

**amending and supplementing Law no. 317/2004 on the organisation and functioning of the
Superior Council of Magistracy**

The Senate shall adopt this bill of law

Art. I.- Law no. 317/2004 on the Superior Council of Magistracy, republished in the Official Journal of Romania, Part I, no. 628 of 1 September 2012, as further amended, shall be amended and supplemented as follows:

1. Article 5, letter a) shall be amended and shall read as follows:

“a) A prosecutor from the Prosecutor’s Office attached to the High Court of Cassation and Justice, from the National Anti-Corruption Directorate or from the Directorate for Investigating Organised Crime and Terrorism;”

2. Article 7 (1) and (2) shall be amended and shall read as follows:

“Art.7.- (1) The members of the Superior Council of Magistracy shall be elected amongst the judges and prosecutors appointed by the President of Romania, having a seniority of at least 7 years as tenured judges or prosecutors, who had no disciplinary sanctions in the past 3 years.

(2) Judges and prosecutors may apply for election as members of the Superior Council of Magistracy before the collective bodies of judges and prosecutors, until 2 days at the most before elections. The applications of judges and prosecutors may be promoted by teams of judges and prosecutors and by their professional associations.”

3. Article 7, preamble of paragraph (4) and letters c)-e) shall be amended and shall read as follows:

“(4) The applications shall be submitted to the Management Board of the High Court of Cassation and Justice, or the Management Board of the Prosecutor’s Office attached to the High Court of Cassation and Justice, including for prosecutors of the National Anti-Corruption Directorate and of the Directorate for Investigating Organised Crime and Terrorism, as well as with the management boards of the courts of appeal or of the prosecutor’s offices attached to these courts, accompanied by:

.....

c) A declaration on own responsibility indicating that they had not been part of the intelligence services before 1990 and have not cooperated with these services, in case of persons who were 16 years old or older on 1 January 1990;

d) A declaration on own responsibility stating that they are not and they have not been intelligence operatives, including undercover, informants or collaborators of intelligence services;

e) A declaration on own responsibility stating that they do not have a personal interest which influences or might influence the objective and impartial fulfilment of duties provided by law.”

4. Article 7 (5) shall be amended and shall read as follows:

“(5) Judges and prosecutors posted from other authorities than courts of law and prosecutor’s offices may not apply for the position of member of the Superior Council of Magistracy, and judges and prosecutors delegated or posted to other courts of law or prosecutor’s offices may only apply for the court of law or the prosecutor’s office they were delegated or posted from. Judges and prosecutors who were part of the intelligence services or cooperated with them outside the legal framework, as well as those who have a personal interest which influences or might influence the objective and impartial fulfilment of duties provided by law may not be elected as members of the Superior Council of Magistracy.”

5. A new paragraph, paragraph (5¹), shall be introduced under Article 7, after paragraph (5), and shall read as follows:

“(5¹) Judges and prosecutors posted from other authorities than courts of law and prosecutor’s offices may not apply for the position of member of the Superior Council of Magistracy. Delegated judges and prosecutor, as well as those posted to other courts of law or

prosecutor's offices may only apply for the court of law or the prosecutor's office they were delegated or posted from."

6. Article 7 (6) shall be amended and shall read as follows:

"(6) The management boards of the High Court of Cassation and Justice, of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the courts of appeal and of the prosecutor's offices attached to them shall check compliance with the requirements provided by paragraphs (1) - (5¹) by the judges and prosecutors who submitted their applications, within 5 days from the application submission deadline. The decision of the management board shall be published without delay on the website of that court or prosecutor's office."

7. Three new paragraphs, paragraphs (7)-(9) shall be introduced under Article 7, after paragraph (6), and shall read as follows:

"(7) Applicants or, as applicable, judges or prosecutors from the courts of law or prosecutor's offices where the application was submitted may appeal against the decisions of the management boards provided by paragraph (6), within 5 days after publication.

(8) The appeal shall be lodged with the Superior Council of Magistracy and shall be solved by decision of the appropriate section of the Superior Council of Magistracy, within 7 days after its registration.

(9) The decision of the appropriate section of the Superior Council of Magistracy provided by paragraph (8) may be appealed against by the persons provided by paragraph (7), with the Civil Section I of the High Court of Cassation and Justice. The complaints shall be solved within 7 days from registration, summoning the parties. Counterstatement is not mandatory, and the provisions of Art. 200 and 201 of Law no. 134/2010 on the Civil Procedure Code, republished, as further amended, are not applicable. The decision ruled is final."

8. Article 8 (2) and (3) shall be amended and shall read as follows:

"(2) Prosecutors from the Prosecutor's Office attached to the High Court of Cassation and Justice, prosecutors from the National Anti-Corruption Directorate and prosecutors from the Directorate for Investigating Organised Crime and Terrorism shall elect, in the joint general meeting of prosecutors, by secret, direct and personal vote, one member for the Superior Council of Magistracy from the prosecutors who submitted their applications. Prosecutors from the territorial structures of these prosecutor's offices shall vote in the general meeting as well.

(3) Two judges from the High Court of Cassation and Justice, one prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice or from the National Anti-Corruption Directorate or from the Directorate for Investigating Organised Crime and Terrorism who obtained the majority of votes in the general meetings shall be elected as members of the Superior Council of Magistracy.”

9. Article 9 (3) and (4) shall be amended and shall read as follows:

“(3) The management boards of the courts of appeal, tribunals and courts of first instance shall organise their own general meeting.

(4) The management boards of the prosecutor's offices attached to the courts of appeal, of the prosecutor's offices attached to the tribunals and of the prosecutor's offices attached to the courts of first instance shall organise their own general meeting.”

10. Article 10 (1)-(3) shall be amended and shall read as follows:

“Art.10.- (1) The judges from each courts of appeal, the judges from all tribunals and specialist tribunals within the jurisdiction of each court of appeal and the judges from each court of first instance within the jurisdiction of each court of appeal shall appoint, by secret, direct and personal vote, one candidate each for the position of member of the Superior Council of Magistracy from the judges who submitted their applications.

(2) The prosecutors from each prosecutor's office attached to the courts of appeal, the prosecutors from each prosecutor's office attached to the tribunals and specialist tribunals within the jurisdiction of each court of appeal and the prosecutors from the prosecutor's offices attached to courts of first instance within the jurisdiction of each court of appeal shall appoint, by secret, direct and personal vote, one candidate each for the position of member of the Superior Council of Magistracy from the prosecutors who submitted their applications.

(3) Judges and prosecutors who obtained a majority of votes in the general meetings provided by Art. 9 (3) and (4) shall be appointed to apply for the position of member of the Superior Council of Magistracy. The decisions of the general meetings shall be submitted to the management board of the court of appeal, and to the prosecutor's office attached to it, respectively, and they shall decide on the results of the vote.”

