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on judicial organisation

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It must be specified that the only text which shall produce legal effects is the text in the Romanian language.

Judicial organisation shall be instituted for the purpose of ensuring the observance of the fundamental human rights and freedoms stipulated, mainly, in the following documents: International Charter of Human Rights, Convention for the protection of human rights and fundamental freedoms, United Nations Convention on child's rights, and European Union's Charter of Fundamental Rights, as well as for ensuring the observance of the Constitution and laws of the country.

Another basic objective of judicial organisation is to make sure the right to a fair lawsuit is observed and that lawsuits are being judged by the courts of law in an impartial manner, free of any extraneous influences.

TITLE I

General provisions

CHAPTER I

Principles of judicial organisation

ART. 1

(1) The judicial power shall be exercised by the High Court of Cassation and Justice and the other courts of law set up by the law.

(2) The Superior Council of Magistracy shall be the guarantor of justice independence.

(3) The Department of the Public Prosecutor shall exercise its powers by means of public prosecutors reunited in Public Prosecutor's Offices, under the terms of the law.

ART. 2

(1) Justice is one, impartial and equal to all.

(2) Justice shall be administered by the following courts of law:

- a) High Court of Cassation and Justice;
- b) courts of appeal;
- c) tribunals;
- d) specialised courts;
- e) courts of first instance.

ART. 3

The competence of judicial bodies, and the judicial procedure shall be established by the law.

ART. 4

(1) In the judicial activity, the Department of the Public Prosecutor represents the general interests of society and defends the rule of law, as well as the citizens' rights and freedoms.

(2) Public Prosecutor's Offices shall function next to courts of law, and they shall run and supervise the criminal inquiry activity of the criminal police, under the terms of the law.

ART. 5

The Ministry of Justice shall ensure the proper organisation and administration of justice as a public service.

CHAPTER II

Access to justice

## ART. 6

(1) Anyone may address justice in defence of his/her rights, freedoms, and legitimate interests in the exercise of his/her right to a fair lawsuit.

(2) Access to justice shall not be limited.

## ART. 7

(1) All persons shall be equal before the law, without privilege or discrimination.

(2) Justice shall be served equally for everyone, irrespective of their race, nationality, ethnic origin, language, religion, sex, sexual orientation, opinion, political membership, wealth, origin or social condition, or of any other discriminatory criteria.

## ART. 8

International legal assistance shall be requested or provided under the terms of the law by the international conventions Romania is a party to, or, as the case may be, on a mutual basis.

## ART. 9

The plenum of the Superior Council of Magistracy shall function as a court dealing with the legal contestations filed by magistrates against decisions issued by the divisions of the Superior Council of Magistracy, except for those passed in disciplinary matters.

## CHAPTER III

## General provisions on judicial procedure

## ART. 10

All persons shall be entitled to a fair trial and to the solution of causes within a reasonable period of time, by an impartial and independent court of law, established under the law.

## ART. 11

Sessions shall be open, except for the cases stipulated by the law. Decision passing shall be done in an open session, except for the cases stipulated by the law.

## ART. 12

(1) The judicial procedure shall take place in Romanian.

(2) Romanian citizens who belong to national minorities shall be entitled to express themselves in their mother tongue, before the courts of law, under the terms of the present law.

(3) If one or several parties require to speak in their mother tongue, the court of law shall be bound to provide, free of charge, the use of an authorised interpreter or translator.

(4) If all parties require or agree to speak in their mother tongue, the court of law shall have to ensure the exercise of that right, as well as the good administration of justice in observance of the principles of due hearing of the parties, oral expression, and open court.

(5) Procedural petitions and documents shall be drawn up in Romanian only.

(6) The recording of the debates of the parties in their mother tongue shall be provided by the presiding judge, by public dictation, and in Romanian only. Objections raised by those interested as regards the translations and their recording shall be solved by the court of law until the closure of the proceedings in that file, being recorded in the minutes of the session.

(7) The interpreter or translator shall sign all the documents drawn up, for compliance, at the time they were drawn up or recorded based on his/her translation.

## ART. 13

The right to defence shall be guaranteed. Throughout the lawsuit, the parties shall be entitled to be represented or assisted, as the case may be, by an attorney, chosen or appointed ex officio, according to the law.

## ART. 14

Court decisions shall be complied with and enforced under the terms of the law.

## ART. 15

Court decisions may only be annulled or amended by using the legal means stipulated by the law and exercised according to the provisions of the law.

## TITLE II

### Courts of law

## CHAPTER I

### High Court of Cassation and Justice

#### Section 1

##### Organisation of the High Court of Cassation and Justice

#### ART. 16

(1) In Romania, there is a single supreme court of justice, called the High Court of Cassation and Justice, which is a legal entity and has its headquarters in the Romanian capital.

(2) The High Court of Cassation and Justice shall see that the law is interpreted and enforced in an integrated manner by the other courts of law, according to its competence.

(3) The president of the High Court of Cassation and Justice shall act as a main budget holder.

(4) The running expenses shall be financed from the state budget.

#### ART. 17

(1) The High Court of Cassation and Justice shall be comprised of a president, a vice-president, 4 division presidents, and judges.

(2) The High Court of Cassation and Justice shall be organised into 4 divisions - Civil and Intellectual Property Division, Criminal Division, Commercial Division, Contentious Business and Tax Suit Division -, the Panel of 9 judges, and the United Divisions, each one having its own competence.

#### ART. 18

(1) Assistant magistrates, established according to the list of positions, shall function within the High Court of Cassation and Justice.

(2) The structure of the High Court of Cassation shall include the Chancellery, departments, services and offices, with personnel established according to the list of positions.

#### Section 2

##### Competence of the High Court of Cassation and Justice

#### ART. 19

The Civil and Intellectual Property Division, the Criminal Division, the Commercial Division, and the Contentious Business and Tax Suit Division of the High Court of Cassation and Justice shall judge the appeals against judgements delivered by courts of appeal and other decrees, in the cases stipulated by the law.

#### ART. 20

The Criminal Division of the High Court of Cassation and Justice shall judge:

a) in first instance, lawsuits and petitions coming within the original jurisdiction of the High Court of Cassation and Justice;

b) appeals, under the terms stipulated by the law.

#### ART. 21

(1) The divisions of the High Court of Cassation and Justice shall solve, in relation to each one's competence:

a) applications for transfer of proceedings, for the reasons stipulated in the procedure codes;

b) conflicts of competence, in the instances stipulated by the law;

c) any other petitions stipulated by the law.

(2) The divisions of the High Court of Cassation and Justice shall also solve appeals filed against non-final judgements or judicial acts, of any kind, that cannot be appealed by any other legal means, and the course of justice has been stopped at the level of the courts of appeal.

## ART. 22

(1) The Panel of 9 judges shall solve appeals and petitions in causes judged in first instance by the Criminal Division of the High Court of Cassation and Justice.

(2) The Panel of 9 judges shall also judge other causes for which it has competence under the law, and shall also act as a disciplinary court.

## ART. 23

The High Court of Cassation and Justice shall set up United Divisions for:

- a) judging appeals in the best interest of the law;
- b) solving, under the present law, notifications on changes in the jurisprudence of the High Court of Cassation and Justice;
- c) notifying the Constitutional Court of the control of law constitutionality before promulgation.

## ART. 24

If a division of the High Court of Cassation and Justice should find it is necessary for it to reconsider its own jurisprudence, it shall discontinue the judgement and notify the United Divisions of the High Court of Cassation and Justice, which shall judge the case by citing the parties in the file the judgement of which has been discontinued. After the United Divisions have made their decision on the notification about the change in the jurisprudence, the judgement shall be resumed.

## ART. 25

(1) At the end of each year, the High Court of Cassation and Justice, in its United Divisions, shall review the cases in which the legislation needs to be improved and shall notify them to the minister of justice.

(2) The president of the High Court of Cassation and Justice may consent to judges gathering information on aspects concerning the proper and equal enforcement of the law, at the headquarters of the courts of law, after notifying the jurisprudence of the High Court of Cassation and Justice, and finding situations that justify proposals for improving the legislation.

## Section 3

## Management of the High Court of Cassation and Justice

## ART. 26

(1) The management of the High Court of Cassation and Justice shall be exercised by the president, vice-president, and the managing college.

(2) The president shall represent the High Court of Cassation and Justice in its home and foreign relationships.

