

WHITE PAPER

ROMANIAN MAGISTRACY - THE PROMOTION OF JUDGES TO THE
TOP POSITIONS OF THE JUDICIARY. IN SEARCH OF MERITOCRACY

The promotion of judges to the High Court of Cassation and Justice or to the leading positions of the various courts is certainly a milestone for any judicial system, implicitly for the one in Romania, and guarantees regarding meritocracy and equal opportunities for each competitor are essential, in conjunction with the impartiality of the procedures, especially in light of the image of the profession and the inherent requirements of a professional elite.

The amendments made in 2018 to the “laws of justice”, which also affect the way of conducting competitions in the recent period, take away the judges’ interest in access to the elite positions, since the organization and conduct of the competitions is the responsibility of the Section for Judges of the Superior Council of Magistracy and of an extreme small number of examiners appointed by it, who are almost always the same, in the absence of any prohibitions on appointment to committees in consecutive exams/contests.

In such circumstances, a real reform is absolutely necessary and cannot be delayed anymore, as the legislative amendments ignore the European Commission’s recommendations, made over time in the MCV reports, as a materialization of the obligation that Romania has undertaken, at the time of joining the European Union, to create a body of magistrates recruited exclusively based on performance criteria.

1. The legal framework

Under Art. 48 of Law no. 303/2004 on the statute of judges and prosecutors, republished, as amended and supplemented, ”(1) **Appointment as president and vice**

president of courts, tribunals, specialized tribunals and courts of appeal is made only through competition or exam organized, whenever necessary, by the Judges Section of the Superior Council of Magistracy, through the National Institute of Magistracy. (2) Judges who obtained the “very good” rating at the latest evaluation, have not received disciplinary sanctions in the last 3 years and meet the seniority conditions provided by law may participate in the competition or exam. (3) Judges submit their applications together with any other documents considered relevant, within 20 days from the publication of the competition or exam date, to the National Institute of Magistracy. (4) The competition or exam consists of presenting a project regarding the exercise of the specific duties of the leading position and of written tests regarding the management, communication, human resources, the candidate's ability to make decisions and to take responsibility, resistance to stress and a psychological test. Complaints regarding the written test are sent to the National Institute of Magistracy within 3 days from publication of the results.

According to Art. 48 par. (5) of Law no. 303/2004, the examination committee of the competition or exam for the appointment of judges to the leading positions is appointed by the Judges Section of the Superior Council of Magistracy, upon the proposal of the National Institute of Magistracy, and is made of 2 judges from the High Court of Cassation and Justice, 2 judges from the courts of appeal and 3 specialists in management and institutional organization. When setting up the commissions, mainly judges who attended management courses will be considered.

The examination committee is chaired by a judge appointed by the Judges Section of the Superior Council of Magistracy. As also required by the provisions of Art. 9 par. 1 of the Regulation, when setting up the commissions, mainly judges who attended management courses, but also those with management experience, will be considered. Substitute members will also be appointed in the examination committee, who will replace by right the committee members who cannot carry out their duties, under the decision of the president of the organization committee, until the end of the competition phase, in the order established by the Judges Section.”

According to Art. 10 par. (1) of the Regulation, *persons who have a spouse, family or relatives up to the fourth degree inclusively among candidates may not be appointed in the committees. There is also incompatibility in the case where candidates come from the courts in which the committee members work, as well as in the case where a member of the examination committee was previously examined by one of the candidates, in a competition for a leading position, held in the last 3 years.*

The Judges Section of the Superior Council of Magistracy validates the result of the competition or exam and appoints the judges to the leading positions within 15 days after displaying the final results.

Under Art. 52 of Law no. 303/2004 on the statute of judges and prosecutors, republished, as amended and supplemented, ***promotion to the position of judge at the High Court of Cassation and Judges is made only through competition organized, whenever necessary, within the limit of vacant positions, by the Judges Section of the Superior Council of Magistracy, through the National Institute of Magistracy.*** The date, the place, the way of conducting the competition and

the vacant positions for which the competition is organized are communicated to all judges and prosecutors through the courts of appeal, through the prosecutor's offices attached to the courts of appeal and through the Prosecutor's Office attached to the High Court of Cassation and Justice and published on the website of the Superior Council of Magistracy, the National Institute of Magistracy, the High Court of Cassation and Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, as well as in 3 central newspapers, at least 40 days before the date set for the competition. The competition for promotion to the position of judge at the High Court of Cassation and Justice may be attended by judges who have actually carried out the position of judge at the court of appeal for at least 3 years, have obtained the "very good" rating at the latest 3 evaluations, have not received disciplinary sanctions in the last 3 years and have at least 18 years seniority in the positions provided by Art. 44 par. (1). The provisions of Art. 44 par. (2) shall apply accordingly. The provisions of Art. 48 par. (10)-(12) shall apply accordingly.

According to Art. 52 ind.1 of Law no. 303/2004, the applications for registration in the competition for promotion to the position of judge at the High Court of Cassation and Justice shall specify the section for which the application is submitted. The competition for promotion to the position of judge at the High Court of Cassation and Justice consists of: a) a test for evaluating the documents drawn up by the candidates or regarding their activity; b) an interview before the Judges Section of the Superior Council of Magistracy.

The competition committees are appointed by decision of the Judges Section of the Superior Council of Magistracy, upon the proposal of the National Institute of Magistracy. The competition committees are made of 2 judges from the High Court of Cassation and Justice and one university lecturer or university professor from a faculty of law of the advanced research and education universities, as classified according to Art. 193 par. (4) letter c) of the National Education Law no. 1/2011, as amended and supplemented.

The committee members may not be members of political parties at the date of setting up the committees and throughout the competition. Persons who have a spouse, family or relatives up to the fourth degree inclusively among candidates may not be members of the committees.

During the exam provided under Art. 52 ind. 1 par. (2) letter a) of Law no. 303/2004, upon the request of the competition committees, the Judges Section of the Superior Council of Magistracy will request, through the courts of appeal, judgments delivered and drawn up by the candidates, as well as the other data required for the evaluation according to this law. Any person can submit to the competition committees this type of documents, drawn up by the candidates, which can be analyzed within the evaluation of the documents drawn up by the candidates or regarding their activity. The evaluation provided under Art. 52 ind.2 concerns: a) verification of the capacity for analysis and synthesis; b) verification of coherence in expression; c) verification of arguments in terms of clarity and logic; d) verification of compliance with reasonable deadlines for solving cases and drafting judgments. In the evaluation procedure, the competition committees may ask the candidates for explanations regarding any subject under evaluation.

