

N^o 210/2021

To the International Association of Judges – IAJ-UIM

The Romanian Magistrates' Association (AMR), professional and national, apolitical, non-governmental organization, stated to be of „public utility” through the Government Decision no. 530/21 May 2008 – with the headquarter in Bucharest, Regina Elisabeta Boulevard no. 53, District 5, e-mail amr@asociatia-magistratilor.ro, tax registration code 11760036 – legally represented by Judge dr. Andreea Ciucă - President, sends the following

ANSWERS TO THE FIRST STUDY COMMISSION QUESTIONNAIRE “ACCESS TO JUSTICE DURING THE COVID-19 PANDEMIC”

1) The pandemic and the closing of the courthouses

a) *Please inform if the courthouses have been closed, fully or partially, for some time in your country due to the pandemic. If so, please inform for how long, approximately, they were closed (fully or partially). Who decided to close or restrict the courthouses?*

The courthouses were not closed, but they only dealt with especially urgent cases.

The management board of the High Court of Cassation and Justice had the competence to establish the list of especially urgent cases which were to be tried by this court during the state of emergency established due to the COVID-19 pandemic. The competence of the management board of the High Court of Cassation and Justice was established by article 42 para. (1) of Annex 1 to the Decree of the President of Romania no. 195/16.03.2020.

In Romania, there are 16 courts of appeal, 42 tribunals, 4 specialized tribunals and 177 district courts. In the area of jurisdiction of each court of appeal, there are two or more tribunals (possibly a specialized tribunal also), as well as several district courts.

According to article 42 para. (1) of Annex 1 to the Decree of the President of Romania no. 195/16.03.2020, the management boards of the courts of appeal received the competence to establish the list of especially urgent cases which were to be tried during the state of emergency. This list concerned both the cases within the jurisdiction of the courts of appeal and the cases within the jurisdiction of the courts operating in their territorial district (tribunals, specialized tribunals and district courts).

According to article 42 para. (1) of Annex 1 to the Decree of the President of Romania no. 195/16.03.2020, the Superior Council of Magistracy had the competence to give guidance to the management boards of the courts of appeal in order to ensure a uniform practice regarding the way of determining the list of cases which were to be tried during the state of emergency.

Specifically, after the management boards of the courts of appeal established the list of especially urgent cases, the Superior Council of Magistracy – the Section for Judges analyzed this list and

adopted Decision no. 417/24.03.2020 regarding the categories of cases which were to be tried during the state of emergency, according to the competence of the courts, on hierarchical levels.

In the Decree of the President of Romania no. 195/2020, which established the state of emergency, and in the Decree of the President of Romania no. 240/2020, which extended the state of emergency, express reference was made to "especially urgent cases", when establishing that they will continue to be tried during the state of emergency. The special urgency was not defined in these decrees, nor in other acts adopted by the Parliament or the Government during the state of emergency.

As explained above, the categories of especially urgent cases which continued to be tried during the state of emergency were established by the Superior Council of Magistracy – the Section for Judges. When adopting the decision, the Section for Judges considered the need to ensure a uniform practice regarding the way of determining the cases which were to be tried during the state of emergency. To that end, it analyzed the decisions of the management boards of the courts of appeal, adopted in application of article 42 para. (1) and article 43 of the Decree of the President of Romania no. 195/2020.

As an example, we mention that the list of especially urgent cases in non-criminal matters (civil, administrative) included: the protection order; emergency placement of minors; guardianship/curatorship; asset freezing measures; provisional measures (the presidential ordinance); public procurement disputes concerning medical products and other procurements in the field of emergency; disputes regarding the aliens' regime.

We also mention that by Decision no. 417/2020 of the Section for Judges of the Superior Council of Magistracy, the judge was given the opportunity to decide upon other requests concerning exceptional situations and which could be considered of special urgency.

