

# THE PARLIAMENT OF ROMANIA

## THE SENATE

### LAW

#### **On judicial organisation**

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*Judicial organization is established in order to ensure the observance of rights and fundamental freedoms of persons, as they are provided in the following documents: the International Charter of Human Rights, the Convention on the protection of human rights and fundamental freedoms, the UN Convention on the rights of the child and the European Union Charter of fundamental rights, as well as in order to safeguard the observance of the Constitution and of the country's laws.*

*Judicial organization has also the main goal of ensuring the respect of the right to a fair trial and the judgment of trials by the law courts impartially and independently from any outside influence.*

#### **TITLE I**

#### **General Provisions**

#### **Chapter I**

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

**Article 1** – (1) The judicial authority is exercised by the High Court of Cassation and Justice and by the other judicial courts established by the law.

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

(3) The Public Ministry exercises its attributions through prosecutors

organized in prosecutor's offices, according to the law.

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

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

- (a) The High Court of Cassation and Justice;
- (b) The courts of appeal;
- (c) The tribunals;
- (d) The specialized tribunals;
- (d<sup>1</sup>) Military courts;
- (e) The first instance courts.

**Article 3** – The competence of judicial bodies and the judicial procedure are established by the law.

**Article 4** – (1) In the judicial activity, the Public Ministry represents the general interests of society and defends legal order and the citizens' rights and freedoms.

(2) The prosecutor's offices operate attached to the judicial courts, conduct and supervise the activity of criminal investigation performed by the judiciary police, according to the law.

**Article 5** – (1) The Ministry of Justice ensures the proper organization and administration of justice as public service.

## **Chapter II**

### **Access to justice**

**Article 6** - (1) Any person can address justice for the defence of his/her rights, freedoms and legitimate interests.

(2) The exercise of this right cannot be restricted.

**Article 7** - (1) All persons are equal before the law, with no privileges and no discriminations.

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

**Article 8** – International judicial assistance shall be requested or granted according to the law, to the international treaties to which Romania is a party, or, the case being, based on mutual recognition.

**Article 9** – The Plenum of the Superior Council of the Magistracy shall operate as a law court for dealing with objections lodged by judges and prosecutors against decisions rendered by the sections of the Superior Council of the Magistracy, except for those given on disciplinary matters.

### **Chapter III**

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

**Article 10** – All persons are entitled to a fair trial and to the resolution of cases within a reasonable time, by an impartial and independent court, set-up according to the law.

**Article 11** – The activity of judgement shall take place while observing the principles of random assignment of cases and of continuity, unless the judge is unable, for objective reasons, to partake in the trial.

**Article 12** – Court sessions shall be public, except for certain cases provided by the law. Judgements shall always be pronounced in public session, except for the cases provided by the law.

**Article 13** – (1) Court sessions shall be recorded by technical video or audio means or shall be recorded by the means of stenography. The stenographic records or other records shall be immediately put on transcripts.

(2) The court clerk or the stenograph specialist shall record all the statements, questions and arguments put forth by those present, including those of the president of the panel.

(3) Upon request, the parties may receive a copy of the transcripts of the recordings, of the stenographic records or of the clerk's notes.

**Article 14** – (1) Judicial procedure shall be conducted in Romanian.

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

(3) In case one or several parties claim to express themselves in their native language, the court has to ensure, free of charge the use of an interpreter or an authorized translator.

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

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

(6) Debates between parties in their native language shall be recorded, and

written down in Romanian. Objections made by those concerned regarding the translations and their recording shall be solved by the law court until completion of main hearings for that case, and recorded in the court session conclusion.

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

**Article 15** – The right to defence is guaranteed. Throughout the trial, the parties shall have the right to be represented or, as the case may be, assisted by a defender, chosen or appointed *ex officio*, according to the law.

**Article 16** – Judgements must be observed and enforced, according to the law.

**Article 17** – Judgements may be cancelled or amended only by the means of appeal provided in the law and exercised according to the legal provisions.

## **TITLE II** **Law courts**

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

#### ***Section 1*** **Organization of the High Court of Cassation and Justice**

**Article 18** – (1) In Romania, there is only one Supreme Court, the High Court of Cassation and Justice, legal person with the headquarters in the capital city.

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

(3) The president of the High Court of Cassation and Justice has the quality of main chief credit accountant.

(4) The expenses required for the operation shall be financed from the state budget.

**Article 19** – (1) The High Court of Cassation and Justice is composed of one president, one vice-president, 4 section presidents and judges.

(2) The High Court of Cassation and Justice is organised in 4 sections – the civil and intellectual property section, the criminal section, the commercial section, the administrative and fiscal contentious section, - the Nine Judges Panel and the

United Sections, each having its own competence.

**Article 20** – (1) Within the High Court of Cassation and Justice operate assistant-magistrates, established by the list of functions.

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

## *Section II*

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

**Article 21** – (1) The civil and intellectual property section, the criminal section, the commercial section, the administrative and fiscal section of the High Court of Cassation and Justice shall try the appeals against the decisions delivered by the courts of appeal and against other decisions in the cases provided by the law.

**Article 22** – (1) The criminal section of the High Court of Cassation and Justice shall try:

- a) in first instance the lawsuits ascribed by law within the competence of the High Court of Cassation and Justice, as first instance court;
- b) final appeals (recourses), according to the law.

**Article 23** – (1) The sections of the High Court of Cassation and Justice, according to their competence, shall solve:

- a) Requests for displacement of case from a court to another, for the reasons provided in the procedure codes;
- b) Conflicts of competence, in the cases provided by the law;
- c) any Other requests provided in the law.

(2) The sections of the High Court of Cassation and Justice, shall solve also final appeals (recourses) filed against non-final decisions or court acts, of any nature, which cannot be appealed in any other way and the trial of which was interrupted before the courts of appeal.

**Article 24** – (1) The Nine Judges-Panel shall try final appeals (recourses) and the requests in the cases tried in first instance by the criminal section of the High Court of Cassation and Justice

(2) The Nine Judge-Panel shall try also other cases ascribed to its competence by law and also as a disciplinary court.

**Article 25** – The High Court of Cassation and Justice shall sit in Joint Sections for:

- a) trying final appeals (recourses) in the interest of the law;

- b) solving notifications with regard to changing the case law of the High Court of Cassation and Justice, according to the present law;
- c) calling upon the Constitutional Court in view of examining the constitutionality of laws before their promulgation.

**Article 26** – Should a section of the High Court of Cassation and Justice consider necessary to review its own jurisprudence, shall interrupt the trial and call upon the Joint Sections of the High Court of Cassation and Justice, which shall adjudicate summoning the parties from the interrupted. After the Joint Sections decided upon the notification on changing the jurisprudence, the trial shall be resumed.

**Article 27** – (1) At the end of each year, the High Court of Cassation and Justice, in Joint Sections, shall establish which cases require improvement in the legislation and notifies them to the minister of justice.

(2) The president of the High Court of Cassation and Justice may allow judges to inform themselves at the courts’ seat about the aspects concerning the correct and consistent application of the law, making the jurisprudence of the High Court of Cassation and Justice known and establishing the situations which justify proposals for improvement of the legislation.

### ***Section 3***

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

**Article 28** – (1) Leadership of the High Court of Cassation and Justice shall be exercised by the president of the High Court of Cassation and Justice, the vice-president and the Leading Board

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

(3) The president, vice-president and 9 judges, elected for 3 years by the general assembly of judges, with representation of each section, shall make up the Leading Boards of the High Court of Cassation and Justice. When debating upon economic-financial and administrative issues, in the sessions of the leading board shall participate also the economic manager of the High Court of Cassation and Justice, who is entitled to a consultative vote. The section presidents may also participate in the sessions of the Leading Boards

**Article 29** – (1) The Leading Board of the High Court of Cassation and Justice shall have the following attributions:

- a) to approve the Regulations on the organization and administrative operation of the High Court of Cassation and Justice, as well as the lists of functions and personnel of the High Court of Cassation and Justice;
- b) analysing the candidacies submitted for the office of judge with the High

Court of Cassation and Justice and presenting to the Plenum of the Superior Council of the Magistracy the consultative report on promotion into the office of judge with the High Court of Cassation and Justice.

c) to propose to the Superior Council of Magistracy the appointment, promotion, transfer, suspension and release from office of assistant-magistrates;  
d) to organize and supervise the resolution of petitions, according to the law;  
e) to propose the draft budget of the High Court of Cassation and Justice;  
f) to exercise other prerogatives provided in the Regulation on the organisation and administrative operation of the High Court of Cassation and Justice.

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

(3) The Leading Board of the High Court of Cassation and Justice shall reunite on quarterly basis or whenever necessary, at the convocation of the president of the High Court of Cassation and Justice or upon request from at least three of its members.

(4) The decisions of the Leading Board of the High Court of Cassation and Justice shall be adopted with the majority of votes of the Leading Board members.

**Article 30** – The general assembly of judges of the High Court of Cassation and Justice shall meet for:

a) approving the annual activity report, which shall be published;  
b) approving the budget of the High Court of Cassation and Justice, with the consultative endorsement of the Ministry of Public Finance;  
c) electing the 2 members for the Superior Council of Magistracy, according to the law.

#### ***Section 4*** **The panels of judges**

**Article 31** – (1) The panels shall be composed of 3 judges from the same section.

(2) If the number of judges necessary to make up the panel cannot be attained, the panel shall be composed of judges from other sections designated by the president or the vice-president of the High Court of Cassation and Justice.

**Article 32** – (1) The Nine Judges-Panel shall be chaired by the president or the vice-president of the High Court of Cassation and Justice. In their absence, the panel may be chaired by one of the section presidents or by a judge specially designated by the president or the vice-president of the High Court of Cassation and Justice.

(2) The Panel of 9 judges is usually composed of specialised judges, according to the nature of the case.