(3) The president, vice-president, division presidents and 5 judges, elected for a 5-year period in the general meeting of the judges, where each division is represented, shall constitute the managing college of the High Court of Cassation and Justice. When economic-financial and administrative matters are being debated, the meetings of the managing college shall be attended by the economic manager of the High Court of Cassation and Justice, who has a consultative vote.

## ART. 27

(1) The managing college of the High Court of Cassation and Justice shall have the following powers:

- a) to approve the Regulations on the organisation and administrative operation, as well as the lists of positions and personnel of the High Court of Cassation and Justice;
- b) to recommend to the Plenum of the Superior Council of Magistracy the appointment to the High Court of Cassation and Justice of judges in office whose 6-year term of office expires;
- c) to propose to the Superior Council of Magistracy the assistant magistrates' appointment, promotion, transfer, suspension or release from that position;
- d) to organise and monitor petition solution, under the terms of the law;
- e) to take disciplinary actions against the president, vice-president, division presidents, judges, and assistant magistrates of the High Court of Cassation and Justice, as well as against presidents of the courts of appeal;

f) to propose the draft budget of the High Court of Cassation and Justice;  
g) to exercise other powers stipulated in the Regulations on the organisation and administrative operation of the High Court of Cassation and Justice.

(2) The managing college of the High Court of Cassation and Justice shall be presided over by the president or, in his absence, by the vice-president.

(3) The managing college of the High Court of Cassation and Justice shall meet on a quarterly basis or whenever necessary, upon the summoning by the president of the High Court of Cassation and Justice, or at the request of at least 3 of its members.

(4) The decisions made by the managing college of the High Court of Cassation and Justice shall be adopted based on the votes of its members' majority.

#### ART. 28

The general meeting of the judges of the High Court of Cassation and Justice shall be convened for:

- a) the approval of the annual activity report, which shall be made public;
- b) the approval of the High Court of Cassation and Justice budget, based on the advisory opinion of the Ministry of Public Finance;
- c) the election of the 2 members for the Superior Council of Magistracy, under the terms of the law.

### Section 4

#### Panels of judges

#### ART. 29

(1) The panels of judges shall be comprised of 3 judges of the same division.

(2) If the number of judges needed for making up a panel of judges cannot be reached, the panel of judges shall be set up with judges from other divisions, designated by the president or vice-president of the High Court of Cassation and Justice.

#### ART. 30

The Panel of 9 judges shall be presided over by the president or vice-president of the High Court of Cassation and Justice. In their absence, the court may be presided over by a division president or a judge designated for that purpose by the president or vice-president of the High Court of Cassation and Justice.

#### ART. 31

(1) The president of the High Court of Cassation and Justice shall preside over the United Divisions, the Panel of 9 judges, and, within the divisions, over any panel of judges, when participating in the judgement process.

(2) In the absence of the president, the sessions that need to be attended by him/her shall be presided over by the vice-president of the court of law or a division president.

(3) Division presidents may preside over any panel of judges within that division, and the other judges shall preside over in rotation.

#### ART. 32

If the High Court of Cassation and Justice should judge in United Divisions, the judgement should be attended by at least two thirds of the number of judges in office. A decision may be made only based on the majority of the votes of those present.

## CHAPTER II

### Courts of appeal, tribunals, specialised courts and courts of first instance

#### Section 1

##### Organisation of the courts of appeal, tribunals, specialised courts and courts of first instance

#### ART. 33

(1) The courts of appeal are courts acting as legal entities, within the district of which several tribunals and specialised courts function, according to the annex which is an integral part of the present law.

(2) Bucharest Court of Appeal shall also operate as a specialised court for judging intellectual property causes, according to the law.

(3) Within the courts of appeal, there are divisions for civil causes, criminal causes, commercial causes, juvenile and family causes, contentious business and tax suit causes, causes concerning labour and social insurance conflicts, as well as marine and river divisions or for other matters, depending on the nature and number of causes.

#### ART. 34

(1) The tribunals are courts acting as legal entities, organised at the level of each county and of Bucharest municipality, and, as a rule, their headquarters shall be located in the county capital.

(2) Bucharest Tribunal shall also act as a specialised court for judging intellectual property causes, according to the law.

(3) All the courts of first instance in that county or, as the case may be, in Bucharest municipality shall be included in the district of each tribunal.

(4) Within the tribunals there are divisions for civil causes and divisions for criminal causes, and marine and river divisions or for other matters depending on the nature and number of causes.

#### ART. 35

(1) The specialised courts shall be as follows:

- a) juvenile and family courts;
- b) labour and social insurance courts;
- c) commercial courts;
- d) administrative and tax courts.

(2) The specialised courts are courts that do not act as legal entities, functioning at the level of each county and of the Bucharest municipality, and the headquarters of which, as a rule, are located in the county capital.

#### ART. 36

(1) The courts of first instance shall be courts that do not act as legal entities, being organised in the counties and in the districts of the Bucharest municipality, according to the annex.

(2) The localities belonging to the districts of the courts of first instance in each county shall be established by Government decision, following the proposal by the minister of justice, and based on the opinion of the Superior Council of Magistracy.

#### ART. 37

Depending on the nature and number of causes, divisions may be established within specialised courts and courts of first instance.

#### ART. 38

(1) The divisions of the courts of appeal and of the courts within their district shall be established following the proposal by the presidents of the courts of appeal, by decision of the Superior Council of Magistracy.

(2) The composition of the divisions shall be established by the court president, depending on the amount of work, taking into consideration the judge's specialisation.

(3) Exceptionally, if a panel of judges cannot be established within a division, the president of that court of law may order some judges from other divisions to participate in it.

#### ART. 39

Depending on the amount of work, the kind and complexity of the causes brought to justice, secondary headquarters with permanent activity may be established for the courts of appeal, tribunals, and courts of first instance in other county localities or in Bucharest municipality.

## Section 2

### Competence of the courts of law

#### ART. 40

The competence of courts of first instance, tribunals, and courts of appeal shall be established in the

Civil procedure code, with subsequent amendments and additions, and in the Criminal procedure code, with subsequent amendments and additions, as well as in special laws.

ART. 41

Juvenile and family courts shall judge in first instance the following categories of causes:

1. in civil matters, causes dealing with the rights, obligations and legitimate interests of the minors, the loss of parental rights, petitions for marriage annulment or dissolution, petitions for adoption approval, annulment or dissolution, as well as causes dealing with family relationships;

2. in criminal matters, crimes committed by or against minors.

ART. 42

When there are more accused in the same case, some of them being under age, and others of age, and severance of causes is not possible, the competence shall lie with the juvenile and family court.

ART. 43

Labour and social insurance courts shall solve labour and social insurance conflicts in first instance.

ART. 44

Commercial courts shall judge, in first instance, lawsuits and petitions in commercial matters, including those regarding the judicial reorganisation and bankruptcy, except for those coming within the competence of the courts of first instance, under the law.

ART. 45

(1) Administrative and tax courts shall judge, in first instance, the causes in matters of contentious business and tax suit, as well as petitions of the persons harmed by ordinances or, as the case may be, by provisions of Government ordinances pronounced unconstitutional, except for those coming within the competence of the courts of appeal, under the law.

(2) Administrative and tax courts shall also judge, in first instance, the disputes resulting from the activity of the Court of Auditors, except for those coming within the competence of the courts of appeal, under the law.

### Section 3

#### Management of the courts of law

ART. 46

(1) Each court of law shall be run by a president.

(2) The presidents of courts of appeal and tribunals shall also exercise powers of co-ordination and control over the administration of the court where they are in office, as well as of the courts of law in that district.

(3) The presidents of courts of first instance and specialised courts shall also have court administration powers.

ART. 47

The presidents of courts of appeal shall act as secondary budget holders, and the presidents of tribunals shall act as tertiary budget holders.

ART. 48

(1) Depending on the amount of work and the complexity of causes in courts of appeal, tribunals, and specialised courts, the president may be assisted by 1 - 2 vice-presidents, and, in courts of first instance, the president may be assisted by a vice-president.

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

ART. 49

(1) The presidents and vice-presidents of courts of law shall take steps for the organisation and proper functioning of the courts of law they run and, as the case may be, of the courts of law within their districts, shall see and check that the obligations under the by-law and regulations are complied with by the judges and the auxiliary specialised personnel.

(2) The checks made in person by the presidents or vice-presidents or, as the case may be, by the

inspectors judges must respect the principles of the independence of judges and their only submission to the law, as well as the *res judicata*.