Thus, the judge was given the opportunity to assess whether other cases, apart from those enumerated in the list of the Superior Council of Magistracy, are especially urgent.

In criminal matters, the especially urgent cases which were to be tried during the state of emergency were established in the Decree of the President of Romania no. 195/2020 [article 43 para. (1)]: the cases in which preventive or protection measures of the victims and witnesses have been ordered or were proposed; cases concerning the provisional application of medical safety measures; cases with minors as victims; cases in which the urgency is justified in light of the purpose for which the state of emergency was established at a national level; cases of flagrant offenses; cases in which preventive measures have been ordered; appeals against asset freezing measures; cases concerning international judicial cooperation in criminal matters; cases concerning measures to protect victims and witnesses; cases concerning the provisional application of medical safety measures; cases concerning crimes against national security; cases regarding acts of terrorism or money laundering.

We additionally mention, as an example, that by Decision no. 417/2020 of the Superior Council of Magistracy – the Section for judges, the following were also included in the list of especially urgent cases: cases regarding crimes, including flagrant ones, related to the application of the Decree of the President of Romania no. 195/2020 or to the measures to prevent/combat the COVID-19 pandemic; the postponement/interruption of the execution of custodial

sentences/custodial educational measures; parole; other types of cases in which the law does not provide for the summoning of the parties.

Cases with arrested defendants were tried during the state of emergency, being considered especially urgent cases. Their qualification as especially urgent cases resulted from art. 43 para. (2) of the Decree of the President of Romania no. 195/2020, which established that during the state of emergency, the cases in which preventive measures have been ordered were also to be tried, the cases in which the defendants have been arrested being included in this category.

At the same time, these cases were considered especially urgent by the decisions of the management boards of the courts of appeal, which, according to article 42 para. (1) of Annex 1 to the Decree of the President of Romania no. 195/16.03.2020, established the list of cases to be tried during the state of emergency. As we have shown, the decisions of the management boards constituted the basis for the adoption of Decision no. 417/2020 of the Superior Council of Magistracy – the Section for judges, containing the list of the especially urgent cases which were to be tried during the state of emergency. 6

Moreover, regarding the cases with arrested defendants, the Superior Council of Magistracy – the Section for Judges had already established by a previous decision¹ that during the state of emergency the trial activity in criminal matters included the cases provided for in article 43 para. (2) of the Decree of the President of Romania no. 195/2020, which referred to the cases with arrested defendants.

The decisions of the management boards of the courts and the decisions of the presidents of the courts by which rules were established and measures were taken regarding the organization and conduct of the activity of the courts during the state of emergency were published on the websites of the courts. In this way, the bar associations and the lawyers were able to access them. In addition, the courts communicated these decisions to the bar associations.

The courts also drew up lists including the especially urgent cases that were tried every week during the state of emergency. These lists were published in a timely manner on the websites of the courts and were communicated to the bar associations.

There were dissatisfactions related to the list of especially urgent cases which were to be tried during the state of emergency, established by the decision of the Superior Council of Magistracy – the Section for Judges, on the basis of the Decree of the President of Romania no. 195/2020 and on the basis of the decisions of the management boards of the courts of appeal. The dissatisfaction consisted in the fact that the list was considered to be too limited.

Consequently, four bar associations and the National Union of Romanian Bar Associations requested the Superior Council of Magistracy to extend the list of cases that were to be tried during the state of emergency.

The Superior Council of Magistracy - the Section for Judges consulted the courts of appeal which, in turn, consulted the courts from their territorial district (tribunals/specialized tribunals, district courts). The vast majority of the courts of appeal considered that the extension of the list of cases was not justified, given that such a measure appeared to be a violation of the presidential decrees

¹ Decision no. 257/18.03.2020



ASOCIAȚIA
MAGISTRAȚILOR DIN
ROMÂNIA

Membru al Uniunii Internaționale a Magistratilor • Membru al Asociației Europene a Magistratilor • Membru al Alianței pentru o Justiție Europeană în România

and contravened the purpose for which the state of emergency was established. In this regard, reference was made to the fact that the extension of the list of cases meant an obvious increase in the flow of the persons to the courts, creating an effective risk regarding the spread of the COVID-19 infections.