As part of the interview, the Judges Section of the Superior Council of Magistracy evaluates aspects related to the candidates' integrity and how the candidates relate to values such as the independence of the judiciary and the impartiality of the judges, the motivation of the candidates and their human and social skills. The meeting of the Judges Section of the Superior Council of Magistracy in which the interview is held will also be attended by a psychologist appointed by the Judges Section, with an advisory role, who will be able to ask the candidates questions in order to evaluate their motivation and human and social skills. The maximum score that can be assigned to the tests is 100 points, distributed as follows: a) 50 points for the first test; b) 50 points for the second test. The minimum score to be declared admitted is 35 points for each test. The minimum score to be declared admitted in the competition is 70 points.

Within maximum 15 days from communication of the results of the competition for promotion to the position of judge at the High Court of Cassation and Justice, the Judges Section shall order, by decision, the promotion of the candidates declared admitted.

The procedure for conducting the competition for promotion to the position of judge at the High Court of Cassation and Justice, including the manner of challenging the results, shall be established by regulation approved by the Superior Council of Magistracy, in accordance with this law, by a decision to be published in the Official Journal of Romania, Part I.

The membership of the evaluation committees and of the committees for complaints against the evaluation shall be approved, according to Art. 11 par. (10) of the Regulation, within 20 days from publication of the final list of candidates meeting the conditions for registration in the competition. According to Art. 11 par. (2) first sentence, the competition committees are chaired by one president, appointed by the decision to appoint the committees. Substitute members are also appointed in the committees and shall replace, by right, in the order established by the decision to appoint the committees, those members who, for solid reasons, cannot carry out their duties.

The President, Vice-Presidents and Section Presidents of the High Court of Cassation and Justice are appointed by the Judges Section of the Superior Council of Magistracy from among the judges of the High Court of Cassation and Justice who have worked at this court for at least 2 years and have not received disciplinary sanctions in the last 3 years. Appointment to the positions shall be for a period of 3 years, with the possibility of re-appointment only once. The provisions of Art. 48 par. (10)-(12) of Law no. 303/2004 shall apply accordingly. Judges of the High Court of Cassation and Justice who fulfill the conditions provided by law can apply for the position of president or vice-president of the High Court of Cassation and Justice or section president, to the Judges Section of the Superior Council of Magistracy, within 30 days from the date when the position of president, vice-president or section president has become vacant. The president, vice-presidents and section presidents of the High Court of Cassation and Justice shall be dismissed by the Judges Section of the Superior Council of Magistracy, which can be notified ex officio, upon the request of one third of the number of members or upon the request of the general meeting of the court, for the reasons provided by Art. 51 par. (2) of Law no. 303/2004, which shall apply accordingly.

2. Criticism regarding the legislative solution that has eliminated one of the guarantees of conducting a competition in the most objective way possible

Through the legislative intervention on Art. 52¹ par. (2) letter c) of Law no. 303/2004, namely by eliminating the “written exam, of practical nature” and maintaining only the interview – Art. 52¹ par. (2) letter b) – for promotion to the position of judge at the High Court of Cassation and Justice, **the legislator has eliminated a guarantee of conducting a competition in the most objective way possible, in order to ensure the promotion of judges with a high level of professional training to the supreme court.**

By keeping only the interview exam for the candidates, professional standards become relative, with effects on the quality of the activity carried out by the supreme court judges, and the degree of subjectivism increases. On the other hand, the object of the interview, as provided in Art. 52⁴ par. (1) of Law no. 303/2004, is identical to that of the checks made by the Judicial Inspection in the procedure provided by the Regulation regarding the promotion to the positions of judge at the High Court of Cassation and Justice. In other words, **all data forming the object of the interview are already included in the Report prepared by the judicial inspectors** during the checks that have exactly this object: “the candidates’ integrity and how the candidates relate to values such as the independence of the judiciary and the impartiality of the judges, the motivation and their human and social skills”. Inequity in the regulation of procedures for promotion to the higher courts is all the more obvious as the degree of professional demand must be directly proportional to the hierarchy of courts in the Romanian judicial system, which requires that judges who have proven solid theoretical and practical knowledge in the specialization for which they are applying work at the supreme court. The differentiated treatment applied by the legislator, which is unjustified objectively and rationally, is contrary to Art. 16 par. (1) of the Constitution.

These provisions also disregard the international documents that establish the fundamental principles regarding the independence of judges - the importance of their selection, training and professional conduct, respectively of the objective standards that must be complied with both when entering the profession of magistrate and when establishing the ways of promotion.

The Committee of Ministers of the Council of Europe has constantly recommended the Member State governments to adopt or consolidate all necessary measures to promote the role of judges, individually, but also of the judiciary, as a whole, in order to promote their independence, by applying, in particular, the following principles: “(...) all decisions concerning the professional career of judges should be based on objective criteria, and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency” (see Committee of Ministers of the Council of Europe, *Recommendation No. 94/12 of 13 October 1994, on the independence, efficiency and role of judges*)

Any “objective criteria” that seek to guarantee that the selection and career of judges are based on merit, having regard to qualifications, integrity, ability and efficiency can only be defined in general terms. The aim is, first of all, to confer a content to

general aspirations towards “merit-based appointment” and “objectivism”, aligning theory and reality. Objective standards are required not only to exclude political influences, but also to prevent the risk of occurrence of favoritism, conservatism and “nepotism”, which exists as far as appointments are made in an unstructured way. Although proper professional experience is an important condition for promotion, seniority, in the modern world, is no longer generally accepted as the dominant principle determining promotion.

As regards the evaluation of judgments, which is regulated as an eliminatory basis for promotion to the High Court of Cassation and Justice, in order to have access to the interview exam, as the Venice Commission has constantly shown, the proposed criteria underlying the analysis of judgment cannot argue the merit-based promotion of judges to execution positions.

“Regular evaluations of the performances of a judge are important instruments for the judge to improve his/her work and can also serve as a basis for promotion **(therefore, they cannot serve as the main criterion for promotion, but only as a basis, for example access to the level of the written exam after obtaining the scores well or very well after the evaluation of the judgments is sufficient)**. It is important that the evaluation is primarily qualitative and focuses on the professional skills, personal competence and social competence of the judge. **There should not be any evaluation on the basis of the content of the decisions and verdicts, and, in particular, quantitative criteria such as number of reversals and acquittals should be avoided as standard basis for evaluation.**” (CDL-AD (2011)012, *Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan, adopted by the Venice Commission and OSCE/Office for Democratic Institutions and Human Rights, par.55*).

The evaluations of judgments cannot be a basis for promotion to the higher court, but only an instrument to ensure improvement in the quality of the act of justice as a system, in relation to each court.

Also, the way of conducting the exam for promotion in the previous legislation cumulated the European Commission’s recommendations, made over time in the MCV reports, as a materialization of the obligation that Romania has undertaken, at the time of accession, to create a body of magistrates recruited exclusively based on performance criteria.

