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## BALKAN NETWORK TEMPLATE ROMANIA

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### ROMANIA

<b>Official name in original language</b>	<b>Consiliul Superior al Magistraturii</b>
<b>Official name in English</b>	<b>Superior Council of Magistracy of Romania</b>
<b>Address</b>	<b>Calea Plevnei, nr. 141B.</b>
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<b>Brief history</b> (300-400 character)	<p>The Superior Council of Magistracy of Romania was first established in 1909, by Law for amending the laws regarding the judicial organization. Title XIII of this law exclusively refers to the Superior Council of Magistracy.</p> <p>At that time, article 67 stated that “it is to be established nearby the Ministry of Justice the Superior Council of Magistracy which will have the following attributions:</p> <ul style="list-style-type: none"><li>a) To give its conformity endorsement in matters like confirming, appointing and promoting the magistrates [...];</li><li>b) To judge the infringements of the law and professional duties made by magistrates, and to decide the sanctions to be applied;</li><li>c) To give its conformity endorsement in all matters it is requested”</li></ul> <p>The following articles 68-73 regulated the structure of the Council, the election of members, the frequency of the meetings, and the term of office.</p> <p>Initially, the premises of the Superior Council of Magistracy were in Iasi. Subsequently, the premises were moved from Iasi to Bucharest. During the communist regime (1948-1989), the Superior Council of Magistracy ended its activity, being abolished by the Constitution of 1948.</p> <p>The Superior Council of Magistracy was reborn as part of the judiciary system in 1992, by Law no 92/1992, regarding the judicial organization.</p> <p>Article 1 stated that “the judicial authority is exercised by judicial courts, the Public Ministry and the Superior Council of Magistracy”</p> <p>The role of the SCM was stated in article 18, as follows: ”the Superior Council of Magistracy and the minister of justice ensure the proper organization and administration of justice as a public service”.</p>

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Along with the revision of the Constitution (2003) and the adoption of the package of three laws regarding the reform of the judiciary (Law 304/2004 on the Organization of the Judiciary, Law 317/2004 on the Superior Council of the Magistracy, Law 303/2004 on the Statute of the Magistrates) the Superior Council of the Magistracy was empowered with new competences and attributions. Thus, the Superior Council becomes the guarantor of the independence of the judiciary system, as the representative of the judicial authority.

Law 247/2005 on the reform in property and justice and other adjacent measures amended important provisions regarding the Superior Council of Magistracy, by mentioning a transfer of attributions from the competence of the SCM's Plenum to the competence of the sections for judges or prosecutors. Also, the law provides new regulations for promotion and evaluation procedures to improve the efficiency of the judiciary.

### Legal acts regulating the Status of the Organization

- Romanian Constitution of 1991 (as amended in 2003);
- Law no.303/2004 on the statute of judges and prosecutors, as amended by Law no. 247/2005;
- Law no.304/2004 on the judicial organization, as amended by Law no. 247/2005;
- Law no.317/2004 on the Superior Council of Magistracy, as amended by Law no. 247/2005

### Composition (Generally)

The Superior Council of Magistracy is composed of 19 members, out of which:

- a) 9 judges and 5 prosecutors, elected within the general assemblies of judges and prosecutors, who shall constitute the two sections of the Council, one for judges and one for prosecutors;
- b) 2 representatives of the civil society, specialists in the field of law, who enjoy a high professional and moral reputation, elected by the Senate;
- c) the president of the High Court of Cassation and Justice, as a representative of the Judiciary, the Minister of Justice and the General Prosecutor of the Prosecutor's Office by the High Court of Cassation and Justice, who are de jure members of the Council.