**Article 33** – (1) The president of the High Court of Cassation and Justice shall chair the Joint Sections, the Nine Judges Panel and within the sections any panel, when he/she takes part in the trial.

(2) In the absence of the president, the sessions that require his/her presence shall be chaired by the vice-president of the court or by a section president.

(3) Section presidents can chair any panel in their section and the other judges can chair by turns.

**Article 34** – If the High Court of Cassation and Justice tries in Joint Sections, at least two thirds of the number of sitting judges need to partake in the trial. The decision can be made only with the majority of votes of those present.

## **Chapter II**

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

#### ***Section I***

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

**Article 35**– (1) The courts of appeal are courts with legal capacity, in the jurisdiction of which several tribunals and specialised tribunals operate, according to the annex to the present law.

(2) In courts of appeal there shall operate specialised sections or, the case may be, panels for civil cases, criminal cases, commercial cases, cases on minors and family issues, cases of administrative and fiscal contentious business, cases regarding labour conflicts and social insurance, as well as, according to the nature and amount of cases, maritime and fluvial sections or sections for other matters.

**Article 36** – (1) Tribunals are courts with legal capacity, organised at the level of each county and the city of Bucharest and as a rule have their premises in the city-residence of the county.

(2) The jurisdiction of each tribunal includes all first instance courts in the county or, as the case may be, in the city of Bucharest.

(3) In tribunals there shall operate specialised sections or, the case being,



panels for civil cases, criminal cases, commercial cases, cases on minors and family issues, cases of administrative and fiscal contentious business, cases regarding labour conflicts and social insurance, as well as, according to the nature and amount of cases, maritime and fluvial sections or sections for other matters.

**Article 37 -** (1) In the fields provided in Article 34 paragraph (4), specialised tribunals may be set up.

(2) Specialised tribunals are courts without legal personality, which may operate at county level and at the level of the City of Bucharest and are usually seated in the city-residence of the county.

(3) Specialised tribunals take over cases that are of the competence of tribunals in the fields for which they are set up.

**Article 38 –** (1) The courts of first instance are courts with no legal capacity, established in counties and in the sectors of the city of Bucharest, according to the annex to the present law.

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

**Article 39 –** (1) According to the nature and amount of cases, specialised sections or panels may be set up in first instance courts.

(2) In first instance courts, specialised sections or panels for minors and family shall be set up.

**Article 40 –** (1) Specialised panels and sections for minors and family, as well as specialised tribunals for minors and family shall try both offences committed by minors, as well as offences committed against minors.

(2) When there are several defendants in one case, some being minors and others adults, and severance is impossible, the competence belongs to the specialised tribunal for minors and family.

(3) The provisions of the Criminal Procedure Code shall apply accordingly

**Article 41 -** (1) Specialised sections and panels in courts of appeal and in the courts in their jurisdiction shall be set up at the proposal of the leading boards in each court, by decision of the Superior Council of the Magistracy.

(2) The composition of specialised panels and sections shall be established by the leading board of the court, according to the workload and taking account of the judges' specialisation.

(3) Exceptionally, if a panel cannot be set up in a certain section, the leading board of the court may ordain participation of judges from other sections.

**Article 42** – According to the workload, to the nature and complexity of cases brought to justice, permanent secondary seats can be established for courts of appeal, tribunals and first instance courts, in other localities in the county or in the city of Bucharest.

## ***Section 2*** **The leadership of law courts**

**Article 43** – (1) Every law court shall be run by a president who exercises management duties in view of effective organisation of the court's activity.

(2) Presidents of courts of appeal and tribunals shall exercise also tasks of co-ordination and control of the administration of the court where they exercise their office, as well as of the courts in their jurisdiction.

(3) Presidents of first instance courts and specialised courts shall also exercise attributions of court administration.

**Article 44** – Court of appeal presidents are secondary credit chief accountants, and tribunal presidents are tertiary credit chief accountants.

**Article 45** – (1) According to the workload and the complexity of the cases, in courts of appeal, tribunals and specialised tribunals, the president can be assisted by 1-2 vice-presidents and in first instance courts, the president can be assisted by one vice-president.

(2) At Bucharest court of appeal and Bucharest tribunal, the president can be assisted by 1-3 vice-presidents.

**Article 46** – (1) Law court presidents and vice-presidents take measures for the organisation and proper functioning of the courts they have charge of and, as the case may be, of the courts in their jurisdiction, ensure and verify the observance of the law and regulations by the judges and the auxiliary specialised personnel.

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

(3) The duties, provided by the law, of the court's presidents or vice-presidents cannot be transferred to the courts Leading Boards.

**Article 47** – The presidents of courts shall designate the judges who are to perform, according to the law, other attributions than the judicial ones.

**Article 48** –The sections of law courts shall be headed by a section

president.

**Article 49** – (1) In every law court there shall operate a leading board, which shall decide upon the general issues relating to running the court and fulfil the tasks provided in Article 38.

(2) Leading boards are composed of an odd number of members as follows:

a) in courts of appeal and tribunals: the president and 6 judges, elected for 3 years by the general assembly of judges;

b) in specialised tribunals and first instance courts: the president and 2-4 judges, elected for 3 years by the general assembly of judges;

(2<sup>1</sup>) In case of the number of judges from the first instance courts or the specialised tribunals is smaller than 3, the prerogatives of the leading board shall be exercised by the president.

(3) Decisions of the leading board shall be adopted with the vote of the majority of its members.

(4) Section presidents may also participate in the sessions of the leading boards.

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

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

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

**Article 50** – (1) In law courts, general assemblies of judges shall be organised annually or at any time necessary.

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

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

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

c) the general assembly of the specialised tribunal – by the president of that court;

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

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

(4) General assemblies of judges may be convoked also by the Plenum of the Superior Council of the Magistracy or by the leading board of the court.

**Article 51** – General assemblies of judges provided in Article 50 paragraph (1), shall have, the following attributions:

a) to debate the annual court activity;

- b) to elect , according to the law, the members of the Superior Council of the Magistracy;
- c) to debate about law issues;
- d) to analyse draft normative acts, upon request from the minister of justice or the Superior Council of the Magistracy;
- e) to express points of view upon request from the Superior Council of the Magistracy;
- f) electing and revoking members of the leading boards;
- g) initiating the revocation procedure regarding the members of the Superior Council of Magistracy, according to Law No.317/2004 on the Superior Council of Magistracy”.
- h) to carry out other attributions provided by law or regulations.

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

**Article 52** – (1) The leading boards shall establish the composition of panels at the beginning of every year, with a view to ensuring the continuity of panels. Panel members may be changed only in exceptional cases, based on the objective criteria set forth in the Interior Regulation of law courts.

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

**Article 53** – (1) The assignment of cases to panels of judges shall be carried out randomly, in computerised system.

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

**Article 54** - (1) Cases that the law ascribes to the first instance competence of first instance courts, tribunals and courts of appeal shall be tried by panels of one judge, except for cases relating to labour conflicts and social insurance.

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

(3) For the panels of 2 judges, if they fail to reach an agreement upon the decision to be handed down, the case shall be tried again in a divergence panel, according to the law.

(4) The divergence panel shall be created by including the court president or deputy-president, the section president or the judge in the permanence time-table, into the panel.

**Article 55** – (1) Panels to solving in first instance the cases concerning labour and social insurance conflicts shall be composed of two judges and two judiciary assistants.

(2) Judiciary assistants shall take part in the deliberations with a consultative vote and shall sign the decisions pronounced. Their opinion shall be recorded in the decision and the separate opinion shall be reasoned.

(3) In case the judges who compose the panel do not reach an agreement on the decision to be delivered, the lawsuit shall be tried again in a divergence panel, the stipulations of Article 54 paragraphs (3) and (4) being applicable.

### **Chapter III Military Courts**

**Article 56** - (1) Military courts are:

- a) Military tribunals;
- b) The Military Territorial Tribunal of Bucharest;
- c) The Military Court of Appeal in Bucharest.

(2) The jurisdictions of military courts are provided in Annex No.2 which is part of this Law.

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

**Article 57** - (1) Military courts shall try at their headquarters. For serious reasons, the court may ordain that the trial should take place somewhere else.

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

**Article 58** – (1) In court sessions, military judges and prosecutors shall be obliged to wear the military uniform.

(2) When the defendant is an active member of the military, the president of the judgement panel, as well as the prosecutor who partakes in the trial must be part of at least the same category of ranks.

(3) When the prosecutor's rank is not part of the same category as that of the accused or defendant, he shall be assisted by another prosecutor whose rank belongs to the proper category, and who is appointed by the person in charge of the prosecutor's office where the case is registered.

**Article 59** - (1) In the cities of Bucharest, Cluj-Napoca, Iași and Timișoara, military tribunals operate.

(2) Military tribunals shall try cases and claims that are falling under their competence, according to the law.

(3) A military tribunal shall be run by a president assisted by one deputy-president. Articles 49-51 shall apply accordingly, the leading boards being composed of the president and two judges.

**Article 60** – (1) In the City of Bucharest there operates the Military Territorial Tribunal of Bucharest.

(2) The Military Territorial Tribunal of Bucharest shall be run by a president aided by one deputy-president. Articles 49-51 shall apply accordingly and the leading board shall be composed of the president and two judges.

(3) The president of the Military Territorial Tribunal of Bucharest shall be tertiary credit chief accountant.

**Article 61** – (1) The Military Court of Appeal shall operate in the City of Bucharest, as a single court, with legal personality, run by a president assisted by one deputy-president. Articles 52-54 shall apply accordingly and the leading board shall be composed of the president and two judges.

(2) The president of the Military Court of Appeal of Bucharest shall be secondary credit chief accountant.