Thus, in the *Report of 22.07.2009 on the progress made by Romania under the Cooperation and Verification Mechanism*, it was stated that **“Appointment procedures and new competitions have been undertaken in line with the objectives set to provide for objectivity and high qualification”¹.**

The same type of report concluded, in 2011, in the recommendation on the accountability of the judicial system, that it was necessary **“to demonstrate a track record in transparent and objective management decisions within the judiciary,**

¹ See the web page <https://ec.europa.eu/transparency/regdoc/rep/1/2009/RO/1-2009-401-RO-F1-1.Pdf> [last accessed on 07.09.2019].

for example through appointments, disciplinary decisions, appraisals and the promotion system to the High Court of Cassation and Justice².

In implementing these recommendations, Law no. 300/2011, which amended the Law no. 303/2004 regarding the procedure for promotion to the High Court of Cassation and Justice, stated in the explanatory memorandum that ***“both the interview, as a procedure for promotion to the supreme court, and the absence of a proper procedure for verifying the professional competence of the candidates, do not provide the necessary transparency and objectivity requirements for promotion to the position of judge at the High Court of Cassation and Justice. These matters have been the subject of constant criticism by magistrates and some of their professional associations, which have requested an amendment of the law in order to guarantee promotion to the position of judge at the supreme court based on competence criteria and transparently, and the need to remedy these deficiencies was also underlined by the European Commission.”*** Consequently, that law introduced competition as a way to promote to the supreme court, which was made up of the component tests of the evaluation of drafted judgments, an interview before the SCM Plenum, not only before the Judges Section and a written exam, of a theoretical and practical nature, which was abandoned by the new legislative amendments.

The European Commission’s MCV Report of 8 February 2012 stated:

“Appointments to positions in the High Court of Cassation and Justice in August were criticized for a lack of transparency and objectivity. However, Romania adopted a new law in December, which had been reintroduced by the Government to reform appointments to the High Court of Cassation and Justice. The law introduces substantial improvements to appointment procedures and can make an important contribution to the reform of the High Court. The impact of this law will depend on the commitment of the competent institutions to ensure its implementation. It should be followed by a swift filling of vacancies, in particular within the criminal section, through a **transparent and merit-based recruitment process.”**

The European Commission’s MCV Report of 18 July 2012 showed:

“In parallel, Parliament has also passed a number of other important legislative measures. The “Small Reform Law” which entered into force in 2010 brought concrete improvements to the consistency and efficiency of the judicial process. Legislation was also amended to strengthen the accountability of the judiciary and to reform appointments to the High Court of Cassation and Justice. Such measures provide the opportunity to address public concerns about the objectivity of judicial appointments and the disciplinary process in the judiciary: it will take a sequence of good examples to turn around the negative legacy of the past. **Romania also improved the appointment procedures to the High Court of Cassation and Justice at the end of 2011 by adopting more transparent and objective procedures which allow for a more comprehensive and objective independent assessment of the merit of candidates.**

² <https://ec.europa.eu/transparency/regdoc/rep/1/2011/RO/1-2011-460-RO-F2-1.Pdf> [last accessed on 07.09.2019].

This represents an important step in improving the accountability of the High Court of Cassation and Justice.”

Therefore, the Commission's Interim Report, published on 8 February 2012, and the Annual Report published on 18 July 2012, welcomed the new law on promotion to the Supreme Court, emphasizing that implementation must be followed up and that positive examples are needed.

As long as Romania is still monitored to ensure an independent judiciary, through the Mechanism of Cooperation and Verification, we consider that the validity of the criteria that determined the amendment of Law no. 303/2004 in 2011, according to the recommendations of the European Commission and the requests of magistrates, remain fully valid.

The ad hoc Report on Romania (Rule 34) adopted by the Group of States against Corruption (GRECO), at the 79th Plenary Meeting (Strasbourg, 19-23 March 2018), stated as follows:

*”31. The intended amendments still contain a proportion of subjectivity in the selection and decision process concerning promotions, which contemplates a two-phased promotion procedure, the latter phase consisting of an assessment of one’s past work and conduct. The amendments also provide for the CSM to develop and adopt rules on the procedure for organising such assessments including appointments to the responsible commission and the particular aspects to be assessed. The GET heard fears that this new system would leave more room for personal or political influences in career decisions, which could impact the neutrality and integrity of the justice system and it would thus be essential that the CSM develops appropriate rules to guard against such risks, including **clear and objective criteria to guide the future decisions of the selection commission.** 32. Because of the risks and uncertainties referred to above, GRECO recommends that i) the impact of the changes on the future staff structure of the courts and prosecution services be properly assessed so that the necessary transitional measures be taken and ii) the implementing rules to be adopted by the CSM for the future decisions on appointments of judges and prosecutors to a higher position provide for adequate, objective and clear criteria taking into account the actual merit and qualifications.”*

On the occasion of amendments to the laws of justice, the CSM Commission no. 1 proposed formulating a text according to which, “upon expiry of the term of office, **the judges and prosecutors elected as members of the Superior Council of Magistracy, who performed a term of 6 years, acquire the professional degree immediately higher than the one held and be able to choose to carry out the activity at a court or prosecutor’s office corresponding to the degree** (including the High Court of Cassation and Justice, *our emphasis*) and also be able to choose, at any moment, to enter the lawyer or notary profession, without an exam”. **This proposal was vehemently rejected by the magistrates from courts and prosecutors' offices and was not materialized.**³

³ See the Minutes of the meetings of Commission no. 1 of 26 September 2017 and 27 September 2017 (publication date: 28.09.2017), available on the web page <https://www.csm1909.ro/ViewFile.ashx?guid=41725f17-d58d-45d8-9d6d-1a2fb5f04ada|InfoCSM> [last accessed on 07.09.2019].

Finally, at the competition or exam for appointment to leading positions, in courts, the presentation of the project on carrying out the specific duties of the leading position is not an audio-video recorded exam, therefore it cannot be challenged.

3. Criticism of certain current practices

First of all, as can be noted from reading the legal provisions, the appointment to leading positions at the High Court of Cassation and Justice or even to the position of judge at the supreme court falls under the exclusive competence of the SCM Judges Section, which also decides, by a majority, the appointments to the Section for Investigating Criminal Offenses in the Judiciary (for example, Mrs. Lia Savonea, Mrs. Mariana Ghena and Mrs. Nicoleta Țiņ, members of CSM, were also members of the competition commission for appointing the chief prosecutor of the Section for Investigating Criminal Offenses in the Judiciary, within the Prosecutor's Office attached to the High Court of Cassation and Justice, during 15 May 2019 - 18 June 2019, as well as in the competition for appointing prosecutors with execution positions in the Section for Investigating Criminal Offenses in the Judiciary, organized during 11 April 2019 - 15 June 2019).