1. **Total number of members: 19**  
president, vice-president, judges (7), prosecutors (5), repr. of civil society (2), members de jure (3)

2. **Term of office of the members: 6 years**

3. **Election process:** The judges and prosecutors who are members of the Superior Council of Magistracy, shall be elected by the general assemblies of judges or, the case being, of prosecutors elected amongst the judges and prosecutors appointed by the President of Romania. Judges and

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prosecutors may sustain their candidatedship for election as members of the Superior Council of Magistracy before the collective bodies of judges and prosecutors. The applications by judges and prosecutors may be supported by the collective bodies of judges and prosecutors, as well as by their professional associations:

- The judges of the High Court of Cassation and Justice shall elect, in the general assembly, through secret, direct and personal vote, 2 members for the Superior Council of Magistracy, among the judges who submitted their applications;
- Prosecutors from the Prosecutor's Office by the High Court of Cassation and Justice and prosecutors from the National Anti-Corruption Department shall elect, within the joint general assembly of prosecutors from these prosecutor's offices, by secret, direct and personal ballot, one member for the Superior Council of Magistracy from the prosecutors who applied.
- The judges from each court of appeal, the judges from all tribunals and specialized tribunals within the jurisdiction of each court of appeal and the judges from all first instance courts within the jurisdiction of each court of appeal shall designate each, in the three general assemblies, by secret, direct and personal vote, one candidate for the function as member of the SCM, among the judges who submitted their application.
- The prosecutors from each prosecutors' office attached to the courts of appeal, the prosecutors from all prosecutors' offices attached to the tribunals and specialized tribunals in the jurisdiction of each court of appeal and the prosecutors from the prosecutors' offices by the courts of first instance within the jurisdiction of each court of appeal shall designate each, in the 3 general assemblies, through secret, direct and personal vote, one candidate for the position of member of the Superior Council of Magistracy, from among the prosecutors who submitted their applications.
- The lists of judges and of prosecutors who were designated to apply for the position of member of the Superior Council of Magistracy shall be sent to the courts or, the case being, to the prosecutor's offices, by the Superior Council of Magistracy, at least 20 days before the date established for the general assemblies, as follows:
  - a) the list of 16 candidates from the courts of appeal shall be sent to all the courts of appeal;

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- b) the list of 16 candidates from the prosecutor's offices attached to courts of appeal shall be sent to all the prosecutor's offices attached to courts of appeal;
- c) the list of 16 candidates from tribunals and specialized tribunals shall be sent to all the tribunals and specialized tribunals;
- d) the list of 16 candidates from the prosecutor's offices attached to tribunals and specialized tribunals shall be sent to all the prosecutor's offices attached to tribunals and specialized tribunals;
- e) the list of 16 candidates from first instance courts shall be sent to all the first instance courts;
- f) the list of 16 candidates from prosecutor's offices attached to first instance courts shall be sent to all the prosecutor's offices attached to first instance courts;

In order to elect the members of the Superior Council of Magistracy, at the level of each court and each prosecutor's office, the general assembly of the judges or, as the case may be, of the prosecutors shall be summoned.

- Judges from courts of appeal and prosecutors from the prosecutor's offices attached to these, in their general assemblies, shall elect 3 judges from the courts of appeal and 1 prosecutor from the prosecutor's offices attached to these, as members of the Superior Council of Magistracy, by secret, direct and personal ballot.
- Judges from tribunals, and specialised tribunals and prosecutors from the prosecutor's offices attached to these shall elect 2 judges from tribunals and specialised tribunals and 2 prosecutors from the prosecutor's offices attached to these, as members of the Superior Council of Magistracy, in their general assemblies, by secret, direct and personal ballot.
- Judges from first instance courts and prosecutors from the prosecutor's offices attached to first instance courts shall elect 2 judges from first instance courts and one prosecutor from the prosecutor's offices attached to these, as members of the Superior Council of Magistracy, in their general assemblies, by secret, direct and personal ballot.

The Superior Council of Magistracy centralises the results of the ballot from the jurisdiction of all courts of appeal and of all prosecutors' offices attached to these.

The following shall be elected as members of the Superior Council of Magistracy:

- a) 3 judges from courts of appeal, who obtained the highest number of votes nationwide;

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- b) 2 judges from tribunals and specialised tribunals, who obtained the highest number of votes nationwide;
- c) 2 judges from first instance courts, who obtained the highest number of votes nationwide;
- d) 1 prosecutor from prosecutor's offices attached to courts of appeal, who obtained the highest number of votes nationwide;
- e) 2 prosecutors from the prosecutor's offices attached to tribunals and specialised tribunals, who obtained the highest number of votes nationwide;
- f) one prosecutor from the prosecutor's offices attached to first instance courts, who obtained the highest number of votes nationwide.