11. Article 11 (1) a)-f) shall be amended and shall read as follows:

“a) The list of candidates from the courts of appeal shall be submitted to all courts of appeal;

b) The list of candidates from the prosecutor's offices attached to the courts of appeal shall be submitted to all prosecutor's offices attached to the courts of appeal;

c) The list of candidates from tribunals and specialist tribunals shall be submitted to all tribunals and specialist tribunals;

d) The list of candidates from the prosecutor's offices attached to tribunals and specialist tribunals shall be submitted to all prosecutor's offices attached to tribunals and specialist tribunals;

e) The list of candidates from the courts of first instance shall be submitted to all courts of first instance;

f) The list of candidates from the prosecutor's offices attached the courts of first instance shall be submitted to all prosecutor's offices attached to the courts of first instance."

12. Article 14 (1)-(3) shall be amended and shall read as follows:

"Art.14.- (1) In the procedure for the appointment of applicants and for the election of members of the Superior Council of Magistracy, general meetings shall be legally convened in the presence of the majority of judges or prosecutors in office, as appropriate. Judges and prosecutors delegated or posted to other courts of law or prosecutor's offices shall participate in the general meeting of the court of law or the prosecutor's office they were delegated or posted from.

(2) General meetings shall be chaired by the magistrate with the longest standing as a judge or prosecutor, who did not apply for the position of member of the Superior Council of Magistracy.

(3) In the procedure for the election of members of the Superior Council of Magistracy, each judge and prosecutor shall vote for a maximum number of applicants equal to the number of members of the Superior Council of Magistracy, representing the category of courts or prosecutor's offices where the judge or the prosecutor, as appropriate, undertake their activity."

13. Article 17 (1)-(3) and (5) shall be amended and shall read as follows:

"Art.17.- (1) The Superior Council of Magistracy shall check the legality of appointment and election procedure, either *ex officio* or upon notification by any judge or prosecutor.

(2) In view of drafting such notification, judges and prosecutors are entitled to check the minutes on the procedures provided by paragraph (1) and their results, as well as the ballot papers.

(3) Complaints against the legality of the appointment and election procedures may be lodged with the appropriate section of the Superior Council of Magistracy, within 15 from the date when the vote result was established.

.....
(5) In case any violations of the law are identified in the appointment and election procedures, the appropriate section of the Superior Council of Magistracy shall order the necessary actions to eliminate them, including repetition of the elections, only in the courts of law or prosecutor’s offices where the violations of law influenced the elections results.”

14. A new paragraph, paragraph (6), shall be introduced under Article 17, after paragraph (5), and shall read as follows:

“(6) The provisions of Art. 7 (9) shall apply accordingly.”

15. Article 18 (2)-(4) shall be amended and shall read as follows:

“(2) Before the submission of the list to the Standing Bureau of the Senate:

a) The National Council for the Study of Intelligence Services Archives shall verify and communicate, within 15 days from the request by the Superior Council of Magistracy, whether the judges and prosecutors elected were part of the intelligence services before 1990 or whether they collaborated with the intelligence services;

b) The Supreme Council of National Defence and the Parliamentary Intelligence Oversight Committees shall verify and communicate to the Superior Council of Magistracy the result of the verifications on the capacity of the judges and prosecutors elected as undercover officer, collaborator or informant of the intelligence services, within 15 days from the request of the Superior Council of Magistracy.

(3) The Standing Bureau of the Senate shall submit the list provided by paragraph (1) to the Legal Committee for appointments, discipline, immunities and validation, to draft a report.

(4) The Senate, in the presence of the majority of its members, based on the report of the Legal Committee for appointments, discipline, immunities and validation, shall validate the list of magistrates elected as members of the Superior Council of Magistracy.”

16. Article 19 (2) a) and c) shall be amended and shall read as follows:

“a) Shall be legal professionals, with a seniority of at least 7 years in a legal profession or in higher education in the field of law;

.....

c) Had not been part of the intelligence services before or after 1990 and they had not cooperated with them in any way, and do not have a personal interest which influences or might influence the objective and impartial fulfilment of duties provided by law. They shall submit an authentic declaration indicating that they have not been operational staff and have not cooperated in any way with any intelligence services, before or after 1990;”

17. Article 23 (2) shall be amended and shall read as follows:

“(2) Members of the Superior Council of Magistracy undertake permanent and activity which is not subject to a specific workload and shall not exercise activities as judges or prosecutors, except for members by right.”

18. Article 23 (3) and (4) shall be repealed.

19. Article 24 (1) and (2) shall be amended and shall read as follows:

“Art.24.- (1) The Superior Council of Magistracy shall be managed by a president - judge, assisted by a vice-president - prosecutor, elected from the judges and prosecutors provided by Art.3 (a), who are part of different sections, for a non-renewable one-year mandate.

(2) 1. The President of the Section for Judges is the President of the Superior Council of Magistracy by right and is elected from the members provided by Art.4 for a non-renewable one-year mandate, by the elective meeting of members provided by Art. 3 letters a) - c), as follows:

a) Judges elected within the Superior Council of Magistracy, namely 2 judges from the High Court of Cassation and Justice, 3 judges from the courts of appeal, 2 judges from tribunals and 2 judges from courts of first instance;

b) Members by right, the President of the High Court of Cassation and Justice and the Minister of Justice;

c) Appointed members, the 2 representatives of the civil society.

2. The President of the Section for Prosecutors is the Vice-President of the Superior Council of Magistracy by right and is elected from the members provided by Art.5

for a non-renewable one-year mandate, by the elective meeting of members provided by Art. 3 letters a) - c), as follows:

a) Prosecutors elected within the Superior Council of Magistracy, namely a prosecutor from the Prosecutor's Office attached to the High Court of Cassation and Justice, from the National Anti-Corruption Directorate or from the Directorate for Investigating Organised Crime and Terrorism, a prosecutor from the prosecutor's offices attached to the courts of appeal, 2 prosecutors from the prosecutor's offices attached to the tribunals, a prosecutor from the prosecutor's offices attached to the courts of first instance;

b) Members by right, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and the Minister of Justice;

c) Appointed members, the 2 representatives of the civil society."

20. Three new paragraphs, paragraphs (2¹)-(2³), shall be introduced under Article 24, after paragraph (2), and shall read as follows:

"(2¹) In the last year of mandate, by way of exception from paragraph (1), any of the members of the section for prosecutors may be elected in the position of vice-president, without having two successive mandates.

(2²) Elective meetings decide with the vote of the majority of their members.

(2³) The election of the president and of the vice-president shall be validated in terms of compliance with the formal procedure in Plenum meeting, in the presence of at least 15 members of the Superior Council of Magistracy, with the vote of the majority of its members."

21. Article 24 (3), d), f) and g) shall be amended and shall read as follows:

"d) Shall propose the Plenum the necessary measures to fill the vacancies caused by the dismissal of some members of the Superior Council of Magistracy;

.....
 f) Shall call upon the Constitutional Court to solve legal disputes of a constitutional nature arising between public authorities, based on Plenum decision;

g) Shall appoint the members of the Superior Council of Magistracy who may be consulted for the development of draft legislation, upon proposal of the Plenum;"

22. Article 24 (6) shall be amended and shall read as follows:

"(6) The procedure provided by paragraph (2) shall apply in case the positions of president or vice-president become vacant."

