



Parlamentul României
CAMERA DEPUTAȚILOR
BIROUL PERMANENT

Nr. 683 din 13.05.2015

PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
PREȘEDINTE
Intrare Nr. 1/1600/V8
20 Luna 05 Ziua 13

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PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
SECRETAR GENERAL
Nr. 2/1096CP, 13.05.2015

Domnului Valeriu ZGONEA,
Președinte
CAMERA DEPUTAȚILOR

PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
REGISTRATURA GENERALĂ
Nr. intrare 171
20 Luna Ziua 12

Stimate domnule președinte,

În vederea pregătirii misiunii de evaluare a Comisiei Europene, în contextul Mecanismului de Cooperare și Verificare, ce va fi organizată în perioada 19-21 mai 2015, vă transmitem, atașat, agenda și temele de discuție. Precizăm că documentul a fost elaborat de serviciile Comisiei Europene și transmis către Ministerul Justiției, în calitate de coordonator național al acestui dosar.

În acest cadru, vă adresez rugămintea de a ne comunica reprezentanții Camerei Deputaților, care vor lua parte la întâlnirea programată în data de 19 mai 2015.

Pentru informații suplimentare, persoana de contact este doamna Anca STOICA, director, Direcția Afaceri Europene și Drepturile Omului, telefon 0372041151, email anca.stoica@just.ro.

Cu deosebită considerație,

Ministrul Justiției

APROBAT

In sedinta Biroului permanent al
Camerei Deputatilor

din data de 13.05.2015

Nr. 683

Participa domnii deputati:
V. Zgonea, Fl. Iordache si
E. Nicolicea

Robert-Marius CAZANCIUC



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CVM Mission 19-21 May 2015

TUE - 19 May	WED - 20 May	THUR - 21 May
8h30 – 10h00 SCM	8h30-10h30 HCCJ	10h00 – 11h30* MoJ: strategic overview
10h15 -11h15 Thematic session: New Codes	10h45 – 12h00 Thematic session: Corruption within judiciary (in HCCJ building?)	
12h00 – 13h00 CCR	13h00 - 14h15 ANI	11h45 -13h00* Thematic session: Appointment procedures (in MoJ building)
14h15 -15h30* Parliament	14h15 -14h45 NIC	
16h00 – 17h00* Thematic session: Managerial issues in judicial reform (in MoJ building)	15h00-16h00* General Prosecutor	13h00 to airport
17h30 -19h00 DNA	16h15-17h30* Thematic session: Low-level Corruption (in GP building?)	

* Simultaneous translation

Thematic sessions are intended as working-level sessions. Participants are suggestions from our side but it is up to you to determine.

TUESDAY – 19 MAY

8h30 – 10h00 Superior Council of Magistracy

- **Priorities for this year**
- **Independence of the judiciary , Judicial Inspection, defence of reputation and disciplinary issues, revision of the Constitution**
- **Main conclusions of the annual report on the Status of Justice**
- **Ongoing initiatives for the reform of the justice system**
 - **Pending legislative proposals:**
 - **management/resources/workload/transparency (publication of court decisions)**
 - **Measures and actions by the SCM regarding efficiency and trust in the justice (surveys, statistics, projects)**
- **Relationship with legal professions, civil society**
- **Next steps**

10h15 – 11h15 Thematic session - New Civil and Criminal Codes: implementation, evaluation, future steps – (SCM, MoJ, HCCJ, Public Ministry,..)

- **Civil Code and Code for Civil Procedures:**
 - **Status of implementation and practice,**
 - **Evaluation results, legal and implementation challenges, including coherence of interpretation**
 - **Next steps: implementation of all provisions, planned legal changes, ...**
- **Criminal Code and Code for Criminal Procedures:**
 - **Status of implementation and practice in prosecution and in courts**
 - **Evaluation results, legal and implementation challenges, including coherence of interpretation**
 - **Ongoing, recent legal amendments**
- **Next steps**

12h00 -13h00 Constitutional Court

- Rulings relating to the Criminal Codes
- Rulings relating to incompatibilities and integrity framework
- Rulings relating to the justice system and its functioning
- Rulings relating to requests for lifting immunities
- Pressures on the Constitutional Court, budget

14h15 – 15h30 Parliament

- **Legislative proposals:**
 - State of play of law amending laws 135/2010 and law 187/2012 initiated by the Government in February 2014?
 - State of play of proposals linked to functioning of the judicial system: law on court clerks, closure of small courts
 - Criminal Codes: other pending proposals?
- **Integrity of MPs:**
 - State of play Senate and Chamber of Deputies on requests from Prosecution to start investigations, conduct searches, preventive arrest, lifting of immunity of MPs and ex-Ministers?
 - State of play Senate and Chamber of Deputies on incompatibility decisions on MPs? Recent decisions, pending cases?
- **Independence of the judiciary**
 - State of play Code of Conduct: *Ensure that the Code of Conduct for parliamentarians include clear provisions so that parliamentarians and the parliamentary process respect the independence of the judiciary;*
 - State of play Reform of the Constitution: *In discussions on the Constitution, maintain judicial independence and its role in checks and balances at the heart of the debate.*
 - State of play appointment procedure of new ANI president

16h00 – 17h00 Thematic Session: managerial issues of judicial reform (MoJ, SCM, ...) [in MoJ building?]