By Decision no. 707/30.04.2020, the Superior Council of Magistracy – the Section for Judges partially accepted the requests made by the four bar associations and the National Union of Romanian Bar Associations, adding several categories of cases to the list of cases that were being tried during the state of emergency (the most eloquent example being the addition of all the cases which were tried without summoning the parties).

b) During that period as mentioned above, were in-person operations maintained for urgent cases? Were the most vulnerable judges and officials excused from in-person work? What circumstances were taken into consideration for the judge(s) or court official(s) to be excused from in-person work?

In urgent cases, the parties appeared in person.

As mentioned above, the courts drew up lists including the especially urgent cases that were tried every week during the state of emergency.

For each case, the time was set for the parties to appear in court. The panel of judges was entitled to limit the simultaneous access to the courtroom of too many people (for example, no more than 10 people).

Routes for entering and leaving the court have also been established in order to avoid as far as possible contact between persons involved in urgent cases.

The law provided for the possibility of granting days off to one of the parents for the supervision of children, including during school holidays, in case of temporary closure of schools and kindergartens, due to the state of emergency and the state of alert.

As COVID-19 infection spread, vulnerable judges and clerks (with health problems or over the age of 60) were encouraged to work from home to avoid illness.

c) While the Judiciary buildings remained closed (fully or partially), did the judges and officials work from home? If so, please state whether all judges and court officials worked from home or only a percentage of them; if only a percentage, please share which percentage exactly

As previously mentioned, the courthouses were not closed due to the pandemic.

Art. 33 of the Decree of the President of Romania no. 195/2020, which established the state of emergency, provided for the possibility to organize work at home. This working method was used by the courts and decisions of the management board of the court and/or decisions of the presidents of courts were issued for the organization of working from home. This working method

was efficient, the judges and clerks having the possibility to access the ECRIS software (Electronic Court Register Informational System) and the "File Info" software (electronic file), on the basis of passwords assigned to them in compliance with security rules.

The positions whose responsibilities could be exercised remotely (from home), using the electronic means of work and communication, were established at the level of each court in the Specific Plan regarding the Continuity of Activity. This plan was drawn up at the request of the Ministry of Justice and the Department for Emergency Situations within the Ministry of Internal Affairs, in the context of the COVID-19 pandemic.

Each court uses a computer data system that has been developed at the level of the Ministry of Justice to be used uniformly in all courts in the country. The computer system has been used since 2006 in all courts in Romania. It stores data on all court files, from the beginning to the end of each court proceeding.

Stored data includes, for example, documents submitted by the parties to the case file and documents issued by the court. If the parties do not send the documents in electronic form, they are scanned by the court so that they can be entered in the database.

This computer system is called ECRIS (Electronic Court Register Informational System). Each court, regardless of the level of jurisdiction at which it is located, has its own database that it manages directly, having responsibility in this regard. There are IT departments in the courts of appeal and in the county courts, the IT specialists being the ones in charge of the administration of the ECRIS IT system.

All judges and clerks of the court have access to the information in the ECRIS computer system of that court.

There is also a separate portal, created and developed by the Superior Council of Magistracy, called EMAP. By this web portal, judges and clerks of a court have access to certain information from the database of other courts.

Judges were encouraged to work from home and did work from home.

The possibility to work from home is provided in Law no. 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic.

Some judges came into the courthouse regularly, some daily.

Judges and clerks were present in court on the days when they were scheduled for court hearings.

Most judges combined in-person work at the office and the work from home.

It is difficult to establish an exact percentage of those who worked from home given that in Romania there are 16 courts of appeal, 42 courts, 4 specialized tribunals and 177 district courts. However, the percentage is over 50%. For example, we are aware of courts of appeal in which this percentage was 70-80%.