#### 4. Is there a possibility to be renewed as a member? No

#### 5. Do the members have a full-time position or not? Yes

The Superior Council of Magistracy functions as a body with permanent activity. The activity of members of the Superior Council of Magistracy shall be permanent. The President and Vice-President of the Superior Council of Magistracy shall not exercise the activity as judge or prosecutor. The judges and prosecutors elected as members of the Superior Council of Magistracy shall suspend their activity as judge or prosecutor as regards the participation of judges in panels and respectively the conducting of the criminal prosecution activity by prosecutors. Upon cessation of their term of office, those who had choose for suspending their activity shall restart their activity as judges or prosecutors.

**Is there a majority of Judges?**

**Yes**

**Presidency (Generally)**

**Judge Mircea ARON**

**Role of the Presidency**

The Superior Council of Magistracy is chaired by a president assisted by one vice-president, both elected from the judges and prosecutors which hold the position of member of the Council, and they shall be part of different sections, and shall be elected for a non-renewable term of office of one year.  
**The President of the Superior Council of Magistracy has the following main attributions:**

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- a) shall represent the Superior Council of Magistracy in its internal and international relations;
- b) shall coordinate the activity of the Superior Council of Magistracy and shall distribute the works for the Plenum and for the sections;
- c) shall chair the sessions of the Plenum of the Superior Council of Magistracy, except for the case when the President of Romania is attending the proceedings;
- d) shall propose to the Plenum the measures to be undertaken with the view to initiate the revocation procedures for the members of the Superior Council of Magistracy and the procedures for filling the vacancies;
- e) shall sign the acts issued by the Plenum of the Superior Council of Magistracy;
- f) shall call upon the Constitutional Court to solve the legal disputes of constitutional nature arising between public authorities;
- g) shall designate the members of the Superior Council of Magistracy who may be consulted for the elaboration of draft normative acts;
- h) shall draw up and present, in a public session of the Plenum, the annual report on the activity of the Superior Council of Magistracy, which shall be sent to the courts and prosecutors' offices and made public;

### **Main Competences of the Council:**

**The Plenum** of the Superior Council of Magistracy shall have the following attributions concerning the organisation and operation of the courts and prosecutor's offices:

- a) summons the general assemblies of judges and prosecutors, according to the law;
- b) approves the measures for supplementing or reducing the number of posts for courts and prosecutor's offices;
- c) elaborates its own draft budget, with the consultative endorsement of the Ministry of Public Finance, and issuing the endorsements for the draft budgets of courts and prosecutor's offices;
- d) fulfils any other duties set forth by laws or regulations.

**The sections** of the Superior Council of Magistracy shall have the following duties concerning to the organisation and operation of courts and prosecutor's offices:

- e) approves the setting up and closing down of sections in courts of appeal, of courts in the latter's jurisdiction, as well as the setting up of secondary premises of courts, according to the law;
- f) approves the proposal of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or of the chief prosecutor of the National Anti-Corruption Department on the setting up or closing down of sections in prosecutor's offices;
- g) endorses the draft Government decision regarding the list of places that are part of the jurisdictions of first instance courts;
- h) establishes the categories of trials or applications to be solved in the city of Bucharest only by certain courts, while observing the substantive competence provided in the law;
- i) at the proposal of the presidents of courts of appeal, shall establish the number of vice-presidents for the courts of appeal, tribunals and specialised tribunals, as well as the first instance courts where one vice-president works;
- j) upon the proposal of the Prosecutor General of Romania or of the Chief prosecutor of the National Anti-Corruption Department, shall establish the number of deputies of the general prosecutors within prosecutor's offices attached to courts of appeal and of prime-prosecutors within prosecutor's offices attached to tribunals, as well as prosecutor's offices attached to first instance courts, where prime-prosecutors are assisted by deputies.
- k) fulfils any other duties set forth by laws or regulations.