### **TITLE III** **The Public Ministry**

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

**Article 62** - (1) The Public Ministry shall exercise its prerogatives according to the law and shall be run by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. (2) Prosecutors shall carry out their activity according to the principles of legality, impartiality and hierarchic control, under the authority of the minister of justice.

(3) Prosecutors exercise their office according to the law, observe and protect human dignity and defend the rights of persons.

(4) Prosecutor's offices are independent in their relation with law courts, as well as with other public authorities.

**Article 63** – The Public Ministry shall exercise through prosecutors the following attributions:

- a) to carry out criminal proceedings in the cases and under conditions provided by the law and take part , according to the law, in the resolution of conflicts by alternative methods;
- b) to conduct and control the activity of the judicial police, conduct and control the activity of other bodies of criminal investigation;
- c) to call upon law courts for judging criminal cases , according to the law;
- d) to take civil action, in the cases provided by the law;

- e) participates, according to the law, in court sessions;
- f) to file appeals against court decisions, according to the conditions provided by the law;
- g) to defend the rights and legitimate interests of under age, of persons placed under interdiction, of missing persons and of other persons, according to the law;
- h) to act to prevent and fight criminality, under the co-ordination of the minister of justice, for the consistently accomplishment of the state criminal policy;
- i) to study the causes that generate and favour criminality, elaborate and present to the minister of justice proposals for eliminating them, as well as for improving legislation in the field;
- j) verification of the observance of the law in the places of preventive detention;
- k) to exercise any other attributions provided by the law.

**Article 64** – (1) The orders of the hierarchically superior prosecutor, given in writing and in accordance with the law shall be binding.

(2) In the solutions that they ordain, prosecutors are independent, according to the law. Prosecutors may object with the Superior Council of the Magistracy, within the proceedings for checking the conduct of judges and prosecutors, against any interventions from the hierarchically superior prosecutors, occurring either in the criminal prosecution or in the adoption of a solution.

(3) Solutions adopted by the prosecutor may be invalidated in a reasoned manner by the hierarchically superior prosecutor, when they are deemed as illegal.

(4) a prosecutor assigned work may be transferred to another prosecutor only in the following situations:

- a) in case of suspension or of cessation of a prosecutor's capacity, according to the law;
- b) in his or her absence if there are objective reasons to justify the emergency and that prevent his recalling.
- c) in case of leaving aside a work for more then 30 days;

(5) Prosecutors may object with the Superior Council of Magistracy, within the proceedings for checking the conduct of judges and prosecutors, against measures, from paragraph (4), ordained by the hierarchically superior prosecutor.

**Article 65** – (1) Prosecutors of each prosecutor's office are subordinated to the head of that prosecutor's office.

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

(3) Control exercised by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, by the General Prosecutor of the National Anti-Corruption Prosecutor's Office or by the General Prosecutor of the prosecutor's office attached to a court of appeal over subordinated prosecutors may be exercised either directly or through expressly designated prosecutors.

**Article 66** – (1) Judicial police bodies shall perform the activity of criminal investigation directly, under the command and supervision of the prosecutor and shall be obliged to accomplish his/her orders.

(2) Services and bodies that specialise in the collection, processing and archiving of information shall be obliged to at once make available to the competent prosecutor's office, at its seat, all the data and all the information, unprocessed, which they hold in relation to committing of offences.

(3) Failure to meet the obligations provided under paragraphs (1)-(2) shall involve the legal liability, according to the law.

**Article 67** – (1) Prosecutors take part in trials according to the law and have an active role in finding the truth.

(2) Prosecutors shall be free to utter in court the conclusions that they deem as well-founded, according to the law, while taking account of the evidence provided in the case. Prosecutors may object with the Superior Council of Magistracy against any interventions by the hierarchically superior prosecutors, which are aimed at influencing the conclusions in any manner.

(3) In criminal causes, at trials, shall participate the prosecutor who carried out the criminal proceedings or other prosecutor designated by the head of the prosecutor's office.

**Article 68** – Prosecutors take according to the law, the means of appeal against court decisions that he/her deem unfounded and unlawful.

**Article 69** – (1) Then he or she thinks it necessary, the Minister of Justice, at his or her own initiative or upon request by the Superior Council of Magistracy, exercises control over prosecutors, through prosecutors expressly designated by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, by the General Prosecutor of the National Anti-Corruption Prosecutor's Office, or by the Minister of Justice.

(2) Control shall consist of checking the manner in which prosecutors fulfil their working obligations and in which the working relations carry on between them and the litigants and the other persons involved in the work of prosecutor's offices. Control may not concern measures ordained by prosecutors in the course of criminal prosecution and the decisions that they adopt.

(3) The Minister of Justice may request that the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, the General Prosecutor of the National Anti-Corruption Prosecutor's Office inform him or her of the activity of prosecutor's offices and he or she may provide written advice on the measures to be taken so as to efficiently prevent and fight criminality.



## **Chapter II**

### **The organisation of the Public Ministry**

#### *Section 1*

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

**Article 70** – (1) The Prosecutor's Office attached to the High Court of Cassation and Justice coordinates the activity of the subordinated prosecutor's offices, carries out the attributions provided by the law, enjoys legal personality and manages the budget of the Public Ministry.

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

(3) In his or her activity, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall be assisted by 3 advisers.

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

**Article 71** – The general prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice represents the Public Ministry in relations with the other public authorities and with any natural or legal persons in the country or abroad.

**Article 72** - The General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall, either directly or through prosecutors expressly designated, exercise control over all prosecutor's offices.

**Article 73** – (1) The General Prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice shall take part in the sessions of the High Court of Cassation and Justice in Joint Sections, as well as in any of its panels, when he/she deems necessary.

(2) If he/she cannot attend, the general prosecutor shall delegate the prime-deputy or the deputy or another prosecutor to take part, in his/her place, in the sessions of the High Court of Cassation and Justice, provided by paragraph (1).

**Article 74** – The general prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice shall designate, from among the

prosecutors of this prosecutor's office the prosecutors to partake in sessions of the Constitutional Court, in the cases provided by the law.

**Article 75** – (1) The Prosecutor's Office attached to the High Court of Cassation and Justice is structured into sections run by chief prosecutors, who may be assisted by deputies. In these sections, services and bureaus may operate, run by chief prosecutors.

(2) The Directorate for Investigation of Offences of Organised Crime and Terrorism shall operate within the Prosecutor's Office attached to the High Court of Cassation and Justice, as a structure that specialises in fighting organised crime and terrorism.

(3) The Directorate for Investigation of Offences of Organised Crime and Terrorism shall be provided with prosecutors appointed by order of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, with the endorsement of the Superior Council of the Magistracy, within the limits of the offices provided in the personnel establishment approved according to the law.

(4) In order to be appointed in the Directorate for Investigation of Offences of Organised Crime and Terrorism, prosecutors must enjoy good professional training, impeccable moral conduct, at least 6 years' length of service as prosecutors or judges and they must have succeeded in the interview held by a board set up for this.

(5) Any prosecutor who meets the requirements in paragraph (4) may participate to the interview.

(6) The interview shall consist of checking the professional training, the ability to make decisions and to assume one's own responsibility, the resistance to stress, as well as other specific qualities.

(7) When evaluating the candidates, the activity performed by the prosecutors, the knowledge of a foreign language and the PC operation knowledge shall be considered.

(8) The board in paragraph (4) shall be appointed by order of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and shall be composed of 3 prosecutors from the Directorate for Investigation of Offences of Organised Crime and Terrorism. The board may include also specialists in psychology, human resources and other fields.

(9) Every year, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice shall evaluate the results obtained by the prosecutors of the Directorate for Investigation of Offences of Organised Crime and Terrorism.

(10) The prosecutors appointed with the Directorate for Investigation of Offences of Organised Crime and Terrorism may be revoked by order of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, with the endorsement of the Superior Council of the

Magistracy, in case of inappropriate exercise of the duties that are specific to their office or in case of application of a disciplinary sanction.

(11) At the date when he / she completes his / her activity with the Directorate for Investigation of Offences of Organised Crime and Terrorism, a prosecutor shall return to the prosecutor's office where he came from or to another prosecutor's office where he is entitled to work, according to the law.

(12) The duties, competence, structure, organisation and operation of the Directorate for Investigation of Offences of Organised Crime and Terrorism shall be set forth in a special law.

(13) Article 48 paragraphs (10) and (11) of Law No.303/2004 on the statute of judges and prosecutors shall apply accordingly.

**Article 76** – In performing his/her function, the general prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice shall issue orders of an internal nature.

**Article 77** – (1) Within the Prosecutor's Office attached to the High Court of Cassation and Justice, operates the leading board, which shall decide on general matters regarding the leadership of Public Ministry.

(2) The leading board of the Prosecutor's Office attached to the High Court of Cassation and Justice shall be composed of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, his or her prime-deputy and 5 prosecutors elected by the general assembly of prosecutors.

(3) Article 49 paragraphs (3) - (7) shall apply accordingly.

**Article 78** – (1) The general assembly of prosecutors in the Prosecutor's Office attached to the High Court of Cassation and Justice shall be convoked by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, annually or whenever necessary.

(2) Article 51 shall apply accordingly.

**Article 79** – The Prosecutor's Office attached to the High Court of Cassation and Justice shall elaborate an annual report on its own activity and present it to the Superior Council of the Magistracy and to the Minister of Justice, no later than February, the following year. The Minister of Justice shall present to Parliament his or her conclusions on the activity report of the Prosecutor's Office attached to the High Court of Cassation and Justice

## *Section 2*

### **The National Anticorruption Prosecutor's Department**

**Article 80** - (1) The National Anti-Corruption Prosecutor's Department specialises in fighting offences of corruption, according to the law, exercises its

duties throughout Romanian territory, and operates attached to the High Court of Cassation and Justice.