ASOCIAȚIA
MAGISTRAȚILOR DIN
ROMÂNIA

Membru al Uniunii Internaționale a Magistratilor • Membru al Asociației Europene a Magistratilor • Membru al Alianței pentru o Justiție Europeană în România

d) *After the reopening of the courthouses, did all judicial activities return to being in-person or did part of the work continue to be done online?*

After the state of emergency, the judicial activity was resumed in all cases, no longer being restricted to especially urgent cases.

However, measures on social distancing have been maintained.

For example: the number of people present at the same time at the departments working with the public was limited; the time a person could stay in these departments was limited; the consultation of the files by the parties and / or their representatives took place on the basis of appointments made online or by telephone.

Also, the health and hygiene measures for the protection of the court staff and of the persons who had access to the court premises were maintained.

Judges and clerks still had the opportunity to work from home.

For certain activities that required the presence of clerks in court, groups were formed. They started and finished the activity at different times to avoid interpersonal contacts.

e) *What are the precautions that have been adopted by the Judiciary in your country due to the pandemic (such as hand sanitizer, masks, etc.) for the protection of judges, court officials, attorneys, parties and the public in general?*

As a consequence of the establishment of the state of emergency by the Decree of the President of Romania no. 195/6.03.2020, the courts' management boards were obliged to adopt decisions and to order urgent and precise measures, in order to respond as soon as possible to the legal provisions applicable during the state of emergency. This activity was demanding, all the more so as the decisions and measures were aimed not only at protecting the health of the judges and of the courts' staff, but also at protecting the health of the participants in the judicial proceedings.

An important aspect was the need to inform the public, clearly and in a timely manner, of the measures taken by the courts in the following areas: the restriction of the judicial activity and of the activity with the public; the categories of cases that continued to be tried during the state of emergency; the existing possibilities of sending the documents to the courts by parties and lawyers; the conditions under which access and movement in the courts' premises were permitted.

Another essential problem was the need for the funds of the courts to be supplemented by the main credit authority (the Minister of Justice) for the rhythmic purchase of protective equipment, disinfectants and products necessary for the frequent sanitizations of the courts' premises. In this regard, we mention that the requests of the courts received a positive response from the main credit authority.

The presidents of the courts issued a series of decisions and orders containing specific measures for the organization of the judicial activity and the administrative activity, in order to ensure the



ASOCIAȚIA
MAGISTRAȚILOR DIN
ROMÂNIA

Membru al Uniunii Internaționale a Magistratilor • Membru al Asociației Europene a Magistratilor • Membru al Alianței pentru o Justiție Europeană în România

protection of the courts' staff, but also of the persons involved in the especially urgent judicial procedures.

The competence of the courts' presidents to issue decisions and orders is provided for in the Internal Regulations of the courts, but the conduct of judicial activity in the context of the COVID-19 pandemic caused a more frequent exercise of this power than under normal conditions.

The economic managers (who are the heads of the financial economic and administrative departments of the courts of appeal and of the tribunals) did not receive new competences, but their existing competences were emphasized. We refer to the fact that a series of steps had to be taken, as a matter of urgency, to request the allocation of funds by the Ministry of Justice, as well as to purchase protective equipment, disinfectants and products necessary for sanitizing the courts' premises in the context of the COVID-19 pandemic.

The courts provided protective equipment (protective masks, protective gloves, etc.) and disinfectants (for hands and surfaces) for all staff. They were usually distributed weekly to court staff.

Disinfectants for hands were also made available to persons who had access to the court premises. As an exception, the courts also provided protective masks to these persons.

For the protection of judges, attorneys, parties and the public in general, plexiglass protection panels have been installed in many courtrooms. Ultraviolet lamps were also purchased to disinfect the air and surfaces.