**1. Career of judges and/or prosecutors:**

**The Plenum** of the Superior Council of Magistracy shall have the following duties concerning the career of judges and prosecutors:

- a) makes proposals to the President of Romania on the appointment and removal from office of judges and prosecutors, except for the debutant judges and prosecutors;
- b) appoints the debutant judges and prosecutors, based on the results they obtain in the exam of graduation of the National Institute for Magistracy;
- c) decides the promotion of judges and prosecutors;

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- d) removes from office the debutant judges and prosecutors;
- e) recommends to the President of Romania the bestowing of distinctions to judges and prosecutors, according to the law;
- f) fulfils any other duties set forth by laws or regulations.

**The sections** of the Superior Council of Magistracy shall have the following attributions concerning to the career of judges and prosecutors:

- a) decides the delegation and the secondment of judges and prosecutors, according to the law;
- b) appoints judges and prosecutors in leading positions, according to the law and to the regulation;
- c) examines recommendations received from the leading board of the High Court of Cassation and Justice on the appointment of judges to this Court;
- d) analyses if the debutant judges and prosecutors who succeed to the capacity examination, the other jurists who succeed to the exam for admission into the magistracy, the judges and prosecutors who applied for the promotion exam and the judges and prosecutors proposed for appointment in leading positions fulfil the legal requirements;
- e) solves the objections against the evaluation marks granted by the legally set up boards of evaluation of the professional activity of judges and prosecutors;
- f) takes measures for solving the notifications received from litigants or from other persons on the inappropriate conduct of judges and prosecutors;
- g) proposes to the President of Romania the appointment and revocation from office of the president, vice-president of sections and section presidents of the High Court of Cassation and Justice;
- h) shall endorse the proposal made by the minister of justice on the appointment and revocation of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the Chief prosecutor of the National Anti-Corruption Department, of their deputies, of the chief-prosecutors of section within these prosecutor's offices, as well as of the chief prosecutor of the Directorate for Investigation of Offences of Organised Crime and Terrorism and of his deputy;
- i) approve the transfer of judges and prosecutors;
- j) decides on the suspension from office of the judges and prosecutors;
- k) fulfils any other duties set forth by laws or regulations.

**2. Judicial training:**

**The Plenum** of the Superior Council of Magistracy shall have the following duties concerning the admission into magistracy, evaluation, training and examinations of judges and prosecutors:

- a) at the proposal of the Scientific Council of the National Institute of Magistracy, shall establish the annual number of auditors of justice for the National Institute for Magistracy, shall approve annually the date and place of the exam for admission to the National Institute of Magistracy, subject-matters approving the programme of professional training for auditors of justice, shall issue endorsements and adopt regulations, in the cases and on the conditions provided in the law;
- b) appoints the commission for the admission exam and the commission for elaboration of the subjects for the admission exam to the National Institute of Magistracy, according to the Regulation on the organisation of the exam for admission to the National Institute of Magistracy;
- c) organises and validates, according to laws and regulations, the capacity exam for judges and prosecutors and approving the programme for the in-service professional training of judges and prosecutors, at the proposition of the Scientific Council of the National Institute of Magistracy, as well as the subject-matters for the activities of in-service professional training organised by courts of appeal and the prosecutor's offices attached to these;
- d) organises and validates, according to laws and regulations, the competitive exam for judges and prosecutors appointment into leading position;
- e) decides on the organisation of the competitive exam for judges and prosecutors promotion;
- f) appoints the commission for the evaluation of the professional activity of judges and prosecutors, according to the law;
- g) appoints and revoking the director and deputy-directors of the National Institute for Magistracy, at the proposal of the Scientific Council of the National Institute of Magistracy and designating the judges and prosecutors who will be part of the Scientific Council of the National Institute of Magistracy;
- h) approves the organisational structure and the personnel establishments of the National Institute of Magistracy at the proposal of the Scientific Council of the National Institute of Magistracy;

- i) appoints the director and the deputy-directors of the National School for Court Clerks and designating judges and prosecutors as members of the School's Leading board.
- j) fulfils any other duties set forth in laws or regulations.