Also, the appointment by CSM (recently, after the legislative changes, exclusively by the Judges Section, and not by the Plenary) of the examination committees has determined a practice of constant appointment of some judges, in almost all relevant commissions. It does not follow from the analysed CSM decisions that the commission members are appointed by drawing lots, and there is neither a real basis of sufficient potential members, nor a random selection procedure regulated in the secondary legislation.

Therefore, Mr. Daniel Grădinaru (ICCJ judge, appointed in 2018 President of the Criminal Section, former Vice-President of the Bucharest Court of Appeal) appears as a substitute member in commissions of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 24 March - 28 June 2017, as a member in commissions of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 23 March - 28 June 2018 and at the competition or exam for appointment of judges to leading positions, organized during 12 April - 20 June 2019 (three competitions out of five organized during the reference period 2017-2019). The same judge is a substitute member in the commissions of the competition for promotion to the position of judge at the High Court of Cassation and Justice during 3 January - 31 May 2017 and of the competition for promotion to the position of judge at the High Court of Cassation and Justice during August 2017 - March 2018, but also a member in the commissions of the competition for promotion to the position of judge at the High Court of Cassation and Justice during 30 August 2017 - 14 March 2018 and of the competition for promotion to the position of judge at the High Court of Cassation and Justice, organized during 21 December 2018 - 2 May 2019 (four competitions out of four organized during the reference period 2017-2019). Mr. Grădinaru is also a member in the commission of the competition for appointing prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary (2019), as well as in the commission preparing the subjects for the

entrance examination at the National Institute of Magistracy, organized during July 10th -30 October 2018.

Mrs. **Carmen Popoiag** (ICCJ judge, was president of the judge examination commission at the competition or exam for appointment of judges and prosecutors to leading positions, organized during 24 March - 28 June 2017, a member in the examination commission of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 22 September - 19 December 2017 and president of the examination commission of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 23 March - 28 June 2018.

Mr. **Adrian Remus Ghiculescu** (initially, a judge and president of the Ploiești Court of Appeal, appointed a ICCJ judge in 2019) was appointed member of the judge examination commission of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 24 March - 28 June 2017, a substitute member in the commission of the competition for promotion to the position of judge at the High Court of Cassation and Justice during August 2017 - March 2018, and also a member in the commission of the competition for promotion to the position of judge at the High Court of Cassation and Justice during 30 August 2017 - 14 March 2018.

Mrs. **Alexandra Iuliana Rus** (promoted a ICCJ judge in 2018, former president of the Alba Iulia Court of Appeal) appears as a member in the commission for the competition or exam for appointment of judges and prosecutors to leading positions in courts of appeal, tribunals and courts, as well as in the prosecutor's offices attached to them, organized during October - December 2018, a substitute member in the commission of a competition for appointment of prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary (together with her husband, Andrei Claudiu Rus, a full member; in the absence, for any reason, of the other full member, Daniel Grădinaru, the commission would have actually been in the family), but also a member of the examination commission for the interview at the entrance examination for the National Institute of Magistracy, organized during 10 July - 30 October 2018. Her husband, Mr. **Andrei Claudiu Rus** (promoted a ICCJ judge in 2018, former president of the Oradea Court of Appeal and vice-president of the Alba Iulia Court of Appeal) is appointed substitute member in the competition or exam for appointment of judges to leading positions, organized during 12 April - 20 June 2019, member in the commission of a competition for appointment of prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary (together with his wife, Mrs. Alexandra Iuliana Rus), but also a member in the commission for promotion to the position of judge at the High Court of Cassation and Justice, organized during 21 December 2018 - 2 May 2019.

Mrs. **Denisa Angelica Stănișor** (a ICCJ judge, former president of the Bucharest Court of Appeal) appears as member in the commission for the competition or exam for appointment of judges and prosecutors to leading positions in courts of appeal, tribunals and courts, as well as in the prosecutor's offices attached to them, organized during the period October - December 2018, the competition for promotion to the position of judge at the High Court of Cassation and Justice during August 2017 -

March 2018, as well as the competition for promotion to the position of judge at the High Court of Cassation and Justice, organized during 21 December 2018 - 2 May 2019.

Mrs. **Simona Neniță** (ICCJ judge) is appointed member in the commissions of the competition for promotion to the position of judge at the High Court of Cassation and Justice during 3 January - 31 May 2017, the competition for promotion to the position of judge at the High Court of Cassation and Justice during August 2017 - March 2018, the competition for promotion to the position of judge at the High Court of Cassation and Justice, organized during 21 December 2018 - 2 May 2019, as well as the competition for appointment of prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary.

Mrs. **Ana Hermina Iancu** (ICCJ judge) appears as member in the commissions of the competition for appointment of prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary and in the competition for promotion to the position of judge at the High Court of Cassation and Justice during 30 August 2017 - 14 March 2018.

Mr. **Ștefan Pistol** (ICCJ judge) was appointed substitute member in the competition or exam for appointment of judges and prosecutors to leading positions, organized during 23 March - 28 June 2018, but also a member in the commissions of the competition for promotion to the position of judge at the High Court of Cassation and Justice during 3 January - 31 May 2017, and in the competition for promotion to the position of judge at the High Court of Cassation and Justice during 30 August 2017 - 14 March 2018.

Many of the members of these commissions were promoted to the position of judge at the High Court of Cassation and Justice by the current Superior Council of Magistracy (see the interviews before its members), the same which appointed them *ante* and *post-factum* to various competition commissions: for example, Mr. **Adrian Remus Ghiculescu**; Mrs. **Alexandra Iuliana Rus**; Mr. **Andrei Claudiu Rus** (all mentioned above); Mr. **Valentin Mitea**⁴ (substitute in the commission of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 24 March - 28 June 2017, a member in the entrance examination at the National Institute of Magistracy, organized during 10 July - 30 October 2018); Mrs. **Elisabeta Roșu** (a substitute member in the examination commission of the competition or exam for appointment of judges and prosecutors to leading positions, organized during 23 March - 28 June 2018 and member of the examination commission of the competition or exam for appointment of judges and prosecutors to leading positions, in courts of appeal, tribunals and courts, as well as in prosecutor's offices attached to them, organized during October - December 2018); Mr. **Alin Sorin Nicolescu**⁵ (substitute member in the examination commission of the competition or exam for appointment of judges and prosecutors to leading positions,

⁴ Member of the Romanian Magistrates Association, according to the declaration of interests filed in 2018. See the portal <http://declaratii.integritate.eu/>.