(2) The National Anticorruption Prosecutor's Office shall be organized as an autonomous structure within the Public Ministry and shall be coordinated by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The National Anticorruption Prosecutor's Office shall have legal personality and shall be seated in the city of Bucharest.

**Article 81** - (1) The National Anti-Corruption Prosecutor's Department shall work according to the principles of legality, of impartialness and of hierarchical control.

(2) The National Anticorruption Prosecutor's Office is independent in relations with the law courts and the prosecutor's offices attached to these, as well as in relations with the other public authorities, exercising its attributions only under the law and to ensuring its observance.

**Article 82** - (1) The National Anti-Corruption Prosecutor's Department shall be run by a General Prosecutor, assimilated to the prime-deputy to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, assisted by two deputies, assimilated to the deputy to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(2) In his activity, the General Prosecutor of the National Anti-Corruption Prosecutor's Office shall be assisted by two advisers assimilated to the advisers to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The general prosecutor of the National Anticorruption Prosecutor's Office shall be secondary credit chief accountant.

(4) Financing of current and capital expenses of the National Anticorruption Prosecutor's Office shall be provided from the State budget.

**Article 83** – (1) Within the National Anticorruption Prosecutor's Office operates the leading board that shall decide on general matters regarding leading this prosecutor's office.

(2) The leading board of the National Anti-Corruption Prosecutor's Office shall be composed of the General Prosecutor, his or her deputies and 5 prosecutors elected by the general assembly of prosecutors.

(3) Article 49 paragraphs (3)-(7) shall apply accordingly.

**Article 84** – (1) The general assembly of prosecutors in the National Anticorruption Prosecutor's Department shall be summoned by the General Prosecutor of this prosecutor's office, annually or whenever necessary.

(2) Article 51 shall apply accordingly.

**Article 85** – In performing the function, the general prosecutor of the National Anticorruption Prosecutor's Office shall issue internal orders.

**Article 86** – (1) Within the National Anticorruption Prosecutor's Office, territorial services, services, offices and other activity units may be set up by order of the general prosecutor of this prosecutor's office.

(2) The premises of the territorial services and their jurisdictions shall be established by the General Prosecutor of the National Anti-corruption Prosecutor's Office, usually, in the locations of the premises of the prosecutor's offices attached to the courts of appeal and in relation to the latter's' jurisdiction.

**Article 87** - (1) The National Anti-Corruption Prosecutor's Office shall be provided with prosecutors appointed by order of the General Prosecutor of the National Anti-Corruption Prosecutor's Office, with the endorsement of the Superior Council of the Magistracy, within the limits of the offices provided in the personnel establishment approved according to the law.

(2) In order to be appointed with the National Anti-Corruption Prosecutor's Office, prosecutors must enjoy good professional training, impeccable moral conduct, at least 6 years' length of service as prosecutors or judges and they must have passed the interview held by a board set up to this end.

(3) Any prosecutor who meets the requirements in paragraph (2) may participate in the interview.

(4) The interview shall consist of verifying the professional training, the ability to make decisions and to assume one's own responsibility, the resistance to stress, as well as other specific qualities.

(5) When evaluating the candidates, one shall take account also of the activity performed by the prosecutors, of the knowledge of a foreign language and of the PC operation knowledge.

(6) The board in paragraph (2) shall be appointed by order of the General Prosecutor of the National Anti-corruption Prosecutor's Office and shall be composed of 3 prosecutors from the National Anti-Corruption Prosecutor's Office. The board may include also specialists in psychology, human resources and other fields.

(7) Every year, the General Prosecutor of the National Anti-corruption Prosecutor's Office shall evaluate the results obtained by the prosecutors of the National Anti-Corruption Prosecutor's Office.

(8) The prosecutors appointed with the National Anti-Corruption Prosecutor's Office may be revoked by order of the General Prosecutor of the National Anti-corruption Prosecutor's Office, with the endorsement of the Superior Council of the Magistracy, in case of inappropriate exercise of the duties that are specific of their office or in case of application of a disciplinary sanction.

(9) At the date when he completes his activity with the National Anti-Corruption Prosecutor's Office, a prosecutor shall return to the prosecutor's office where he came from or to another prosecutor's office where he is entitled to work, according to the law.

(10) The duties, competence, structure, organisation and operation of the National Anti-corruption Prosecutor's Office shall be set forth in a special law.

(11) Article 48 paragraphs (10) and (11) of Law No.303/2004 on the statute of judges and prosecutors, as subsequently amended and supplemented, shall apply accordingly.

**Article 88** – The National Anti-Corruption Prosecutor's Office shall elaborate an annual report on its own activity and present it to the Superior Council of Magistracy and to the Minister of Justice, no later than February, the following year. The Minister of Justice shall present to Parliament his or her conclusions on the activity report of the National Anti-Corruption Prosecutor's Office.

### *Section 3*

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

**Article 89** – (1) Attached to each court of appeal, tribunal, juvenile and family tribunal, a prosecutor's office shall operate.

(2) The prosecutor's offices have the premises in the same localities where the courts they are attached to operate and have the same jurisdiction as those courts.

(3) The prosecutor's offices attached to the courts of appeal and those attached to tribunals have legal personality. The prosecutor's offices attached to juvenile and family tribunals and prosecutor's offices attached to first instance courts have no legal capacity.

**Article 90** – (1) The prosecutor's offices attached to the courts of appeal and tribunals shall have in their structure sections, where services and bureaus can operate. The prosecutor's offices attached to the courts of appeal shall also include each a juvenile and family section.

(2) According to the nature and number of cases, maritime and fluvial sections can operate in prosecutor's offices attached to first instance courts.

(3) The bureaus, services or other specialised units within the prosecutor's offices shall be established by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, upon endorsement (*aviz*) of the minister of justice.

**Article 91** – In the locality where the secondary seats of tribunals and first instance courts operate, secondary premises of prosecutor's offices shall be

established, with permanent activity and the same jurisdiction as the secondary seats of courts they are attached to.

**Article 92** – (1) The prosecutor's offices attached to the courts of appeal are run by general prosecutors.

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

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

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

(5) The provisions of article 46 paragraph (3) shall apply accordingly.

**Article 93** – The general prosecutors of prosecutor's offices attached to courts of appeal shall be secondary credit chief accountant and the prime-prosecutors attached to tribunals shall be tertiary credit chief accountant.

**Article 94** – (1) According to the workload, in prosecutor's offices attached to courts of appeal and tribunals, the general prosecutor or, as the case may be, the prime-prosecutor can be assisted by 1-2 deputies and in prosecutor's offices attached to juvenile and family tribunals and first instance courts, prime-prosecutors can be assisted by one deputy.

(2) At the prosecutor's offices attached to the Bucharest Court of Appeal and at the prosecutor's offices attached to the Tribunal of Bucharest, the general prosecutor or the case being, the prime-prosecutors can be assisted by 1-3 deputies.

**Article 95** – (1) The sections, services and bureaus in prosecutor's offices attached to courts are run by chief prosecutors.

(2) The person in charge of each prosecutor's office shall assign prosecutors into sections, services and bureaus, according to their training, specialisation and aptitudes.

(3) The person in charge of each prosecutor's office shall assign cases to prosecutors, taking into account their specialisation.

**Article 96** – (1) Leading boards operate within prosecutor's offices, endorsing general issues regarding the leading of prosecutor's offices.

(2) The leading boards of prosecutor's offices attached to courts of appeal, tribunals, juvenile and family tribunals and first instance courts shall be made up of

prosecutors who hold offices of the level of those provided by Article 49 paragraph (2) for the leading boards of courts.

(3) Article 49 paragraphs (2)-(7) shall apply accordingly.

**Article 97**– Article 50 and Article 51 shall apply accordingly also for the organisation and proceedings of the general assemblies of prosecutors.

#### **Section 4**

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

**Article 98** - (1) One military prosecutor's office shall operate attached to every military court. Attached to the Military Court of Appeal of Bucharest there shall operate the Bucharest General Military Prosecutor's Office, attached to the Military Territorial Prosecutor's Office of Bucharest there shall operate the Military Territorial Prosecutor's Office of Bucharest, and attached to military tribunals, military prosecutor's offices shall operate.

(2) The jurisdictions of military prosecutor's offices are provided in Annex No.2 that is part of this Law.

(3) The military prosecutor's offices in paragraph (1) shall each have the statute of a military unit, and its own registration number.

**Article 99** - (1) Military prosecutor's offices are run by a military prime-prosecutor assisted by a deputy to the military prime-prosecutor.

(2) The Bucharest General Military Prosecutor's Office shall be run by a military general prosecutor, assisted by a deputy to the military general prosecutor.

**Article 100** – (1) Military prosecutor's offices shall exercise, through the military prosecutors, the duties in Article 63, which shall apply accordingly.

(2) Military prosecutor's offices shall perform criminal prosecution in cases that regard criminal acts committed by members of the Romanian armed forces who are assigned to other States, as part of multinational forces, provided that, according to an international convention, the receiving State allows the exercise of Romanian jurisdiction. Military prosecutors shall partake in court sessions that take place according to Article 57.

(3) Military prosecutor's offices shall have the judiciary police at their disposal and other bodies of criminal investigation at their service, with regard to which they shall exercise the prerogatives in Article 63 b).

(4) Articles 96 and 97 shall apply accordingly.

**Article 101** - (1) If the defendant is an active member of the armed forces, the military prosecutor performing the criminal prosecution must belong to at least the same category of ranks.

(2) When the military prosecutor's rank is not part of the same category as



that of the accused or defendant, he shall be assisted by another prosecutor whose rank belongs to the proper category, and who is appointed by the person in charge of the prosecutor's office where the case is registered.

**Article 102** – (1) In the Prosecutor's Office attached to the High Court of Cassation and Justice in the National Anti-Corruption Prosecutor's Office there shall operate sections or services of combating offences committed by members of the military, each of such sections or services having the statute of a military unit and its own registration number.