#### ART. 50

The presidents of courts of law shall designate the judges who are to have also, under the law, other powers than those concerning the judging activity.

#### ART. 51

A division president shall run each division of a court of law.

#### ART. 52

(1) Within each court of law there shall be a managing college that shall make decisions on the general issues of court management. The managing college of a court of appeal shall also take disciplinary actions, under the law.

(2) Managing colleges shall be comprised of an odd number of members and shall have the following composition:

a) in courts of appeal: president, vice-presidents, inspectors judges and division presidents, as well as 1 - 2 judges elected in the general meeting of the judges;

b) in tribunals and specialised courts: president, vice-presidents and division presidents, as well as 1 - 2 judges elected in the general meeting of the judges;

c) in courts of first instance: president and, as the case may be, vice-president and division presidents, as well as 1 - 2 judges elected in the general meeting of the judges.

(3) In courts of appeal and tribunals, when the managing college is debating economic-financial or administrative matters, the meetings of the latter shall also be attended by the economic manager of that court of law, who has a consultative vote.

(4) Depending on the issues under debate, the managing colleges' meetings of the courts of appeal, tribunals, and specialised courts may also be attended by persons in managing positions with courts of law in their district, specially invited for that purpose.

#### ART. 53

(1) General meetings of the judges shall be organised every year, or whenever necessary, in the courts of law.

(2) General meetings of the judges shall be convened as follows:

a) the general meeting of a court of appeal and the general meeting of the judges in its district - by the president of the court of appeal;

b) the general meeting of a tribunal and the general meeting of the judges in its district - by the president of the tribunal;

c) the general meeting of a specialised court - by its president;

d) the general meeting of the judges - by the president of the court of first instance.

#### ART. 54

General meetings of the judges, as stipulated under Article 53 (1), shall have the following powers:

a) to debate the annual activity of the courts of law;

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

c) to debate law issues;

d) to consider drafts of statutory instruments, at the request of the minister of justice or the Superior Council of Magistracy;

e) to issue points of view at the request of the Superior Council of Magistracy;

f) to carry out other powers stipulated by the law or the regulations.

### Section 4

#### Panels of judges

#### ART. 55

(1) The presidents of courts of law or, as the case may be, presidents of divisions shall set up the composition of the panels of judges, as a rule, at the beginning of the judicial year, based on the opinion

by the managing college of that court of law, seeing that the panel of judges shows continuity.

(2) A panel of judges shall be presided over by the president or vice-president of that court of law, the inspector judge or, as the case may be, the division president, when they participate in the trial. In the other instances, the panel of judges shall be presided over, in rotation, by the judge designated by the president of that court of law or division, from amongst the judges of that panel.

#### ART. 56

(1) Distribution of causes per panels of judges shall be done randomly, in a computerised system.

(2) Causes distributed to a panel of judges may be transferred to another panel only under the conditions of the law.

#### ART. 57

(1) Causes shall be judged, in first instance, by a panel comprising 2 judges, except for the following causes that shall be judged by only one judge:

a) petitions for alimonies, petitions for registration and corrections in the registers of births, marriages and deaths, petitions concerning deductions, the approval of foreclosure, the vesting with an executory formula, and the taking of safety steps;

b) petitions for judge's order;

c) possessory actions;

d) complaints against reports of acknowledgement of infringements and enforcement of infringement-related sanctions;

e) payment summons;

f) rehabilitation;

g) ascertainment of the intervention of an amnesty or pardon;

h) house search and preventive measures taken during the criminal prosecution.

(2) Appeals and recourses shall be judged in a court comprised of 3 judges.

(3) In the event of a panel comprised of 2 judges, unless they reach an agreement on the decision to be passed, the lawsuit shall be judged again by a divergence panel of judges, under the terms of the law.

(4) A divergence panel of judges shall be established by including in it the president or vice-president of the court of law, the inspector judge, the division president, or some other judge designated by the president of the court of law.

#### ART. 58

(1) The panel of judges for solving, in first instance, the causes concerning labour and social insurance conflicts shall be comprised of 2 judges and 2 judicial assistants.

(2) The judicial assistants shall participate in the deliberations with a consultative vote and sign the decisions passed. Their opinion shall be mentioned in the decision, and a separate opinion shall be motivated.

(3) If the judges comprising the panel cannot reach an agreement on the decision to be passed, the lawsuit shall be judged again in a divergence panel of judges, the provisions of Article 57 (3) and (4) being applicable.

### TITLE III

#### Department of the Public Prosecutor

### CHAPTER I

#### Powers of the Department of the Public Prosecutor

#### ART. 59

(1) The Department of the Public Prosecutor shall exercise its powers in compliance with the law.

(2) Public prosecutors shall carry out their activity according to the principles of lawfulness, impartiality, and hierarchic control, under the authority of the minister of justice, according to the law.

(3) Public prosecutors shall exercise their powers in compliance with the law, shall respect and protect human dignity, and shall defend human rights.

(4) Public Prosecutor's Offices shall be independent in their relationships with the courts of law, as well as with the other public authorities.

#### ART. 60

The Department of the Public Prosecutor shall exercise the following powers by means of public prosecutors:

- a) to carry out criminal prosecution in the cases and under the conditions stipulated by the law, and participate, according to the law, in solving conflicts by alternative means;
- b) to run and supervise the criminal investigation activity of the criminal police, to run and control the activity of other criminal investigation bodies;
- c) to notify courts of law for the judgement of criminal causes, according to the law;
- d) to exercise civil actions, in the instances stipulated by the law;
- e) to participate in court sessions, under the terms of the law;
- f) to exercise the legal means against court decisions, under the terms stipulated by the law;
- g) to defend the legitimate rights and interests of minors, of persons laid under interdiction, of missing persons and other persons, under the terms of the law;
- h) to act in order to prevent and control crime, under the co-ordination of the minister of justice, with a view to achieving a global criminal policy of the state;
- i) to study the causes that generate or favour crime, to prepare and submit proposals to the minister of justice, aimed at eliminating such causes, as well as perfecting the legislation in this field;
- j) to exercise any other powers stipulated by the law.

#### ART. 61

(1) The orders issued by a hierarchically superior public prosecutor in writing and in accordance with the law shall be mandatory for the public prosecutors under him.

(2) A public prosecutor shall be autonomous when issuing solutions.

#### ART. 62

(1) Public prosecutors in each Public Prosecutor's Office shall be subordinated to the head of that Public Prosecutor's Office.

(2) The head of a Public Prosecutor's Office shall be subordinated to the head of the hierarchically superior Public Prosecutor's Office in the same district.

(3) The control exercised by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, by the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office or by the general public prosecutor of the Public Prosecutor's Office next to the court of appeal over the public prosecutors under them may be carried out directly or by means of inspector public prosecutors.

#### ART. 63

(1) The criminal police authorities shall carry out their criminal investigation activity directly under a public prosecutor's guidance and supervision, and they shall be bound to implement his orders.

(2) The services and bodies specialised in collecting, processing and archiving information shall be bound to make available all the data and information held in connection with crimes to the competent Public Prosecutor's Office, at the latter's headquarters, at once.

(3) The failure to comply with the duties stipulated under paragraphs (1) and (2) shall entail legal liability according to the law.

#### ART. 64

(1) A public prosecutor shall participate in court sessions, under the terms of the law, and shall have an active part in finding the truth.

(2) A public prosecutor shall be free to present, in court, the conclusions he deems to be well-grounded, according to the law, taking into consideration the evidence produced in that cause.

(3) In criminal lawsuits, court sessions may be attended by the public prosecutor having carried out the criminal prosecution or another public prosecutor designated by the head of the Public Prosecutor's Office.

#### ART. 65

A public prosecutor shall exercise, under the terms of the law, the legal means against court judgements he deems to be groundless and unlawful.

#### ART. 66

(1) The minister of justice shall exercise his control over public prosecutors, when he deems it necessary, on his own initiative or at the request of the Superior Council of Magistracy, by means of the inspector public prosecutors within the Public Prosecutor's Office next to the High Court of Cassation and Justice, the National Anti-Corruption Public Prosecutor's Office, the Public Prosecutor's Offices next to courts of appeal, or other delegated public prosecutors.

(2) The control shall consist of checking the manner in which work relationships take place with justiciable persons and the other persons involved in acts for which Public Prosecutor's Offices have competence.