⁵ Member of the Romanian Magistrates Association, according to the declaration of interests filed in 2018. See the portal <http://declaratii.integritate.eu/>.

organized during 23 March - 28 June 2018); Mrs. **Virginia Filipescu**⁶ (a substitute member in the examination commission for the competition or exam for appointment of judges and prosecutors to leading positions, in courts of appeal, tribunals and courts, as well as in prosecutor's offices attached to them, organized during October - December 2018); Mrs. **Andreea Marchidan**⁷ (member in the commission of the competition for promotion to the position of judge at the High Court of Cassation and Justice during the period 30 August 2017 - 14 March 2018); Mrs. **Cristina Truțescu**⁸ (a substitute member in the commission for the entrance examination at the National Institute of Magistracy, organized during 10 July -30 October 2018); Mrs. **Maria Speranța Cornea** (member in the commission for the entrance examination at the National Institute of Magistracy, organized during 10 July -30 October 2018).

From among the judges promoted during the period 2017-2019 to the High Court of Cassation and Justice, members of the commissions in various competitions organized by CSM, a part have fulfilled leading positions at the level of the courts of appeal: Mrs. **Alexandra Iuliana Rus** – president of the Alba Iulia Court of Appeal; Mr. **Andrei Claudiu Rus** – president of the Oradea Court of Appeal and vice-president of the Alba Iulia Court of Appeal; Mrs. **Virginia Filipescu** – vice-president of the Galați Court of Appeal; Mr. **Adrian Remus Ghiculescu** – president of the Ploiești Court of Appeal, section president of the Ploiești Court of Appeal; Mr. **Valentin Mitea** – president and vice-president of the Cluj Court of Appeal; Mrs. **Cristina Truțescu** – president of the Iași Court of Appeal; Mrs. **Elisabeta Roșu** – president and vice-president of the Bucharest Court of Appeal; Mrs. **Maria Speranța Cornea** - president and section president at the Bucharest Court of Appeal; Mr. **Dan Andrei Enescu** - vice-president of the Ploiești Court of Appeal (9 judges out of 30 judges promoted to ICCJ during 2017-2019), that is about one third.

Another part of the members of the competition commissions appointed by CSM during 2017-2019 is applying to the competition for promotion to the position of ICCJ judge, the June - November 2019 session (Mrs. **Elena Barbu** – president of the Brașov Court of Appeal, member in the commission of the competition or exam for appointment of judges to leading positions, organized during 12 April - 20 June 2019; Mrs. **Erica Nistor** – member in the commission of the competition or exam for appointment of judges and prosecutors to leading positions in courts of appeal, tribunals and courts, as well as in the prosecutor's offices attached to them, organized during October – December 2018; Mrs. **Maria Violeta Chiriac** - vice-president of the Bacău Court of Appeal, a substitute member in both competitions).⁹

⁶ Member of the Romanian Magistrates Association, according to the declaration of interests filed in 2018. See the portal <http://declaratii.integritate.eu/>.

⁷ Member of the National Union of Romanian Judges, according to the declaration of interests filed in 2018. See the portal <http://declaratii.integritate.eu/>.

⁸ Member of the Romanian Magistrates Association, according to the declaration of interests filed in 2018. See the portal <http://declaratii.integritate.eu/>.

⁹ Last, but not least, one can note the presence of a former honorary advisor of the former Prime Minister of Romania, Mr. Mihai Tudose, who resigned in December 2017, Mr. **Gheorghe Piperea**, in a commission for the written examination of a competition for promotion to the position of judge at the High Court of Cassation and Justice during 21 December 2018 - 2 May 2019, although it would be logical that

Judges who are not even finally appointed to leading positions in courts have been appointed to examination commissions for leading positions. For example, Mrs. **Carmen Mihaela Voinescu**, judge, Bucharest Court of Appeal, who was delegated president of Section IX for Administrative and Tax Disputes, a delegation to end on 28 November 2019.¹⁰

The examination commissions for judges applying for leading positions also included as a member a judge who is president of a professional association (The National Union of Romanian Judges) - Mrs. **Dana Gîrbovan**, Cluj Court of Appeal, proposed on 23 August 2019 by the Prime Minister of the PSD-ALDE government, Mrs. Viorica Dăncilă, to the position of Minister of Justice, a proposal rejected by the President of Romania, Mr. Klaus Iohannis. At the beginning of 2018, over 2000 magistrates delimited their position against the participation of professional associations¹¹ in the Joint Parliamentary Special Committee for amending the “laws of justice”¹², implicitly of the National Union of Romanian Judges, which supported some amendments that were strongly criticized by the European Commission for Democracy through Law of the Council of Europe (Venice Commission), GRECO (The Group of States against Corruption) of the Council of Europe, the European Commission, the European Parliament, the vast majority of judges and prosecutors in Romania, the Superior Council of Magistracy of Romania, the High Court of Cassation and Justice, the Prosecutor’s Office attached to the High Court of Cassation and Justice, the relevant professional associations of Romanian judges and prosecutors. Through the legislative reforms adopted, all mentioned bodies have admitted that Romania is visibly departing from the requirements of the rule of law. The very Report on Justice for 2018, published in May 2019 by the Superior Council of Magistracy, considers a vulnerability “*the intensification of attacks launched by politicians and the media against magistrates*”.¹³ This circumstance was found by both the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE), advisory bodies of the Council of Europe on issues relating to the independence, impartiality and status of judges and judges, respectively.¹⁴

the lack of a political affiliation or its appearance in the last three years be regulated as a condition for appointment to a commission in the judiciary, in order to remove any discussions regarding the independence of the judiciary.

¹⁰ See the web page http://old.csm1909.ro/csm/linkuri/12_06_2019_95290_ro.pdf [last accessed on 07.09.2019].

¹¹ See the web page <http://www.forumuljudecatorilor.ro/index.php/archives/3846> [last accessed on 07.09.2019].

¹² During 2017-2018, several amendments were adopted to the generic laws called “justice” laws, namely Law no.303/2004 regarding the status of judges and prosecutors, Law no.304/2004 regarding judicial organization and Law no. 317/2004 regarding the Superior Council of Magistracy. In 2019, some regulations were revised.

¹³ Available on the web page http://old.csm1909.ro/csm/linkuri/06_05_2019_94958_ro.pdf [last seen on 07.09.2019].

¹⁴ See, for developments: **Ingrid Heinlein**, Korruptionsbekämpfung in Rumänien am Ende? Was die Regierung Rumäniens unternimmt, um die Strafjustiz zu schwächen und von diesem Vorhaben abzulenken, in *Betrifft JUSTIZ* issue no. 136 von Dezember 2018, p.189-192; **Bianca Selejan Guțan**, The Taming of the Court – When Politics Overcome Law in the Romanian Constitutional Court,

Consequently, we can note the participation of some judges, especially from the High Court of Cassation and Justice, as members in several competition commissions, although only about 1/3 of the judges of this court were appointed members of the examination commissions during 2017-2019. Also, a predilection for appointing in such commissions judges with leading positions at the level of the courts of appeal is visible.