(2) To prevent and fight crime, as well as to establish the causes that generate or favour crime among the members of the military, the sections or services within the Prosecutor's Office attached to the High Court of Cassation and Justice and the National Anti-Corruption Prosecutor's Office shall organise and run joint activities of military prosecutors and bodies of control within the Ministry of National Defence, the Ministry of Administration and the Interior, as well as from other military structures, based on protocols.

#### **TITLE IV**

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

**Article 103** - (1) The National Institute of Magistracy is a public institution with legal personality, placed under the coordination of the Superior Council of the Magistracy, and which handles the initial training of judges and prosecutors, the in-service training of active judges and prosecutors, as well as the training of trainers, according to the law.

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

(3) The premises of the National Institute of Magistracy shall be located in the City of Bucharest.

**Article 104** - (1) The National Institute of Magistracy is run by a scientific council composed of 13 members: one judge from the High Court of Cassation and Justice, one prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice, one judge from the Court of Appeal of Bucharest, one prosecutor from the Prosecutor's Office attached to the Court of Appeal of Bucharest, all designated by the Superior Council of the Magistracy, 3 university

professors, recommended by the Faculty of Law of the University of Bucharest, by the Faculty of Law of the University "Alexandru Ioan Cuza" in Iași and by the Faculty of Law of the University "Babeș-Bolyai" in Cluj-Napoca, 3 elected representatives of the training personnel of the Institute, one representative of the auditors of justice, one representative of the legally created professional associations of judges and prosecutors, as well as the director of the National Institute of Magistracy, who is *de jure* member of the council and chairs it.

(2) The director of the National Institute of Magistracy and his two deputies are appointed by the Superior Council of Magistracy, on proposal by the Scientific Council of the National Institute of Magistracy, from among the training personnel of legal specialisation within the Institute, from among judges and prosecutors or from among the professors at law from institutions accredited according to the law.

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

**Article 105** – The Scientific Board of the National Institute of the Magistracy shall propose the draft budget and decide on the issues regarding the organisation and operation of the Institute, upon proposal of the director of this institution.

**Article 106** – (1) The National Institute of the Magistracy shall be financed from the state budget, through the budget of the Superior Council of the Magistracy, according to the law.

(2) The director of the National Institute of Magistracy shall be secondary credit chief accountant.

**Article 107** – (1) The maximum number of positions for the National Institute of Magistracy shall be established by Government decision.

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

**Article 108** – (1) The training personnel of the National Institute of Magistracy shall be provided usually from among active judges and prosecutors who may be assigned according to the present law, with their consent, to the Institute, with the endorsement of the Institute's Scientific Council.

(2) The National Institute of Magistracy may also use, according to the law, professors at law from the institutions legally accredited, other Romanian and foreign specialists, as well as the legally specialised personnel provided in Article 87 paragraph (1) of Law No.303/2004 as subsequently amended and supplemented, in view of ensuring the process of professional training.

(3) The training personnel of the National Institute of Magistracy shall be

remunerated according to the number of hours of seminar or course held, to the gross monthly remuneration for the office of judge with the High Court of Cassation and Justice and to the didactical norm set according to Article 80 paragraph (2) of Law No.128/1997 on the Statute of Didactic Personnel.

**Article 109** - A decision of the Government may set up, under the subordination of the Ministry of Justice and of the Public Ministry, regional in-service training centres for clerks and other categories of specialised personnel.

## **TITLE V**

### **Judiciary assistants**

**Article 110** – Judiciary assistants shall be appointed by the minister of justice, upon proposal of the Economic and Social Council, for a period of 5 years, from among the persons having at least 5 years’ standing in juridical offices, who meet each and every one of the following conditions:

- a) they are Romanian citizens, they live in Romania and have full capacity of exercise;
- b) they are Bachelors in law and have appropriate theoretical training;
- c) they have no criminal record, no fiscal record, and enjoy good reputation;
- d) they speak Romanian;
- e) they are able, medically and psychologically, to exercise the office.

**Article 111** – (1) Judiciary assistants shall enjoy stability for the duration of their term of office and shall be subject only to the law.

(2) The legal provisions on the obligations, interdictions and incompatibilities of judges and prosecutors shall apply also to judiciary assistants.

(3) The provisions on paid leave, free medical assistance and free transportation, which are provided in the law for judges and prosecutors, shall also apply to judiciary assistants.

(4) Judiciary assistants shall take the oath according to the legal provisions on the oath of judges and prosecutors.

(5) The total number of positions for judiciary assistant and the distribution of these positions to the courts, depending on the workload, shall be established by order of the minister of justice.

**Article 112** – Judiciary assistants shall exercise the attributions provided by Article 58 paragraph (2), as well as other attributions provided in the Regulations on the Inner Order of Law Courts.

**Article 113** – (1) To judiciary assistants shall apply the legal provisions on disciplinary transgressions and sanctions, as well as the grounds for removal from

office provided in the law for judges and prosecutors.

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

(3) Against the sanctions applied according to paragraph (2), an objection may be lodged within 30 days from notification of the sanction, with the administrative and fiscal contentious section of the court of appeal in the jurisdiction of which the sanctioned person performs his function. The decision of the court of appeal shall be final.

(4) Judiciary assistants may be discharged from office also in case of reduction of the number of positions, according to the court workload.

(5) The sanctions applied to judiciary assistants and their discharge from office shall be notified to the Economic and Social Council by the minister of justice.

**Article 114** – Upon proposal of the Economic and Social Council and of the Ministry of Justice, a Government Decision shall establish the following:

a) the conditions, the procedure for selection and nomination of candidates by the Economic and Social Council, for appointment as judiciary assistants by the minister of justice;

b) the conditions for delegation, assignment and transfer of judiciary assistants.

**Article 115** – Counselling magistrates sitting at the date when this law enters into force shall *de jure* be appointed into offices as judiciary assistants and shall continue their activity within the labour and social insurance tribunals or, as the case may be, within the specialised sections or panels.

## TITLE VI

### The specialised auxiliary units in courts and prosecutor's offices

**Article 116** – (1) All law courts and all prosecutors' offices shall have in their structure the following specialised auxiliary units:

a) records office;

b) clerk's office;

c) archive;

d) information and public relations office;

e) library.

(2) Law courts and prosecutor's offices may have also other units established by the Regulations provided by Article 139 paragraph (1) and Article 140 paragraph (1).

(3) Courts of appeal, the prosecutor's offices attached to these courts, the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice and the National Anticorruption Prosecutor's Office shall include also a documentation unit and a juridical IT unit. IT units may be

organised also in tribunals, specialised tribunals, first instance courts and the prosecutor's offices attached to these courts.

4) Military courts and prosecutor's offices shall include a department of classified documents.

**Article 117** – (1) The information and public relations office shall ensure the contacts of the court or the prosecutor's office with the public and the media, in order to ensure transparency in the judicial activity, according to the law.

(2) This Bureau shall be run by a judge or prosecutor designated by the president of the court or, as the case may be, by the person in charge of the prosecutor's office, or by a graduate of a faculty of journalism or a specialist in communication, appointed by (competitive) examination. He shall act also as spokesperson.

**Article 118** – (1) The specialised auxiliary personnel shall be hierarchically subordinated to the heads of the courts and prosecutor's offices where they work.

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

(3) In courts of appeal, tribunals, specialised tribunals and the prosecutor's offices attached to these, the units for the auxiliary personnel shall be run by prime-clerks, and in the sections of the Prosecutor's Office attached to the High Court of Cassation and Justice, in the sections of the National Anticorruption Prosecutor's Office, in first instance courts and in prosecutor's offices attached to these, by chief clerks.

(4) The IT personnel shall be subordinated administratively to the president of the court and professionally to the Directorate for the exploitation of information technology within the Ministry of Justice.

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

**Article 119** – (1) Court clerks who participate in court sessions or in performing acts of criminal proceedings shall be obliged to make all the records regarding the course of these proceedings and to fulfil any other tasks ordered and controlled by the president of the panel or, as the case may be, by the prosecutor.

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

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

**Article 120** - (1) In view of automation of the work of law courts and prosecutor's offices, the President of the High Court of Cassation and Justice, the Minister of Justice, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, the general prosecutor of the National Anti-Corruption Prosecutor's Office shall take measures for the proper technical endowment of these institutions.

(2) The number of information officers shall be established by the court president or, the case may be, by the person in charge of the prosecutor's office, with the endorsement of the specialised directorate in the Ministry of Justice, and respectively of the information compartment within the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) For the High Court of Cassation and Justice and the National Anti-Corruption Prosecutor's Office, the endorsement in paragraph (2) is not necessary.

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

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

## **TITLE VII**

### **Security in law courts and prosecutor's offices and the protection of magistrates**

**Article 121** – (1) The security of the premises of law courts and prosecutor's offices, of the assets and values belonging to these, supervision of access and maintenance of inner order required for a normal activity in these premises shall be provided, free of charge, by the Romanian Gendarmerie, through its specialised structures.

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

(3) The work of the personnel provided by paragraph (2) shall be coordinated by the court president or by the head of the prosecutor's office.

**Article 122** – (1) Military courts and prosecutor's offices shall have the military police placed at their service by the Ministry of National Defence, free of charge. The required military police personnel will be established by Government decision, on proposal by the Ministry of Justice and by the Ministry of National

Defence.

(2) The military police made available to military courts and prosecutor's offices shall be subordinated to the presidents and prime-prosecutors of these institutions.

(3) The security of military courts and prosecutor's offices, of the other premises used by them, of the assets and valuables that belong to them, the surveillance of access and the task of maintaining the interior order required for a normal activity shall be ensured free of charge by the Military Police.