The courts have requested budgetary funds from the Ministry of Justice. They were used exclusively for cleaning, disinfection, protection, according to the measures shown above.

2) The pandemic and digital cases

a) *Before the pandemic, were the cases already being handled digitally in your country? If not, please explain if this measure was taken after the start of the pandemic.*

During the state of emergency, the courts made an express recommendation to the parties and lawyers, as well as to other participants in civil and criminal proceedings, to send the documents to the files (or in connection with the files) by means of rapid communication provided by law (fax, e-mail).

There are a significant number of courts that used a computer program called "File Info", even before the Covid-19 pandemic. This program sets up electronic files for each case. "File info" allows judges, parties and lawyers to access all documents in the files, electronically.

To this end, the documents submitted by the parties in paper format are scanned and entered in the ECRIS (Electronic Court Register Informational System) software, from where they are automatically taken and included in the electronic file. ECRIS has been used since 2006 in all courts in Romania. It stores data on all court files, from the beginning to the end of each court proceeding.



Basically, "File Info" it is an electronic file, as all the documents in the file can be viewed by the parties in that file. If the documents are not sent to the court in electronic form, they are scanned so that they can be entered into the database. The daily scanning of the documents requires a very good organization of the activity of each court because an additional distribution of the job responsibilities is necessary. The web portal was created by a court of appeal and it is used since 2013. Subsequently, it was extended to most courts in the country.

The parties and lawyers were encouraged, even before the state of emergency, to submit the documents in an electronic format, in order to eliminate or reduce the scanning stage which involved a significant use of human resources. However, in criminal cases, the problem is that the prosecutor's offices send in electronic format only the act referring a case to court (the indictment). The limited human resources of the courts do not allow the scanning of all acts carried out during the criminal investigation, especially since, in many cases, the volume of criminal investigation acts is large or very large.

The parties can view all the documents in the electronic file, by accessing the computer program "File info" on the basis of a password assigned for this purpose. The password is mentioned on the summons/communication, being exclusively intended for the parties in the case. Their lawyers can obtain and use the password from the parties they represent, with their consent.

The courts that use the computer program "File Info" (electronic file) have expressly recommended that the parties and lawyers consult the documents in the files by accessing this program on the basis of passwords in the emergency period.

In this way, the presence of the parties and lawyers in the archive department for the study of the files was avoided.

The Romanian Magistrates' Association (AMR) has carried out and is carrying out a series of actions with the purpose of stimulating the Ministry of Justice to support the courts, so that the "File Info" portal can be implemented in all courts in Romania.

Another court of appeal created another portal ("TDS - electronic file"), similar to the one above. The difference is that access is granted to the parties in the file in a "Two-Factor Authentication" mode. The effect is the same, the parties being able to see the documents in their own file.

The "File info" and "TDS - electronic file" web portals were later developed by other courts that implemented them. They continue to be developed even today.

b) Before the pandemic, were procedural acts such as hearings, testimonies of witnesses and trials carried out by video conference? If not, please inform if this measure was taken after the start of the pandemic.

In the especially urgent criminal cases that were tried during the state of emergency, the hearing of the persons in the custody of prisons, as well as in the custody of other authorities (the police) was carried out, in most cases, through the videoconference system.



There are courts in which this system was practiced even before the establishment of the state of emergency, if the person in custody agreed to this method of hearing and insofar as it did not infringe upon his rights and interests.

In some courts it has been recommended, by the management board or by the president, that the court hearings in civil cases be held by videoconference, during the state of emergency, if the parties agreed to it and if the judge considered that this method ensured compliance with the principles governing the civil proceedings.

Also, before the pandemic, procedural acts (hearings, testimonies of witnesses) were carried out by video conference, for example when witnesses were overseas and unable to appear in court in person.

c) *Were measures taken so that people who do not have regular access to the internet could participate in virtual procedural acts?*

First of all, these persons were not limited in person access to court.