On the other hand, the cooperation or support provided by various presidents or vice-presidents of courts of appeal or tribunals with regard to certain initiatives of the majority within the Judges Section of the Superior Council of Magistracy are notorious.¹⁵

Of these presidents or vice-presidents who have signed public statements or letters, one can note that some of them were frequently appointed to committees for the promotion of judges to leading positions in the judicial system, some of them being even promoted to the supreme court during 2017-2019 (see the appendices of this study: Mrs. **Maria Violeta Chiriac** – vice-president of the Bacău Court of Appeal; Mrs. **Elena Barbu** – president of the Braşov Court of Appeal; Mrs. **Elisabeta Roşu** – former president of the Bucharest Court of Appeal, promoted to ICCJ in June 2019; Mrs. **Luminiţa Criştiu-Ninu** – president of the Bucharest Court of Appeal; Mrs. **Adina Ponea** – president of the Craiova Court of Appeal; Mr. **Cosmin-Răzvan Mihăilă** – president of the Galaţi Court of Appeal; Mrs. **Cristina Truţescu** – former president of the Iaşi Court of Appeal, promoted to ICCJ in June 2019; Mrs. **Maria Andrieş** – former president of the Suceava Court of Appeal; appointed judicial inspector at the Judicial Inspection in July 2019; Mrs. **Erica Nistor** – president of the Timişoara Court of Appeal).

4. Conclusions

In order to eliminate any discussions related to the lack of meritocracy, but also to improve the procedures for appointment to leading positions in courts, respectively to the position of judge at the High Court of Cassation and Justice, by also taking into account the recommendations formulated over time by the European Commission in the MCV reports, the Romanian Judges` Forum Association considers that the following issues must be regulated urgently:

- establishing **meritocratic exams** for promotion to the position of judge at the High Court of Cassation and Justice, held through the National Institute of Magistracy;
- **removing any form of direct involvement of the Superior Council of Magistracy** in the exams or competitions for promoting judges to the High Court of Cassation and Justice or to the leading positions of various courts, by repealing the provisions conferring its role to appoint the competition commissions;

<https://verfassungsblog.de/the-taming-of-the-court-when-politics-overcome-law-in-the-romanian-constitutional-court/> [web page last accessed on 07.09.2019].

¹⁵ See, for details, the web pages <https://www.mediafax.ro/social/30-de-sefi-de-curti-de-apel-trimit-o-scrisoare-la-consiliul-superior-al-magistraturii-nu-sustinem-initiative-din-sfera-politica-17907488> and <https://www.g4media.ro/presedintii-celor-16-curti-de-apel-din-tara-cer-csm-sa-stabileasca-daca-protocoalele-secrete-dintre-sri-si-parchet-au-afectat-independenta-justitiei-miza-ar-fi-justificarea-unei-ordonante-pentru-revi.html> [last accessed on 07.09.2019].

- the selection of the competition commissions must be made **exclusively by drawing lots**, at the level of the National Institute of Magistracy;
- **the interdiction of appointment as a member in any other commission established for the selection of judges for three years** from the date when that judge was appointed member of a competition commission for the positions reserved for judges in the judicial system;
- **the interdiction of appointment as a member in these commissions of persons outside the body of magistrates who carried out political activity or at least an apparent political activity for at least three years prior to appointment;**
- **regulating clear criteria for avoiding conflicts of interest between the members of competition commissions;**
- changing the form of the competition or exam for promotion to leading positions; this must consist of presenting a project regarding the performance of the specific duties of the leading position, **an audio-video recorded test**, weighting 30% of the final average score, of written exams, weighting 70% of the final average score, regarding professional training (similarly to judicial inspectors, judges holding leading positions must have an exceptional professional training and this can be verified by competition), according to the candidate's specialization and regarding the management, communication, human resources, the candidate's ability to make decisions and to take responsibility, resistance to stress, and a psychological test. In the written exams, in the final average score, the exam regarding the professional training according to the candidate's specialization will weight 60%, and the exam regarding the management, communication, human resources, the candidate's ability to make decisions and to take responsibility, resistance to stress, accounts for 40% of the final average score of the written exam; the psychological test will be scored admitted or rejected;
- **the interdiction of successive terms of office** in any leading positions, within the same court or different courts on the same level (hierarchical degree).

Appendices:

JUDGES MEMBERS IN COMMISSIONS OF EXAMS/COMPETITIONS FOR LEADING POSITIONS IN COURTS (period 2017-2019)

1. The CSM Plenary Decision no. 541/09.05.2017 - the composition of examination commissions at the competition or exam for appointment of judges and prosecutors to leading positions, organized during the period 24 March - 28 June 2017

The examination commission for judges
Carmen Popoiag, ICCJ judge, president

Adriana Gherasim, ICCJ judge, member
Dana Gîrbovan, Cluj Court of Appeal judge, member
Adrian Remus Ghiculescu, Ploiești Court of Appeal judge, member
Daniel Grădinaru, ICCJ judge, substitute member
Horia Valentin Șelaru, ICCJ judge, substitute member
Valentin Mitea, judge, Cluj Court of Appeal, substitute member

2. The CSM Plenary Decision no. 1102/26.10.2017 and the CSM Plenary Decision no. 1135/31.10.2017 - the composition of examination commissions at the competition or exam for appointment of judges and prosecutors to leading positions, organized during the period 22 September - 19 December 2017

The examination commission for judges

Ionel Barbă, ICCJ judge, president
Carmen Popoiag, ICCJ judge, member
Maria Andrieș, judge, Suceava Court of Appeal, member
Doina Anghel, judge, Bucharest Court of Appeal, member
Marian Budă, ICCJ judge, substitute member
Cezar Hâncu, ICCJ judge, substitute member
Doinița Mihalcea, judge, Bucharest Court of Appeal, substitute member

3. The CSM Plenary Decision no. 438/19.04.2018 - the composition of examination commissions at the competition or exam for appointment of judges and prosecutors to leading positions, organized during the period 23 March - 28 June 2018

The examination commission for judges

Carmen Popoiag, ICCJ judge, president
Daniel Grădinaru, ICCJ judge, member
Luminița Criștiu-Ninu, judge, Bucharest Court of Appeal, member
Adina Ponea, judge, Craiova Court of Appeal, member
Mariana Constantinescu, ICCJ judge, substitute member
Ștefan Pistol, ICCJ judge, substitute member
Rodica Dorin, ICCJ judge, substitute member
Adriana Gherasim, ICCJ judge, substitute member
Cristina Văleanu, ICCJ judge, substitute member
Elisabeta Roșu, judge, Bucharest Court of Appeal, substitute member
Cosmin Răzvan Mihăilă, judge, Bucharest Court of Appeal, substitute member
Doina Anghel, judge, Bucharest Court of Appeal, substitute member
Laurențiu Hetriuc, judge, Suceava Court of Appeal, substitute member
Marcel Mocanu, judge, Iași Court of Appeal, substitute member
Alina Moșneagu, judge, Bucharest Court of Appeal, substitute member
Alin Sorin Nicolescu, judge, Bucharest Court of Appeal, substitute member

