

President Klaus Iohannis promulgates justice laws

President Klaus Iohannis signed on Tuesday the decrees for the promulgation of the Law on the status of judges and prosecutors, the Law on judicial organization and the Law on the Superior Council of Magistracy (CSM).

On October 17, the Senate adopted, as a decision-making body, the three normative acts.

From the law on the status of judges and prosecutors, the disciplinary offenses aimed at "clearly and unjustifiably disobeying the decisions of the Court of Justice of the European Union, the European Court of Human Rights, the decisions of the Constitutional Court and the decisions pronounced by the High Court of Cassation have been eliminated and Justice in resolving appeals in the interest of the law or in solving legal issues, in accordance with the provisions of art. 20 and art. 148 of the Constitution of Romania, republished".

The normative act mentions that the promotion to the position of judge at the High Court of Cassation and Justice is done only through a competition organized whenever necessary, within the limits of vacancies, by the Section for judges of the Superior Council of the Magistracy. The competition follows the selection of judges "who meet the highest standards of professional competence", evaluated by the High Court of Cassation and Justice, as well as "integrity, conduct and deontology", evaluated by the Section for judges of the Superior Council of Magistracy.

It is also provided that the judicial decisions can be signed with a qualified electronic signature.

In order to be appointed within the Directorate for the Investigation of Organized Crime and Terrorism, the prosecutors must not have been disciplinary sanctioned in the last three years, with the exception of cases in which the disciplinary sanction was removed. They are admitted through competition and must have a good professional training, an irreproachable moral conduct and a seniority of at least 10 years as a prosecutor or judge, the normative act adopted by the Senate also reads.

Another provision establishes that the training staff of the National Institute of Magistracy (INM) is provided, as a rule, from among judges and prosecutors in office, who can be seconded under the conditions of the law, with their consent, with the opinion of the Scientific Council of the INM.

The provisions of this law regarding the implementation of the National Electronic File at the level of the courts apply from January 1, 2024.

The law on the organization of the CSM provides that the members of the Council are chosen from among judges and prosecutors appointed by the President of Romania, with at least seven years of experience as a judge or permanent prosecutor and who have not been disciplined in the last three years, with the exception of the situation in which the cancellation of the sanction intervened.

The text provides that "the leadership positions held by the judges or prosecutors elected as members of the CSM cease by law on the date of publication of the decision in the Official Gazette".

Save Romania Union (USR), Alliance for the Union of Romanians (AUR) and the Ombudsman referred to the Constitutional Court (CCR) the three Justice laws adopted in Parliament, but the Court rejected the requests. On October 20, the head of state declared in Brussels that the new justice laws are good and that he will promulgate them if they pass the CCR.