Vișeu de Sus City
	Târgu Lăpuș	Târgu Lăpuș City
Mehedinți	Dragomirești	Dragomirești Commune
	Drobeta-Turnu Severin	Drobeta-Turnu Severin Municipality
	Strehaia	Strehaia City
	Orșova	Orșova Municipality
Mureș	Vânju Mare	Vânju Mare City
	Baia de Aramă	Baia de Aramă City
	Târgu Mureș	Târgu Mureș Municipality
	Sighișoara	Sighișoara Municipality
	Reghin	Reghin Municipality
Neamț	Târnăveni	Târnăveni Municipality
	Luduș	Luduș City
	Piatra-Neamț	Piatra-Neamț Municipality
	Roman	Roman Municipality
Olt	Târgu-Neamț	Târgu-Neamț City
	Bicaz	Bicaz City
	Slatina	Slatina Municipality
	Caracal	Caracal Municipality
Prahova	Corabia	Corabia City
	Balș	Balș City
	Ploiești	Ploiești Municipality
	Câmpina	Câmpina Municipality

	Vălenii de Munte	Vălenii de Munte City
	Mizil	Mizil City
	Sinaia	Sinaia City
Satu Mare	Satu Mare	Satu Mare Municipality
	Carei	Carei Municipality
	Negrești-Oaș	Negrești-Oaș City
Sălaj	Zalău	Zalău Municipality
	Șimleu Silvaniei	Șimleu Silvaniei City
	Jibou	Jibou City
Sibiu	Sibiu	Sibiu Municipality
	Mediaș	Mediaș Municipality
	Agnita	Agnita City
	Avrig	Avrig City
	Săliște	Săliște City
Suceava	Suceava	Suceava Municipality
	Câmpulung Moldovenesc	Câmpulung Moldovenesc Municipality
	Rădăuți	Rădăuți Municipality
	Fălticeni	Fălticeni Municipality
	Vatra Dornei	Vatra Dornei Municipality
	Gura Humorului	Gura Humorului City
Teleorman	Alexandria	Alexandria Municipality
	Roșiori de Vede	Roșiori de Vede Municipality
	Turnu Măgurele	Turnu Măgurele Municipality
	Videle	Videle City
	Zimnicea	Zimnicea City
Timiș	Timișoara	Timișoara Municipality
	Lugoj	Lugoj Municipality
	Deta	Deta City
	Sânnicolau Mare	Sânnicolau Mare City
	Făget	Făget City
Tulcea	Tulcea	Tulcea Municipality

	Babadag	Babadag City
	Măcin	Măcin City
Vaslui	Vaslui	Vaslui Municipality
	Bârlad	Bârlad Municipality
	Huși	Huși Municipality
Vâlcea	Râmnicu Vâlcea	Râmnicu Vâlcea Municipality
	Drăgășani	Drăgășani Municipality
	Horezu	Horezu City
	Brezoi	Brezoi City
	Bălcești	Bălcești City
Vrancea	Focșani	Focșani Municipality
	Panciu	Panciu City
	Adjud	Adjud Municipality
București	Court of first instance of Sector 1	Bucharest
	Court of first instance of Sector 2	Bucharest
	Court of first instance of Sector 3	Bucharest
	Court of first instance of Sector 4	Bucharest
	Court of first instance of Sector 5	Bucharest
	Court of first instance of Sector 6	Bucharest

**B. TRIBUNALS, SPECIALISED COURTS, PROSECUTOR'S OFFICES ATTACHED TO SPECIALISED COURTS AND TRIBUNALS AND LOCALITIES OF RESIDENCE**

County	Tribunal and specialised tribunal	Locality of residence
Alba	Alba Iulia	Alba Iulia Municipality
Arad	Arad	Arad Municipality
Argeș	Argeș	Pitești Municipality
Bacău	Bacău	Bacău Municipality
Bihor	Bihor	Oradea Municipality
Bistrița-Năsăud	Bistrița-Năsăud	Bistrița Municipality
Botoșani	Botoșani	Botoșani Municipality