4. The CSM Plenary Decisions no. 913 and 913 bis/10.10.2018 – the composition of the examination commissions for the competition or exam for appointment of judges and prosecutors to leading positions in courts of appeal, tribunals and courts, as well as in the prosecutor’s offices attached to them, organized during October - December 2018

The examination commission for judges

Alexandra Rus, ICCJ judge, president

Denisa Stănișor, ICCJ judge, member

Erica Nistor, judge, Timișoara Court of Appeal, member

Elisabeta Roșu, judge, Bucharest Court of Appeal, member

Virginia Filipescu, ICCJ judge, substitute member

Maria Violeta Chiriac, judge, Bacău Court of Appeal, substitute member

5. The CSM Judges Section Decision no. 710/28.05.2019 - the composition of the examination commission at the competition or exam for appointment of judges to leading positions, organized during the period 12 April - 20 June 2019

The examination commission for judges

Daniel Grădinaru, ICCJ judge, president

Iuliana Măiereanu, ICCJ judge, member

Elena Barbu, judge, Brașov Court of Appeal, member

Carmen Mihaela Voinescu, judge, Bucharest Court of Appeal, member

Andrei Claudiu Rus, ICCJ judge, substitute member

Maria Violeta Chiriac, judge, Bacău Court of Appeal, substitute member

JUDGES MEMBERS IN COMMISSIONS OF COMPETITIONS FOR PROMOTION TO THE POSITION OF JUDGE AT THE HIGH COURT OF CASSATION AND JUSTICE (PERIOD 2017-2019)

1. The CSM Plenary Decision no. 505/04.05.2017 and the CSM Plenary Decision no. 542/09.05.2017 - the composition of commissions for preparing subjects and of commissions for solving complaints for the written exam at the competition for promotion to the position of judge at the High Court of Cassation and Justice during 3 January - 31 May 2017

Commission for preparing subjects for Section II Civil Disputes

Ruxandra Monica Duță, ICCJ judge, president

Roxana Popa, ICCJ judge, member

Minodora Condoiu, ICCJ judge, substitute member

Commission for solving complaints for Section II Civil Disputes

Izabela Dolache, ICCJ judge, president

Valentina Vrabie, ICCJ judge, substitute member

Commission for preparing subjects for the Criminal Section

Mirela Sorina Popescu, ICCJ judge, president

Ștefan Pistol, ICCJ judge, member

Daniel Grădinaru, ICCJ judge, substitute member

Commission for solving complaints for the Criminal Section

Anca Mădălina Alexandrescu, ICCJ judge, president

Silvia Cerbu, ICCJ judge, member

Leontina Șerban, ICCJ judge, substitute member

Commission for preparing subjects for the Administrative and Tax Disputes Section

Mariana Constantinescu, ICCJ judge, president

Emanuel Albu, ICCJ judge, substitute member

Commission for solving complaints for the Administrative and Tax Disputes Section

Dana Iarina Vartireș, ICCJ judge, president

Iuliana Măiereanu, ICCJ judge, member

Liliana Vișan, ICCJ judge, substitute member

Commission for preparing subjects for the ECHR case law

Simona Neniță, ICCJ judge, president

Veronica Năstăsie, ICCJ judge, substitute member

Commission for solving complaints for the ECHR case law

Bianca Țăndărescu, ICCJ judge, president

Eugenia Marin, ICCJ judge, substitute member

Mirela Stancu, judge, Bucharest Tribunal, substitute member

Commission for preparing subjects for the CJEU case law

Roxana Popa, ICCJ judge, president

Simona Neniță, ICCJ judge, member

Veronica Năstăsie, ICCJ judge, substitute member

Commission for solving complaints for the ECHR case law

Eugenia Marin, ICCJ judge, president

Anca Mădălina Alexandrescu, ICCJ judge, substitute member

Mirela Stancu, judge, Bucharest Tribunal, substitute member

2. The CSM Plenary Decision no. 1053/17.10.2017 - proposals for the composition of evaluation commissions and of commissions for solving complaints against

the evaluation at the competition for promotion to the position of judge at the High Court of Cassation and Justice during August 2017 - March 2018

Evaluation commission for the Criminal Section

Florentina Dragomir, ICCJ judge, member

Mirela Sorina Popescu, ICCJ judge, member

Simona Neniță, ICCJ judge, substitute member

Daniel Grădinaru, ICCJ judge, substitute member

Commission for solving complaints against the evaluation for the Criminal Section

Ioana Alina Ilie, ICCJ judge, member

Evaluation commission for the Administrative and Tax Disputes Section

Mariana Constantinescu, ICCJ judge, member

Gabriela Bogasiu, ICCJ judge, member

Emilia Claudia Vișoiu, ICCJ judge, substitute member

Adrian Remus Ghiculescu, Ploiești Court of Appeal judge, substitute member

Commission for solving complaints against the evaluation for the Administrative and Tax Disputes Section

Denisa Angelica Stănișor, ICCJ judge, member

Carmen Ilie, ICCJ judge, member

Eugenia Marin, ICCJ judge, substitute member

Liliana Vișan, ICCJ judge, substitute member

3. The CSM Plenary Decision no. 159/26.02.2018 - the composition of commissions for preparing subjects and of commissions for solving complaints for the written exam at the competition for promotion to the position of judge at the High Court of Cassation and Justice during 30 August 2017 - 14 March 2018

Commission for preparing subjects for the Criminal Section

Lucia Tatiana Rog, ICCJ judge, president

Daniel Grădinaru, ICCJ judge, member

Ștefan Pistol, ICCJ judge, substitute member

Commission for solving complaints for the Criminal Section

Silvia Cerbu, ICCJ judge, president

Commission for preparing subjects for the Administrative and Tax Disputes Section

Claudia Vișoiu, ICCJ judge, president

Adrian Remus Ghiculescu, Ploiești Court of Appeal judge, member

Florentina Dinu, ICCJ judge, substitute member

Commission for solving complaints for the Administrative and Tax Disputes Section

Iuliana Măiereanu, ICCJ judge, president
Andreea Marchidan, ICCJ judge, member
Daniel Severin, ICCJ judge, substitute member

