



PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
Intrare Nr. 1/3309/15
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PARLAMENTUL ROMÂNIEI
CAMERA DEPUTAȚILOR
SECRETAR GENERAL

212133 CD/27.10.2015

APROBAT

Nr. 87573 /26.10.2015

In sedinta Biroului permanent al
Camerei Deputatilor
din data de 28.10.2015.

Domnului Valeriu ZGONEA,
Președinte
CAMERA DEPUTAȚILOR

Nr. 1412

Participa d-nii deputati: Eugen
Stimate domnule președinte,
Nicolae și Florin Iordache

Parlamentul României
CAMERA DEPUTAȚILOR
BIROUL PERMANENT
Nr. 1412 din 28.10.2015

În vederea pregătirii misiunii de evaluare a Comisiei Europene, în contextul Mecanismului de Cooperare și Verificare, ce va fi organizată în perioada 17-19 noiembrie 2015; vă transmitem, atașat, agenda și temele de discuție. Precizăm că documentul a fost elaborat de Comisia Europeană și transmis către Ministerul Justiției, în calitate de coordonator național al acestui dosar.

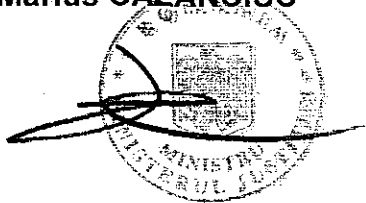
Vă adresez rugămintea de a ne comunica reprezentanții Camerei Deputaților, care vor lua parte la întâlnirile programate în data de 18 noiembrie 2015.

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

Robert-Marius CAZANCIUC



CVM Mission 17-19 NOV 2015

TUE – 17 NOV	WED – 18 NOV	THUR - 19 NOV
8h00 – 09h30 Judicial leadership (HCCJ, PG, MoJ, DNA, DIICOT, SCM)	8h30-09h30 Constitutional Court	8h30 – 11h00 PG + Low level corruption (PG + DGA + MOJ)
10h00 -11h30 DNA	10h00 – 12h15 Parliament • 10h00 - 11h00 Legal Committees of the Parliament • 11h15 – 12h15 European affairs Committees of the Parliament	11h30 – 13h30 MoJ- Overview and closing remarks
14h00 – 16h30 Superior Council of the Magistracy	14h15 -17h00 High Court of Cassation and Justice	
17h00-17h30 National Integrity Council		
17h30 – 19h00 National Integrity Agency		

TUESDAY – 17 NOVEMBER

8h00 – 09h30 Judicial Leadership (HCCJ, GP, SCM, MoJ, DNA, DIICOT)

- Criminal Code and Code for Criminal Procedures
 - State of play: government draft laws and emergency ordinances, amendments from Parliament, CCR decisions
 - Strategy towards a stable legal text and avoiding legal uncertainty?
- Appointment procedures for 2016
 - Top prosecutors posts (GP, DNA):
 - What will be the procedure? Who will be involved? When will the procedure be made public?
 - When need the renewals be launched to avoid gaps in leadership?
 - Is there a longer-term plan for de-politicisation?
 - HCCJ leadership :
 - When need the renewals be launched to avoid gaps in leadership?
 - Draft project of entry into magistracy of lawyers with more than 18 years of experience without examination:
 - State of play?
 - For which institutions, levels of court could they apply?
 - Current *proportion of magistrates* appointed through the NIM training and examination?
- SCM elections: deadlines and procedure

10h00 – 11h30 DNA

- Results
- Challenges in the prosecution and trial of corruption cases
 - Legal framework – Codes
 - Court/Prosecutorial practice - lifting of immunities, preventive measures, "avoidance or delaying" tactics by defendants, opportunity principle
- Identification and confiscation of criminal assets, sources for investigation

- Corruption within judiciary, Fraud and corruption in public procurement
- Pressure on DNA prosecutors
- Procedural rights of defendants
- Management issues: appointments, workload, budget
- Challenges for the coming months

14h00 – 16h30 Superior Council of Magistracy

- Independence of the judiciary , defence of reputation
- Codes
 - Analysis of the impact of the new Criminal and Criminal Procedure Codes
 - Analysis of the impact of the new Civil Code and Code for Civil Procedure; Code for Civil Procedures: proportion of cases in falling under new code? calendar for implementing remaining provisions?
- Professional issues
 - State of play on proposals to change status of magistrates on evaluations, promotions and appointments?
 - Entry to the profession
 - Disciplinary issues
- *Organisation of the Judicial System*
 - State of play on the action plan to implement the judicial reform strategy
 - Progress on alternative solutions to redistribute workload between courts and closing smaller courts
 - State of play on information tools: RoLLI, e-files, Statis,...
 - Situation regarding efficiency of judicial system in civil, administrative and criminal cases (national statistics and Bucharest courts)
 - Measures to monitor, improve quality of justice?
 - Relationship with legal professions, civil society

