

The EU Accession Process and Anti-corruption Challenges for ROMANIA

Tirana, 14 nov 2014

Judge Cristi Danileț
Romanian Judicial Council

Before 1990

- Judges were members of RCP
- prosecutors had enlarged powers then judges, includind arresting citizens
- No knoledges about HR

1990-2005

- dec.1989: Romanian Revolution
- a new Constitution
- a new JO Law:
 - Judges and prosecutors are magistrates, appointed by the President; exams organised by MoJ
 - The tenure is until the legal retirement age, but not for SCJ
 - The MoJ is enabled by the law to appoint the chiefs of courts/po, to transfer j and p, and to promote to higher courts

- MoJ: have a secret service to gather informations about judiciary corruption
- The chiefs of courts are appointed by the SCM, but the proposels were submitted by the MoJ, who lead SCM
- The chief prossecutors are appointed by the MoJ

2005-2014

- power to arrest belong to the judge
- To become j/p is mandatory to pass the admission exam for the NIM (2 years)
- DNA: anticorruption body
- SCM is the only authority in charge with the career of j and p
- 2007: Accession in EU and MVC

- Exams to become president of court/chief prosecutor (the knowledge of management, human resources and communication is tested);
- Judicial inspection is under the authority of SCM, which is also responsible for imposing disciplinary sanctions for j and p
- Independence of prosecutors
- Random distribution of cases
- IT system in all courts; transparency

Results of the reform (2005-2014)

- **Trusting in judiciary: 22% (2005) – 44% (2014)**
- **Disciplinary liability: 98 j and 42 p**
- **Public debate for rule of law, separation of powers, independence of justice, responsibility of judicial system.**
- **Reactions of CSM**

Results of anticorruption (2005-2014)

- **1496 offenders convicted for corruption:**
 - **1 former prim-minister, 6 ministres, 20 MoP**
 - **28 prosecutors and 25 judges**

Thank you!

Judge Cristi Danilet

ROMANIA