(3) The minister of justice may ask the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, or, as the case may be, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office, for information on the activity of the Public Prosecutor's Offices and may issue written guidelines about the steps to be taken in crime prevention and control.

## CHAPTER II

### Organisation of the Department of the Public Prosecutor

#### Section 1

#### Public Prosecutor's Office next to the High Court of Cassation and Justice

#### ART. 67

(1) The Public Prosecutor's Office next to the High Court of Cassation and Justice shall co-ordinate the activity of the Public Prosecutor's Offices under it, shall carry out the powers stipulated by the law, shall act as a legal entity, and shall manage the budget of the Department of the Public Prosecutor.

(2) The Public Prosecutor's Office next to the High Court of Cassation and Justice shall be run by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, helped by a senior assistant, an assistant and 3 advisory public prosecutors.

(3) The general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall act as a main budget holder.

#### ART. 68

The general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall represent the Department of the Public Prosecutor in its relationships with the other public authorities and any natural or legal persons, from Romania or from abroad.

#### ART. 69

The general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall exercise control over all Public Prosecutor's Offices, directly or by means of inspector public prosecutors.

#### ART. 70

(1) The general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall participate in the sessions of the High Court of Cassation and Justice in United Divisions, as well as in any one of its panels of judges, whenever he deems it necessary.

(2) If he should be unable to participate, the general public prosecutor shall delegate his senior assistant or his assistant, or some other public prosecutor to participate, in his stead, in the sessions of the High Court of Cassation and Justice stipulated under paragraph (1).

#### ART. 71

The general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall designate, from amongst the public prosecutors of that office, the public prosecutors to participate in the sessions of the Constitutional Court, in the instances stipulated by the law.

## ART. 72

The Public Prosecutor's Office next to the High Court of Cassation and Justice shall be organised into divisions headed by chief public prosecutors, who may be helped by assistant public prosecutors. Services and offices headed by chief public prosecutors may function within the divisions.

## ART. 73

In the exercise of his powers, the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall issue internal orders.

## ART. 74

(1) A managing college, that makes decisions on the general managing issues of the Department of the Public Prosecutor, shall function within the Public Prosecutor's Office next to the High Court of Cassation and Justice.

(2) The managing college of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall be comprised of the general public prosecutor, his senior assistant, his assistant and his advisers, the division chief public prosecutors, the chief inspector public prosecutor, and 5 public prosecutors elected in the general meeting of the public prosecutors.

(3) The provisions of Article 52 (3) and (4) shall apply accordingly.

## ART. 75

(1) The general meeting of the public prosecutors of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall be convened by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, on an annual basis or whenever necessary.

(2) The provisions of Article 54 shall apply accordingly.

## Section 2

## National Anti-Corruption Public Prosecutor's Office

## ART. 76

(1) The National Anti-Corruption Public Prosecutor's Office is specialised in the control of corruption offences, according to the law, shall exercise its powers over the entire territory of Romania, by means of public prosecutors specialised in the control of corruption offences, and shall function as a Public Prosecutor's Office next to the High Court of Cassation and Justice.

(2) The National Anti-Corruption Public Prosecutor's Office shall be organised as an autonomous structure within the Department of the Public Prosecutor and co-ordinated by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice.

(3) The National Anti-Corruption Public Prosecutor's Office shall act as a legal entity and its headquarters shall be in Bucharest municipality.

## ART. 77

(1) The National Anti-Corruption Public Prosecutor's Office shall carry out its activity based on the principle of lawfulness, impartiality and hierarchic control, under the administrative authority of the minister of justice.

(2) The National Anti-Corruption Public Prosecutor's Office shall be independent in relation to the courts of law and the Public Prosecutor's Offices next to these, as well as in relation to the other public authorities, exercising its powers only based on the law and making sure to observe it.

## ART. 78

(1) The National Anti-Corruption Public Prosecutor's Office shall be run by a general public prosecutor, equal in rank to the senior assistant of the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, helped by two assistant general public prosecutors, equal in rank to the assistant of the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice.

(2) In his activity, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office shall be helped by two advisers public prosecutors, equal in rank to the advisers public prosecutors

of the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice.

(3) The general public prosecutor of the National Anti-Corruption Public Prosecutor's Office shall act as a main budget holder.

(4) Funding of current and capital expenditures of the National Anti-Corruption Public Prosecutor's Office shall be ensured from the state budget.

#### ART. 79

(1) A managing college, that decides on the general managing issues of the National Anti-Corruption Public Prosecutor's Office, shall function within that Public Prosecutor's Office.

(2) The managing college of the National Anti-Corruption Public Prosecutor's Office shall comprise the general public prosecutor, his assistants and advisers, the division chief public prosecutors, and 5 public prosecutors elected in the general meeting of the public prosecutors.

(3) The provisions of Article 52 (3) and (4) shall apply accordingly.

#### ART. 80

(1) The general meeting of the public prosecutors of the National Anti-Corruption Public Prosecutor's Office shall be convened by the general public prosecutor of that Public Prosecutor's Office, on an annual basis or whenever necessary.

(2) The provisions of Article 54 shall apply accordingly.

#### ART. 81

In the exercise of his powers, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office shall issue internal orders.

#### ART. 82

(1) Territorial services, services, offices and other activity departments may be established within the National Anti-Corruption Public Prosecutor's Office, by order of the general public prosecutor of that Public Prosecutor's Office.

(2) The headquarters and district of territorial services shall be established by the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office, as a rule, in localities where Public Prosecutor's Offices next to courts of appeal have their headquarters and in relation to the latter's districts.

#### ART. 83

The powers, competence, structure, organisation and operation of the National Anti-Corruption Public Prosecutor's Office shall be established by a special law.

### Section 3

Public Prosecutor's Offices next to courts of appeal, tribunals, juvenile and family courts, and courts of first instance

#### ART. 84

(1) A Public Prosecutor's Office shall function next to each court of appeal, tribunal, juvenile and family court, and court of first instance.

(2) Public Prosecutor's Offices shall have their headquarters in the localities where the courts of law next to which they are functioning have their own headquarters, and shall have the same district as the latter.

(3) The Public Prosecutor's Offices next to courts of appeal and the Public Prosecutor's Offices next to tribunals shall act as legal entities. The Public Prosecutor's Offices next to juvenile and family courts, and the Public Prosecutor's Offices next to courts of first instance shall not act as legal entities.

#### ART. 85

(1) The Public Prosecutor's Offices next to courts of appeal and tribunals shall comprise divisions, inside which services and offices may function. The Public Prosecutor's Offices next to courts of appeal shall also comprise a juvenile and family division each.

(2) Depending on the kind and number of causes, maritime and river divisions may function within the Public Prosecutor's Offices next to courts of first instance.

(3) The offices, services or other specialised departments within the Public Prosecutor's Offices shall be established by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, based on the opinion of the minister of justice.

#### ART. 86

In the localities where secondary headquarters of tribunals and courts of first instance function, secondary headquarters of the Public Prosecutor's Offices with permanent activity shall be established, having the same district as the secondary headquarters of the courts of law next to which they are functioning.

#### ART. 87

(1) The Public Prosecutor's Offices next to courts of appeal shall be run by general public prosecutors.

(2) The Public Prosecutor's Offices next to tribunals, juvenile and family courts, and courts of first instance shall be run by senior public prosecutors.

(3) The general public prosecutors of the Public Prosecutor's Offices next to courts of appeal and the senior public prosecutors of the Public Prosecutor's Offices next to tribunals shall also exercise powers of co-ordination and control in managing the Public Prosecutor's Office they work with, as well as the Public Prosecutor's Offices in that district.

(4) The senior public prosecutors of the Public Prosecutor's Offices next to juvenile and family courts, and the senior public prosecutors of the Public Prosecutor's Offices next to courts of first instance shall also exercise powers of Public Prosecutor's Office management.

#### ART. 88

The general public prosecutors of the Public Prosecutor's Offices next to courts of appeal shall act as secondary budget holders, and the senior public prosecutors of the Public Prosecutor's Offices next to tribunals shall act as tertiary budget holders.

#### ART. 89

(1) Depending on the amount of work, in Public Prosecutor's Offices next to courts of appeal and tribunals, the general public prosecutor or, as the case may be, the senior public prosecutor may be helped by 1 - 2 assistants, and in Public Prosecutor's Offices next to juvenile and family courts and in courts of first instance, the senior public prosecutor may be helped by an assistant.

