



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Questionnaire indicators independence and accountability of the Judiciary 2022-2023

Country: ROMANIA

Methodology used for filling out questionnaire ¹	
Who filled out the questionnaire	Superior Council of Magistracy
Was a national expert group set up to validate the reply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Who were the members of the national expert group? (names and positions) <ul style="list-style-type: none"> - Bogdan Iancu, Associate Professor, Dr. iur, LL.M., University of Bucharest (Faculty of Political Science, Department of Political and Constitutional History and Theory) - Cristian Clipa, Associate Professor, Dr, University of Timișoara (Faculty of Law, Department of Public Law) 	

¹ See paragraph 3.3 page 24 of the IA&Q report 2018-2019

INDEPENDENCE INDICATORS

Formal independence of the Judiciary as a whole

1. Legal basis of the independence of the Judiciary as a whole	
1a. Is the independence of the Judiciary or the judge formally guaranteed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text ³ <input checked="" type="checkbox"/> Law ⁴ <input type="checkbox"/> Constitutional court
1c. Are judges formally bound only by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1d. If the answer to 1c. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1e. Are judges appointed permanently until retirement?	<input checked="" type="checkbox"/> Yes ⁵

² See question 1b.

³ Equivalence means here specifically that the position of the Judiciary cannot be changed by simple majority.

⁴ That can be changed by simple majority.

⁵ *A judge may be removed from office as a disciplinary sanction, according to Law 303/2004 (removal from office is the most serious disciplinary sanction provided by the law) . According to Article 201 para 1 of Law no.303/2022: Judges and prosecutors shall be removed from office in the following cases:*

- a) *resignation;*
- b) *retirement, according to the law;*
- c) *transfer to another office, according to the law;*
- d) *professional incapacity;*
- e) *as a disciplinary sanction;*
- f) *final conviction of the judge/prosecutor*
- g) *postponement of the application of the punishment, waiver of the application of the punishment, ordered by a final court decision, as well as waiver of the criminal investigation confirmed by the judge of the preliminary chamber, except for the situations in which these solutions were ordered for crimes committed unintentionally, for which the corresponding section of the Superior Council of Magistracy considers that it does not affect the prestige of justice;*
- h) *the failure of having a specialised expertise as provided for in Article 199 carried out, for reasons attributable to the judge or prosecutor*
- i) *failure to comply with the conditions laid down in Article 5 para 3 let. (a) and (e) – namely - has Romanian citizenship, domicile in Romania and full capacity to exercise, it is medically and psychologically capable of exercising its function.*

	<input type="checkbox"/> No
1f. If the answer to 1e. is yes, is this guaranteed in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1g. Is the mechanism to fix the salary of judges determined by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1h. If the answer to 1g is yes, is this guaranteed in:	<input type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law
1i. Is there a formal mechanism to adjust the salaries of judges to keep pace with the average development of salaries in the country and/or with inflation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1j. Is the involvement of the Judiciary in law and judicial reform⁶ formally guaranteed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1k. If the answer to 1j. is yes, is this done in:	<input checked="" type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1l. If the answer to 1j. is yes, does the Judiciary have:	<input type="checkbox"/> The right to put forward a formal proposal to change a law <input checked="" type="checkbox"/> The right to advise on legislative proposals
1m. Is the Judiciary involved in the formation and the implementation of judicial reform?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1n. Has the Judiciary initiated judicial reform?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2. Organizational autonomy of the Judiciary	
2a. Does your country have a Council for the Judiciary⁷?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2b. Is the position of the Council for the Judiciary formally guaranteed, and if so where?	<input checked="" type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> In the Law <input type="checkbox"/> No
2c. Is the Council organized in accordance with ENCJ Guidelines concerning:	

⁶ The objective of a judicial reform process should be to improve the quality of justice and the efficacy of the Judiciary, while strengthening and protecting the independence of the Judiciary, accompanied by measures to make more effective its responsibility and accountability. See the ENCJ Report on Judicial Reform 2011-2012.

⁷ See article 6 ENCJ Statutes. National institute which is independent of the executive and legislature, or which is autonomous and which ensures the final responsibility for the support of the Judiciary in the independent delivery of justice.