17h00 – 17h30 NIC

- Selection process of ANI president

- Integrity legal framework: amendments pending in Senate
- Update on NIC activity
- Challenges for the next months

17h30 – 19h00 ANI

- PREVENT: state of play
- Results an track record in investigation and court practice of incompatibility, conflict of interests, wealth declaration cases; court practices, execution and implementation of decisions
- Integrity Legal framework: pending modifications in the Senate?
- Measures taken to improve prevention of incompatibility and public acceptance
- Challenges for the next months

WEDNESDAY 18 NOVEMBER**8h30 – 9h30 Constitutional Court**

- Rulings relating to the Criminal Code and Code for Criminal Procedures, statistics on referrals to the Constitutional Court in this area
- Rulings relating to conflicts of interest
- Rulings relating to the justice system and its functioning
- Challenges for the Constitutional Court

10h00 –12h15 Parliament**10h00 –11h00 Legal Committees**

Parliamentary contribution to progress on CVM recommendations in 2015

- Legislative work:
 - Criminal Codes: steps taken to secure a stable legal framework
 - Pending legislative proposals regarding Law 176/2010, Law 161/2003 and Law 188/1999, procedures and timetable for decision making
 - Draft proposal on agency for management of seized assets
- Requests from Prosecution to start conduct searches, preventive arrest of MPs and start investigations and prosecution of MPs who are also Ministers and former Ministers: consistency of procedures and decision-making
- Decisions to suspend from office MPs that were found incompatible by final court decision.
- Extent of parliamentary responsibility for comments made by parliamentarians on magistrates and their decisions
- Parliamentary practice: transparency of decision making, consultation of stakeholders

11h15 – 12h15 Committees on European Affairs

- Role of the Romanian Parliament in relations with the EU as a whole
- Place of the CVM with relations with the EU as a whole
- Exchanges with other EU national parliaments
- Parliamentary practice and consultation of stakeholders on EU issues

14h15 – 17h00 High Court of Cassation and Justice

- Consistency:
 - unification of jurisprudence and judicial practice, including at lower level courts: legal and managerial mechanisms

- Pending amendments to the Criminal Codes, CCR decisions
- Criminal section:
 - Proportion of cassation and interpretation work versus first instance and appeal trials?
 - New Codes: stability of Legal framework, organisational challenges, application of the opportunity principle, confiscation of criminal assets
 - Pressure on judges, procedural rights of defendants
 - Sentencing policy and consistency in high-level and low-level corruption cases
- Civil sections:
 - Proportion of files under the new Civil Codes?
 - Proportion of cassation and interpretation work vs first instance and appeal trials?
 - New provisions of Code of Civil Procedures, Organisational challenges, workload

THURSDAY 19 NOVEMBER

8h30 -11h00 General Prosecution and other bodies concerned with Low level Corruption GDA, MOJ (NAS)

- Presentation GP activities:
 - Criminal Codes: organisational challenges, stability of Legal framework, application of the opportunity principle, confiscation of criminal assets
 - unification of practice, consistency in sentencing low-level corruption cases
 - Obstacles to prosecution, lifting of immunities
 - Reform in prosecution services, HR and management issues, training and horizontal inspections, anti-corruption policies within the prosecution services.
- Low-level corruption
 - Results in fighting and preventing corruption
 - Cooperation and feedback loops prevention/prosecution?
 - Identification of patterns and risks in corruption cases. How to contribute to improving corruption prevention?
 - How to re-enforce effective application of NAS?

11h30 – 13h30 Minister of Justice

- Strategic overview of developments and responses to January 2015 recommendations
- State of play pending legislative proposals:
 - Criminal Codes
 - Agency for asset recovery
 - Law on court clerks
 - Law on PREVENT
 - Pending legislative proposals regarding Law 176/2010, Law 161/2003 and Law 188/1999
- State of play on the action plan to implement the judicial reform strategy, next steps; budget for justice
- Progress on effective follow-up to court judgements in administrative and civil matters
- National Anti-Corruption Strategy: state of play, how to improve its effectiveness?
- Criminal policy: how to improve dissuasive effect of corruption sentences?