(2) At the Public Prosecutor's Office next to Bucharest Court of Appeal, and at the Public Prosecutor's Office next to Bucharest Tribunal, the general public prosecutor or, as the case may be, the senior public prosecutor may be helped by 1 - 3 assistants.

#### ART. 90

(1) The divisions, services and offices of the Public Prosecutor's Offices next to courts of law shall be run by chief public prosecutors.

(2) The head of each Public Prosecutor's Office shall assign the public prosecutors per divisions, services, and offices.

#### ART. 91

(1) Managing colleges, that endorse the general management issues of Public Prosecutor's Offices, shall function within the latter.

(2) The managing colleges of the Public Prosecutor's Offices next to courts of appeal, tribunals, juvenile and family courts, and courts of first instance shall comprise public prosecutors that hold positions at the level of those stipulated under Article 52 (2) for managing colleges of courts of law.

(3) The provisions of Article 52 (2) - (4) shall apply accordingly.

#### ART. 92

The provisions of Articles 53 and 54 shall also apply accordingly to the organisation and holding of the general meetings of the public prosecutors.

### TITLE IV

#### Organisation and functioning of the National Institute of Magistracy

#### ART. 93

(1) The National Institute of Magistracy shall be the public institution acting as a legal entity, placed under the co-ordination of the Superior Council of Magistracy, that achieves the initial training of judges and public prosecutors, the continuous professional training of magistrates in office, as well as the training of trainers, under the terms of the law.

(2) The National Institute of Magistracy shall not be part of the national education system and shall not be subject to the provisions of the laws in force regarding the accreditation of higher education institutions and the recognition of diplomas.

(3) The headquarters of the National Institute of Magistracy shall be in Bucharest.

#### ART. 94

(1) The National Institute of Magistracy shall be run by a scientific council comprising 13 members: a judge of the High Court of Cassation and Justice, a public prosecutor from the Public Prosecutor's Office next to the High Court of Cassation and Justice, a judge of the Bucharest Court of Appeal, a public prosecutor from the Public Prosecutor's Office next to the Bucharest Court of Appeal, designated by the Superior Council of Magistracy, 3 university professors, recommended by the Law Faculty of the University of Bucharest, the Law Faculty of the "Alexandru Ioan Cuza" University in Iași and the Law Faculty of the "Babeș-Bolyai" University in Cluj-Napoca, 4 elected representatives of the training personnel within the Institute, a representative of the justice auditors, as well as the director of the National Institute of Magistracy, who is a rightful member of the council and presides over it.

(2) The director of the National Institute of Magistracy and his two assistants shall be appointed by the Superior Council of Magistracy, from amongst the magistrates' legal training personnel or members of the teaching staff in the higher legal education system accredited under the law.

(3) The length of the term of office for members of the scientific council shall be 3 years and may be renewed, except for the term of office of the representative of the justice auditors, who is elected for one year.

(4) The meetings of the scientific council may be attended, without a right to vote, by representatives of the magistrates' lawfully established professional associations.

#### ART. 95

The scientific council of the National Institute of Magistracy shall propose the draft budget and shall make decisions on the issues concerning the Institute's organisation and functioning, based on the proposal by the institution's director.

#### ART. 96

(1) The National Institute of Magistracy shall be funded from the state budget, through the budget of the Superior Council of Magistracy, under the terms of the law.

(2) The director of the National Institute of Magistracy shall act as a secondary budget holder.

#### ART. 97

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

(2) The organisational structure, lists of positions and personnel lists of the National Institute of Magistracy shall be approved by the Superior Council of Magistracy.

#### ART. 98

(1) The training personnel of the National Institute of Magistracy shall be selected, as a rule, from amongst judges and public prosecutors in office with a length of service of at least 10 years in magistracy, who can be temporarily transferred under the present law, based on their consent, within the Institute, following the opinion of the Institute's Scientific Council.

(2) The National Institute of Magistracy may also use, under the terms of the law, members of the teaching staff from the higher legal education system accredited according to the law, other Romanian and foreign specialists, as well as law specialised personnel equal in rank to magistrates, in the professional training process.

(3) The wages of the training personnel of other speciality than the legal one shall be established by Law No. 50/1996 on wages and other rights of the personnel in the bodies of the judicial authority, republished, with subsequent amendments and additions.

## ART. 99

Zonal centres and points for the continuous training of the clerks of the court and other categories of specialised personnel, subordinated to the Ministry of Justice and the Department of the Public Prosecutor, may be established by Government decision.

## TITLE V

## Judicial assistants

## ART. 100

Judicial assistants shall be appointed by the minister of justice, following the proposal by the Economic and Social Council, for a 5-year period, from amongst the persons with a length of service in legal positions of at least 5 years and who meet cumulatively the following requirements:

- a) they are Romanian citizens, have their residence in Romania and have a full capacity of exercise;
- b) they have a law degree and prove an adequate theoretical training;
- c) they have no criminal record, no tax record, and enjoy a good reputation;
- d) they speak Romanian;
- e) they are medically fit to exercise that position.

## ART. 101

(1) Judicial assistants shall enjoy stability for their term of office and shall only be subject to the law.

(2) The provisions of the law concerning magistrates' obligations, interdictions and incompatibilities shall also apply to judicial assistants.

(3) The provisions concerning rest leaves, free medical care and free transportation, stipulated by the law for magistrates, shall also apply to judicial assistants.

(4) Judicial assistants shall take the oath under the terms stipulated by the law for magistrates.

(5) The total number of judicial assistant's positions and position distribution per courts of law, depending on the amount of work, shall be established by order of the minister of justice.

## ART. 102

Judicial assistants shall exercise the powers stipulated under Article 58 (2), as well as other powers stipulated in the Standing Orders of courts of law.

## ART. 103

(1) The provisions of the law shall be applied to judicial assistants concerning disciplinary offences and sanctions, as well as the reasons for release from position stipulated by the law for magistrates.

(2) Disciplinary sanctions shall be applied by the minister of justice.

(3) A legal contestation may be filed against the sanctions applied under paragraph (2), within 30 days of sanction notification, with the contentious business and tax suit division of the court of appeal in the district of which the sanctioned person is employed. The decision by the court of appeal shall be final.

(4) Judicial assistants may also be released from position as a result of job cut-offs, depending on the amount of work of that court of law.

(5) The sanctions applied to judicial assistants and their release from position shall be notified to the Economic and Social Council by the minister of justice.

## ART. 104

By Government decision, based on the proposal by the Economic and Social Council and by the Ministry of Justice, the following shall be set up:

a) the terms and procedure for the candidates' selection and proposal by the Economic and Social Council, so that they may be appointed as judicial assistants by the minister of justice;

b) the terms for judicial assistants' delegation, temporary transfer, and permanent transfer.

## ART. 105

Consulting magistrates who are in office on the date of the present law coming into effect shall be rightfully appointed as judicial assistants and shall carry on their activity within labour and social insurance courts or, as the case may be, within specialised divisions or panels of judges.

## TITLE VI

## Auxiliary specialised departments within the framework of courts of law and Public Prosecutor's Offices

## ART. 106

(1) All courts of law and all Public Prosecutor's Offices shall have the following auxiliary specialised departments in their structure:

- a) registry;
- b) clerk of the court's office;
- c) archives;
- d) information and public relations office;
- e) library.

(2) The courts of law and Public Prosecutor's Offices may also have other departments set up under the regulations stipulated under Article 126 (1) and Article 127 (1).

(3) The courts of appeal and Public Prosecutor's Offices next to such courts, the High Court of Cassation and Justice, the Public Prosecutor's Office next to the High Court of Cassation and Justice and the National Anti-Corruption Public Prosecutor's Office shall also include in their structure a documentation department and a legal computer department. Legal computer departments may also be organised within the structure of tribunals, specialised courts, courts of first instance and the Public Prosecutor's Offices next to such courts of law.

## ART. 107

(1) The information and public relations office shall provide the contacts of the court or the Public Prosecutor's Office with the public and the mass media, with a view to guaranteeing the transparency of the judicial activity, under the terms stipulated by the law.

(2) The office shall be run by a magistrate designated by the president of the court of law or, as the case may be, by the head of the Public Prosecutor's Office, who will also act as a spokesman.

## ART. 108

(1) The auxiliary specialised personnel shall be hierarchically subordinated to the management of the courts of law or Public Prosecutor's Offices where they work.