At least 50% of the members of the Council are judges who are (with the exception of ex-officio members) chosen by their peers ⁸	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The judicial members represent the whole judiciary (all tiers of the Judiciary are represented in the Council)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Former) Members of government are not a member of the Council ⁹	<input checked="" type="checkbox"/> Yes ¹⁰ <input type="checkbox"/> No
(Former) Members of parliament are not a member of the Council ¹¹	Yes <input checked="" type="checkbox"/> No
The Council controls its own finances (including the administrative and human resources) independently of both the legislative and executive branches ¹²	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The Council controls its own activities independently of both the legislative and executive branches	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2d. Is the Council responsible¹³ for the following:	
The appointment and promotion of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The training of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial discipline	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Complaints against the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The performance management of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The administration of courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The financing of the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ¹⁴

⁸ Only in case of a Council representing judges and prosecutors, please read magistrates.

⁹ ENCJ Standards report on non-judicial members in judicial self-governance 2016

¹⁰ *Except for the minister of justice who is a de jure /ex officio member, no other members of the government are members of the Council.*

¹¹ Idem ref.9

¹² The finances of the Council for the Judiciary refer to the budget of the Council itself and not to the budget of the Judiciary as a whole.

¹³ Responsible implies that the Council executes these tasks. But it can also mean that the Council has delegated these tasks to a separate body.

¹⁴ *The Council has its own budget, as well as (among courts) the High Court of Cassation and Justice . As regards the of the courts (trial/district courts, tribunals, courts of appeal), the new legal provisions state the following:*

Article 142 of Law No 304/2022 states that: (1) The activity of the courts is financed entirely from the state budget.

(2) The budget of courts of appeal, tribunals, specialised tribunals and first instance courts approved for the

personnel expenditure of these courts, as well as that approved for other categories of expenditure intrinsically related to the personnel expenditure, it is included in the budget of the High Court of Cassation and Justice and it is managed by the president of the High Court of Cassation and Justice who has the status of principal authorising officer for the courts with regard to these categories of expenses.

(3) The budget of courts of appeal, tribunals, specialised tribunals and first instance courts approved for other categories of expenditure than those referred to in paragraph (2) shall be managed by the Ministry of Justice, the minister of justice having the quality of principal authorising officer for these categories of expenditure.

(4) The provisions of paragraph (2) are also applicable in respect of the activities financed entirely from own incomes, in accordance with Articles 67 and 68 of Law No 500/2002, as subsequently amended and supplemented.

(5) The salary rights or other rights with salary nature of judges of the courts provided for in paragraph 2, including interests and other intrinsic rights related to wage rights, shall be ensured by the High Court of Justice, and the documents regarding the payroll and other rights with the nature of salary of judges from these courts are issued by the President of the High Court of Cassation and Justice.

(6) The High Court of Cassation and Justice is subrogated by law to all the rights and obligations of the Ministry of Justice that arise from applying the provisions in para. 2, including those of procedural nature and those that are derived from court decisions and other enforceable titles.

(7) In the application of this article, the Ministry of Justice and the Ministry of Finance shall be empowered to introduce the corresponding changes in the structure of posts and staff costs, as well as in the volume and the structure of the budgets of authorising officers.

(8) The provisions of this article shall apply from the date of entry into force of the Law on State Budget for the year 2023. To this end, the draft budget of the High Court of Cassation and Justice and the Ministry of Justice for 2023, will include the amendments provided for in this law.

Article 144 of Law No 304/2022 on judicial organisation states the following: *(1) The Courts of Appeal and the Prosecutor's Offices attached to the Courts of Appeal shall draw up the draft annual budgets for the courts or, as the case may be, the prosecutor's offices in their constituencies.*

(2) The draft budget drawn up in accordance with paragraph (1) shall be submitted to the Ministry of Justice, to the High Court of Cassation and Justice or, as the case may be, the Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate and the Investigation of Organised Crime and Terrorism develops its own budget drafts every year. The budget of the Prosecutor's Office attached to the High Court of Cassation and Justice also comprises the budgets of the prosecutor's offices attached to the other courts.

(4) The draft budget drawn up in accordance with paragraphs (1) and (3) shall be subject to the assent of the Superior Council of Magistracy.

(5) The draft budget of the High Court of Cassation and Justice shall be approved by the general assembly of judges of this court, with the advisory opinion of the Ministry of Finance.

(6) The draft annual budget of the military courts shall be drawn up by the Military Court of Appeal, and those of the military Prosecutor's Office by the section or service of the Prosecutor's Office attached to the High Court of Cassation and, after the consultation of military courts/ military prosecutor's offices, shall be sent to the principal authorizing officer

(7) The operating expenses of the military courts and prosecutor's offices shall be borne from the state budget, through the budget of the Ministry of National Defence.