23. Article 29 (8) and (10) shall be amended and shall read as follows:

“(8) The complaint lodged by the judge or prosecutor targeted by the decision provided by paragraph (5) shall suspend the enforcement of the measure ordered with his/her career and rights.

.....

(10) The draft agenda and the draft decisions subject to the vote of the Plenum or of the sections shall be published 3 days in advance on the website of the Superior Council of Magistracy. The agenda published does not include the requests for approval of searches, detainment, remand or house arrest, conditional release or bail regarding judges, prosecutors of assistant magistrates. The decisions of the Superior Council of Magistracy shall be published in the Official Journal of the Superior Council of Magistracy and on the webpage of the Superior Council of Magistracy. For additional points on the agenda, the transparency procedure shall apply accordingly.”

24. A new paragraph, paragraph (11), shall be introduced under Article 29, after paragraph (10), and shall read as follows:

“(11) In order to ensure transparency, the meetings of the Superior Council of Magistracy shall be public:

a) The public meetings of the Plenum and of the Sections shall be broadcasted live, audio-video, on the webpage of the Council, shall be recorded and published on the webpage of the Council, except for disciplinary deliberations and hearings;

b) The decisions adopted by the Plenum and by the Sections shall be subject to the provisions of Law no. 52/2003 on decision-making transparency in the public administration, as republished, except for decisions on disciplinary matters and on magistrate career, as well as for decisions adopted for the enforcement of the provisions of Art. 32 of this law;

c) The final part of the decisions adopted by the Plenum and by the Sections shall mention, without prejudice to the secrecy of the vote, the number of votes “for”, the number of votes “against” and the number of votes “abstention”, as applicable.”

25. Article 30 shall be amended and shall read as follows:

“Art.30.- (1) The appropriate sections of the Superior Council of Magistracy have the right, and the correlative obligation, respectively, to take action *ex officio* to defend judges and prosecutors against any interference with their professional activity or in relation to it, which might affect the independence and impartiality of judges, and the independence and impartiality of prosecutors, respectively, in ruling solutions, pursuant to Law no. 304/2004 on the

organisation of the judiciary, republished, as further amended and supplemented, and against any action which might give rise to suspicion with regard to these. Also, the sections of the Superior Council of Magistracy shall safeguard the professional reputation of judges and prosecutors. Notifications on safeguarding the independence of the authority of the judiciary shall be solved upon request or *ex officio* by the Plenum of the Superior Council of Magistracy.

(2) The Plenum of the Superior Council of Magistracy, the sections, the president and the vice-president of the Superior Council of Magistracy, either *ex officio* or upon notification by the judge or prosecutor, shall call upon the Judicial Inspection to perform verifications, in order to safeguard the independence, impartiality and professional reputation of judges and prosecutors.

(3) In circumstances where the independence, impartiality or professional reputation of a judge or of a prosecutor are affected, the appropriate section of the Superior Council of Magistracy shall take the necessary actions and shall publish them on the website of the Superior Council of Magistracy, may notify the competent bodies to decide on the necessary measures or may order any other appropriate action, pursuant to law.

(4) A judge or a prosecutor who considers that his or her independence, impartiality or professional reputation are being affected in any manner may notify the Superior Council of Magistracy, and the provisions of paragraph (2) shall apply accordingly.

(5) Upon request of the targeted judge or prosecutor, the notification published on the website of the Superior Council of Magistracy shall be posted in the institution where he/she works and/or published on the website of this institution.

(6) The Superior Council of Magistracy shall ensure the observance of the law and of the criteria of competence and professional ethics in the course of the professional career of judges and prosecutors.

(7) The prerogatives of the Plenary of the Superior Council of Magistracy and of its sections, regarding the career of judges and prosecutors, shall be exercised according to Law no. 303/2004 on the statute of judges and prosecutors, republished, as further amended and supplemented and to Law no. 304/2004 on the organisation of the Judiciary, as further amended and supplemented.”

26. A new article, article 34¹ shall be introduced after Article 34, and shall read as follows:

“Art.34¹.- (1) The Superior Council of Magistracy may undertake cooperation activities with other institutions of the judiciary from other states.

(2) Pursuant to the requirements established by Government Decision, the Superior Council of Magistracy may use funds from its own budget or, as appropriate, from external funds, to cover the expenditure for the participation of representatives of institutions from other countries in the cooperation actions undertaken in Romania.”

27. Article 35, letters a)-c) shall be amended and shall read as follows:

“a) Shall defend the independence and the professional reputation of judges and prosecutors pursuant to Art.30;

b) Shall appoint and dismiss the Chief Inspector, pursuant to law;

c) Shall adopt the decision on compliance with the good repute requirement, based on the report drafted by the Judicial inspection, pursuant to law;”

28. Article 35 (d) shall be repealed.

29. Article 35 (f) shall be amended and shall read as follows:

“f) Shall carry out any other duties established by law or by regulation.”

30. Article 36 (1), letters d)-f) shall be repealed.

31. Article 36 (2) shall be repealed.

32. Article 37 (b) shall be amended and shall read as follows:

“b) Shall approve the list of localities which fall under the jurisdiction of courts of first instance, with the endorsement of the Minister of Justice, by decision published in the Official Journal of Romania, Part I;”

33. Article 38 (1) shall be amended and shall read as follows:

“Art.38.- (1) The Plenum of the Superior Council of Magistracy shall adopt the Deontological Code for Judges and Prosecutors, the Regulation on the organisation and functioning of the Superior Council of Magistracy, the Regulation on the procedure for election of the members of the Superior Council of Magistracy, as well as other regulations and decisions under the remit of the Plenum pursuant to Law no. 303/2004, republished, as further amended and supplemented, and to Law no. 304/2004 republished, as further amended and supplemented.”

34. Article 40 shall be amended and shall read as follows:

“Art.40.- (1) The Section for Judges of the Superior Council of Magistracy shall have the following duties concerning the career of judges:

- a) Shall decide on the delegation and posting of judges, pursuant to law;
- b) Shall propose the President of Romania the appointment and removal from office of the president and vice-president of the High Court of Cassation and Justice;
- c) Shall appoint and dismiss the presidents of sections of the High Court of Cassation and Justice;
- d) Shall propose the President of Romania the appointment and removal from office of judges;
- e) Shall appoint debutant judges based on their results in the graduation examination from the National Institute of Magistracy;
- f) Shall remove from office debutant judges;
- g) Shall analyse compliance with legal requirements by debutant judges who passed the capacity exam, by other legal professionals who passed the exam for admission in magistracy, by judges who applied for a promotion exam and by judges proposed for appointment in management positions;
- h) Shall solve complaints against the appraisals granted by the committees for the annual assessment of professional activity of judges, set up pursuant to law;
- i) Shall decide on the promotion of judges;
- j) Shall appoint judges in management positions, pursuant to law and regulations;
- k) Shall approve the transfer of judges;
- l) Shall decide on the suspension from office of judges;
- m) Shall convoke the general meetings of judges, pursuant to law;
- n) Shall approve measures to supplement or decrease the number of positions for courts of law;
- o) Shall take actions to solve the complaints received from court users or from other persons on the inappropriate conduct of judges;
- p) Shall adopt the internal Rules of Procedure of courts of law;

q) Shall fulfil any other duties set forth by laws or regulations.