(2) The president of the court of law or the general public prosecutor, or, as the case may be, the senior public prosecutor of the Public Prosecutor's Office shall be in charge of the personnel distribution within the framework of the auxiliary specialised departments.

(3) In courts of appeal, tribunals, specialised courts, and Public Prosecutor's Offices next to them, the departments where the auxiliary specialised personnel carry out their activity shall be run by senior clerks of the court, and in divisions of the Public Prosecutor's Office next to the High Court of Cassation and Justice, divisions of the National Anti-Corruption Public Prosecutor's Office, courts of first instance, and Public Prosecutor's Offices next to the latter, by chief clerks of the court.

(4) The computer specialised personnel shall be administratively subordinated to the president of the court of law they belong to and, professionally, to the Department of Information Technology Operation within the Ministry of Justice.

## ART. 109

(1) Clerks of the court who participate in court sessions or in the criminal prosecution acts shall be bound to record all the necessary details about the progress of the latter and to carry out any other assignments ordered by or under the control of the president of the court or, as the case may be, of the public prosecutor.

(2) In court sessions, clerks of the court shall have to wear adequate clothing for the court where they function. The type of clothing shall be established by Government decision and supplied free of charge.

## ART. 110

(1) In view of a more extensive use of computer technology in courts of law and Public Prosecutor's Offices, the president of the High Court of Cassation and Justice, the minister of justice, the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, or, as

the case may be, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office shall take steps for the proper implementation of such technical means in their institutions.

(2) The number of computer experts shall be established by the president of the court of law or the head of the Public Prosecutor's Office.

## TITLE VII

### Security of the courts of law and Public Prosecutor's Offices, and magistrates' protection

#### ART. 111

(1) The security of the headquarters of the courts of law and Public Prosecutor's Offices, of their assets and valuables, the surveillance of access and maintenance of internal order needed for a normal activity in such headquarters shall be provided, free of charge, by the Romanian Gendarmerie, by means of its specialised structures.

(2) The number of contract-employed gendarmes shall be established by Government decision, following the proposal by the minister of justice and the Minister of Administration and of the Interior, as well as by the president of the High Court of Cassation and Justice.

(3) The activity of the personnel stipulated under paragraph (2) shall be co-ordinated by the president of the court of law or the head of the Public Prosecutor's Office.

#### ART. 112

The manner in which the police personnel for magistrates' protection are being used shall be established by means of a protocol concluded between the High Court of Cassation and Justice, the Public Prosecutor's Office next to the High Court of Cassation and Justice, the National Anti-Corruption Public Prosecutor's Office or, as the case may be, the Ministry of Justice and the Ministry of Administration and of the Interior.

## TITLE VIII

### Economic-financial and administrative management of courts of law and Public Prosecutor's Offices

## CHAPTER I

### Organisation of the economic-financial and administrative department

#### ART. 113

(1) The structure of the High Court of Cassation and Justice, of the Public Prosecutor's Office next to the High Court of Cassation and Justice, of the National Anti-Corruption Public Prosecutor's Office, of the courts of appeal, of the Public Prosecutor's Offices next to courts of appeal, of the tribunals and of the Public Prosecutor's Offices next to tribunals shall include an economic-financial and administrative department, run by an economic manager.

(2) The economic manager shall be subordinated to the president of that court or, as the case may be, to the head of the Public Prosecutor's Office where he/she works.

(3) The economic-financial and administrative department within tribunals and Public Prosecutor's Offices next to the latter shall also provide the economic, financial, and administrative activity for specialised courts and courts of first instance or, as the case may be, for the Public Prosecutor's Offices within their district.

#### ART. 114

(1) A person who has been successful in the examination held for the economic manager's position may be appointed to this position by:

- a) the High Court of Cassation and Justice, for the position of economic manager of that court;
- b) the courts of appeal, for the positions of economic managers of the courts of appeal and tribunals;
- c) the Public Prosecutor's Office next to the High Court of Cassation and Justice, for the position of economic manager of that Public Prosecutor's Office and for the positions of economic managers of the Public Prosecutor's Offices next to courts of appeal and tribunals;

d) the National Anti-Corruption Public Prosecutor's Office, for the position of economic manager of that Public Prosecutor's Office.

(2) Persons who have graduated from the higher economic education system, who have a length of service in speciality of at least 5 years, and meet the other requirements of the law for public servants may register for the examination stipulated under paragraph (1).

(3) The appointment to the economic manager's position for the persons having passed the examination stipulated under paragraph (1) shall be made by order of the president of that court of law or, as the case may be, of the head of the Public Prosecutor's Office having organised the examination.

(4) The personnel of the economic-financial and administrative department shall be employed by the president of the High Court of Cassation and Justice, the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office, the president of the court of appeal or, as the case may be, the general public prosecutor of the Public Prosecutor's Office next to that court of appeal, based on an examination or practical test.

(5) The examination stipulated under paragraphs (1) and (4) shall be held according to regulations approved by the president of the High Court of Cassation and Justice, the minister of justice, the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice or, as the case may be, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office.

#### ART. 115

The main duties of the economic manager shall be as follows:

a) to run the economic-financial and administrative department of the court of law or Public Prosecutor's Office where he/she works;

b) to be liable for the economic-financial administration of the courts of law or Public Prosecutor's Offices that do not act as legal entities within the district of the court of law or Public Prosecutor's Office where he/she works;

c) based on the delegation received from the budget holders, to carry out all their powers stipulated by the law;

d) to be liable for the use of budget credits and for obtaining revenues, for the efficient use of the amounts received from the state budget, the state social insurance budget, or the budgets of special funds, for the integrity of the goods entrusted to the court of law or the Public Prosecutor's Office, for the organisation and updating of the accounting and the timely submittal of financial statements on the status of the assets in his/her administration and of the execution of the budget;

e) to co-ordinate the administration activity of the headquarters of the courts and Public Prosecutor's Offices and to take steps with a view to ensuring material conditions for a proper activity of the courts of law and Public Prosecutor's Offices;

f) to take steps for the elaboration and substantiation of designs for current and general repairs to headquarters and investment objectives, to monitor them and to take responsibility for their accomplishment;

g) to organise the keeping of records for all buildings owned or managed by courts of law or, as the case may be, Public Prosecutor's Offices, as well as for all the other goods appearing as their assets.

#### ART. 116

Economic managers, computer experts and specialised personnel in the financial-accounting activity and in local offices for technical and accounting judicial expert examinations shall be deemed public servants, with the rights and obligations stipulated by Law No. 188/1999 on the By-law of public servants, with subsequent amendments and additions.

#### ART. 117

The presidents of courts of law and the heads of Public Prosecutor's Offices may delegate their powers as budget holders to the economic managers.

## CHAPTER II

### Budgets of the courts of law and Public Prosecutor's Offices

## ART. 118

(1) The activity of courts of law and Public Prosecutor's Offices shall be funded from the state budget.

(2) The budget of the courts of appeal, tribunals, specialised courts, and courts of first instance shall be managed by the Ministry of Justice, with the minister of justice acting as the main budget holder.

(3) The budget for Public Prosecutor's Offices next to courts of appeal, tribunals, specialised courts and courts of first instance shall be managed by the Public Prosecutor's Office next to the High Court of Cassation and Justice.

## ART. 119

(1) The courts of appeal and Public Prosecutor's Offices next to the courts of appeal shall draft the annual budgets for the courts of law or, as the case may be, for the Public Prosecutor's Offices within their districts.

(2) The budgets drafted under paragraph (1) shall be sent to the Ministry of Justice or, as the case may be, to the Public Prosecutor's Office next to the High Court of Cassation and Justice.

(3) The Public Prosecutor's Office next to the High Court of Cassation and Justice and the National Anti-Corruption Public Prosecutor's Office shall draft their own annual budgets. The budget of the Public Prosecutor's Office next to the High Court of Cassation and Justice shall also include the budgets of the Public Prosecutor's Offices next to the other courts of law.

(4) The budgets drafted according to paragraphs (1) and (3) shall be subject to the certified opinion of the Superior Council of Magistracy.

(5) The budget of the High Court of Cassation and Justice shall be approved by the general meeting of the judges of that court, based on the advisory opinion of the Ministry of Public Finance.