Proposing legislation concerning the courts and the Judiciary ¹⁵	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2e. If the answer to question 2a. is no or if the Council is not responsible in the following areas do judges have decisive influence on decisions in the following areas?	
The appointment and promotion of magistrates	<input type="checkbox"/> Yes <input type="checkbox"/> No
The training of magistrates	<input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial discipline	<input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial ethics	<input type="checkbox"/> Yes <input type="checkbox"/> No
Complaints against the Judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No
The performance management of the Judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No
The administration of courts	<input type="checkbox"/> Yes <input type="checkbox"/> No
The financing of the courts	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposing legislation concerning the courts and the Judiciary ¹⁶	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Funding of the Judiciary	
3a. Is the funding of the Judiciary sufficient as to allow the courts: (not part of the formal indicators)	[several answers possible] <input checked="" type="checkbox"/> To handle their caseload
	<input checked="" type="checkbox"/> To engage experts/translators/etc. in cases when necessary if fees paid by court
	<input checked="" type="checkbox"/> To keep the knowledge and skills of judges up to date
	<input checked="" type="checkbox"/> To keep the knowledge and skills of court staff up to date
	<input checked="" type="checkbox"/> To facilitate judges and other personnel in matters of IT-systems, buildings etc.

¹⁵ To the Parliament or the Ministry of Justice.

¹⁶ To the Parliament or the Ministry of Justice.

3b. Who makes the decisions? Please insert an "x" into the box that corresponds to the situation in your country.	Judiciary	Executive¹⁷	Legislature
a) Involvement in the preparation of the "budget allocated to courts"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Formal proposal on the budget allocated to courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adoption of the budget allocated to courts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Control of the budget allocated to courts ¹⁸	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Evaluation/audit of the budget allocated to courts ¹⁹	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3c. In case the government does not allocate sufficient funds, may the Judiciary address the parliament?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3d. Is the funding of the Judiciary based upon transparent and objective criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3e. If the answer to 3d is yes, is the funding based on:	<div>[several answers possible]</div> <input checked="" type="checkbox"/> Actual costs ²⁰ (e.g. number of judges and court staff) <input type="checkbox"/> Workload of courts <input type="checkbox"/> Fixed percentage of government expenditure or GDP <input type="checkbox"/> Other (specify): ...		
3f. Where have these criteria been defined	<input type="checkbox"/> In well-established practice <input checked="" type="checkbox"/> In law <input type="checkbox"/> Other (specify)		

4. Court management²¹			
Which authorities can take the following decisions? Please cross the box that corresponds to the situation in your country.	Judiciary	Executive	Legislature
General management of a court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁷ Such as the Minister of Justice

¹⁸ See reference No 14 on the legal provisions regarding financial aspects, according to the new legal provisions

¹⁹ See the above reference

²⁰ Figure based upon historic or realized costs.

²¹ Court management also refers to non-budgetary decisions with impact on the functioning of the courts.

Appointment of court staff (other than judges)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Redeployment of judges to address temporary workload issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other human resource management decisions on court staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisions regarding the implementation and use of Information and Communication Technology in courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court security	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisions regarding outreach activities ²²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Formal independence of the judge

5. Human resource decisions about judges			
5a. Selection, appointment and dismissal of <u>judges</u> and <u>court presidents</u> Which authorities can take the following decisions? Please cross the box that corresponds to the situation in your country.	Judiciary	Executive	Legislature
Proposal of candidates ²³ for the appointment as judges (not supreme court judges)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision ²⁴ on the appointment of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of candidates for the appointment as court presidents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

²² This includes all communication and promotional activities aimed to inform society about the Judiciary.

²³ The final proposal of candidate(s) which is transmitted to the body that appoints/elects them.

²⁴ In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

5b. Selection, appointment and dismissal of Supreme Court judges and the President of the Supreme Court Which authorities can take the following decisions?	Judiciary	Executive	Legislature
Proposal of candidates for the appointment as Supreme Court judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision ²⁵ on the appointment of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of the candidate(s) for the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5c. Is the appointment of judges in compliance with the ENCJ guidelines?			
Is the appointment process open to public scrutiny and fully and properly documented?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the appointment process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the appointment of judges solely based on merit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is there in place a written policy designed to encourage diversity in the range of persons available for appointment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Does the appointment process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5d. Evaluation, promotion²⁶ and training of judges. Which authorities can take the following decisions?	Judiciary	Executive	Legislature
Decision ²⁷ on the evaluation of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

²⁵ In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

²⁶ Promotion of judges in the sense of this sub-question and sub-question 5e also covers applications by judges to a new judicial position within the judicial system.