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

**Article 123** – The Romanian Police and the Romanian Gendarmerie shall be obliged to provide the required support, according to the legal duties, to military courts and prosecutor's offices, to the sections or services within the Prosecutor's Office attached to the High Court of Cassation and Justice and within the National Anti-Corruption Prosecutor's Office, for the proper development of criminal trials, upon request from these institutions.

**Article 124** – The manner of using the police personnel for ensuring the security of judges and prosecutors and the manner of using the personnel of the Romanian Gendarmerie for ensuring security of the premises of law courts and prosecutor's offices, of their assets and valuables, the surveillance of access and the maintenance of interior order shall be established by protocol concluded between the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anti-Corruption Prosecutor's Office or, the case being, the Ministry of Justice and the Ministry of Administration and the Interior.

## **TITLE VIII**

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

#### **CHAPTER I**

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

**Article 125** – (1) The High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Prosecutor's Office, the courts of appeal, the prosecutor's offices attached to them, the tribunals and the prosecutor's offices attached to tribunals, shall include in their structure each one economic-financial and administrative department, run by an economic manager.

(2) The economic manager shall be subordinated to the court president or, as

the case may be, to the head of the prosecutor's office where he works.

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

4) Paragraphs (1) and (2) shall apply also to the Military Court of Appeal in Bucharest and to the Prosecutor's Office attached to the Military Court of Appeal in Bucharest.

**Article 126** – (1) A person can be appointed economic manager if he/she has succeeded in the contest held for this purpose by:

a) the High Court of Cassation and Justice, for the economic manager of this court;

b) the courts of appeal, for the economic manager of courts of appeal and of tribunals;

c) the Prosecutor's Office attached to the High Court of Cassation and Justice, for the economic manager of this prosecutor's office and for the economic manager of the prosecutor's offices attached to courts of appeal and tribunals;

d) the National Anticorruption Prosecutor's Office, for the economic manager of this prosecutor's office.

(2) The competitive examination under paragraph (1) may be taken by persons who have higher economic education and at least 5 years' specialised length of service.

(3) The persons who succeeded in the examination provided by para.(1) shall be appointed in the office of economic manager by order of the head of the court or, as the case may be, the head of the prosecutor's office that organizes the examination.

(4) The personnel in the economic-financial and administrative department shall be hired by the President of the High Court of Cassation and Justice, by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, by the general prosecutor of the National Anticorruption Prosecutor's Office, by the president of the court of appeal or, as the case may be, by the general prosecutor of the prosecutor's office attached to the court of appeal, based on a contest or a practical test.

(5) The contest provided by paragraph (1) and paragraph (4) shall be held according to a regulation approved by the president of the High Court of Cassation and Justice, by the minister of justice, by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, by the general prosecutor of the National Anticorruption Prosecutor's Office.

**Article 127** – The economic managers shall have the following main attributions:

a) to run the economic-financial and administrative department of the



court or prosecutor's office where he performs his function;

b) to be responsible for the economic-financial management of courts or prosecutor's offices with no legal personality in the jurisdiction of the court or prosecutor's office where he performs his function;

c) to perform all the attributions provided by the law for credit chief accountants, based on delegation from them;

d) organising the elaboration, substantiation and presentation to the competent bodies of the draft annual budgets, within the deadlines and on the conditions set forth by the Law on Public Finance No.500/2002, as subsequently amended and supplemented;

e) to coordinate the activity of administration of the premises of courts and prosecutor's offices and take measures to ensuring the material conditions required for the proper operation of courts and prosecutor's offices;

f) to take measures for the elaboration and substantiation of drafting for the current and major restoration of premises and investment objectives, supervise and be responsible for their accomplishment;

g) to organise the registration of all buildings owned or administered by the courts or, as the case may be, by the prosecutor's offices, as well as of all other assets in their property.

h) following up on and being accountable for the effective use of funds received from the State budget, from the budget of State social insurance or from the budgets of special funds, as well as of those coming from its own revenues, according to the law;

i) organising the daily bookkeeping for the court and the prosecutor's office in the jurisdiction of which they operate and checking the correct carrying out of all financial-accounting operations in the specific documents, as well as the compilation and presentation within the appointed deadlines of financial reports on the administered property, according to the Accountancy Law No.82/1991, as republished;

j) coordinating the activity of administration of the premises of the courts and prosecutor's offices in the jurisdictions where they work, establishing measures to ensure the material conditions for the proper course of their activity. Also, ensuring the order, cleanliness and security of assets inside the premises of the courts, including measures to prevent and extinguish fires.

**Article 128** – The economic managers and the specialised personnel within the financial-accounting activity in the local offices for technical and accounting judicial expertise shall have the capacity of public servants, with the rights and duties provided by Law No. 188/1999 on the Statute of public servants, with its subsequent amendments and supplements.

**Article 129** – Presidents of courts and heads of prosecutor's offices may delegate their capacity of budget coordinators to the economic managers.

**Article 130** – (1) Military courts that are not seated in Bucharest and the prosecutor's offices attached to these shall have an economic-administrative compartment in their structure.

(2) The auxiliary personnel in the economic-administrative compartment shall have the following main duties:

a) prepares the documentation for public procurement, for the services and work required for the activity of the courts;

b) ensuring the supply of maintenance and household materials, fixed assets and inventory articles or other goods required for the optimal course of activity in the courts;

c) ensuring the maintenance and operation of buildings, technical-sanitary heating installations, of the other fixed assets and inventory objects in the endowment;

d) ensuring order, cleanliness and security for the goods in the premises of courts;

e) taking measures to prevent and extinguish fires, and to remove the consequences of certain disasters

## **CHAPTER II**

### **The budgets for courts and prosecutor's offices**

**Article 131** – (1) The activity of courts and prosecutor's offices shall be financed by the State budget.

(2) The budget of courts of appeal, tribunals, specialised tribunals and 1<sup>st</sup> instance courts shall be managed by the Ministry of Justice, the ministry of justice being main chief credit accountant.

(3) The budget for prosecutor's offices attached to courts of appeal, tribunals, specialised tribunals and 1<sup>st</sup> instance courts shall be managed by the Prosecutor's Office attached to the High Court of Cassation and Justice.

(4) The budget of military courts and prosecutor's offices shall be managed by the Ministry of National Defence, as the Minister of National Defence is the main chief credit accountant.

**Article 132** – (1) Courts of appeal and the prosecutor's offices attached to the courts of appeal shall elaborate the annual draft budgets for the courts or, as the case may be, the prosecutor's offices in their jurisdiction.

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

(3) The Prosecutor's Office attached to the High Court of Cassation and Justice and the National Anticorruption Prosecutor's Office shall elaborate their

own draft annual budgets. The budget of the Prosecutor's Office attached to the High Court of Cassation and Justice shall include also the budgets of the prosecutor's offices attached to the other law courts.

(4) The draft budgets elaborated according to paragraphs (1) and (3) shall be subject to conformity endorsement (*aviz conform*) by the Superior Council of Magistracy.

(5) The budget of the High Court of Cassation and Justice shall be subject to approval by the general assembly of the judges of this court, with the consultative endorsement of the Ministry of Public Finance.

6) Draft annual budgets shall be elaborated by the Military Court of Appeal in Bucharest and respectively by the section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice, after taking counsel with the other military courts and prosecutor's offices, shall be subject to endorsement by the Superior Council of Magistracy, and shall be sent to the Ministry of National Defence.

(7) Every year, the Government of Romania shall include into the budget of the Ministry of National Defence the funds required according to Article 131 paragraph (4).

**Article 133** – (1) Each court and each prosecutor's office shall be provided for with the necessary number of judges or, as the case may be, prosecutors, as well as of specialised auxiliary personnel and personnel in the economic-financial and administrative department.

(2) Every year, the President of the High Court of Cassation and Justice and the presidents of the courts of appeal shall, together with the minister of justice, the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, as the case may be, the general prosecutor from the National Anticorruption Prosecutor's Office shall analyse yearly the workload of courts and prosecutor's offices and, according to the results of the analysis, take measures to supplement or reduce the number of positions, with the accord of the Superior Council of the Magistracy.

**Article 134** – (1) The maximum number of positions for courts and prosecutor's offices shall be established by Government decision, upon proposal of the minister of justice, with the endorsement of the Superior Council of the Magistracy.

(2) For the High Court of Cassation and Justice, the maximum number of positions shall be established by Government decision, on proposal of the minister of justice and the president of the High Court of Cassation and Justice, with the endorsement of the Superior Council of Magistracy.

(3) For military courts and prosecutor's offices, the maximum number of posts shall be approved, according to paragraph (1), with the consultative endorsement of the Minister of National Defence.

**Article 135** – (1) The list of functions and personnel for courts of appeal, tribunals, specialised tribunals, 1<sup>st</sup> instance courts and prosecutor's offices shall be approved, with the conformity endorsement (*aviz conform*) of the Superior Council of Magistracy, by order of the minister of justice.

(2) The personnel establishments for each military court and prosecutor's office attached to it shall be approved by order of the Minister of Justice with the endorsement of the Superior Council of the Magistracy and of the Minister of National Defence.

**Article 136**– Beginning with 1 January 2008, the duties of the Minister of Justice as regards the management of the budget of courts of appeal, of tribunals, of specialised tribunals and of first instance courts shall be taken over by the High Court of Cassation and Justice.

## **TITLE IX**

### **Transitory and final provisions**

**Article 137** – The following structures shall operate attached to the law courts, according to the law:

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

**Article 138** – (1) The State shall be obliged to provide the buildings and the other material and financial resources required for the proper functioning of the activity of courts and prosecutor's offices.

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

(3) The valuables and pecuniary rights of the personnel in military courts and prosecutor's offices and the material resources, including the vehicles, required for the operation of military courts and prosecutor's offices, of the section or service within the Prosecutor's Office attached to the High Court of Cassation and Justice and of the section or service within the National Anti-corruption Prosecutor's Office shall be provided by the Ministry of National Defence.

