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MAGISTRILOR DIN
ROMÂNIA

Members of United International Magistrates • Members of European Judges • Members of European Judges • Members of European Judges • Members of European Judges



UNIUNEA NAȚIONALĂ A JUDECĂTORILOR
DIN ROMÂNIA

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ASOCIAȚIA PROCURORILOR DIN ROMÂNIA
A.P.R.

N^o 135/2023

To:

**Ursula von der Leyen
President of the European Commission**

**Didier Reynders
Commissioner for Justice**

Dear President of the European Commission,

Dear Commissioner for Justice,

The undersigned associations,

The Romanian Magistrates' Association (AMR), a non-governmental, apolitical, national and professional organization of judges and prosecutors, declared “of public utility” by Government’s Decision No. 530 on 21 May 2008, email: amr@asociatia-magistratilor.ro, member of the International Association of Judges (IAJ-UIM) and of the European Association of Judges (EAJ-AEM) since 1994, represented by Judge Andreea Ciucă, PhD, as President,

The National Union of Romanian Judges (UNJR), email: office@unjr.ro, member of the Association of European Magistrates for Democracy and Freedom – MEDEL, represented by Judge Dana Gîrbovan, as President,

The Association of Judges for the Defense of Human Rights (AJADO), a non-governmental, apolitical and professional organization of judges, email: contact@ajado.ro, represented by Judge Florica Roman, as President,

The Romanian Public Prosecutors' Association (APR), a non-governmental, apolitical, national and professional organization of prosecutors, email: apr@mpublic.ro, represented by prosecutor Elena Iordache (ret.), as President,

send the following



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Asociation of District Prosecutors & Magistrates • Association of Assistant Prosecutors & Magistrates • Association of District Judges & Justice Clerks • Association of District Judges & Justice Clerks



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OPEN LETTER

urging the European Commission to demand the Romanian Government to immediately suspend the so-called reform of the magistrates' service pensions, a reform that is completely non-transparent and irresponsible, and, according to governmental sources, endorsed by the European Commission

This so-called "reform" is totally undermining the independence and functionality of the judiciary. **Hundreds of judges have already left in the past 12 months, and over 1,100 judicial positions are currently unfilled. The entire system is on the verge of collapse due to an overwhelming workload and insufficient number of judges**, compounded by ongoing threats to our status as a result of endorsed "reforms" by the European Commission. This must be stopped immediately!

On May 29, 2023 a list of amendments was proposed by the governing coalition that are fundamentally, unacceptably, untimely, and completely non-transparently modifying the draft law to change the magistrates' service pensions, which is currently under final parliamentary debate in the Chamber of Deputies.

The draft law was submitted to Parliament for adoption in early 2023, in a form that had been positively advised with remarks by the Superior Council of Magistracy and approved by the Senate on March 29, 2023.

After passing the first chamber, the draft law was sent for adoption to the Chamber of Deputies, and during the month of April, no discussions seem to have been initiated regarding any modifications.

However, at the end of April, a series of amendments by the governing coalition appeared publicly, completely modifying the initial project, both in terms of the amount and the retirement conditions. These amendments, the governmental representatives stated, were **NEGOTIATED AND AGREED UPON** with the European Commission.

If the statements are true, such non-transparent and disloyal method of "negotiation" between the Government and the European Commission regarding the status of Romanian magistrates is unacceptable, demonstrating the hypocrisy and irresponsibility of the Commission in its relations with the judicial system in Romania.

We remind the European Commission that consistently, in its reports adopted within the Cooperation and Verification Mechanism (CVM), it has requested Romania to ensure "transparency

and predictability of the legislative process regarding the legislation on judicial reform", and to take the opinion of the body of magistrates seriously into consideration.

In the November 2017 report of the European Commission on the CVM, it reiterated and emphasized the idea that "the capacity of the Government and the Parliament to ensure an open, transparent, and constructive legislative process regarding the laws of justice will be essential".

However, the law of magistrates' service pensions is an integral part of their status and is precisely regulated by the laws of justice.

It is unacceptable and outrageous that now the European Commission not only endorses but actively participates in hidden negotiations with political parties regarding the status of magistrates.

We demand that the European Commission takes full responsibility for the disastrous situation in which the judicial system currently finds itself, facing a severe human resources crisis, and immediately halt this so-called "reform".

Any substantial modification to the status of magistrates should be made under conditions of stability in the system, especially when it comes to human resources, the stability, and attractiveness of a judicial career.

Currently, however, **the justice system is facing the most severe and prolonged personnel crisis since Romania joined the European Union.** In the past five years, there has been a true exodus of magistrates, coupled with a noticeable decrease in the number of well-prepared law graduates willing to enter the judicial system.

The reason for this unprecedented crisis is precisely the instability of the magistrates' status, including the perpetual threat of abolishing the service pension, and the blow dealt now with the support and direct initiative of the European Commission will throw the judiciary into chaos.

We remind the European Commission that there are already 1,129 vacant judge positions, and the courts are operating with a severe deficit of personnel, with the additional workload being taken on by active judges. The situation is equally grave in the prosecution offices, where the deficit of prosecutors is 861.

At the same time, interest in a judicial career has consistently declined in recent years. For example, in 2022, out of 580 positions offered to be filled, 141 remained unfilled, even though the required admission grade to become a magistrate dropped to a six out of ten from eight out of ten in the recent years.



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In conclusion, we firmly demand that the European Commission urge the Romanian Government to suspend any legislative measures related to service pensions. These matters should be reconsidered under conditions of normality and stability regarding human resources, with the loyal consultation of the judicial authority by the government and parliament within these procedures.

Nevertheless, we demand that the European Commission acknowledge the fact that negotiating our status with Romanian political parties without properly consulting the courts, the prosecutor's offices and the professional associations of magistrates signifies an unacceptable disregard of the independence of the judiciary in Romania. Our independence should not be used as bargaining chip in the negotiations with the Romanian Government.

J Andreea CIUCĂ, PhD
President of AMR

J Dana GÎRBOVAN
President of UNJR

J Florica Roman
President of AJADO

PA Elena Iordache (ret.)
President of APR