²⁷ In the context of this question 5d) a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

Evaluation of the performance management of courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the promotion of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adoption of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the program/content of training for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5e. Probationary periods after first appointment²⁸			
Before permanent appointment do judges serve a probationary period?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, is the refusal to confirm the judge in office made according to objective criteria and with the same procedural safeguards as apply when a judge is to be removed from office?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Does the body that decides include a majority of Judges?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is this body independent from the executive and legislature?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
5f. Is the promotion²⁹ of judges in compliance with the ENCJ standards?			
Is the promotion process open to public scrutiny and fully and properly documented?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is the promotion process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is the promotion of judges solely based on merit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is there in place a written policy designed to encourage diversity in the range of persons available for promotion?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the promotion process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

6. Disciplinary measures			
6a. Are disciplinary measures against judges in accordance with ENCJ standards, namely			
Is there a list of types of judicial conducts/ethics the breach of which would be unacceptable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Is there a time limit for the conducting of the investigation,	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

²⁸ Venice Commission 2010 report on the Independence of Judges

²⁹ Promotion of judges in the sense of this sub-question and sub-question 5d also covers applications by judges to new judicial position within the judicial system.

the making of a decision and the imposition of any sanction?			
Is the name of the judge withheld prior to any sanction being imposed?	x <input type="checkbox"/> Yes <input type="checkbox"/> No		
Does a judge have the right to be legally represented or assisted by a person of her/his choosing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is there is a right of appeal by way of judicial review or cassation appeal? ³⁰	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6b. Which is the competent body to make the following decisions in the context of disciplinary procedures against judges:	Judiciary	Executive	Legislature
Proposal for the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigation of a complaint against a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for a disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the follow-up to a complaint against the Judiciary/a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6c. Can disciplinary measures be initiated against a judge (except in cases where there has been malice or gross negligence) for the following reasons:			
His/her interpretation of the law	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
His/her assessment of facts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
His/her weighing of evidence in determining a case	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
For exercising his/her freedom of expression in order to address threats to the independence of the judiciary, threats to judicial integrity, fundamental aspects of the administration of justice ³¹ and when fundamental rights and the Rule of Law are in peril ³²	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

7. Non-transferability of judges	
7a. Choose one of the following three options:	<input type="checkbox"/> Judges cannot be transferred to another court or location without their consent [go to Q7b]

³⁰ CSM section rulings in disciplinary matters may be challenged by appeal to the High Court of Cassation and Justice, Administrative and Fiscal Chamber.

³¹ ICJ - <https://www.icj.org/judgesexpression2019/>

³² ENCJ report on Judicial Ethics 2010

	<input checked="" type="checkbox"/> Judges cannot be transferred to another court or location without their consent except for : - a disciplinary sanction, - the lawful alteration of the court system and - a temporary assignment to reinforce a neighbouring court, the maximum duration of such assignment being strictly limited by the statute ³³ [go to Q7c] <input type="checkbox"/> Judges can be transferred to another court or location without their consent also for other reasons [go to Q7c]
7b. If transfer without consent is prohibited, is the prohibition guaranteed in: [go to Q7g]	<input checked="" type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Jurisprudence
7c. Which authority or body decides on a (temporary or permanent) transfer of a judge without his/her consent?³⁴	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature
7d. In case a judge is transferred (temporarily or permanently) without his/her consent is he/she guaranteed an equivalent post (in terms of a position, salary...)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ³⁵
7e. Can a judge appeal if he/she is transferred (temporarily or permanently) without his/her consent?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7f. If yes, which authority or body decides on such an appeal?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

³³ Only the first thesis of this option is applicable in the Romanian judicial system; the other 2 situations, namely the lawful alteration of the court system and a temporary assignment to reinforce a neighbouring court, the maximum duration of such assignment being strictly limited by the statute are not provided for in the law as a reason for the transfer of a judge without his/her consent

³⁴ This relates to the allowed exceptions under 7a and to any other reasons.

³⁵ The only situation in which a judge can be transferred without his/her consent relates to one of the disciplinary sanctions. In this case, it is possible for him/her to be transferred to an inferior level court (for eg, from to tribunal to first instance court)

7g. Can a judge be taken off a case without his/her consent?³⁶	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7h. If no, is the prohibition guaranteed in:	<input type="checkbox"/> The Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Custom