(2) The Section for Prosecutors of the Superior Council of Magistracy shall have the following duties concerning the career of prosecutors:

a) Upon proposal of Minister of Justice, shall submit to the President of Romania the proposal on the appointment of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, of his/her first deputy and deputy, of the Chief Prosecutor of the National Anti-Corruption Directorate, of his/her deputies, of the Chief Prosecutor of the Directorate for Investigating Organised Crime and Terrorism and of their deputies;

b) Shall endorse the proposal of the Minister of Justice on the appointment and dismissal of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the Chief Prosecutor of the National Anti-Corruption Directorate, of their deputies, of the Chief Prosecutor of the Directorate for Investigating Organised Crime and Terrorism and of his/her deputies;

c) Shall appoint and dismiss the chief prosecutors of the sections of the Prosecutor's Office attached to the High Court of Cassation and Justice, of the National Anti-Corruption Directorate and of the Directorate for Investigating Organised Crime and Terrorism;

d) Shall propose the President of Romania the appointment and removal from office of prosecutors;

e) Shall appoint debutant prosecutors based on their results in the graduation examination from the National Institute of Magistracy;

f) Shall remove from office debutant prosecutors;

g) Shall analyse compliance with legal requirements by debutant prosecutors who passed the capacity exam, by other legal professionals who passed the admission exam, by prosecutors who applied for a promotion exam and by prosecutors proposed for appointment in management positions;

h) Shall solve complaints against the appraisals granted by the committees for the annual assessment of professional activity of prosecutors, set up pursuant to law;

i) Shall decide on the promotion of prosecutors;

j) Shall appoint prosecutors in management positions, pursuant to law and regulations;

k) Shall approve the transfer of prosecutors;

l) Shall decide on the suspension from office of prosecutors;

- m) Shall decide on the delegation and posting of prosecutors, pursuant to law;
- n) Shall convoke the general meetings of prosecutors, pursuant to law;
- o) Shall approve measures to supplement or decrease the number of positions for prosecutor's offices;
- p) Shall take actions to solve the complaints received from court users or from other persons on the inappropriate conduct of prosecutors;
- q) Shall fulfil any other duties set forth by laws or regulations.”

35. Article 41 is hereby amended and shall read:

“Article 41.- (1) The division for judges of the Superior Council of Magistracy shall have the following responsibilities regarding the organisation and operation of the courts of justice:

- a) approve the establishment and dissolution of divisions in the courts of appeal, other courts of justice in the jurisdiction of the courts of appeal, as well as the setting up of secondary premises of courts of justice and their jurisdictions, according to the law;
- b) approves the measures for supplementing or reducing the number of posts for courts of justice and prosecutor's offices;
- c) establishes the categories of trials or applications to be judged / settled in the City of Bucharest only by certain courts of justice, while observing the substantive jurisdiction provided for by the law;
- d) at the proposal of the presidents of courts of appeal, establishes the number of vice-presidents for the courts of appeal, tribunals and specialised tribunals, as well as the first instance courts of justice where one vice-president works;
- e) fulfils any other duties set forth by laws or regulations;
- f) adopts the Internal Regulations of courts of justice.

(2) The division for prosecutors of the Superior Council of Magistracy shall have the following responsibilities regarding the organisation and operation of courts of justice:

- a) approves the proposal of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice or of the Chief Prosecutor of the National Anti-Corruption Department or of the Chief Prosecutor of the Department for Investigation of Organised Crime and Terrorism;
- b) upon the proposal of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, approves the number of deputies of the general prosecutors within prosecutor's offices attached to courts of appeal and of prime-prosecutors within

prosecutor's offices attached to tribunals, as well as prosecutor's offices attached to first instance courts, where prime-prosecutors are assisted by deputies;

c) fulfils any other duties set forth by laws or regulations;

d) adopts the Internal Regulations of prosecutors' offices.”

36. Article 44 (3) and (6) are hereby amended and shall read:

“(3) In the case of disciplinary offences committed by judges, prosecutors and assistant-magistrates, the disciplinary action shall be taken by an Inspector of the Judicial Inspection Service.

.....

(6) In order to take the disciplinary action, the Judicial Inspection Service shall be required to carry out a preliminary investigation.”

37. Article 45 (1)-(4) are hereby amended and shall read:

“Article 45.- (1)The Judicial Inspection Service may act *ex officio* or be notified in writing and motivated by any person concerned, including by the Superior Council of Magistracy, regarding the disciplinary offences committed by judges and prosecutors.

(2) Where the notification is not signed, does not include the offender's identification details or specific information on the facts that prompted the notification, the notification shall be closed and an answer to such effect will be issued. A new notification may be lodged, in compliance with the law.

(3) The facts notified according to Paragraph (1) shall be subject to a prior inquiry by the inspectors of the Judicial Inspection Service, for the purpose of determining whether indications of a disciplinary offence exist. The inquiries will be carried out within 45 days from the date of the notification of the Judicial Inspection Service, according to (1) above. The Chief Inspector may order the extension of the deadline of the prior inquiry by not more than 45 days, if there are sound reasons for taking such a measure.

(4) If no indications of a disciplinary offence are found during the prior inquiries, the notification shall be closed and the resolution communicated directly to the person who made the notification and the person about whom the notification was made. The closing resolution is subject to confirmation by the Chief Inspector. The Chief Inspector may invalidate the resolution once only and may order the extension of the inquiry by a written and motivated order.”

38. Article 45 (5) c) is hereby amended and shall read:

“c) to order the commencement of the disciplinary investigation;”

39. At Article 45 (5), after Letter c), a new Letter c¹) will be introduced, reading:

“c¹) should indications of a disciplinary offence be found, the Judicial Inspector shall issue a resolution ordering the commencement of the disciplinary investigation.”

40. Article 45 (6) and (7) are hereby amended and shall read:

“(6) When several notifications concern the same offence and person, the notifications shall be connected.

(7) The deadlines set forth in this Article are limitative.”

41. After Article 45, a new Article 45¹ is introduced, reading:

“Article 45¹.- (1) The person that lodged the notification may submit to the Chief Inspector a complaint against the resolution to close the notification issued under the terms of Article 45 (4), within 15 days from the receipt of the communication thereof. The complaint shall be dealt with within 20 days from its registration at the Judicial Inspection Service.

(2) The Chief Inspector may resolve either to:

- a) Reject the complaint and maintain the challenged resolution; or
- b) Admit the complaint and extend the inquiry. The inquiries are to be completed by the Judicial Inspector within 30 days from the order issued by the Chief Inspector.

