



**EMBASSY OF ROMANIA
COPENHAGEN**
No. 1709

The Embassy of Romania in Copenhagen presents its compliments to the Danish Parliament and has the honour to present herewith, for information purposes, an outline of the progress report, accomplished by the Ministry of Justice of Romania, regarding the measures adopted by Romania in line with the cooperation dimension of the Cooperation and Verification Mechanism.

The Embassy of Romania will inform the Danish Parliament and other relevant Danish institutions on further updates and other issues of relevance for this subject.

The Embassy of Romania in Copenhagen avails itself of this opportunity to renew to the Danish Parliament the assurances of its highest consideration.



December 10, 2013

**European Affairs Committee
Danish Parliament**

PROGRESS REPORT¹

Reform of the judiciary, fight against corruption and other relevant developments

I. Key messages

- The Romanian authorities are committed to continue the reforms in the field of the judiciary and the fight against corruption and to respond in an efficient and consistent manner to the recommendations of the European Commission.
- The positive developments registered during the last months reconfirm the priority given to ensuring a coherent judicial process, on a modern basis and better oriented towards the citizens' needs.
- One of our major objectives is to ensure that the public confidence in the judiciary and with respect to the efficiency of the fight against corruption is continuously consolidated through promoting the most effective rules and decisions.
- In achieving this goal, the Romanian institutions are working closely with the European Commission at all levels – top management and technical, to inform on all significant developments, in line with the cooperation dimension of the CVM. Moreover, we have a close dialogue with all Member States trusting that the sharing of expertise and good practices will support further progress.
- We trust that the upcoming CVM report of the European Commission will reflect our substantial results in the areas covered by the CVM, as well as the positive trend of reforms.
- Our conviction is that only through a constructive approach and cooperation we will be able to finalize the essential projects for modernizing the Romanian judiciary, as well as to promote the best measures in order to sustainably move things forward in this field.

II. Recent developments with a significant positive impact on the Romanian judiciary and the fight against corruption

The four new judicial Codes

- The completion of the implementation process of the four new judicial codes is a **top priority** for the Romanian institutions.
- As the necessary legislative framework was adopted in due time, the **two new Codes on criminal matter will enter into force on February 1, 2014 according to the assumed calendar.**
- The *Civil Procedure Code* has smoothly entered into force on **February 1, 2013** and feedback from courts is mainly positive. The *Civil Code* is in force since October 1, 2011.
- The Superior Council of Magistracy (SCM) and the Ministry of Justice took steps to address the **main challenges related to the implementation of the new Codes** in terms of ensuring the necessary personnel (mainly judges and clerks in courts and prosecutors' offices) as well as its proper training so as to avoid any blockages and have a unitary jurisprudence. Over 2,300 magistrates (out of a total of approx. 7,000) participated in training sessions while over 46,000 unique visitors accessed online conferences.

Strategy for the development of the judiciary

- The first draft of the **Strategy for the development of the judiciary** was drawn up in **September 2013**. Focus has shifted to drafting the corresponding **Action Plan**. The two documents address CVM recommendations as well as recommendations included in the World Bank projects reports on *judicial functional review and court optimization*. The Strategy will be subject to the Government's approval and will follow specific monitoring, evaluation and reviewing processes.
- The Strategy refers to objectives aimed at raising trust in justice through specific measures: **implementing a strategic management of the judiciary, continuing the implementation of the new Codes** (human, financial, logistic and infrastructure resources), **reorganizing the judicial map** (closing down courts and prosecutor's offices with a low workload, redistributing vacant positions in order to rebalance the personnel schemes proportionately with the current workload),

¹ Statistical data refer to the period of **January – October 15, 2013**.

strengthening the integrity and transparency of the judiciary.

Judicial reform – other measures

- On August 2013, the Government approved a draft law amending the provisions on the statute of judges and prosecutors. It is aimed at **withdrawing the right to special pensions in case of magistrates convicted for corruption**. The draft law was approved by the Chamber of Deputies on October 22, 2013 and it is currently under debate in the Senate (decisional chamber).
- Law no. 304/2004 on **the organisation of the judiciary** was recently amended for ensuring the legal prerequisites for the establishment of the **Bucharest Commercial Tribunal** (Law no. 296/2013 published in the Official Journal no. 699/14.11.2013).
- In accordance with the Government's Memorandum of September 2012 on preparing the implementation of the new Codes, measures were taken with a view to **supplement the Courts' personnel** (by the end of 2013, 204 new judges and 250 specialized auxiliary staff will enter the judicial system; 14 posts of assistant-magistrates were added to the High Court), **increase the budget of the Ministry of Justice** (following the budgetary rectification of October 2013, the budget increased with 13% compared to the final budget of 2012) and **improve the courts' functioning** (in terms of reorganisation, equipment, locations, a new courts' gateway etc.).
- At the end 2012, the Ministry of Justice launched a project aimed at **upgrading the database** used by the judicial system as well as at **correlating the novelties introduced by the new Codes on civil matter with ECRIS**. On the short term, the Ministry's priorities include: the correlation of ECRIS with the provisions of the new codes on criminal matter; ensuring full access to court decisions between different courts [the SCM approved this measure on November 19, 2013] and providing IT equipment to courts. All 237 Romanian courts (15 courts of appeal, 46 tribunals and 176 courts of first instance) are endowed with audio recording systems of their sessions.
- At the initiative of the Minister of Justice, the **Dialogue for Justice** was established as a cooperation platform of the relevant institutions and NGOs within the judiciary. Their common goal is to work together on viable solutions to **bring justice closer to the citizens and make it more efficient and accessible** (first meetings on July 5 and September 13, 2013).