## ART. 120

(1) Each court of law and Public Prosecutor's Office shall employ the necessary number of judges or, as the case may be, of public prosecutors, as well as the necessary number of auxiliary specialised personnel and personnel of 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, along with the minister of justice, the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice or, as the case may be, the general public prosecutor of the National Anti-Corruption Public Prosecutor's Office shall review on an annual basis the amount of activity of the courts of law and Public Prosecutor's Offices and, depending on the results of such reviews, shall take steps for increasing or cutting down the number of positions, based on the consent of the Superior Council of Magistracy.

## ART. 121

(1) The maximum number of positions for courts of law and Public Prosecutor's Offices shall be set up by Government decision, following the proposal by the minister of justice, based on the opinion of the Superior Council of Magistracy.

(2) For the High Court of Cassation and Justice, the maximum number of positions shall be set up by Government decision, following the proposal by the minister of justice and the president of the High Court of Cassation and Justice, based on the opinion of the Superior Council of Magistracy.

## ART. 122

The lists of positions and personnel for the courts of appeal, tribunals, specialised courts, courts of first instance and Public Prosecutor's Offices shall be approved based on the certified opinion of the Superior Council of Magistracy, by order of the minister of justice.

## TITLE IX

## Transitory and final provisions

## ART. 123

Military courts of law and Military Public Prosecutor's Offices shall be organised and shall function according to the law.

## ART. 124

The following structures shall function, under the law, next to the courts of law:

- a) social rehabilitation and monitoring services;
- b) trade register offices;
- c) other structures established by special laws.

## ART. 125

(1) The state shall provide the headquarters and the other material and financial means necessary for the proper functioning of the activity of courts of law and Public Prosecutor's Offices.

(2) The Government, the General Council of Bucharest Municipality, the county councils and local councils, with the support of Prefect's Offices, shall put at the disposal of the High Court of Cassation and Justice, the Ministry of Justice, the Public Prosecutor's Office next to the High Court of Cassation and Justice, and the National Anti-Corruption Public Prosecutor's Office the headquarters necessary for the proper functioning of courts of law and Public Prosecutor's Offices.

## ART. 126

(1) The standing orders for the courts of law shall establish:

- a) the administrative organisation of the courts of appeal, tribunals, specialised courts, and courts of first instance;
- b) the way in which causes are distributed per panels of judges and the criteria for such distribution;
- c) the powers of presidents, vice-presidents, inspector judges, division presidents, judges, and other categories of personnel;
- d) the way in which the activity of the managing colleges of the courts of law and of the general meetings of the judges is organised and takes place;
- e) the vacation;
- f) the way in which the auxiliary specialised departments are organised and function, and their powers;
- g) the way in which the economic-financial and administrative department is organised and functions, and its powers.

(2) The standing orders for the courts of law shall be drawn up by the Superior Council of Magistracy and the Ministry of Justice, and shall be approved by decision of the Superior Council of Magistracy, to be published in the Official Gazette of Romania, Part I.

## ART. 127

(1) The standing orders for the Public Prosecutor's Offices shall establish:

- a) the administrative organisation of the Public Prosecutor's Office next to the High Court of Cassation and Justice, the National Anti-Corruption Public Prosecutor's Office, the Public Prosecutor's Offices next to courts of appeal, tribunals, juvenile and family courts, and of the courts of first instance;
- b) the powers of general public prosecutors, senior public prosecutors and their assistants, inspector public prosecutors, chief public prosecutors, and public prosecutors, as well as of the other categories of personnel;
- c) the way in which the activity of the managing colleges of Public Prosecutor's Offices and of the general meetings of the public prosecutors is organised and takes place;
- d) the hierarchy of administrative positions within the Department of the Public Prosecutor;
- e) the way in which the auxiliary specialised departments of the Public Prosecutor's Office are organised and function, and their powers;
- f) the way in which the economic-financial and administrative department within Public Prosecutor's Offices is organised and functions, and its powers.

(2) The standing orders for the Public Prosecutor's Offices shall be approved, based on the certified opinion of the Superior Council of Magistracy, by order of the Ministry of Justice, following the proposal by the general public prosecutor of the Public Prosecutor's Office next to the High Court of Cassation and Justice.

## ART. 128

The by-law of the auxiliary specialised personnel of the courts of law and Public Prosecutor's Offices next to them shall be regulated by a special law, within 90 days of the present law coming into effect.

## ART. 129

The references to the Supreme Court of Justice present in the statutory instruments in force are construed to concern the High Court of Cassation and Justice.

## ART. 130

(1) The present law shall come into effect within 90 days of the publication in the Official Gazette of Romania, Part I.

(2) Specialised courts shall start functioning no later than 1 January 2008. The dates when specialised courts start functioning shall be scheduled by order of the minister of justice.

(3) Juvenile and family courts, that are to be established by 1 January 2008, shall only judge the causes stipulated under Articles 41 and 42, which fall within the competence of a tribunal as a first court of law.

(4) Until the establishment of specialised courts in all counties and Bucharest municipality, specialised divisions or panels of judges shall function in the tribunals of ordinary law.

(5) The provisions of the present law on the economic managers of courts of law and Public Prosecutor's Offices, as well as those concerning the good fellowship of the panels of judges for trying causes in a first court of law shall apply from 1 January 2005.

## ART. 131

(1) The provisions of Article 56 (1) on the distribution of causes in a computerised system shall apply gradually, and it shall be completed by 2007.

(2) Until 2007 the distribution of causes with courts of law that do not have a computerised system shall be done randomly, under the terms stipulated in the standing orders for courts of law.

## ART. 132

Within 90 days of the publication of the present law, the regulations stipulated by the present law shall be adopted, to be published in the Official Gazette of Romania, Part I, and shall come into effect on the date the provisions of the present law come into effect.

## ART. 133

(1) On the date of the present law coming into effect, the following shall be repealed:

a) the provisions of Articles 1 - 5, Articles 7 - 11, Articles 17 - 26, Articles 27 - 35, Articles 44 - 54, Article 56 and Article 57 of the Law of the Supreme Court of Justice No. 56/1993, republished in the Official Gazette of Romania, Part I, No. 56 of 8 February 1999, with subsequent amendments and additions;

b) the provisions of Article 1, Article 2 (1), (3) and (4), Articles 4 - 9, Articles 10 - 16, Article 17 (1<sup>1</sup>) - (1<sup>3</sup>) and (3) - (5), Articles 18 - 25, Articles 26 - 41, Articles 69<sup>1</sup> - 69<sup>5</sup>, Articles 70 - 85, Article 132, Article 133 (1) and (3), Article 134 and Articles 136 - 160 of Law No. 92/1992 on judicial organisation, republished in the Official Gazette of Romania, Part I, No. 259 of 30 September 1997, with subsequent amendments and additions.

(2) The provisions of Article 17 (1) and (2) of Law No. 92/1992, republished, on the composition of the panels of judges, and the provisions of Article 133 (2) and of Article 135 of Law No. 92/1992, republished, on economic directors, shall be repealed on 1 January 2005.

## ANNEX 1

#### A. COURTS OF FIRST INSTANCE, PUBLIC PROSECUTOR'S OFFICES AND THEIR RESIDENCE LOCALITIES

County	Court of first instance	Residence locality
Alba	Alba Iulia	Alba Iulia municipality
	Câmpeni	Câmpeni town
	Aiud	Aiud municipality
	Blaj	Blaj municipality

	Sebeş	Sebeş municipality
Arad	Arad	Arad municipality
	Ineu	Ineu town
	Lipova	Lipova town
	Gurahonţ	Gurahonţ commune
	Chişineu-Criş	Chişineu-Criş town
Argeş	Piteşti	Piteşti municipality
	Câmpulung	Câmpulung municipality
	Curtea de Argeş	Curtea de Argeş municipality
	Costeşti	Costeşti town
	Topoloveni	Topoloveni town
Bacău	Bacău	Bacău municipality
	Oneşti	Oneşti municipality
	Moineşti	Moineşti municipality
	Podu Turcului	Podu Turcului commune
	Buhuşi	Buhuşi town
Bihor	Oradea	Oradea municipality
	Beiuş	Beiuş municipality
	Marghita	Marghita municipality
	Aleşd	Aleşd town
	Salonta	Salonta municipality
Bistriţa-Năsăud	Bistriţa	Bistriţa municipality
	Năsăud	Năsăud town
	Beclean	Beclean town
Botoşani	Botoşani	Botoşani municipality
	Dorohoi	Dorohoi municipality
	Săveni	Săveni town
	Darabani	Darabani town
Braşov	Braşov	Braşov municipality
	Făgăraş	Făgăraş municipality
	Rupea	Rupea town
	Zărneşti	Zărneşti town
Brăila	Brăila	Brăila municipality
	Făurei	Făurei town
	Însurăţei	Însurăţei town
Buzău	Buzău	Buzău municipality
	Râmnicu Sărat	Râmnicu Sărat municipality
	Pătârlagele	Pătârlagele commune
	Pogoanele	Pogoanele town
Caraş-Severin	Reşiţa	Reşiţa municipality
	Caransebeş	Caransebeş municipality
	Oraviţa	Oraviţa town
	Moldova Nouă	Moldova Nouă town
	Bozovici	Bozovici commune
	Bocşa	Bocşa commune
Călăraşi	Călăraşi	Călăraşi municipality
	Olteniţa	Olteniţa municipality
	Lehliu-Gară	Lehliu-Gară town
Cluj	Cluj-Napoca	Cluj-Napoca municipality
	Turda	Turda municipality
	Dej	Dej municipality