(3) The Chief Inspector’s resolution to reject the complaint and the resolution to close the notification itself may be appealed by the person that made the notification with the Administrative Litigations Division of the Bucharest Court of Appeal, within 15 days from receipt of the relevant notice. The case shall be tried with speed and priority.

(4) The Administrative Litigations Division of the Bucharest Court of Appeal may resolve to:

- a) reject the appeal;
- b) admit the appeal, quash the resolution of the Chief Inspector and return the case file to complete the inquiry.

(5) The Decision pronounced on the grounds of Paragraph (4) b) should include the reasons for which the appealed resolutions were quashed and indicate the facts and circumstances that need further clarification, as well as the evidence to be administered to complete the inquiry.

(6) The Decision of the Administrative and Financial Litigations Division of the Bucharest Court of Appeal may be appealed against with the High Court of Cassation and Justice - Administrative and Financial Litigations Division, within 15 working days from the its communication.”

42. Article 46 (1) and (6) are hereby amended and shall read:

“Article 46. - (1) The disciplinary investigation establishes the facts and their consequences, the circumstances in which they were committed, as well as any other conclusive data that can lead to a decision upon the existence or inexistence of guilt. It is obligatory to hear the person concerned and to check the defence brought by the judge or prosecutor who is being investigated. Refusal by the judge or prosecutor under investigation to make statements or to appear for the inquiry shall be recorded in an official record and shall not prevent the inquiry from being concluded. The judge or prosecutor under investigation is entitled to learn of all the acts of the investigation and to request evidence for his or her defence. The disciplinary proceedings shall be compliant with the process and procedure guarantees provided by Law no.134/2010, recast, as amended.

.....

(6) The disciplinary investigation shall be carried out within 60 days from it being ordered, except when suspended. The disciplinary investigation may be extended by up to 30 days, if sound reasons exist for such extension.”

43. Article 47, the preamble of Paragraph (1) and Letter b) are hereby amended and shall read:

“Article 47.- (1) After the disciplinary investigation, by written and motivated resolution, the Judicial Inspector may determine to:

.....

b) reject the notification, if during the disciplinary investigation it is found that the requirements for taking disciplinary action are not met.”

44. Article 47 (2) is hereby repealed.

45. Article 47(4)-(7) is hereby amended and shall read as follows:

“(4) By written and reasoned decision, the chief inspector may invalidate once only the resolution of the judicial inspector and, by written and reasoned resolution, may order the disciplinary investigation to be completed. On completion of the disciplinary investigation, by written and reasoned resolution, the chief inspector may order one of the solutions provided for at Paragraph (1) a) or b).

(5) The person that notified the alleged disciplinary offence may appeal against the resolution to reject the notification provided for in Paragraph (1) b) and Paragraph (4) before the Administrative and Fiscal Litigations Division of the Bucharest Court of Appeal, within 15 days

from receiving notice of such rejection, without a prior procedure. The case shall be tried with speed and priority.

(6) The Court may:

a) reject the appeal;

b) grant the appeal and quash the resolution of the judicial inspector for continuation of the disciplinary proceedings.

(7) The decision issued under Paragraph (6) b) should include the reasons for which the resolution of the judicial inspector was quashed and indicate the facts and circumstances that need further clarification, as well as the evidence to be administered to complete the disciplinary investigation.”

46. At Article 47, after Paragraph (7), a new Paragraph (8) is introduced, reading:

“(8) The decision may be appealed against at the High Court of Cassation and Justice – Division for Administrative and Fiscal Litigations, within 15 days from receiving notice thereof. The case shall be settled within 6 months.”

47. Article 48 is hereby repealed.

48. After Article 48, a new Article 48¹ is introduced, reading:

“Article 48¹.- (1) In cases that are urgent or of high public interest, the division for judges or the division for prosecutors of the Superior Council of Magistracy, as applicable, may set shorter deadlines than those laid down in Articles 45 and 46. In such cases, on request by the judicial inspector, the division for judges or the division for prosecutors a Superior Council of Magistracy, as applicable, may grant extensions of deadlines.

(2) In the situations provided for at Paragraph (1), the chief inspector may order *ex officio* the reduction of the deadlines set forth by law.”

49. Article 49 (2) (7) is hereby amended and shall read:

“(2) The disciplinary action is sustained before the Sections by one of the judicial inspectors who exercised it and, only if none of the judicial inspectors that carried out the action is available, by a judicial inspector appointed by the chief inspector.

.....
 (7) The provisions of the this Law regulating the procedure for solving the disciplinary action shall be completed by the provisions of Law no.134/2010, recast, as amended, to the extent to which they are not incompatible.”

50. After Article 49, a new Article 49¹ is hereby introduced, reading:

“Article 49¹.- The disciplinary proceedings shall continue even when the judge is appointed as prosecutor or the prosecutor is appointed as judge.”

51. Article 52 (1) is hereby amended and shall read:

“Article 52.- (1) During the disciplinary proceedings, the relevant Division of the Superior Council of Magistracy may order, ex officio or at the proposal of the judicial inspector, the suspension from office of the magistrate until the decision solving the disciplinary action becomes final, if the continuance in exercising the office could influence the impartiality of the disciplinary proceedings or if the disciplinary proceedings are likely to seriously affect the prestige of justice. The suspension may be reconsidered at any time throughout the disciplinary action, before the relevant Division issues a decision.”

52. At Article 52, after Paragraph (1), new Paragraphs (1¹)-(1⁴) are introduced, reading:

“(1¹) The suspended judge or prosecutor may appeal against the suspension from office ordered under Paragraph (1) within 5 days from receiving notice thereof. The appeal shall be judged by the panel of five judges of the High Court of Cassation and Justice, of which the voting members of the Superior Council of Magistracy may not be part.

(1²) The appeal shall be tried with speed and priority and shall not stay the implementation of the decision of the relevant division of the Superior Council of Magistracy. The Court decision shall be final.

(1³) On request, the Court may order the stay of the order until the appeal is settled.

(1⁴) If the order suspending the judge or prosecutor from office is annulled, the suspension from office shall end and the person in question be returned to his/her the initial status, be paid the wages he/she did not receive during the suspension, according to Law no.303/2004, recast, as amended, and be recognised the time in service and in magistracy for the same period of time.”

53. After Article 52, a new Article 52¹ is hereby introduced, reading:

“Article 52¹.- (1) The dismissal of a judge or prosecutor under the terms of Article 65 of Law no. 303/2004, recast, as amended, or the appointment of a judge as prosecutor or of a prosecutor as a judge shall not preclude the continuation of the disciplinary proceedings.

(2) Except when a judge was appointed as prosecutor or a prosecutor was appointed as judge, during the disciplinary proceedings continued under Paragraph (1), if disciplinary action is taken, when the relevant Division finds that the notification is grounded, it may decide to apply one of

the disciplinary sanctions set forth in the law, in relation to the severity of the disciplinary offence and personal circumstances of the person in question. The disciplinary sanction thus established shall not be enforced. When the judge is appointed as prosecutor or the prosecutor is appointed as judge, the provisions of Article 49 (6) shall apply.