- **Strategy for the Judiciary and action plan: progress on recommendation, next steps**
 - *Prepare an operational action plan to implement the judicial reform strategy, with clear deadlines and with the ownership of both the Ministry of Justice and the SCM, and with all key stakeholders having had the chance to have an input.*
- **State of play on information tools,**
 - *Equip the judicial management with stronger information tools on the functioning of the justice system (such as statistical tools, case management, user surveys and staff surveys) for better informed decision making and to help demonstrate progress;*
- **Situation regarding efficiency of judicial system in civil, administrative and criminal cases (national statistics and Bucharest courts)**

- Progress on closing reform of judicial map
 - *Explore pragmatic solutions to maintain access to courts without keeping the current judicial map of small courts*
- State of play law on court clerks
- Progress on implementation of court decisions by bailiffs and public administration

17h30-19h00 National Anti-Corruption Directorate (DNA)

- Results
- Challenges in the prosecution and trial of corruption cases
 - Court/Prosecutorial practice - lifting of immunities, preventive measures, "avoidance or delaying" tactics by defendants, , ...
 - Legal framework – Codes, preventive measures
 - Workload management
- Identification and confiscation of criminal assets, sources for investigation
- Fraud and corruption in public procurement
- Pressure on DNA prosecutors, procedural rights of defendants
- Prevention and detection of corruption within DNA

WEDNESDAY 20 MAY

8h30 – 10h30 HCCJ

- Consistency: unification of jurisprudence and judicial practice, jurisprudence in incompatibility cases, consistency in low level corruption cases
- Challenges in trial of corruption cases
 - Court practice: preventive measures, "avoidance or delaying" tactics by defendants, preliminary judges, court space,
 - Legal framework – Codes
 - Confiscation of criminal assets

○ Pressure on HCCJ judges, procedural rights of defendants • Workload management in all sections, court space • Prevention and detection of corruption within HCCJ
10h45 – 12h00 Thematic session: Corruption and integrity within the judiciary (Participants might include HCCJ, SCM, DNA, ANI, MoJ (NAS), JI,..) [in HCCJ building?]
<i>Recommendation: step up preventive and repressive actions against corruption in the judiciary</i> • Prevention and control measures: what is done today? At recruitment and during career? Which institutions are part of the process? How is the coordination between institutions organised? Challenges? • Sanctions, prosecution, trial: which institutions are part of the process? How is court management involved? Coordination between institutions? Is there a feedback loop for risk and patterns identification towards more prevention and control? Challenges?
13h00 – 14h15 ANI
• PREVENT project: state of play • State of play in investigation and court practice of incompatibility, conflict of interests, wealth investigation decisions • New jurisprudence of incompatibility laws
14h15 – 14h45 NIC
• New NIC mandate • Appointment procedure for ANI President
15h00 – 16h00 General Prosecutor
• Results in fight against corruption • Asset confiscation and recovery • Reform in Prosecution services: Unification of practice, working methods, workload. • Conflicts of Interests, fraud and corruption in public procurement • Prevention and detection of corruption within the prosecution services

• Obstacles to prosecution, lifting of immunities
16h15 – 17h30 Thematic session: fight against general corruption (prosecution and trial) – (participants might include: GP, MoJ (NAS), DGA, Court/Criminal section Presidents (Bucharest Judicatore? , tribunalele?, Appeal ?)) [in Public Ministry building?]
<i>Recommendation: continue to improve the fight against low level corruption, both through prevention and dissuasive sanctions</i> • Fight against corruption at local and regional level, identification of patterns and risks • Sanctions, prosecution, trial: ○ Challenges, obstacles for investigation? prosecution? For trial? ○ Unification of judicial practice and jurisprudence? ○ Coordination between institutions? Is there a feedback loop for risk and patterns identification towards more prevention and control?

THURSDAY 21 MAY
10h00 -11h30 Minister of Justice
• Strategic overview of developments since January 2015 • Progress in implementation of the recommendations of the January report: ○ Judicial independence: Constitution revision, Code of Conduct ○ Judicial reform: pending legislative proposals on criminal and civil codes, judicial map, court clerks, follow-up of court judgements ○ Integrity: legal proposal PREVENT, consolidation of integrity legal framework, improving prevention and public acceptance ○ Progress in Fight against corruption: asset recovery agency, cooperation with ANAF, lifting of immunities, conflicts of interest and corruption in public procurement, corruption in legal professions, state of play NAS
11h45 – 13h00 Thematic Session: Appointment procedures, ongoing and future (MoJ, SCM, ...) [in MoJ building?]
• Update on appointment procedure: Chief Prosecutor DIICOT, ANI President • State of play on review of appointment processes for senior positions in Magistracy:

Conduct a global review of appointment processes for senior positions in the magistracy, with a view to having clear and thorough procedures in place by December 2015, taking inspiration from the procedures used to appoint the President of the HCCJ;