



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

On the situation of the Romanian judiciary

The ENCJ notes, with great concern, recent developments regarding the Romanian judiciary. In the view of the ENCJ there are three separate issues, each of which has a detrimental effect on the independence of the judiciary and the Rule of Law: (1) an active negative media campaign regarding the judiciary; (2) the absence of any meaningful consultation with judges in respect of proposed legislation directly impacting the judiciary; and (3) the instability of the status of magistrates resulting from continuous significant changes in their basic employment and retirement conditions.

Firstly, the ENCJ Executive Board observes that (following the annulment of the results of the Presidential elections in December 2024) an unprecedentedly hostile and widespread media campaign targeting the judiciary took place. This reached its peak in recent months. Frequent criticism has been expressed towards the judiciary, primarily by political figures, and is then repeated and amplified by various media outlets. The judiciary is depicted as dysfunctional, privileged and disconnected from social reality – all of which is contrary to the data available in various EU studies¹.

Against this backdrop, the ENCJ reiterates that it is essential for the judiciary to actively uphold the Rule of Law and to work toward reinforcing citizens' trust in this core democratic principle through high-quality decisions, timely justice, and openness to society. An independent judiciary is thus a cornerstone of the Rule of Law. The ENCJ believes that the atmosphere currently created in Romania nurtures unfounded distrust in the judiciary on the part of society as a whole. It may also prompt individuals to act on personal grievances against officials, including judges and prosecutors. The ENCJ has already received reports on a number of such incidents. This not only poses an immediate threat to judicial independence, but also creates a medium to long term loss of trust in the judiciary, with a resulting erosion of the Rule of Law.

Secondly, in this context and given the budgetary deficit of Romania, the government sought to modify the status of magistrates, invoking a letter from the European Commission of March 2025 to implement milestone 215 of the National Recovery and Resilience Plan, following a Constitutional Court Decision which refers only to the progressive taxation for all special pensions (magistrates' included)².

The ENCJ reiterates that social guarantees, including the retirement conditions, are an essential component of judicial independence. While the ENCJ does not take a

¹ CEPEJ, Justice Scoreboard, 2024, 2025 Rule of Law Report.

² Constitutional Court Decision 724/2024.

position on specific provisions of proposed legislative amendments, it is a long-standing principle of judicial independence that Councils for the Judiciary must be involved at each stage of the development and implementation of proposals concerning the administration of justice³. It is especially true in the case of legislation concerning the status of magistrates.

In the current state, the provisions of the proposed legislation were not discussed with the judiciary, but rather announced publicly, creating expectations within society and publicly presupposing a desired outcome. The ENCJ underlines that cooperation in good faith among the state powers is frustrated when proper consultation in respect of such legislation does not take place. Such consultation should allow the judiciary enough time to become familiar with any proposals and accompanying material, to discuss draft legislation in a full and informed way as well as to formulate an informed opinion on any suggested changes. The views of magistrates require careful consideration by the executive and legislative branches of government, and real engagement with such views. The purpose of consultation and the principle of mutual respect would be undermined if obtaining the opinion of the judiciary was to be regarded as either unnecessary or merely a formality.

Lastly, the ENCJ takes note that the current proposal to alter the provisions regarding the retirement conditions (age, conditions, transition period and quantum) is now the third since 2022⁴, and is the 10th major change in the status of magistrates since 2018. Obviously, this instability has a negative effect on the judiciary, both through the wholesale retirement of senior experienced judges and the lessening of the attractiveness of the judicial profession to new applicants. This, in turn, leads to a higher workload for serving judges and longer adjudication periods.

Conclusion. The situation in Romania presents an unacceptable combination of attacks on the judiciary, the processing of relevant legislation without proper consultation, and the creation of repeated uncertainty about the status of magistrates. Any one of these would call for a statement by the ENCJ. Taken together, in the view of the ENCJ, these factors constitute a situation of real danger for the Rule of Law in Romania.

The ENCJ therefore calls on Romanian politicians and media outlets to support the judiciary. At the very least, groundless attacks on the judiciary and spreading misinformation about individual judges must end.

We also call on the Romanian government to carry out proper consultation with the Superior Council of Magistracy on all aspects of the proposed legislative amendments, carefully considering the opinion of the judiciary.

The ENCJ Executive Board
Brussels, 22 August 2025

³ ENCJ Declaration of Lisbon on Positive Change (2018), ENCJ Declaration of Warsaw on the Future of Justice in Europe (2016), CCJE Opinion no. 10 (2007), CCJE Opinion no. 24 (2021), [ENCJ Compendium on Councils for the Judiciary](#)

⁴ Law no. 303/2022, Law no. 282/2023.