(3) The disciplinary action against a judge who was appointed as prosecutor after committing the disciplinary offence shall be judged by the Division for Judges. The disciplinary action against a prosecutor who was appointed as judge after committing the disciplinary offence shall be judged by the Division for prosecutors.”

54. Article 53 is hereby amended and shall read:

“Article 53.- If a judge or a prosecutor is excluded from magistracy, the final decision shall be submitted to the President of Romania, in order to issue the decree for the removal from office.”

55. After Article 53, a new Article (53¹) is hereby introduced, reading:

“Article 53¹.- (1) Working groups shall be set up in order to discharge the responsibilities of the Superior Council of Magistracy via its Plenum and Divisions. The working groups shall act as specialised preparatory bodies and be comprised of members of the Council.

(2) The organisation, operation and responsibilities of the working groups shall be determined in a Regulation developed by the Plenum of the Superior Council of Magistracy or by the relevant Divisions, as the case may be.

(3) The specialised working groups shall have the following responsibilities:

a) analyse and propose solutions for the items on the agenda of the Plenum and Divisions, except for disciplinary and career matters;

b) submit draft decisions subject to being included on the agenda and approval in the Plenum and Divisions, except for disciplinary and individual career matters;

c) where divergent points of view exist in the working groups and the draft decision cannot be adopted by consensus, the decision shall be made by the casting of votes. Alternative draft decisions on the issues on the agenda of the Plenum or Divisions will be included on the agenda, indicating the majority and minority opinions, as the case may be;

d) reviews the requests related to the scope of work of the Council received from members, professional associations, civil society organisations, other public authorities and agencies and set priorities for activities on specific themes;

e) other responsibilities set forth by law and the regulation.”

56. Article 54 (1) is hereby amended and shall read:

“Article 54.- (1)The length of the term of office for elected members – judges, prosecutors and representatives of the civil society - of the Superior Council of Magistracy shall be 6 years, not renewable, and carrying the same rights and obligations. The members of the Superior Council of Magistracy carry out their work on a permanent and non-standardised basis and have the statute of dignitaries. The provisions of Government Ordinance no. 32/1998 on the organisation of the cabinet of the dignitary of central public authorities, as amended, shall apply accordingly.”

57. At Article 54, after Paragraph (2), a new Paragraph (2¹) is introduced, reading:

“(2¹) The capacity as representative of the civil society elected as member of the Superior Council of Magistracy shall be recognised as time in specialised service, in the legal profession; such office shall be incompatible with the capacity as member of the Parliament, civil servant, local elected authority, judge, prosecutor, notary public, lawyer, legal advisor, mediator, arbiter, court enforcement officer, insolvency practitioner, court clerk, probation office and any other regulated legal professions.”

58. At Article 54, after Paragraph (5), a new Paragraph (6) is hereby introduced, reading:

“(6) The representatives of the civil society elected as members of the Superior Council of Magistracy shall not participate in the meetings of the Divisions for Judges and/or Prosecutors and have the following specific duties:

- a) constantly inform the civil society organisations on the work of the Superior Council of Magistracy;
- b) consult civil society organisations on their proposals and suggestions of actions that CSM should take to improve the operation of the judicial bodies, as a public service to the society, preparing a quarterly review and digest report of such proposals. The report shall be submitted to the Plenum or Divisions, as applicable, for analysis and decision;
- c) monitor the Superior Council of Magistracy’s obligations to comply with the transparency requirements, ensure public access to information and deal with petitions from the civil society; prepare an annual report that shall be published on the Council’s web site.”

59. Article 55 (1)-(5) are hereby amended and shall read:

“Article 55.- (1)The revocation from office of an elected member of the Superior Council of Magistracy maybe ordered at any time during the term of office, in the following cases:

- a) the person in question no longer meets the legal requirements for being an elected member of the Superior Council of Magistracy;

b) the person in question has been subject to one of the disciplinary sanctions provided by law for judges and prosecutors, and the sanction decision is final;

c) the majority of judges or prosecutors, as applicable, that effectively work in the courts that the person in question represents withdraw confidence in the same person.

(2) The relevant Division of the Superior Council of Magistracy finds that one of the assumptions set forth at (1) a) and b) above is fulfilled, on the notification from the majority of judges comprised in the Division for Judges or the majority of prosecutors comprised in the Division for Prosecutors, as the case may be, as well as on the notification from a General Meeting.

(3) In the case provided for at (1) c) above, the procedure for dismissing a member of the Council from office shall be thus:

a) the withdrawal of confidence may be initiated by any General Meeting of courts or prosecutors' offices represented by the member of the Superior Council of Magistracy whose dismissal is requested. The professional associations of judges and prosecutors may petition the general meetings of judges and prosecutors to start the proceedings for withdrawal of confidence;

b) the Council initiates the proceedings to withdraw confidence on request from at least General meetings, in the case of judges or prosecutors from first instance courts; three general meetings, in the case of judges or prosecutors from tribunals; one general meeting, in the case of judges or prosecutors from courts of appeal; and the general meeting of judges and prosecutors from the High Court of Cassation and Justice;

c) the decisions taken in general meetings to initiate or support the proceedings for withdrawal of confidence shall be taken by majority of votes of the judges or prosecutors who effectively work at that court or prosecutors' office, by secret, direct and personal ballot;

d) within 10 days from being notified, in compliance with the requirements set forth under a) and b) above, the Plenum of the Council shall summon all the general meetings of courts or prosecutors' offices represented by the member of the Superior Council of Magistracy whose dismissal is being requested, determining one date and hour only for such meetings, but not later than 20 days from the time of the summoning. The judge or prosecutor in question shall be notified immediately the decision(s) to initiate the dismissal proceedings;

e) the person against whom a no-confidence vote was requested may address the judges or prosecutors in support of his/her position, at any rate, no later than the commencement of voting;

f) within 5 days from the completion of the general meetings summoned according to the provisions of d) above, the Plenum of the Council shall validate the results of the ballot;

g) if the majority of the valid votes cast by the judges or prosecutors in general meetings at the courts or prosecutors' offices represented by the member of the Superior Council of Magistracy are in favour of withdrawing the confidence in such member, this member's status as elected member of the Council shall cease by operation of law at the time when the ballot results be validated by the Plenum of the Council;

h) if the petition to withdraw confidence is owned to by holograph signature by the majority of judges or prosecutors, as the case may be, from the courts or prosecutors' offices represented by the elected member of the Superior Council of Magistracy, the Plenum of the Council, without summoning the general meetings, shall take note of the withdrawal of confidence and the applicability of the provisions of Paragraph (1) above. In such a case, the status as elected member of the Superior Council of Magistracy shall cease at the time when the Plenum of the Council takes note of the withdrawal of confidence.