### 3. Discipline:

Superior Council of Magistrates shall fulfil, through its sections, the role of court in the disciplinary liability of judges and prosecutors, for the facts provided in Law no. 303/2004, republished, with subsequent amendments.

The Section for judges acts as a disciplinary court also for the assistant magistrates of the High Court of Cassation and Justice. These provisions shall apply accordingly to the assistant-magistrates within the High court of Cassation and Justice.

The disciplinary action for the offences committed by a judge may be exercised by the Judicial Inspection, through the judicial inspector, by the minister of justice or by the President of the High Court of Cassation and Justice.

The disciplinary action for the offences committed by a prosecutor may be exercised by the Judicial Inspection, through the judicial inspector, by the minister of justice or by the prosecutor general of the Prosecutor Office attached to the High Court of Cassation and Justice.

The disciplinary action for the offences committed by an assistant-magistrate may be exercised by the president of the High Court of Cassation and Justice or by the Judicial Inspection, through the judicial inspector.

In order to exercise the disciplinary action, is mandatory for the Judicial Inspection to carry out the preliminary disciplinary inquiry.

The judges and prosecutors shall be disciplinarily liable for the non observance of their office duties, as well as for the actions that affect the prestige of justice.

The disciplinary liability of military judges and prosecutors may be established only according to the law.

The followings shall be **disciplinary offences**:

- a) deeds affecting the honour, professional probity or the reputation of justice, committed during or outside the exercise of their office duties;
- b) breach of the legal provisions on the interdictions of incompatibilities of judges and prosecutors;
- c) un-dignifying attitudes towards colleagues, the other personnel of the court or prosecutor office where they work, judicial inspectors, lawyers, experts, witnesses, litigants or representatives of other institutions, while exercising the office duties;

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- d) carrying out public activities having a political nature or expressing their political opinions while exercising the office duties;
- e) unjustified refusal to receive applications, conclusions, memorandums or documents submitted by the parties of a trial;
- f) unjustified refusal to fulfil an office duty;
- g) un-observance by a prosecutor of the decisions of the hierarchical superior prosecutor, given in writing and in accordance to the law;
- h) repeated un-observance and from imputable reasons of the legal provisions on celerity in solving cases, or repeated delays in elaborating the works, from imputable reasons;
- i) breaching the duty to abstain when the judge or the prosecutor knows that there is one of the cases provided by the law for his abstaining, as well as making repeated and unjustified requests of abstention in the same case, which has the effect of delaying trial;
- j) breaching the confidentiality of deliberations or of the works, as well as of other information of a similar nature that has knowledge of while exercising the office duties, except of those being of public interest, according to the law;
- k) unjustified absence from work, repeated or which affects directly the activity of the court or prosecutor office;
- l) interfering within the activity of another judge or prosecutor;
- m) unduly breach of the orders or of the administrative decisions ordered in accordance with the law by the head of the court or the prosecutor office or of other obligations having an administrative nature provided by the laws or Regulations;
- n) use of the office in order to obtain favourable treatment from the authorities or interventions on solving some requests, demanding or accepting solving the personal interests or of those of the family members or other persons, other than within the limits of the legal framework regulated for all citizens;
- o) serious or repeated breaches of the provisions on random case distribution;
- p) obstruction of the inspection activity carried out by the judicial inspectors, by any means;
- q) direct or through intermediaries participation in pyramid-type games, gambling or investments systems for which the transparency of funds is not ensured;

- r) total lack of grounding the judgments or judicial documents of prosecutor, according to the law;
- s) use of inappropriate expressions within the judgments or within the judicial documents of the prosecutor or grounding manifestly contrary to the legal reasoning, able to affect the prestige of justice or the dignity of the office of magistrate;
- t) un-observance of the decisions of the Constitutional Court or of those rendered by the High Court of Cassation and Justice in the appeal in the interest of law;
- u) exercising the office with bad faith or serious negligence.

There is **bad-faith** when the judge or prosecutor knowingly breaches the substantive or procedural legal provisions, seeking or accepting the injury of a person.