8. Allocation of cases	
8a. Is there a well-defined mechanism for the allocation of cases?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8b. If yes, where have these criteria been defined?	<input type="checkbox"/> In well-established practice of the court <input checked="" type="checkbox"/> In an act adopted by the court <input checked="" type="checkbox"/> In implementing regulations <input checked="" type="checkbox"/> In law <input type="checkbox"/> Other (specify): Click or tap here to enter text.
8c. What are the criteria for the allocation of cases?	<input checked="" type="checkbox"/> Random-based ³⁷ <input type="checkbox"/> Specialization <input type="checkbox"/> Experience <input type="checkbox"/> Workload <input type="checkbox"/> Other (specify): Click or tap here to enter text.
8d. Who assigns the cases to judges at the courts?	<input type="checkbox"/> President of the court assigns cases <input type="checkbox"/> A member of the court staff assigns cases (e.g. listing officer) <input type="checkbox"/> A special chamber of the court assigns cases

³⁶ A judge can be taken off a case only in the following cases: recusal, joint cases, when measures regarding the proper functioning of the courts are needed to be taken (for eg, when a judge is transferred to another section within the same court)

³⁷ Specialization and workload can be considered sub-criteria for the random-based allocation of cases

	<input checked="" type="checkbox"/> The cases are assigned randomly (e.g. through a computerized system)
	<input type="checkbox"/> Other (specify Click or tap here to enter text.)
8e. Is the allocation of cases subject to supervision within the Judiciary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8f. Is the method of allocation of cases publicly accessible?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8g. Are the parties entitled to be informed about the allocation of the case prior to the start of the hearing of the case?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8h. Is the mechanism of allocation being applied uniformly within the country?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8i. Is the motivation for any derogation recorded?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Internal independence	
9a. In your system, can higher ranked judges change a verdict of a lower ranked judge (outside of an appeal system, the precedent doctrine or a preliminary ruling system)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9b. What kind of decisions can higher ranked judges deliver on their own initiative to ensure the uniformity or consistency of judicial decisions (outside of an appeal system or the precedent doctrine)?	<input type="checkbox"/> None <input checked="" type="checkbox"/> Non-binding guidelines <input checked="" type="checkbox"/> Binding guidelines
9c. Can judges at the same level develop guidelines to ensure uniformity or consistency of judicial decisions?	<input type="checkbox"/> None <input checked="" type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
9d. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the uniformity/consistency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9e. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the timeliness/efficiency of judicial decisions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Perceived independence

10. Independence as perceived by society

Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.

10a. Perceived independence according to Flash Eurobarometer 461 (2018) 'Perceived independence of the national justice systems in the EU among the general public' and

Flash Eurobarometer 462 (2018) 'Perceived independence of the national justice systems in the EU among companies'.

Percentage of respondents that rate very good or fairly good.

Score 461:: Click or tap here to enter text.

Score 462: Click or tap here to enter text.

Total Score: Click or tap here to enter text.

10b. Perceived independence according to the World Economic Forum Competitiveness Report 2018, item 1.07. Score on 7-point scale.

Score1.07: Click or tap here to enter text.

10c. Perceived independence according to the World Justice Rule of Law Index 2017/2018, average of Q1.2, Q7.4 and Q8.6.

Q1.2 Score: Click or tap here to enter text.

Q7.4 Score: Click or tap here to enter text.

Q8.6 Score: Click or tap here to enter text.

Total: Click or tap here to enter text.

11. Independence as perceived by the clients of the courts

11a. Are national client satisfaction surveys available of the past three years which contain a question with respect to the perceived independence (impartiality) of the Judiciary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11b. If yes, please state the percentage of respondents that rate the perceived independence (impartiality) very good or fairly good.	Percentage: Click or tap here to enter text.

12. Independence as perceived by lawyers <i>Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
Perceived independence according to the CCBE survey, question 10 (figure 48 I,A&Q report 2019-2020)	Score: Click or tap here to enter text.

13. Independence as perceived by judges <i>Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
Perceived independence according to the ENCJ survey, question 16	Score: Click or tap here to enter text.

14. Perceived Judicial corruption <i>Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.</i>	
Perceived Judicial corruption according to Special Eurobarometer 470 (2017) 'Corruption', QB7. Percentage of respondents that believe corruption is widespread.	Score: Click or tap here to enter text.
Perceived Judicial corruption according to WJP, Q2.2.	Score: Click or tap here to enter text.

15. Trust in Judiciary <i>Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.</i>	
Trust in judiciary, relative to trust in other state powers by citizens, according to EC Public Opinion, eu.europa.eu Percentage that trusts the justice system vs percentages that trust national parliament and national government.	Score: Click or tap here to enter text.