**Article 139** – (1) The Regulations on the Inner Order of Law Courts shall

establish:

- a) the administrative organisation of law courts, of tribunals, of specialised tribunals and of first instance courts;
- b) the manner and criteria for assigning cases to judgement panels, in view of ensuring the observance of principles of random assignment and continuity;
- c) the attributions of presidents, deputy-presidents, judges-inspectors, section presidents, judges and other categories of personnel;
- d) the organisation and operation of the Leading Boards of law courts and of the general assemblies of judges;
- e) the judicial recess;
- f) the organisation, operation and attributions of the specialised auxiliary units;
- g) the organisation, operation and attributions of the economic-financial and administrative department.

(2) The Regulations of Inner Order of law courts shall be elaborated by the Superior Council of Magistracy and the Ministry of Justice and shall be approved by decision of the Superior Council of Magistracy, which shall be published in the Official Journal of Romania, Part I.

**Article 140** – (1) The Regulations on the Inner Order of Prosecutor's Offices shall establish:

- a) the administrative organisation of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the National Anticorruption Prosecutor's Office, of the prosecutor's offices attached to: courts of appeal, tribunals, juvenile and family tribunals and first instance courts;
- b) the attributions of general prosecutors, of their prime-prosecutors and deputies, of prosecutors-inspectors, of chief prosecutors and of prosecutors, as well as other categories of personnel;
- c) the organisation and operation of the Leading Boards of prosecutor's offices and of the general assemblies of prosecutors;
- d) the hierarchy of administrative positions within the Public Ministry;
- e) the organisation, operation and attributions of the specialised auxiliary units of prosecutor's offices;
- f) the organisation, operation and attributions of the economic-financial and administrative units in prosecutor's offices.

(2) The Administrative Regulations for interior organisation provided in paragraph (1) shall be approved, with the endorsement of the Superior Council of Magistracy, by order of the Minister of Justice, at the proposal of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or, the case being, of the general prosecutor of the National Anti-Corruption Prosecutor's Office.

**Article 141** – References to the Supreme Court of Justice contained in normative acts currently in force shall be deemed as relating to the High Court of Cassation and Justice.

**Article 142** – (1) The dates on which specialised tribunals are to begin operation and the places where they are to be seated shall be established, gradually, by order of the Minister of Justice, with the endorsement of the Superior Council of Magistracy.

(2) The provisions of this law that concern the economic managers of courts and prosecutor's offices shall apply from 1 July 2005.

(3) The office of economic manager shall be assimilated with that of executive director.

(4) Until the beginning of operation of the Tribunal of Ilfov and of the prosecutor's office attached to this court, the cases that are of their competence shall be solved by the Tribunal of Bucharest and, respectively, by the Prosecutor's Office attached to the Tribunal of Bucharest.

**Article 143** – (1) The provisions of Article 53 paragraph (1) on the distribution of cases by means of a computerised system shall be applied gradually, this action shall be concluded by the year 2007.

(2) Until the year 2007, in courts that do not have a computerised system, cases shall be distributed randomly, according to the conditions stated by the Regulations on the Inner Order of Law Courts.

**Article 144** – (1) On the date of entry into force of the present law, the following shall be abrogated:

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

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

(2) The provisions of Article 135 of Law No.92/1992 on the organisation of the Judiciary, as republished and as subsequently amended and supplemented, that concern economic directors shall be repealed from 1 July 2005.

## Note

The following articles II-IV, art VII and art. VIII from Title XVI of Law no. 247/2005, which are not included in the supplemented body of Law 304/2004, are still applied as own provisions of Law no 247/2005

**Article II** – (1) At the date when this law enters force, the offices of judge-inspector and prosecutor-inspector shall be closed down, and the posts shall be converted into posts of judges and respectively prosecutors.

(2) The activities that are ongoing with judges-inspectors and with prosecutors-inspectors shall be continued by judges or prosecutors designated by the heads of the law courts or prosecutor's offices.

**Article III** – This law's provisions on the recording of court sessions, as well as those on the appointment with the offices of information and public relations of graduates of a faculty of journalism or of specialists in communication, shall apply from 1 July 2006.

**Article IV** – (1) The venues of military prosecutor's offices in the Cities of Bacău, Braşov, Constanţa, Craiova, Oradea, Ploieşti and Târgu-Mureş that are being closed down by the entry into force of this law, shall be redistributed according to the venues of the military courts in these cities, according to Annex No.2 to this law.

(2) The offices reduced following the reorganisation of military courts and prosecutor's offices, according to this law, shall be transferred to the personnel establishments of the Ministry of Justice and of the Public Ministry, while taking the funding measures by transferring the appropriate funds from the budget of the Ministry of National Defence to these institutions.

(3) The premises and the material endowment of the military prosecutor's offices closed down shall be taken over by the military prosecutor's offices that will be assigned the venues of the closed down units.

(4) The civil and military auxiliary personnel in the military courts and prosecutor's offices who choose to be transferred to civil courts and prosecutor's offices or whose offices have been reduced, shall be transferred, taking into account the options they express, to the civil courts and prosecutor's offices in the same jurisdiction as their domicile or in other places.

(5) When transferring the civil and military auxiliary personnel from military courts and prosecutor's offices to civil courts or prosecutor's offices, one shall take account, according to the law, the length of service and the professional activity. In this case, the placement in reserve or the direct withdrawal of military auxiliary personnel is obligatory.

**Article VII** – The Regulations provided in this law shall be updated and adopted within 60 days from the entry into force of this law and shall be published in the Official Journal of Romania, Part I.

**Article VIII** – (1) Within 90 days from the entry into force of this law, elections shall be held for the leading boards of courts and prosecutor's offices.

(2) The duties of the current members of leading boards shall cease upon expiry of the deadline in paragraph (1).

## **ANNEX No.1**

### **A. FIRST INSTANCE COURTS, PROSECUTOR'S OFFICES AND THEIR PLACE OF RESIDENCE**

<b>COUNTY</b>	<b>COURT</b>	<b>PLACE OF RESIDENCE</b>
Alba	Alba Iulia	municipiul Alba Iulia
	Câmpeni	oraşul Câmpeni
	Aiud	municipiul Aiud
	Blaj	municipiul Blaj
	Sebeş	municipiul Sebeş
Arad	Arad	municipiul Arad
	Ineu	oraşul Ineu
	Lipova	oraşul Lipova
	Gurahonţ	comuna Gurahonţ
Argeş	Chişineu-Criş	oraşul Chişineu-Criş
	Piteşti	municipiul Piteşti
	Câmpulung	municipiul Câmpulung
	Curtea de Argeş	municipiul Curtea de Argeş
	Costeşti	oraşul Costeşti
Bacău	Topoloveni	oraşul Topoloveni
	Bacău	municipiul Bacău
	Oneşti	municipiul Oneşti
	Moineşti	municipiul Moineşti
	Podu Turcului	comuna Podu Turcului
Bihor	Buhuşi	oraşul Buhuşi
	Oradea	municipiul Oradea
	Beiuş	municipiul Beiuş
	Marghita	municipiul Marghita
	Aleşd	oraşul Aleşd
Bistriţa-Năsăud	Salonta	municipiul Salonta
	Bistriţa	municipiul Bistriţa
	Năsăud	oraşul Năsăud
	Beclean	oraşul Beclean
Botoşani	Botoşani	municipiul Botoşani
	Dorohoi	municipiul Dorohoi
	Săveni	oraşul Săveni
	Darabani	oraşul Darabani
Braşov	Braşov	municipiul Braşov
	Făgăraş	municipiul Făgăraş
	Rupea	oraşul Rupea
	Zărneşti	oraşul Zărneşti
Brăila	Brăila	municipiul Brăila
	Făurei	oraşul Făurei
	Însurăţei	oraşul Însurăţei
Buzău	Buzău	municipiul Buzău
	Râmnicu Sărat	municipiul Râmnicu Sărat
	Pătârlagele	oraşul Pătârlagele
	Pogoanele	oraşul Pogoanele
Caraş-Severin	Reşiţa	municipiul Reşiţa



Călărași	Caransebeș	municipiul Caransebeș
	Oravița	orașul Oravița
	Moldova Nouă	orașul Moldova Nouă
	Bozovici	comuna Bozovici
	Bocșa	orașul Bocșa
	Călărași	municipiul Călărași
	Oltenița	municipiul Oltenița
	Lehliu-Gară	orașul Lehliu-Gară
Cluj	Cluj-Napoca	municipiul Cluj-Napoca
	Turda	municipiul Turda
	Dej	municipiul Dej
	Huedin	orașul Huedin
Constanța	Gherla	municipiul Gherla
	Constanța	municipiul Constanța
	Medgidia	municipiul Medgidia
	Hârșova	orașul Hârșova
	Mangalia	municipiul Mangalia
Covasna	Cernavodă	orașul Cernavodă
	Băneasa	orașul Băneasa
	Sfântu Gheorghe	municipiul Sfântu Gheorghe
Dâmbovița	Târgu Secuiesc	municipiul Târgu Secuiesc
	Întorsura Buzăului	orașul Întorsura Buzăului
	Târgoviște	municipiul Târgoviște
	Găești	orașul Găești
Dolj	Pucioasa	orașul Pucioasa
	Răcari	orașul Răcari
	Moreni	municipiul Moreni
	Craiova	municipiul Craiova
	Băilești	municipiul Băilești
Galați	Filiași	orașul Filiași
	Șegarcea	orașul Șegarcea
	Calafat	municipiul Calafat
	Bechet	orașul Bechet
Giurgiu	Galați	municipiul Galați
	Tecuci	municipiul Tecuci
	Târgu Bujor	orașul Târgu Bujor
Gorj	Liești	comuna Liești
	Giurgiu	municipiul Giurgiu
	Bolintin-Vale	orașul Bolintin-Vale
Harghita	Comana	comuna Comana
	Târgu Jiu	municipiul Târgu Jiu
	Târgu Cărbunești	orașul Târgu Cărbunești
	Novaci	orașul Novaci
Hunedoara	Motru	municipiul Motru
	Miercurea-Ciuc	municipiul Miercurea-Ciuc
	Odorheiu Secuiesc	municipiul Odorheiu Secuiesc
Ialomița	Toplița	municipiul Toplița
	Gheorgheni	municipiul Gheorgheni
	Deva	municipiul Deva
	Hunedoara	municipiul Hunedoara
	Petroșani	municipiul Petroșani
	Orăștie	municipiul Orăștie
Iași	Brad	municipiul Brad
	Hățeg	orașul Hățeg
	Slobozia	municipiul Slobozia
Maramureș	Urziceni	municipiul Urziceni
	Fetești	municipiul Fetești
	Iași	municipiul Iași
	Pașcani	municipiul Pașcani
Ilfov	Hârlău	orașul Hârlău
	Răducăneni	comuna Răducăneni
	Bufta	orașul Bufta
Maramureș	Cornetu	comuna Cornetu
	Baia Mare	municipiul Baia Mare
	Sighetu Marmăției	municipiul Sighetu Marmăției
	Vișeu de Sus	orașul Vișeu de Sus
	Târgu Lăpuș	orașul Târgu Lăpuș