Commission for preparing subjects for the ECHR case law

Simona Neniță, ICCJ judge, member
Eugenia Marin, ICCJ judge, member

Commission for solving complaints for the ECHR case law

Anca Mădălina Alexandrescu, ICCJ judge, member
Bianca Țăndărescu, ICCJ judge, member
Ana Hermina Iancu, ICCJ judge, substitute member

Commission for preparing subjects for the CJEU case law

Eugenia Marin, ICCJ judge, member
Simona Neniță, ICCJ judge, member

Commission for solving complaints for the ECHR case law

Luiza Maria Păun, ICCJ judge, member
Anca Mădălina Alexandrescu, ICCJ judge, member
Mirela Stancu, judge, Bucharest Tribunal, substitute member

4. The CSM Judges Section Decision no. 234/31.01.2019 - the composition of evaluation commissions and of commissions for solving complaints against the evaluation at the competition for promotion to the position of judge at the High Court of Cassation and Justice, organized during 21 December 2018 - 2 May 2019

Evaluation commission for Section I Civil Disputes

Laura Ivanovici, ICCJ judge, member
Mirela Vișan, ICCJ judge, member
Eugenia Pușcașiu, ICCJ judge, substitute member

Commission for solving complaints against the evaluation for Section I Civil Disputes

Andreea Constanda, ICCJ judge, member
Carmen Georgeta Negrilă, ICCJ judge, substitute member

Evaluation commission for Section II Civil Disputes

Roxana Popa, ICCJ judge, member
Rodica Zaharia, ICCJ judge, member
Rodica Dorin, ICCJ judge, substitute member
Gheorghe Piperea, member

Commission for solving complaints against the evaluation for Section II Civil Disputes

Virginia Duminecă, ICCJ judge, member
Valentina Vrabie, ICCJ judge, member

Evaluation commission for the Criminal Section

Daniel Grădinaru, ICCJ judge, member

Ana Hermina Iancu, ICCJ judge, member

Lucia Rog, ICCJ judge, substitute member

Commission for solving complaints against the evaluation for the Criminal Section

Simona Neniță, ICCJ judge, member

Andrei Claudiu Rus, ICCJ judge, member

Evaluation commission for the Administrative and Tax Disputes Section

Corina Alina Corbu, ICCJ judge, member

Mariana Constantinescu, ICCJ judge, member

Emilia Claudia Vișoiu, ICCJ judge, substitute member

Commission for solving complaints against the evaluation for the Administrative and Tax Disputes Section

Denisa Angelica Stănișor, ICCJ judge, member

Iuliana Măiereanu, ICCJ judge, member

Rodica Voicu, ICCJ judge, substitute member

**JUDGES MEMBERS IN THE COMMISSIONS OF COMPETITIONS FOR
MANAGEMENT OR EXECUTION POSITIONS IN THE SECTION FOR
INVESTIGATING CRIMINAL OFFENCES IN THE JUDICIARY (PERIOD 2017-2019)**

1. The CSM Plenary Decision no. 85/15.05.2019 – establishing the composition of competition commissions for the appointment of prosecutors with execution positions in the Section for Investigating Criminal Offences in the Judiciary

Commission for evaluation of professional documents drafted by the candidates in the last 3 years

Daniel Grădinaru, ICCJ judge, member

Andrei Claudiu Rus, ICCJ judge, member

Alexandra Iuliana Rus, ICCJ judge, substitute member

Commission for solving complaints against the evaluation of professional documents drafted by the candidates in the last 3 years

Simona Neniță, ICCJ judge, member

Ana Hermina Iancu, ICCJ judge, member

Ioana Bogdan, ICCJ judge, substitute member

2. The CSM Judges Section Decision no. 730/03.06.2019 - the composition of competition commissions, at the competition for appointment to the position of Chief Prosecutor of the Section for Investigating Criminal Offences in the Judiciary, within the Prosecutor's Office attached to the High Court of Cassation and Justice, during the period 15 May 2019 - 18 June 2019

Lia Savonea, CSM member, member
Mariana Ghena, CSM member, member
Nicoleta Țînt, CSM member, member

3. The CSM Judges Section Decision no. 731/03.06.2019 - the composition of competition commissions, at the competition for appointment of prosecutors with execution positions within the Section for Investigating Criminal Offences in the Judiciary, organized during the period 11 April 2019 - 15 June 2019

Lia Savonea, CSM member, member
Mariana Ghena, CSM member, member
Nicoleta Țînt, CSM member, member
Andrea Annamaria Chiș, CSM member, substitute member

**JUDGES PROMOTED TO THE HIGH COURT OF CASSATION AND JUSTICE
DURING THE PERIOD 2017-2019**

1. Competition for promotion to the position of judge at the High Court of Cassation and Justice during the period 3 January - 31 May 2017

Constantin Epure – Criminal Section
Dan Andrei Enescu – Criminal Section
Daniel Gheorghe Severin – Administrative and Tax Disputes Section
Andreea Marchidan – Administrative and Tax Disputes Section
Maria Hrudei – Administrative and Tax Disputes Section
Adriana Florina Secrețeanu – Administrative and Tax Disputes Section
Mădălina Elena Grecu – Administrative and Tax Disputes Section
Gheza Attila Farmathy – Administrative and Tax Disputes Section
Marius Ionel Ionescu – Administrative and Tax Disputes Section
Mona Magdalena Baci – Administrative and Tax Disputes Section
George Bogdan Florescu – Section II Civil Disputes
Ianina Blandiana Grădinaru – Section II Civil Disputes
Petronela Iulia Nițu – Section II Civil Disputes

2. Competition for promotion to the position of judge at the High Court of Cassation and Justice during the period 30 August 2017 - 14 March 2018

Oana Burnel – Criminal Section
Alexandra Iuliana Rus - Criminal Section
Andrei Claudiu Rus - Criminal Section

Virginia Filipescu – Administrative and Tax Disputes Section
Horațiu Pătrașcu – Administrative and Tax Disputes Section

3. Competition for promotion to the position of judge at the High Court of Cassation and Justice during the period 21 December 2018 - 2 May 2019

Alin Sorin Nicolescu – Criminal Section
Adrian Remus Ghiculescu – Administrative and Tax Disputes Section
Nicolae Gabriel Ionaș – Administrative and Tax Disputes Section
Gabriel Viziru – Administrative and Tax Disputes Section
Valentin Mitea – Section I Civil Disputes
Cristina Trușescu – Section I Civil Disputes
Mari Ilie – Section I Civil Disputes
Georgeta Stegaru – Section I Civil Disputes
Iolanda Mioara Grecu – Section I Civil Disputes
Diana Manole – Section II Civil Disputes
Elisabeta Roșu – Section II Civil Disputes
Maria Speranța Cornea – Section II Civil Disputes

Note: The data in the Appendices are extracted from the CSM decisions referred to, published *in extenso* on the website of the Superior Council of Magistracy.