ACCOUNTABILITY INDICATORS

Formal accountability of the Judiciary as a whole Transparency about the functioning of the Judiciary

1. Periodic reporting on the Judiciary	
1a. Is an annual report published on how the Judiciary has discharged its functions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a is yes, who publishes the report?	<input checked="" type="checkbox"/> Judiciary <input type="checkbox"/> Executive
1c. If the answer on 1a is yes, does this report include data on:	<div style="color: red;">[several answers possible]</div> <input checked="" type="checkbox"/> The number of completed cases? <input checked="" type="checkbox"/> Duration of cases? <input checked="" type="checkbox"/> Disciplinary measures <input checked="" type="checkbox"/> (Successful) complaints <input type="checkbox"/> (Successful) requests for recusal
1d. Are the courts periodically and publicly benchmarked with respect to their performance, e.g. timeliness?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2. Relations with the press	
2a. Do officials (communication officers or press judges) of the courts explain judicial decisions to the media?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2b. Has the Judiciary established press guidelines?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2c. Does the Judiciary give authorization to broadcast court cases that draw particular public interest on television?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

3. Outreach activities aimed at civil society	
3a. Do Open Door days take place in the Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3b. Are educational programmes conducted at schools	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3c. Have television/radio/social media programme formats been developed with the relevant broadcast companies to provide insight in the work of the judge?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

4. External review	
4a. Is the performance of the courts regularly reviewed or evaluated by external bodies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4b. Who can commission an external review of the Judiciary?	[several answers possible] <input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

Formal accountability of the Judiciary as a whole
Involvement of civil society in judicial governance

5. Participation of civil society in governance bodies of the judiciary Please fill in the table			
Governing body which is responsible for:	Are persons with a non-judicial background members? ³⁸	How many non-judicial persons are member of the governing body?	Are the non-judicial members appointed through a transparent procedure, based on merit?
Selection & Appointment of judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ³⁹	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
Disciplinary measures against judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
Complaints about judges and the court(s) in general	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No

Formal accountability of the judge and staff
Mechanisms to promote and maintain ethical standards of the judiciary

6. Complaints procedure	
6a. Does the Judiciary or do the individual courts have a complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6b. Is it admissible to complain about:	[several answers possible] <input checked="" type="checkbox"/> Behaviour of judges

³⁸ Two lay members („representatives of the civil society”) appointed by the Senate sit with voting rights only in the Plenum of the Council. The Minister of Justice is an ex officio member. 14 members are magistrates **elected** by their peers (9 judges, 5 prosecutors). (The General Prosecutor of the PO attached to the High Court and the President of the High Court sit in the Council ex officio, by right.)

³⁹ In the phase of the interview, there is also a psychologist in the evaluation committee and university teachers

	<input checked="" type="checkbox"/> Timeliness <input checked="" type="checkbox"/> Administrative mistakes <input checked="" type="checkbox"/> Other
6c. Is an appeal against a decision on a complaint possible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7. Withdrawal and recusal	
7a. Is a judge obliged to withdraw from adjudicating a case if the judge believes that impartiality is in question or compromised or that there is a reasonable perception of bias?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7b. If yes, what is the source of the obligation to withdraw from adjudicating a case?	<p>[one answer only]</p> <input type="checkbox"/> Well-established practice of judges <input type="checkbox"/> Set in an act adopted by a court <input type="checkbox"/> Set in an act adopted by the Council for the Judiciary <input type="checkbox"/> Set in an act adopted by the Minister of justice <input checked="" type="checkbox"/> Set in law <input type="checkbox"/> Other (specify):
7c. If a judge disrespects the obligation to withdraw from adjudicating a case, which sanctions could the judge be subjected to?	<p>[several answers possible]</p> <input type="checkbox"/> Oral warning <input checked="" type="checkbox"/> Written warning <input checked="" type="checkbox"/> Suspension <input checked="" type="checkbox"/> Disciplinary dismissal <input type="checkbox"/> None
7d. Which authority or body takes the first decision on a request for recusal by a party who considers that a judge is partial / biased?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.
7e. Is an appeal against a decision on a request for recusal possible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7f. If yes, which authority or body decides on such an appeal?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.