In addition, they have the opportunity to go to the court closest to their home and from there to participate by videoconference in virtual procedural acts. Also, people can go to the police station to be connected, by videoconference, with the court. It should be noted that these requests were unusual.

d) *For the performance of the virtual judicial acts, were equipment and internet broadband provided to judges and court officials or did they have to use their own resources?*

Among the effects of organizing work at home was the acceleration of efforts to equip courts with IT equipment, including laptops for judges. Therefore, as a rule, the courts provided laptops to all judges.

Also, the courts ensured to the judges the access, to the database from the ECRIS (Electronic Court Register Informational System) software and from the "File Info" portal (see above). To this end, IT security precautions were taken.

At the same time, the number of videoconferencing systems with which the courts have been equipped has increased.

3) *The pandemic and Judicial Independence*

a) *Has the Judiciary in your country been called upon to decide on the legality of restrictions on fundamental rights imposed due to the pandemic? If so, give an example of government measures that have been challenged in court.*

Yes. E.g.: mandated quarantine for persons entering Romania from abroad; mask wearing; restrictions on participating in religious ceremonies; restrictions on participating in demonstrations; the duty to remain in lockdown.

b) Have the judges who have made the judicial decisions that analyzed restrictive measures imposed by the government of your country been criticized and/or attacked by authorities or even by the public due to their decisions?

For example, the Constitutional Court of Romania decided that some provisions from the Government Emergency Ordinance no. 1/1999 on the state of siege and the state of emergency were unconstitutional, on the grounds that they were not clear enough to allow citizens to regulate their conduct in accordance with the law. Over 300,000 contravention fines have been applied based on these unconstitutional provisions during the state of emergency.

Immediately after the ruling, the Constitutional Court became the target of extremely aggressive and devoid of merit attacks, starting with the President and the Prime Minister, then continuing with other political leaders and many others, which proves that the frequently invoked rule of law principles, which they claim to respect and defend, are mere slogans.

The Romanian Magistrates Association (AMR) together with the National Union of the Romanian Judges (UNJR), the Association of Judges for the Defense of Human Rights (AJADO) and the Romanian Prosecutors Association (APR) issued a press release outlining the following:

«The recent attacks against the Romanian Constitutional Court, of an extraordinary gravity, coming from some political leaders, journalists, commentators or representatives of some NGO's, prove that, 30 years after the fall of the communist dictatorship, autocratic reflexes still persist in the Romanian society, violations of the Constitution being excused in the name of security and the "interest of the people". This justification has always been used by autocrats in the dark times of history to seize more and more power.

The ease with which the violation of rights and freedoms in Romania is argued and justified by various authorities and opinion leaders brings back into actuality the words of the former US President Ronald Reagan, who said that "freedom is a fragile thing and is never more than one generation away from extinction".

(...)

The Constitutional Court has given a predictable decision, anticipated by a number of legal professionals, through articles or specialized annotations.

It is generally accepted that when the state imposes a sanction, the state must also indicate precisely, in a clear legal norm, the conduct that the person is allowed or not allowed to adopt. Specifically, the unconstitutional articles did not contain such a description, but defined, without distinguishing, as contraventions any violations of any measures "established in this emergency ordinance, in related normative acts, as well as in military ordinances or in orders, specific to the established state of emergency".



ASOCIAȚIA
MAGISTRAȚILOR DIN
ROMÂNIA

Membru al Uniunii Internaționale a Magistratilor • Membru al Asociației Europene a Magistratilor • Membru al Alianței pentru o Justiție Europeană în România

According to any domestic and international standards, such a rule of incrimination could not be considered "clear and predictable", which is why it was declared unconstitutional.

The court adopted its decision UNANIMOUSLY, which simply makes the accusations of political partisanship directed against the Court's judges ridiculous and demagogic.

(...)