	Huedin	Huedin town
	Gherla	Gherla municipality
Constanța	Constanța	Constanța municipality
	Medgidia	Medgidia municipality
	Hârșova	Hârșova town
	Mangalia	Mangalia municipality
	Cernavodă	Cernavodă town
	Băneasa	Băneasa commune
Covasna	Sfântu Gheorghe	Sfântu Gheorghe municipality
	Târgu Secuiesc	Târgu Secuiesc municipality
	Întorsura Buzăului	Întorsura Buzăului town
Dâmbovița	Târgoviște	Târgoviște municipality
	Găești	Găești town
	Pucioasa	Pucioasa town
	Răcari	Răcari commune
	Moreni	Moreni municipality
Dolj	Craiova	Craiova municipality
	Băilești	Băilești municipality
	Filiași	Filiași town
	Șegarcea	Șegarcea town
	Calafat	Calafat municipality
	Bechet	Bechet town
Galați	Galați	Galați municipality
	Tecuci	Tecuci municipality
	Târgu Bujor	Târgu Bujor town
	Liești	Liești commune
Giurgiu	Giurgiu	Giurgiu municipality
	Bolintin-Vale	Bolintin-Vale town
	Comana	Comana commune
Gorj	Târgu Jiu	Târgu Jiu municipality
	Târgu Cărbunești	Târgu Cărbunești town
	Novaci	Novaci town
	Motru	Motru municipality
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 town
Ialomița	Slobozia	Slobozia municipality
	Urziceni	Urziceni municipality
	Fetești	Fetești municipality
Iași	Iași	Iași municipality
	Pașcani	Pașcani municipality
	Hârlău	Hârlău town
	Răducăneni	Răducăneni commune
Ilfov	Buftea	Buftea town

	Cornetu	Cornetu commune
Maramureş	Baia Mare	Baia Mare municipality
	Sighetu Marmaţiei	Sighetu Marmaţiei municipality
	Vişeu de Sus	Vişeu de Sus town
	Târgu Lăpuş	Târgu Lăpuş town
	Dragomireşti	Dragomireşti commune
	Şomcuta Mare	Şomcuta Mare town
Mehedinţi	Drobeta-Turnu Severin	Drobeta-Turnu Severin municipality
	Strehaia	Strehaia town
	Orşova	Orşova municipality
	Vânju Mare	Vânju Mare town
	Baia de Aramă	Baia de Aramă town
Mureş	Târgu Mureş	Târgu Mureş municipality
	Sighişoara	Sighişoara municipality
	Reghin	Reghin municipality
	Târnăveni	Târnăveni municipality
	Luduş	Luduş town
	Sângeorgiu de Pădure	Sângeorgiu de Pădure town
Neamţ	Piatra-Neamţ	Piatra-Neamţ municipality
	Roman	Roman municipality
	Târgu-Neamţ	Târgu-Neamţ town
	Bicaz	Bicaz town
Olt	Slatina	Slatina municipality
	Caracal	Caracal municipality
	Corabia	Corabia town
	Balş	Balş town
	Scorniceşti	Scorniceşti town
Prahova	Ploieşti	Ploieşti municipality
	Câmpina	Câmpina municipality
	Vălenii de Munte	Vălenii de Munte town
	Mizil	Mizil town
	Sinaia	Sinaia town
	Urlaţi	Urlaţi town
Satu Mare	Satu Mare	Satu Mare municipality
	Carei	Carei municipality
	Negreşti-Oaş	Negreşti-Oaş town
Sălaj	Zalău	Zalău municipality
	Şimleu Silvaniei	Şimleu Silvaniei town
	Jibou	Jibou town
Sibiu	Sibiu	Sibiu municipality
	Mediaş	Mediaş municipality
	Agnita	Agnita town
	Avrig	Avrig town
	Sălişte	Sălişte town
Suceava	Suceava	Suceava municipality
	Câmpulung Moldovenesc	Câmpulung Moldovenesc municipality
	Rădăuţi	Rădăuţi municipality
	Fălticeni	Fălticeni municipality
	Vatra Dornei	Vatra Dornei municipality
	Gura Humorului	Gura Humorului town
Teleorman	Alexandria	Alexandria municipality

	Roşiori de Vede	Roşiori de Vede municipality
	Turnu Măgurele	Turnu Măgurele municipality
	Videle	Videle town
	Zimnicea	Zimnicea town
Timiș	Timișoara	Timișoara municipality
	Lugoj	Lugoj municipality
	Deta	Deta town
	Sânnicolau Mare	Sânnicolau Mare town
	Făget	Făget town
	Jimbolia	Jimbolia town
Tulcea	Tulcea	Tulcea municipality
	Babadag	Babadag town
	Măcin	Măcin town
Vaslui	Vaslui	Vaslui municipality
	Bârlad	Bârlad municipality
	Huși	Huși municipality
	Murgeni	Murgeni town
Vâlcea	Râmnicu Vâlcea	Râmnicu Vâlcea municipality
	Drăgășani	Drăgășani municipality
	Horezu	Horezu town
	Brezoi	Brezoi town
	Bălcești	Bălcești town
Vrancea	Focșani	Focșani municipality
	Panciu	Panciu town
	Adjud	Adjud municipality
București	1st district Court of first instance	București municipality
	2nd district Court of first instance	București municipality
	3rd district Court of first instance	București municipality
	4th district Court of first instance	București municipality
	5th district Court of first instance	București municipality
	6th district Court of first instance	București municipality

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#### B. TRIBUNALS, PUBLIC PROSECUTOR'S OFFICES NEXT TO TRIBUNALS AND THEIR RESIDENCE LOCALITY

County	Tribunal	Residence locality
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

Botoşani	Botoşani	Botoşani 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	Buftenă town
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	Focşani municipality
Bucureşti	Bucureşti	Bucureşti municipality

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C. COURTS OF APPEAL, PUBLIC PROSECUTORS OFFICES NEXT TO COURTS OF APPEAL, THEIR DISTRICTS AND RESIDENCE LOCALITIES

Court of appeal	Tribunals and specialised courts within the district of the court of appeal	Residence locality
1. Alba Iulia	Court of Appeal Alba Sibiu Hunedoara	Alba Iulia municipality

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2. Pitești Court of Appeal Vâlcea	Argeș	Pitești municipality
3. Bacău Court of Appeal Neamț	Bacău	Bacău municipality
4. Oradea Court of Appeal Satu Mare	Bihor	Oradea municipality
5. Suceava Court of Appeal Botoșani	Suceava	Suceava municipality
6. Brașov Court of Appeal Covasna	Brașov	Brașov municipality
7. București Court of Appeal Călărași Giurgiu Ialomița Ilfov Teleorman	București	București municipality
8. Cluj Court of Appeal Bistrița-Năsăud Maramureș Sălaj	Cluj	Cluj-Napoca municipality
9. Constanța Court of Appeal Tulcea	Constanța	Constanța municipality
10. Craiova Court of Appeal Gorj Mehedinți Olt	Dolj	Craiova municipality
11. Galați Court of Appeal Brăila Vrancea	Galați	Galați municipality
12. Iași Court of Appeal Vaslui	Iași	Iași municipality
13. Târgu Mureș Court of Appeal	Mureș Harghita	Târgu Mureș municipality
14. Ploiești Court of Appeal Buzău Dâmbovița	Prahova	Ploiești municipality
15. Timișoara Court of Appeal Arad	Timiș	Timișoara municipality

Caraș-Severin

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