Fight against corruption

- **The fight against corruption remains a zero-level priority for the Romanian authorities.**
 - The activity of the National Anti-Corruption Directorate (DNA) and of the High Court of Cassation and Justice (HCCJ) has continued in an **effective, efficient and speedy manner**, thus contributing to a **solid track record in fighting high level corruption**. This is also a priority for the **Judicial Inspection** which is monitoring high level corruption cases from the perspective of case management.
- DNA**
- **DNA** continued to conduct investigations of high level corruption cases, **at the same pace, under the new management**. The courts continued to render final decisions in the DNA instrumented cases.
 - In the reference period, ~~there has been~~ a **significant increase in the number of indicted defendants** (183 cases sent to trial regarding 768 defendants) **and convicted persons** in the cases conducted by the DNA (179 final conviction decisions ruled against 857 defendants) compared to the first 9 months of 2012 (568 indicted defendants). 853 of the 857 convicted defendants received **punishments with imprisonment** ranging from 4 months (1 case) to 16 years (1 case). In the case of final conviction decisions, the courts ruled the **confiscation** of approx. 2.6 million euro as well as a large number of movable and immovable goods.
 - A new top management team at the prosecutor's offices (General Prosecutor, Chief prosecutor of DNA and of DIICOT) started its mandate on May 15, 2013. It comprises highly-experienced persons with solid careers and excellent professional results in the field of anti-corruption. In October 2013, after consultation with the DNA leaders, the Ministry of Justice proposed the

appointment of several prosecutors for the remaining vacancies at the DNA management level.

- Taking into account the imminent entry into force of the new codes on criminal matter, DNA prepared the organization of 4 seminars in November 2013 for the benefit of 60 DNA prosecutors.

The High Court of Cassation and Justice

- The appointment procedure for the positions of President (second mandate), Vice-President and President of the First Civil Chamber (second mandate) of the High Court took place in September 2013 and ensured continuity at the level of the institution's leadership.
- **The HCCJ continued to make proof of a significant progress in handling high level corruption cases.** The number of cases settled by **final decision** increased (7 cases settled by the Penal Chamber, as first instance and 12 cases settled by the Panels of 5 judges, as last instance). The decisions continued to be more proportionate to and consistent with penalties, which shows that **justice is performing its dissuasive role effectively.**

ANI

- **ANI continued to consolidate its positive track record with regard to unjustified wealth, incompatibilities and conflicts of interests.**
- In 2013 (up to October 15), ANI's record includes 4 definitive and irrevocable Court decisions regarding unjustified assets confiscations, 272 final decisions on incompatibilities and 29 final decisions on administrative conflicts of interests, 12 indictments for criminal offences.
- Since 2008, procedures have been initiated, *inter alia*, against Ministers and Members of the Parliament (19 cases of incompatibilities; 7 cases of unjustified differences between assets and incomes; 23 cases of conflicts of interests; 15 cases of false statements in reference to declarations of assets and declarations of interests). In more than 20 cases referring to Ministers and Members of the Parliament the investigated persons currently no longer hold such public functions.
- In order to support ANI in consolidating its capacity and further improving its results, the Government adopted in 2013 a substantial increase of the salaries of the integrity inspectors.
- On January 30, 2013, at the common initiative of ANI and of the National Authority for Public Procurement Regulation and Monitoring (ANRMAP), the Government approved a Memorandum on setting up a **mechanism of ex-ante verification of the conflicts of interest in the public procurement contracts for the EU funded projects.** The mechanism consists of an integrated IT system managed by ANI which will enable the Agency to send integrity warnings to the actors involved and to monitor their implementation. ANI hired a specialized consultancy company to work on the necessary technical specifications for the acquisition of this PREVENT System.

The National Anti-corruption Strategy 2012-2015 (NAS)²

- **The implementation of the Strategy is a priority of the 2013-2016 Government Programme.**
- **The Strategy is being implemented according to the agreed schedule.** It is a **functional mechanism** and its main components have been tested: prevention, education, combating corruption.
- The Strategy identified 14 key preventive indicators, ranging from asset declaration to ethics counselling. As part of the monitoring mechanism, the implementation of these indicators is being evaluated throughout central and local public institutions. Between May-November 2013, thematic evaluation missions took place in **10 central public institutions and 16 city halls and county councils.** The evaluation reports will be published on the NAS Portal.
- **The NAS Portal offers the possibility to report data on preventive measures indicators in**

² The Strategy, its action plan and the inventory of preventive measures were approved by the Government on March 20, 2012 and assumed by the new Government on May 23, 2012. Subsequently, the Strategy was assumed by the Parliament and the judiciary: on June 12, 2012, the Parliament unanimously endorsed the Strategy by political declaration; on October 25, 2012, the Superior Council of Magistracy, the HCCJ and the Public Ministry signed the Joint declaration to adhere to the fundamental values, principles and monitoring mechanism of the Strategy. The SNA and the general political will to implement it were positively mentioned in the CVM reports of July 18, 2012 and January 30, 2013 as well as during the verbal presentation of the European Commission to the CVM ad hoc working group on July 18, 2013.

open format. Since July 2013, all public institutions report self-assessment via the Portal.

- The **Annual Anti-corruption Conference** organised by the Chamber of Deputies and the Ministry of Justice (Bucharest, March 28-29, 2013) enjoyed the participation of high officials, experts, representatives of the civil society, members of the diplomatic corps.
- The **implementation of the Strategy is mainly based on the power of example** – the anti-corruption agencies (DNA, the prosecutor's offices, ANI) provide a successful pattern replicated and observed by other institutions.