There is **serious negligence** when the judge or the prosecutor disregards mistakenly, seriously, without doubt and inexcusably the substantive and procedural legal provisions.

The disciplinary sanctions that may be applied to judges and prosecutors, according to the seriousness of their transgressions, are:

- a) warning;
- b) decreasing the gross monthly indemnity by up to 20% for a period from one to 6 months;
- c) disciplinary transfer for a period of up to one year to a court or prosecutor's office within the jurisdiction of another court of appeal or prosecutor's office attached to the court of appeal;
- d) suspension from office for a period of up to 6 months;
- e) exclusion from the magistracy.

These disciplinary sanctions shall be decided by the sections of the Superior Council of Magistracy, according to its organic law.

The section for judges of the Superior Council of Magistracy shall approve the search, the temporary detention or the pre-trial custody of judges and assistant-magistrates. The section for prosecutors of the Superior Council of Magistracy shall approve the search, the temporary detention or the pre-trial custody of prosecutors. These provisions on searches and pre-trial custody shall not apply in case of flagrant offence.

The sections of the Superior Council of Magistracy shall settle the disciplinary action by a decision which shall include, mainly, the following:

- f) the description of the deed which constitutes the disciplinary offence and its legal nature;
- g) the legal basis used for the application of the sanction;
- h) the grounds on which the defence brought by the judge or prosecutor were dismissed;
- i) the sanction applied and the reasons on which it is based;
- j) the legal remedy and the deadline during which the decision may be appealed;
- k) the competent court where the relevant decision may be appealed.

**4. Ethics:**

The Superior Council of Magistracy shall ensure the observance of the law and of the criteria of competence and professional ethics in the course of the professional career of judges and prosecutors.

**5. Opinions on legislation/other opinions:**

The Plenum of the Superior Council of Magistracy shall adopt the Deontological Code for Judges and Prosecutors, the Regulation on the organisation and operation of the Superior Council of Magistracy, the Regulation on the proceedings for electing the members of the Superior Council of Magistracy, the Interior Regulations for law courts, as well as other regulations and decisions provided in Law no.303/2004 on the statute of judges and prosecutors and in Law no.304/2004 on the organisation of the Judiciary.

The Plenum of the Superior Council of Magistracy shall ensure the publication of the Deontological Code for Judges and Prosecutors and other regulations in the Official Journal of Romania, Part I, and on the web page of the Superior Council of Magistracy.

The Plenum of the SCM shall issue the avis (endorsement) for the draft normative acts concerning the activity of the judicial authority.

The Plenum of the SCM shall issue the avis (endorsement) for the draft regulations and orders to be approved by the minister of justice, in the cases provided by the law.

The Plenum of the SCM may notify the Minister of Justice with regard to the necessity to initiate or to amend some normative acts in the field of justice.

Where the law requires the endorsement of conformity (avis conform), the approval or the agreement of the Superior Council of Magistracy, the opinion issued by the same shall be binding. If the law provides the consultation or endorsement

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(aviz) of the Superior Council of Magistracy, the opinion issued shall not be binding.

Where the law does not provide a specific deadline for the endorsements to be issued by the Superior Council of Magistracy, such endorsements shall be issued within 30 days from notification of the relevant matter. The exceeding by the Superior Council of Magistracy of the time limit for the issue of the relevant endorsement shall not affect the validity of the document.

### 6. Others:

#### Status of decisions (Opinion, authorization, recommendation, decision)

The decisions of the Superior Council of Magistracy shall be made in Plenum or in Sections, according to the attributions assigned to them.

Considering its constitutional mission and powers conferred, Superior Council of Magistracy is an executive body.

In its position as "government of justice" exercises, mainly administrative tasks. But, in the sphere of its powers we can find also a legislative component (the secondary legislation), Superior Council of Magistracy shall develop and adopt secondary legislation on the judiciary (rules of organization and functioning; Regulation concerning the election of the Superior Council of Magistracy; Rules of Procedure of the courts; Regulation on professional evaluation; Code of Ethics for judges and prosecutors, etc.).

The Council also approves the draft legislation concerning the activity of the judiciary, as well as draft regulations and orders to be approved by the Minister of Justice in the cases provided by law.