8. Admissibility of accessory functions and disclosure of interests	
8a. Are judges allowed to have other functions?	<input checked="" type="checkbox"/> Yes ⁴⁰ <input type="checkbox"/> No [if no go directly to Q. 8f]
8b. Is an authorisation for the exercise of accessory functions by judges necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8c. If the answer to 8b. is yes, who gives authorisation?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The Executive <input type="checkbox"/> The Legislature
8d. If 8a is yes, is there a register of the other jobs and/or functions judges have?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8e. If the answer to 8d is yes is this register public?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8f. Is there a register which discloses financial interests judges may have?	<input checked="" type="checkbox"/> Yes, please specify the minimum amount which needs to be disclosed: 5000 EUR <input type="checkbox"/> No
8g. If the answer to 8f is yes, is this register public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Code or guidelines of judicial ethics	
9a. Does the Judiciary have a code or guidelines of judicial ethics?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9b. If the answer to 9a. is yes, is it available to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9c. Is judicial training on judicial ethics available?	<input checked="" type="checkbox"/> Yes

⁴⁰ They can be university teachers (they don't need an authorisation) or trainers within the National Institute of Magistracy or National School of Clerks (they need the approval of the Superior Council of Magistracy)

	<input type="checkbox"/> No
9d. Is there a body with responsibility to provide judges with guidance or advice on ethical issues?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Formal accountability of the judge and staff

Mechanisms to evaluate performance and promote and maintain ethical standards of the judiciary

10. Evaluation of judges	
10a. Existence of evaluation and its purpose	
Is the performance of judges evaluated on a systematic basis?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - questions ends
Has the purpose and consequences of evaluation been made explicit in a binding document (primary legislation or court regulation)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10b. Purposes of evaluation	
A. Personal learning and professional development⁴¹	

⁴¹ According to **Article 87 of Law No 303/2022** -The individual professional evaluation of judges and prosecutors involves analysing and noting of the criteria and indicators for assessing the professional performance of judges and prosecutors, indicators which concern, in particular, the quality of the activity, the efficiency, the integrity and the obligation to continue vocational training, and in the case of judges and prosecutors appointed to senior positions, the manner of carrying out the managerial duties. (2) Professional evaluation of judges and prosecutors aims to establish the level of their professional competence and also to improve professional performance, increase the efficiency of the activity of courts and prosecutor's offices and public trust in judicial authority, maintain and consolidate the quality of the judicial system.

Article 88 of Law No 303/2022 - (1) Considering the seniority in the position of judge or prosecutor, the assessment shall be carried out as follows:

- a) every 2 years, for judges and prosecutors with a seniority of between one and five years;
- b) every 3 years, for judges and prosecutors with a seniority of between 5 and 10 years;
- c) every 4 years, for judges and prosecutors with a seniority of between 10 and 15 years;
- d) every 5 years, for judges and prosecutors with a seniority of more than 15 years.

(2) Judges of the High Court of Cassation and Justice shall not be subject to evaluation.

(3) Professional evaluation may also be carried out whenever requested by the judge or prosecutor.

According to **Article 89 of Law No 303/2022**, (1) The evaluation provided for in Article 87 shall be made by evaluation commissions set up separately for judges and prosecutors; a) for the evaluation of the president, the vice-president and the president of the section of the first instance courts, tribunals, Specialized tribunals, military tribunals, courts of appeal and the Military Court of Appeal, the commission consists of the chairman of the higher court, the chairman of the section of the corresponding higher court specialization of the judge evaluated, as well as a judge of the superior court, appointed by the college of management of that court;

Is the purpose of evaluation personal learning and professional development of a judge? Decisions taken on the basis of the outcome of this type of evaluation are, in principle, only by the judge. Example: personal resolve to improve communication with parties or a request for specific training.	<input checked="" type="checkbox"/> Yes: proceed to next question <input type="checkbox"/> No: Go to B
Who evaluates?	<input checked="" type="checkbox"/> Peer(s) <input type="checkbox"/> Other
Is the Report of the evaluation available to only the judge or also management?	<input type="checkbox"/> Only evaluated judge <input checked="" type="checkbox"/> Also management
What is the frequency of the evaluation? ⁴²	<input type="checkbox"/> More frequent <input checked="" type="checkbox"/> Every 2-4 years <input checked="" type="checkbox"/> Less frequent
B. Performance evaluation by management, not aimed at individual human resource/career decisions.	
Is the purpose of performance evaluation by management, not aimed at individual human resource/career decisions? Examples: (1) Development of the competences and skills of the judges of a court or a department of a court, in connection with the distribution of judges across areas of law, including their specialization and training needs. Example of a decision by (knowledge) management: allocation of specialisations. (2) Promoting the quantitative and qualitative performance of the judges of a court in connection with the efficiency and effectiveness of the court. Example of decision by management: determination of individual case load and timeliness.	<input type="checkbox"/> Yes: proceed to next question <input type="checkbox"/> No: go to C
Is all information on which the evaluation is based documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No

b) for the evaluation of the other judges of the courts referred to in letter a), the evaluation commission consists of the president of the court where the person evaluated operates, as well as 2 judges from the court higher hierarchical, appointed by the governing college of that court, with the same specialization as the judge evaluated;

⁴² See the explanation above on the professional evaluation

Are all documents available to the judge?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the judge the right to respond to any findings on him/her?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is the frequency of the evaluation?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 1-2 years <input type="checkbox"/> Less Frequent
C. Performance evaluation by management or other responsible authority, aimed at individual human resource/career decisions.⁴³	

⁴³ **Article 101 of Law No 303/2022**- the evaluation report.