Braşov	Braşov	Braşov Municipality
Brăila	Brăila	Brăila Municipality
Buzău	Buzău	Buzău Municipality
Caraş-Severin	Caraş-Severin	Reşiţa Municipality
Călăraşi	Călăraşi	Călăraşi Municipality
Cluj	Cluj	Cluj-Napoca Municipality
Constanţa	Constanţa	Constanţa Municipality
Covasna	Covasna	Sfântu Gheorghe Municipality
Dâmboviţa	Dâmboviţa	Târgovişte Municipality
Dolj	Dolj	Craiova Municipality
Galaţi	Galaţi	Galaţi Municipality
Giurgiu	Giurgiu	Giurgiu Municipality
Gorj	Gorj	Târgu Jiu Municipality
Harghita	Harghita	Miercurea-Ciuc Municipality
Hunedoara	Hunedoara	Deva Municipality
Ialomiţa	Ialomiţa	Slobozia Municipality
Iaşi	Iaşi	Iaşi Municipality
Ilfov	Ilfov	Bufta City
Maramureş	Maramureş	Baia Mare Municipality
Mehedinţi	Mehedinţi	Drobeta-Turnu Severin Municipality
Mureş	Mureş	Târgu Mureş Municipality
Neamţ	Neamţ	Piatra-Neamţ Municipality
Olt	Olt	Slatina Municipality
Prahova	Prahova	Ploieşti Municipality
Satu Mare	Satu Mare	Satu Mare Municipality
Sălaj	Sălaj	Zalău Municipality
Sibiu	Sibiu	Sibiu Municipality
Suceava	Suceava	Suceava Municipality
Teleorman	Teleorman	Alexandria Municipality
Timiş	Timiş	Timişoara Municipality
Tulcea	Tulcea	Tulcea Municipality



Vaslui	Vaslui	Vaslui Municipality
Vâlcea	Vâlcea	Râmnicu Vâlcea Municipality
Vrancea	Vrancea	Focșani Municipality
București	București	București Municipality

COURTS OF APPEAL, PROSECUTOR'S OFFICES ATTACHED TO THE COURTS OF APPEAL, THEIR DISTRICTS AND LOCALITIES OF RESIDENCE

Court of Appeal	Tribunals and specialised tribunals within the courts of appeal residence	Locality of residence
1. Alba Iulia	Alba Sibiu Hunedoara	Alba Iulia Municipality
2. Pitești	Argeș Vâlcea	Pitești Municipality
3. Bacău	Bacău Neamț	Bacău Municipality
4. Oradea	Bihor Satu Mare	Oradea Municipality
5. Suceava	Suceava Botoșani	Suceava Municipality
6. Brașov	Brașov Covasna	Brașov Municipality
7. București	București Călărași Giurgiu Ialomița Ilfov Teleorman	Bucharest Municipality
8. Cluj	Cluj Bistrița-Năsăud Maramureș Sălaj	Cluj-Napoca Municipality
9. Constanța	Constanța Tulcea	Constanța Municipality
10. Craiova	Dolj Gorj Mehedinți Olt	Craiova Municipality
11. Galați	Galați Brăila Vrancea	Galați Municipality
12. Iași	Iași Vaslui	Iași Municipality
13. Târgu Mureș	Mureș Harghita	Târgu Mureș Municipality
14. Ploiești	Prahova Buzău Dâmbovița	Ploiești Municipality
15. Timișoara	Timiș Arad Caraș-Severin	Timișoara Municipality

The districts of the military courts, of the prosecutor's offices attached to them and the localities of residence

Nr. crt.	Military court and locality of residence	Military prosecutor's offices and locality of residence	Territorial constituencies
I.1.	Bucharest Military Tribunal Headquarters: Bucharest	Prosecutor's office attached to Bucharest Military Tribunal Headquarters: Bucharest	Argeş Călăraşi Giurgiu Ialomiţa Ilfov Olt Teleorman Vâlcea Bucharest - the capital Constanţa Tulcea Brăila Buzău Dâmboviţa Prahova
I.2.	Cluj Military Tribunal Headquarters: Cluj-Napoca Municipality	Prosecutor's office attached to Cluj Military Tribunal Headquarters: Cluj-Napoca Municipality	Braşov Covasna Sibiu Alba Bistriţa-Năsăud Cluj Sălaj Harghita Mureş Bihor

			Maramureş Satu-Mare
I.3.	Iaşi Military Tribunal Headquarters: Iaşi Municipality	Prosecutor's office attached to Iaşi Military Tribunal Headquarters: Iaşi Municipality	Bacău Neamţ Suceava Vrancea Botoşani Galaţi Iaşi Vaslui
I.4.	Timișoara Military Tribunal Headquarters: Timișoara Municipality	Prosecutor's office attached to Timișoara Military Tribunal Headquarters: Timișoara Municipality	Dolj Gorj Hunedoara Mehedinţi Arad Caraş-Severin Timiş
II.	Military Court of Appeal Bucharest Headquarters: Bucharest	Military Prosecutor's office attached to Bucharest Military Court of Appeal Headquarters: Bucharest	General territorial jurisdiction