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Palazzo di Giustizia - Piazza Cavour - 00193 Roma - Italia

By our member, the Romanian Association of Judges, it was brought to our attention at the Meeting of EAJ that a Draft Law containing a series of measures to drastically reduce the incomes of retired magistrates was launched by the Romanian Government.

The European Association of Judges refers to international and European standards laid down in:

- The Universal Charter of the Judge (article 8-3 – Retirement)

“the judge has a right to retirement with an annuity or pension in accordance with his or her professional category.”

-The European Charter on the Statute for Judges (article 6.4)

“In particular the statute ensures that judges who have reached the legal age of judicial retirement, having performed their judicial duties for a fixed period, are paid a retirement pension, the level of which must be as close as possible to the level of their final salary as a judge.”

- Magna Carta of Judges (CCJE)

“judges shall receive appropriate remuneration and be provided with an adequate pension scheme, to be established by law.”

- Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe on Judges: Independence, Efficiency and Responsibilities, in particular para. 42/43, which states that “guarantees should exist for maintaining a reasonable remuneration in case of illness, maternity or paternity leave, as well as for the payment of a retirement pension, which should be in a reasonable relationship to their level of remuneration when working. Specific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges.”

In the past the European Association of Judges already stated “a general cause of concern is the situation of judges after retirement. . . . . Often it is argued that after retirement judges should be treated in the same manner as all other citizens in a particular country. This argument overlooks the important point that a guarantee of a financially safe future in retirement will be a powerful incentive to independence during a judge’s period in office.”

Therefore, EAJ expresses its profound concern that the above-mentioned cuts in the retirement pensions system of Romania infringe the principles stated in these international documents whose aim is to establish common European standards for the independence of judiciary.

Yours sincerely,

A handwritten signature in black ink, reading "José Igreja Matos". The signature is written in a cursive style with a small dot above the 'i' in "Igreja".

José Igreja Matos

President of the European Association of Judges