1) The professional activity evaluation report is confidential, it is prepared separately for each judge and prosecutor, based on the documents of the evaluation file, and it is then communicated to the one under evaluation.

(2) The evaluation report includes the description of the activities carried out by the evaluation committee, the evaluation chart, the recommendations made to the judge or prosecutor under evaluation and it is drawn up in 3 copies, one is communicated to the judge or prosecutor under evaluation, one is kept at the evaluation file and one is attached to the professional map.

(3) Through the evaluation report of the professional activity of the judge or prosecutor, one of the following grades may be awarded: "very good", "good", "satisfactory" or "unsatisfactory", according to Art. 100 para. (4).

If the judge or prosecutor is assessed for both the execution and the management position, a single grade is given through the assessment report.

(4) Before drawing up the evaluation report, the evaluation committee shall draw up a draft report which shall be communicated to the judge or, as the case may be, the prosecutor under assessment, who shall be entitled to make observations and objections not later than 15 days after communication.

(5) Observations and objections shall be submitted, in writing, to the evaluation committee, which shall rule on them in no more than 15 days. If the comments and objections are accepted, the appropriate changes will be made in the evaluation report. The report shall record the objections and observations of the one under assessment and the Committee's reasoned solution on them.

According to **Article 102 para 1 of Law No 303/2022**, Judges or prosecutors dissatisfied with the qualification awarded in the final evaluation report may appeal to the corresponding Section of the Superior Council of Magistracy in maximum 30 days from the communication of the final report

Art. 103 — (1) If the judge or prosecutor receives the grade "Satisfactory" or "Unsatisfactory", after becoming final, the evaluation committee and the judge or prosecutor evaluated shall establish, by mutual agreement, an individual professional development plan.

(2) If the evaluation committee and the evaluated judge or prosecutor fail to reach an agreement, the individual professional development plan shall be established by the evaluation committee.

Art. 104 — (1) Judges and prosecutors who receive the grade "Unsatisfactory" are obliged to follow, for a period of between 3 and 6 months, courses organised by the National Institute of Magistracy.

(2) Judges and prosecutors who receive the grade "Satisfactory" following two consecutive evaluations are required to attend, for a period of between 3 and 6 months, courses organised by the National Institute of Magistracy.

(3) For judges or prosecutors who receive after two consecutive evaluations the grade "Unsatisfactory" or who have not passed the examination provided for in Article 105, the corresponding section of the Council

Is the purpose of evaluation performance evaluation aimed at taking human resource/career decisions about judges such as promotion and career steps (i.e. switch from a first instance court to an appeal court and vice versa)?	<input checked="" type="checkbox"/> Yes : proceed to next question <input type="checkbox"/> No : questions ends
Can evaluation in itself lead to the dismissal (demotion/transfer) of a judge?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the body that conducts the evaluation consist of a majority of judges?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the executive or legislative powers take part in the evaluation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (0)
What is the frequency of the evaluation, if it is conducted on a regular basis? ⁴⁴	<input type="checkbox"/> More frequent <input checked="" type="checkbox"/> Every 2-4 years <input type="checkbox"/> Less frequent
Is all information on which the evaluation is based documented?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are all documents available to the judge?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the judge have the right to respond to any findings on him/her?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is a procedure of appeal in place which allows for an independent review of all materials?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Superior of the Magistracy proposes to the President of Romania his/her dismissal from office for professional incapacity.

Art. 107- (1) The evolution of the career of a judge or prosecutor is recorded in the professional file, which is drawn up and kept by the Superior Council of Magistracy.

(2) The data contained in the professional file are confidential, under the conditions provided by law.

(3) Judges and prosecutors have access to their own professional file and can obtain copies of the documents existing in the file.

⁴⁴ See explanations above

Perceived accountability of the Judiciary and individual judge

11. Adherence of judges to ethical standards, as perceived by judges

** Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, Q19

Score: Click or tap here to enter text.

12. Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by judges

** Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, average of Q20 and Q21.

Score: Click or tap here to enter text.

13 Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by lawyers

** Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

CCBE survey, average of Q11 and Q12.

Score: Click or tap here to enter text.