By its decision, the Constitutional Court held a mirror up to the institutions and showed them their weaknesses in knowing their own competences and limits: The Government, in the middle of a pandemic, adopted an unconstitutional GEO and failed to establish legal sanctions for those who do not respect the rules; The President legislated by the decree establishing the state of emergency, violating the exclusive competence of the Parliament; in its turn, the Parliament left the President's conduct unsanctioned, fully ratifying his decree.

The decision of the Constitutional Court should have had the effect of a cold shower for all these state authorities, which should be concerned with restoring the balance between the powers, for the good of the citizens. When an institution or authority goes beyond the constitutional framework, the normal reaction is to correct the mistake and solve the problem, not to attack those who expose it.

It is important for all political forces and various commentators who encourage autocracy to know that the rule of law is not suspended during the state of emergency. This is emphasized by all international institutions, which draw attention to the possible autocratic tendencies that may appear during such periods».

c) Has any judge undergone disciplinary proceedings in your country because of a decision that he/she has made about the restrictive measures adopted by the government due to the pandemic?

No, to our knowledge.

d) Have judges and court officials in your country suffered a decrease in wages or a delay in the payment of their salaries due to the pandemic? If so, did this measure occur only with the judges and court officials or with the public sector as a whole?

No, judges and court officials did not suffer a decrease in wages or a delay in the payment of their salaries due to the pandemic.

However, it is important to mention that after politicians launched a pressing campaign to drastically reduce the income of retired magistrates, the Parliament adopted a law in January 2020 repealing the magistrates' service pensions, even though they have existed since 1997.

The High Court of Cassation and Justice and the Romanian Ombudsman have challenged the law before the Constitutional Court, arguing that it violates the independence of the judiciary.

The Romanian Magistrates' Association (AMR), together with two other associations of judges (the National Union of Judges in Romania - UNJR, the Association of Judges for the Defense of Human Rights - AJADO) and an association of prosecutors (the Association of Romanian Prosecutors - APR) formulated an extensively argued *amicus curiae*.

The letter of the President of the European Association of Judges (AEM-EAJ), Mr. José Igreja Matos, addressed to the Parliament and the Government of Romania during the EAJ-AEM Meeting in Astana (Kazakhstan) was also invoked². At the same time, the European Charter on the Statute of Judges and other international documents were invoked.

The Constitutional Court set the date for the hearing on March 18th, but due to the COVID-19 pandemic, the case was decided on May 6th 2020. Meanwhile, during the state of emergency, politicians continued to bring the magistrates' pensions to the forefront. Thus, they made statements by which they presented the magistrates as an unjustifiably privileged category and demanded the abrogation of their service pensions, although according to data provided by the Ministry of Public Finances in 2019, the magistrates receiving service pensions represented only 3% of the total of those who receive special pensions. Politicians have said nothing about the interdictions and incompatibilities that apply to magistrates, about the workload, about the repeated and difficult exams they have to take to advance in their careers.

Top politicians have said they will find another way to drastically reduce the magistrates' pensions, if the Constitutional Court ruled in their favour.

All these statements were made in the fragile context of the pandemic.

On the 6th of May 2020, the Constitutional Court sustained the objections of unconstitutionality and found that the Law on the repeal of some provisions regarding service pensions and old-age allowances, as well as on the regulation of measures in the field of service pensions is unconstitutional in its entirety³.

4) *Regarding the topic of 2022, you are kindly requested to choose between the following options:*

a) Maintain the topic that was decided upon in 2019 – “Disciplinary Proceedings and Judicial Independence”. ()

b) Choose a new topic entirely. ()

If you select this option, please share your topic suggestion: _____

Judge Andreea Ciucă, PhD
Romanian Magistrates' Association (AMR)

² www.iaj-uim.org/iuw/wp-content/uploads/2019/09/EAJ-letter-Romania_Sept-2019.pdf

³ https://www.ccr.ro/download/comunicat_de_presa/Comunicat-de-presa-6-mai-2020.pdf