(4) In the situation provided for at (1) c) above, if the petition to withdraw confidence is owned to by holograph signature by the majority of the judges or prosecutors, as the case may be, that effectively work at the courts or prosecutors' offices represented by the elected member of the Superior Council of Magistracy, the Plenum of the Council, without summoning the general meetings, shall take note of the withdrawal of confidence. In such a case, the status as elected member of the Superior Council of Magistracy shall cease at the time when the Plenum of the Council takes note of the withdrawal of confidence.

(5) In the case of a joint general meeting of the prosecutors' office of the High Court of Cassation and Justice, National Anti-corruption Department and the Department for Investigation of Organised Crime and Terrorism, the decision to dismiss their representative shall be taken by the majority vote of the prosecutors effectively working in these organisations, including their territorial offices."

60. Article 55 (6) - (8) is hereby repealed.

61. Article 55, paragraph (9) shall be amended and this shall read as follows:

"(9) Decisions to revoke the members elected from among the High Court of Cassation and Justice shall be made with the vote of the majority of the judges exercising their term of office with the High Court of Cassation and Justice."

62. Two new paragraphs, para. (1) and (11) shall be inserted in article 55, following paragraph (9), and they shall read as follows:

(10) The decision through which the Plenary of the Superior Council of Magistracy validates the results of the revocation procedure may be appealed against the Panel of 5 judges of

the High Court of Cassation and Justice, for reasons of legality, within 3 days since it is served. The decision of the High Court of Cassation and Justice is rendered final.

(11) The corresponding section of the Superior Council of Magistracy, following the notice submitted by one third of its members, may take the decision to revoke the president or vice-president of the Superior Council of Magistracy, with the vote of the majority of its members.”

63. A new article, art. 55¹, shall be inserted following article 55 and this shall read as follows:

„Art.55¹.- (1) Throughout their entire term of office, the members of the Superior Council of Magistracy may be questioned by a minimal number of 30 judges or prosecutors or by professional associations in relation to the activities undertaken, the manner in which they fulfil their tasks or in relation to their compliance with the commitments made in the programme that they used to run for their office.

(2) Such questions are addressed to the Superior Council of Magistracy and to the questioned member.

(3) The questioned member of the Superior Council of Magistracy must answer within 30 days since the date the questions were submitted.

(4) The contents of the questions, as well as the answer provided by the member of the Superior Council of Magistracy shall be published on the Council’s web-site.

64. A new paragraph, para. (3), shall be inserted in article 57, following paragraph (2), and this shall read as follows:

“(3) In the case mentioned by para. (1), the person elected to take over the vacant seat shall exercise his/her position as a member of the Superior Council of Magistracy for the remaining term of office until the expiry of the 6 year period.”

65. Article 60, paragraph (3) shall be amended and this shall read as follows:

(3) The president of the Superior Council of Magistracy acts as a main credit chief accountant, and this position may be assigned to the vice-president, to the general secretary, to the deputy general secretary or to the financial manager.”

66. Article 63, paragraph (4) shall be amended and this shall read as follows:

(4) The civil servants and the personnel with labour contracts within the organizational chart of the Superior Council of Magistracy are to be deemed equal, in terms of their professional rank and remuneration, with the equivalent staff within the system of the Parliament, thus benefiting from similar rights.”

67. A new paragraph, para. (4¹), shall be inserted in article 63, following paragraph (4), and this shall read as follows:

“4¹) The IT experts within the organization chart of the Superior Council of Magistracy and within the institutions that the Council coordinates, as well as the staff from the own organizational chart of the Judicial Inspection, benefits from the same remuneration as the IT experts within the High Court of Cassation and Justice and they have the same rights and duties as those stipulated for this category of staff by Law no. 567/2004 on the status of the specialised ancillary staff of courts and prosecutor’s offices attached to courts and that of the staff operating within the National Institute for Forensic Reports, as further amended and supplemented, as well as by other regulations.”

68. Article 65 shall be amended and this shall read as follows:

Art. 65 - (1) The Judicial Inspection operates as a legal entity within the Superior Council of Magistracy, based in Bucharest city.

(2) The Judicial Inspection is managed by a Chief-Inspector, judge, appointed through a competition organized by the Superior Council of Magistracy, supported by a Deputy Chief-Inspector, prosecutor, designated by the Chief Inspector.

(3) The Judicial Inspection acts in accordance with the principle of operational independence from the Superior Council of Magistracy , courts, prosecutors attached thereto and in relation with the other public authorities, exercising its duties in terms of analysis, review and control in its specific areas of activity, based on the law and in order to ensure compliance with the law.

(4) The rules for performing inspection activities shall be approved by the Chief-Inspector, through an internal Regulation.

(5) The Chief Inspector acts as a main credit chief accountant.”

69. Article 66, paragraphs (2) and (4) shall be amended and they shall read as follows:

“(2) The own organizational chart of the Judicial Inspection consists from departments, units and offices. The own organizational chart of the Judicial Inspection includes

judicial inspectors, specialised legal staff similar to magistrates, civil servants, labour contract-based staff and IT staff.

.....

(4) The Judicial Inspection operates with an optimal number of positions able to provide the possibility to work in optimal conditions.”

70. Article 66, paragraph (5) shall be repealed.

71. Article 66, paragraphs (6) and (7) shall be amended and they shall read as follows:

“(6) The maximum number of positions for the organizational chart of the Judicial Inspection may be amended through a Government’s Decision, based on the proposal of the Chief-Inspector.

(7) Funding for current expenses and capital expenses of the Judicial Inspection shall be fully covered by the state budget.”

72. Article 67, paragraphs (1) and (3) shall be amended and they shall read as follows:

“Art. 67 - (1) The Chief-Inspector is appointed by the Plenary of the Superior Council of Magistracy among the acting judicial inspectors, following a competition consisting from the presentation of a project on exercising the tasks specific to the respective management position, focused on managerial skills, efficient management of resources, ability to commit to decisions and responsibilities, communication skills and resistance to stress.

.....

(3) The organization of a competition for the chief-inspector position must be announced at least 3 months prior to its date.

73. A new paragraph, para. (3¹), shall be inserted in article 67, following paragraph (3), and this shall read as follows:

„(3¹) The composition of the evaluation board for this competition shall be the following:

a) 3 members - judges, from the Section for judges and who have worked at a court level similar to that required in order to occupy the position as a judicial inspection, assigned by the Section for Judges;

b) one member - prosecutor, from the Section for prosecutors and who has worked at a prosecutor's office attached to a court similar to the level required in order to occupy the position as a judicial inspection, assigned by the Section for Prosecutors;

c) one member of the Superior Council of Magistracy, representative of the civil society, assigned by the Plenary of the Superior Council of Magistracy;

d) a psychologist assigned by the Plenary of the Superior Council of Magistracy, who must submit an advisory report, following the presentation of the project on exercising the tasks specific to a management position by each candidate.”

74. A new paragraph, para. (4¹), shall be inserted in article 67, following paragraph (4), and this shall read as follows:

„(4¹) The term of office as a judicial inspector is extended by virtue of law until the expiry of the term of office as Chief-Inspector or Deputy Chief-Inspector”.