Mehedinți	Dragomirești Șomcuta Mare Drobeta-Turnu Severin Strehaia	comuna Dragomirești orașul Șomcuta Mare municipiul Drobeta-Turnu Severin orașul Strehaia
Mureș	Orșova Vânju Mare Baia de Aramă Târgu Mureș Sighișoara Reghin Târnăveni Luduș	municipiul Orșova orașul Vânju Mare orașul Baia de Aramă municipiul Târgu Mureș municipiul Sighișoara municipiul Reghin municipiul Târnăveni orașul Luduș
Neamț	Sângeorgiu de Pădure Piatra-Neamț Roman Târgu-Neamț	orașul Sângeorgiu de Pădure municipiul Piatra-Neamț municipiul Roman orașul Târgu-Neamț
Olt	Bicaz Slatina Caracal Corabia Balș	orașul Bicaz municipiul Slatina municipiul Caracal orașul Corabia orașul Balș
Prahova	Scornicești Ploiești Câmpina Vălenii de Munte Mizil Sinaia Urlați	orașul Scornicești municipiul Ploiești municipiul Câmpina orașul Vălenii de Munte orașul Mizil orașul Sinaia orașul Urlați
Satu Mare	Satu Mare Carei	municipiul Satu Mare municipiul Carei
Sălaj	Negrești-Oaș Zalău Șimleu Silvaniei	orașul Negrești-Oaș municipiul Zalău orașul Șimleu Silvaniei
Sibiu	Jibou Sibiu Mediaș Agnita Avrig	orașul Jibou municipiul Sibiu municipiul Mediaș orașul Agnita orașul Avrig
Suceava	Săliște Suceava Câmpulung Moldovenesc Rădăuți Fălticeni Vatra Dornei	orașul Săliște municipiul Suceava municipiul Câmpulung Moldovenesc municipiul Rădăuți municipiul Fălticeni municipiul Vatra Dornei
Teleorman	Gura Humorului Alexandria Roșiori de Vede Turnu Măgurele Videle	orașul Gura Humorului municipiul Alexandria municipiul Roșiori de Vede municipiul Turnu Măgurele orașul Videle
Timiș	Zimnicea Timișoara Lugoj Deta Sânnicolau Mare Făget	orașul Zimnicea municipiul Timișoara municipiul Lugoj orașul Deta orașul Sânnicolau Mare orașul Făget
Tulcea	Jimbolia Tulcea Babadag	orașul Jimbolia municipiul Tulcea orașul Babadag
Vaslui	Măcin Vaslui Bârlad Huși	orașul Măcin municipiul Vaslui municipiul Bârlad municipiul Huși
Vâlcea	Murgeni Râmnicu Vâlcea Drăgășani Horezu	orașul Murgeni municipiul Râmnicu Vâlcea municipiul Drăgășani orașul Horezu

Vrancea	Brezoi	oraşul Brezoi
	Bălceşti	oraşul Bălceşti
	Focşani	municipiul Focşani
	Panciu	oraşul Panciu
Bucureşti	Adjud	municipiul Adjud
	Judecătoria sectorului 1	municipiul Bucureşti
	Judecătoria sectorului 2	municipiul Bucureşti
	Judecătoria sectorului 3	municipiul Bucureşti
	Judecătoria sectorului 4	municipiul Bucureşti
	Judecătoria sectorului 5	municipiul Bucureşti
	Judecătoria sectorului 6	municipiul Bucureşti

**B. TRIBUNALS, PROSECUTOR'S OFFICES ATTACHED TO THESE AND THEIR PLACE OF RESIDENCE**

COUNTY	TRIBUNAL	PLACE OF RESIDENCE
Alba	Alba Iulia	municipiul Alba Iulia
Arad	Arad	municipiul Arad
Argeş	Argeş	municipiul Piteşti
Bacău	Bacău	municipiul Bacău
Bihor	Bihor	municipiul Oradea
Bistriţa-Năsăud	Bistriţa-Năsăud	municipiul Bistriţa
Botoşani	Botoşani	municipiul Botoşani
Braşov	Braşov	municipiul Braşov
Brăila	Brăila	municipiul Brăila
Buzău	Buzău	municipiul Buzău
Caraş-Severin	Caraş-Severin	municipiul Reşiţa
Călăraşi	Călăraşi	municipiul Călăraşi
Cluj	Cluj	municipiul Cluj-Napoca
Constanţa	Constanţa	municipiul Constanţa
Covasna	Covasna	municipiul Sfântu Gheorghe
Dâmboviţa	Dâmboviţa	municipiul Târgovişte
Dolj	Dolj	municipiul Craiova
Galaţi	Galaţi	municipiul Galaţi
Giurgiu	Giurgiu	municipiul Giurgiu
Gorj	Gorj	municipiul Târgu Jiu
Harghita	Harghita	municipiul Miercurea-Ciuc
Hunedoara	Hunedoara	municipiul Deva
Ialomiţa	Ialomiţa	municipiul Slobozia
Iaşi	Iaşi	municipiul Iaşi
Ilfov	Ilfov	oraşul Buftea
Maramureş	Maramureş	municipiul Baia Mare
Mehedinţi	Mehedinţi	municipiul Drobeta-Turnu Severin
Mureş	Mureş	municipiul Târgu Mureş
Neamţ	Neamţ	municipiul Piatra-Neamţ
Olt	Olt	municipiul Slatina
Prahova	Prahova	municipiul Ploieşti
Satu Mare	Satu Mare	municipiul Satu Mare
Sălaj	Sălaj	municipiul Zalău
Sibiu	Sibiu	municipiul Sibiu
Suceava	Suceava	municipiul Suceava
Teleorman	Teleorman	municipiul Alexandria
Timiş	Timiş	municipiul Timişoara
Tulcea	Tulcea	municipiul Tulcea
Vaslui	Vaslui	municipiul Vaslui
Vâlcea	Vâlcea	municipiul Râmnicu Vâlcea
Vrancea	Vrancea	municipiul Focşani
Bucureşti	Bucureşti	municipiul Bucureşti

**C. COURTS OF APPEAL, PROSECUTOR'S OFFICES ATTACHED TO THESE, THEIR CIRCUMSCRIPTION AND THE PLACE OF RESIDENCE**

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

**ANNEX No. 2**

The circumscription of military courts, of the prosecutor's offices attached to these and the places of residence

<b>No.</b>	<b>Military court and place of residence</b>	<b>Military prosecutor's office and place of residence</b>	<b>Circumscription</b>
<b>I.1</b>	<b>Bucharest Military Tribunal</b> Seated in: Bucharest City	<b>Prosecutor's Office attached to the Bucharest Military Tribunal</b> Seated in: Bucharest City	Argeş Călăraşi Giurgiu Ialomiţa Ilfov Olt Teleorman Vâlcea City of Bucharest Constanţa Tulcea Brăila Buzău Dâmboviţa Prahova
<b>I.2</b>	<b>Cluj Military Tribunal</b> Seated in: Cluj-Napoca City	<b>Prosecutor's Office attached to the Cluj Military Tribunal</b> Seated in: Cluj-Napoca City	Braşov Covasna Sibiu Alba Bistriţa-Năsăud Cluj Sălaj Harghita Mureş Bihor

			Maramureș Satu-Mare
<b>I.3.</b>	<b>Iași Military Tribunal</b> Seated in: Iași City	<b>Prosecutor's Office attached to the Iași Military Tribunal</b> Seated in: Iași City	Bacău Neamț Suceava Vrancea Botoșani Galați Iași Vaslui
<b>I.4</b>	<b>Timișoara Military Tribunal</b> Seated in: Timișoara City	<b>Prosecutor's Office attached to the Timișoara Military Tribunal</b> Seated in: Timișoara City	Dolj Gorj Hunedoara Mehedinți Arad Caraș-Severin Timiș
<b>II.</b>	<b>Bucharest Territorial Military Tribunal</b> Seated in: Bucharest City	<b>Military Prosecutor's Office attached to the Bucharest Territorial Military Tribunal</b> Seated in: Bucharest City	General venue
<b>III.</b>	<b>Bucharest Military Court of Appeal</b> Seated in: Bucharest City	<b>Military Prosecutor's Office attached to the Bucharest Military Court of Appeal</b> Seated in: Bucharest City	General venue