Council has no legislative initiative, but may refer the Minister of Justice on the need to initiate or amend certain acts regarding the judiciary.

#### Supervision (Transparency)

The guarantees offered to the magistrates, in a state that is based on the Constitution and other organic laws, are the basis of ensuring the independence of their work, the Superior Council of Magistracy acting to ensure, through specific mechanisms of separation of powers, the independence and guarantee in the benefit of democracy and the rule of law.

Thus, the Superior Council of Magistracy is the guarantor of judicial independence and considering their powers conferred by law, it is designed to ensure the balance within the judicial system and between it and other state powers provided by the Constitution.

Relations between the Superior Council of Magistracy with the **legislative** imply the participation of representatives of the Council meetings of the specialized commissions of the two chambers of parliament which discussed normative acts concerning the judiciary and expressing views on legislative proposals or projects legislation at the request of Parliament's Chambers.

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Regarding the relations of the Superior Council of Magistracy with the **executive**, we illustrate the collaboration with the Ministry of Justice in terms of the legislative process, collaboration where the Council exercises its powers on the approval of normative acts concerning the activity of the judiciary and notifying the Ministry of Justice relating to the amendment of enactments, expressing points of view at the request of other ministries, participation of the representatives of the Council on issues concerning the judiciary.

The relationship with the **President of Romania** was circumscribed to art. 134 of the Constitution and the Law. 317/2004 on the Superior Council of Magistracy, republished and no. 303/2004 on the statute of judges and prosecutors, republished, as amended and supplemented. Thus, the decisions of the Superior Council of Magistracy were submitted to the President of Romania on proposals for appointments to executive positions of judge and prosecutor, the release of the functions of judge and prosecutor and as a judge.

Regarding the management positions, we mention the appointments made by the President, following the proposition made by the Minister of justice, with the approval of the Superior Council of Magistracy, in the leading positions within the High Court of Cassation and Justice and the Prosecution Office attached to the High Court of Cassation and Justice.

Starting with January 2011, the Council sessions are broadcasted live on its own website. Also, the documents discussed in the Plenum sessions are provided to those interested by publishing the entire documents on the website of SCM with the observance of personal data protection requirements. Magistrates associations have full access to all these information. All the decisions adopted by SCM are published on the Council` website.

The minutes of the working commissions meetings are published on its own website. The agenda of the working commissions, the documents that are discussed during the meetings of the commissions and the solved agenda (minutes) are published also in an intranet software, called EMAP.

**International relations**

**1. Regional relations:**

- a) The Superior Council of Magistracy is a member of the European Network of Councils for the Judiciary starting from 1<sup>st</sup> of January 2007, organisation composed of national institutions from the member states of the European Union which are independent of the executive and legislature, and which are responsible for the support of the Judiciaries in the independent delivery of justice;
- b) Member of the Network of councils for the judiciary from the Balkan and Euro - Mediterranean area, as the successor of “The Conference of Regulatory Judicial Authorities of the Balkan Area”;
- c) Superior Council of Magistracy hold the position of member through the National Institute of Magistracy in the EJTN (member of the Steering Committee and all working groups);

**2. Bilateral relations:**

Superior Council of Magistracy of Romania concludes various bilateral protocols with other Judicial Councils or bodies for administering the judiciary throughout Europe with purposes like informing each other on issues that interfere with their activity, improving the legal provisions relating to areas of common interest, identifying criteria and indicators for monitoring and evaluating the performance of judges, courts and the system as a whole, increase citizens' confidence in the judiciary, the independence, impartiality and professionalism of the judiciary, exchange of information in the legal field, exchange of information and experience on the organization, powers and activities of the parties by organizing study visits between members of the Councils and representatives of the technical apparatus, mutual support for training of judges, prosecutors and support staff in the judiciary, transmission of materials and documents made by the parties on their activities and functioning of the judiciary, which could contribute to the development of the institutions, the uptake of best practice at European level, providing technical expertise in areas of common interest to the parties, future collaboration materialized in exchanges between magistrates Member Parties, which will allow direct knowledge of the judicial systems.