75. Article 67, paragraphs (5) and (6) shall be amended and they shall read as follows:

“(5) The Chief-Inspector may be revoked from his/her position by the Plenary of the Superior Council of Magistracy, in case of failure to fulfil or improper fulfilment of management tasks. Such an action is taken based on the audit report stipulated under art. 68, only following the proposal submitted for this purpose by a board that had been made up according to art. (3¹), however without the participation of a psychologist.

(6) The decision of the Plenary of the Superior Council of Magistracy to revoke the Chief-Inspector may be appealed with an appeal based on a point of law, within 15 days since the day it has been served, in front of the Section for administrative and fiscal law of the High Court of Cassation and Justice. The appeal suspends the enforcement of the decision of the Superior Council of Magistracy. The decision settling the appeal on a point of law is rendered final.”

76. Article 69, paragraph (1), letter s) shall be amended and this shall read as follows:

a) shall designate, from among the judicial inspectors, the management team - the deputy chief-inspector, the heads of departments - based on a procedure which evaluates the management projects specific to each position, so that managerial cohesion, professional competence and efficient communication are ensured. The term of office for such positions shall cease once the term of office for the chief-inspector expires.”

77. Two new letters, letter a¹) and a²) shall be inserted in article 69, following letter a), and they shall read as follows:

„a¹) shall exercise the management and organization functions for the Judicial Inspection activity;

a²) shall take measures in order to coordinate the activity of the Judicial Inspection staff, other than the judicial inspectors themselves;”

78. Article 69, paragraph (1), letter s) shall be amended and this shall read as follows:

e) shall set out the specific areas of activity in which control actions are exercised, annually or whenever this is called for, following the consultation with the judicial inspectors;”

79. A new letter, letter f¹) shall be inserted in article 69, following letter f), and they shall read as follows:

„f¹) shall ensure the coordination of the vocational training activity for the judicial inspectors and the harmonization of practice within the Judicial Inspection;”

80. A new letter, letter i¹) shall be inserted in article 69, following letter i), and they shall read as follows:

„i¹) shall ensure coordination of the activity of health and labour safety.”

81. Article 69, paragraph (4) shall be amended and this shall read as follows:

“(4) The Deputy chief-inspector is the rightful substitute of the chief-inspector, he/she shall support the chief-inspector in the activity of verification and endorsement of all documents and decisions drafted by the judicial inspectors and he/she shall fulfil all the other tasks given to him/her by the chief-inspector.”

82. Article 70, paragraphs (1) and (2) shall be amended and they shall read as follows:

“Art. 70 - (1) Inspectors within the Judicial Inspection are appointed in their position by the chief-inspector, following a competition organized by the Judicial Inspection, for a term of office of 3 years that may be renewed only once, over another similar term, from among the judges and prosecutors with at least 10 years of seniority in the ranks of magistrates, who have

been worked at least at level of tribunal or prosecutor's office attached to the tribunal and who have earned a "very well" rating during the previous assessment.

(2) The competition shall consist from taking a written test and attending an interview, and the subjects for the competition include the laws, regulations and any other regulations in the field of courts, prosecutor's offices and Judicial Inspection organization and operation, as well as the provisions of Law no. 135/2010 on the Criminal Proceedings Code, as further amended and supplemented, or of the Law no. 134/2010, republished, as further amended, depending on the specialization of the candidate judge or prosecutor. The interview shall have a maximum share of 30% from the final average grade awarded for this competition. The rules for organization and implementation of such a competition must be approved through an order of the Chief-Inspector and must be published in the Official Journal of Romania, Part I."

83. Article 73, paragraph (1) shall be amended and this shall read as follows:

"Art.73 - (1) The manner of distribution of the documents instituting disciplinary proceedings and the disciplinary cases among the judicial inspections shall comply with the principle of random distribution."

84. Article 76, paragraphs (5) and (6) shall be amended and they shall read as follows:

"(5) The decision of the Section referred to in paragraph (3) may be appealed before the Plenary of the Superior Council of Magistracy, within 15 days since it has been served. The decision of the Plenary may be appealed on a point of law before the Administrative Section of the High Court of Cassation and Justice, within the same period of time; the decision of the High Court is rendered final.

(6) The final decision ascertaining the failure to fulfil the good reputation condition shall be communicated to the President of Romania in order to issue the decree for dismissal from office."

85. Article 77, paragraphs (2) and (3) shall be amended and they shall read as follows:

"(2) The judicial inspectors dissatisfied with the rating awarded to them may bring a complaint before the Plenary of the Superior Council of Magistracy, within 30 days since the decision has been served.

(3) When settling this complaint, the Plenary of the Superior Council of Magistracy may ask the chief-inspector to provide any information deemed necessary and the summoning of the judicial inspector in question in order to be heard is mandatory.”

86. A new paragraph, para. (3¹), shall be inserted in article 77, following paragraph (3), and this shall read as follows:

„(3¹) The decision of the Plenary may be appealed on a point of law before the administrative and fiscal law section of the Bucharest Court of Appeal, within 15days since the decision has been served. An appeal on a point of law shall suspend the enforcement of the decision appealed against.”

87. Article 77, paragraph (4) shall be repealed.

88. Article 81 shall be repealed.

89. Article 82 shall be amended and this shall read as follows:

“ Art. 82 - The Government shall ensure an appropriate headquarters for the Superior Council of Magistracy.”

Art. II.- (1) The chief-inspector, the deputy chief-inspector and the judicial inspectors who are exercising their second term of office or have taken a management or executive position for tow terms of office until the date when this law becomes effective may not take the same position for a new term of office.

(2) The terms of office which are currently being implemented, including those awarded based on competitions implemented pursuant to the previous terms of the law shall stay valid throughout the period specified.

Art. III.- Chapter VIII, paragraphs (2) and (5) of article 12 in Annex no. V of the Framework-law for remuneration of staff paid from public funds no.153/2017, as further amended and supplemented, shall be amended in the sense provided by art. 54 para. (1) of this law, and this shall read as follows:

(2) The members elected in the Superior Council of the Magistracy, except for those mentioned under para. (1), shall receive a monthly allowance equal to that of a president of section in the High Court of Cassation and Justice.

.....

(5) The de jure members of the Superior Council of the Magistracy benefit from a member allowance equivalent to 50% from the maximum gross monthly wage of the judge of the High Court of Cassation and Justice.”

Art. IV.- Law no.317/2004 on the Superior Council of the Magistracy, republished in the Official Journal of Romania, Part I, no.628 of 1 September 2012, as further amended, including the changes and additions brought through this law, shall be republished in the Official Journal of Romania, Part I, and the texts of the law shall be provided with a new numbering.

This law was adopted by the Romanian Parliament, in compliance with the provisions of articles 75 and 76 paragraph (1) of the Romanian Constitution, republished.

**For President of Chamber of Deputies
Petru Gabriel Vlase**

**For President of the Senate
Iulian-Claudiu Manda**